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**May 12 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Colleton County  
Honorable Robert Bonds, Circuit Court Judge

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APPELLATE CASE NO. 2024-001818  
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THE STATE,

RESPONDENT,

V.

RYAN MANIGO,

APPELLANT

\_\_\_\_\_  
PETITION FOR REHEARING  
\_\_\_\_\_

On May 5, 2025, this Court denied Appellant’s petition for a writ of supersedeas. Pursuant to 221, SCACR, Appellant respectfully requests rehearing because this Court’s finding that the Appellant will not suffer irreparable harm or a miscarriage of justice due to the release of the recorded telephone calls (calls) only related to his claims that the release of the calls would violate his United States and South Carolina Constitutional rights to a fair trial. (*See* Order Appellate Case

No. 2024-001818, pg. 2 (S.C. Ct. App. Filed May 5, 2025)).<sup>1</sup> This Court reasoned that “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.” *Id.* (citing State v. Evins, 373 S.C. 404, 412-13, 645 S.E.2d 904, 908 (2007)). However, this Court overlooked Appellant’s other claims. Specifically, this Court does not address: 1) whether the calls are public records that are subject to the Freedom of Information Act (FOIA); 2) other United States and South Carolina Constitutional deprivations, including his right to privacy, equal protection, and due process; 3) whether FOIA’s statutory exemptions prevent the release of the calls.

As to all claims, the unique harm that will be caused to the Appellant by immediate release of the calls is inherently irreparable and causes a miscarriage of justice because it cannot be remedied later. When this issue returns to an appellate court after disposition of the case, the calls will have already been released. If the appellate court finds in favor of the appellant on any issue he has raised, a remedy cannot be provided to the appellant. The appellate court cannot order the calls returned or unheard by the requesting party or public. Nor can that appellate court provide any relief for any other party on the call whether they be a minor, a victim, or a dying family member who did not consent to the release of the contents of their conversation to the public pursuant to FOIA.

WHEREFORE, the Petitioner moves this Court to grant this petition for rehearing and decide that the calls are not public records subject to release pursuant to FOIA. Further, Appellant

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<sup>1</sup> On October 28, 2024, the Appellant filed a notice of appeal at the same time it filed its petition for writ of supersedeas. Appellant has filed a motion to file brief and designation out of time and its initial brief out of an abundance of caution. The Appellant defers to this Court on whether to address the merits of its issues through its appeal or writ of supersedeas.

requests that this Court decide whether the Appellant will suffer irreparable harm or a miscarriage of justice if the calls are released as it relates to his other United States and South Carolina Constitutional rights. Lastly, this Court should decide whether FOIA's statutory exemptions prevent the release of the calls.

May 12, 2025

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