

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
May 12 2025
SC Court of Appeals

Appeal from Colleton County
Honorable Robert Bonds, Circuit Court Judge

APPELLATE CASE NO. 2024-001818

THE STATE,

RESPONDENT,

V.

RYAN MANIGO,

APPELLANT

MOTION TO FILE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER OUT OF TIME

Counsel Robert L. Bank, Jr. respectfully requests under Rule 263(b), SCACR, in which to file its initial brief out of time. In support of this request, counsel shows:

1. On October 28, 2024, Appellant filed a notice of appeal and writ of supersedeas from a circuit court order with this Court.
2. The writ of supersedeas requested this Court to “issue a stay and quash the lower court’s order.”
3. The notice of appeal was 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 the 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, seals order.

4. On October 29, 2024, this Court issues an order declining to quash the circuit court order. However, this Court temporarily stayed the circuit court's order to allow the interested parties to respond to the petition for a writ of supersedeas. It also set multiple scheduling order for the parties.
5. On December 4, 2024, Gray Media Group, Inc. (Gray Media) moved to dismiss the appeal because Appellant failed to file a timely initial brief and designation of matter.
6. On May 5, 2025, this Court denied Gray Media's motion to dismiss the appeal. This Court also denied the Appellant's petition for writ of supersedeas.
7. The Appellant was under the belief that this Court's scheduling orders under Rule 240, SCACR, superseded Rule 208, SCACR, and that an initial brief was not expected by this Court.
8. Counsel makes this request in good faith and not for the purposes of delay. Counsel apologizes to this Court for this procedural error. Counsel has attached its initial brief in the event it grants Appellant's request.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant counsel's request under Rule 263(b), SCACR, to file its initial brief out of time.

May 12, 2025

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