

# The South Carolina Court of Appeals

The State, Respondent,

v.

Ryan Lenard Manigo, Appellant.

Appellate Case No. 2024-001818

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## ORDER

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On December 4, 2024, Gray Media Group, Inc. (Gray Media)<sup>1</sup> moved to dismiss this appeal because Appellant failed to file a timely initial brief and designation of matter. Appellant filed a return, and Gray Media filed a reply. Assuming, but not deciding, that Gray Media has standing to file a motion to dismiss in this appeal, we deny Gray Media's motion to dismiss.

On October 28, 2024, Appellant filed and served a notice of appeal from a circuit court order finding (1) recordings of calls made by Appellant while he was held at the Colleton and Clarendon County Detention Centers are public records subject to the Freedom of Information Act (FOIA); (2) Appellant would suffer no constitutional deprivation from the release of the recordings; and (3) the public body complied with FOIA by turning the recordings over to the defense for redaction pursuant to the court's order. The circuit court further ordered that on November 1, 2024, the recordings "shall be released, redacted and released, or withheld from release in accordance with the language of" the October 23, 2024 sealed order.<sup>2</sup>

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<sup>1</sup> Gray Media is not a party to this appeal. This court invited Gray Media to file a return to the petition for a writ of supersedeas because Gray Media sought release of Appellant's recorded phone calls from the detention centers. The release of these phone calls is the subject of the petition for a writ of supersedeas.

<sup>2</sup> This court received the sealed order on October 31, 2024.

On October 28, 2024, Appellant filed a petition for a writ of supersedeas, asking this court to "issue a stay and quash the lower court's order." On October 29, 2024, this court issued an order declining to quash the circuit court order. However, we temporarily stayed the circuit court's order to allow the interested parties to respond to the petition for a writ of supersedeas.

On November 21, 2024, Gray Media filed a return, arguing this court should deny the petition because (1) Appellant failed to establish a ground necessary to supersede the circuit court's order by "ignor[ing] his burden of proof" and (2) section 18-9-150 of the South Carolina Code (2014) requires that Appellant provide an undertaking, which he has not done. Gray Media also argued the appeal lacks merit.

On November 22, 2024, the State filed a return, arguing "supersedeas is not available in criminal matters." On this point, the State argued Rule 246 of the South Carolina Appellate Court Rules governs stays in criminal cases. The State also sought dismissal based on its argument that "the appeal is interlocutory and improper," and "thus, the supersedeas petition must be denied."

On November 27, 2024, Appellant filed a reply, explaining he never relied on Rule 241 [of the South Carolina Appellate Court Rules] because . . . this case is not civil – it is criminal." He argued this court has the authority to address the merits of the petition pursuant to the South Carolina Constitution and section 14-18-200 of the South Carolina Code (2017). Appellant asserted that he and others will suffer irreparable harm and a miscarriage of justice if this court refuses to stay the circuit court's order. Appellant further argued the circuit court had indeed issued a final ruling addressing the release of the recordings.

After careful consideration, we deny the petition for a writ of supersedeas. We find Appellant will not suffer irreparable harm or a miscarriage of justice due to the release of the recordings in accordance with the circuit court's well-reasoned order. *See State v. Evins*, 373 S.C. 404, 412-13, 645 S.E.2d 904, 908 (2007) (noting adequate voir dire examination of jurors on their abilities to set aside any impressions or opinions resulting from exposure to pretrial publicity or a change of venue effectively protect a criminal defendant's right to a fair trial in cases involving significant pretrial publicity).

  
FOR THE COURT

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Columbia, South Carolina

cc:

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The Honorable Patricia C. Grant

**FILED**  
**May 05 2025**

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