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May 29 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM COLLETON COUNTY

Court of General Sessions

HONORABLE Robert J. Bonds

Appellate Case No. 2024-001818

THE STATE,

RESPONDENT,

v.

RYAN MANIGO,

APPELLANT

APPELLANT’S RETURN TO STATE’S MOTION TO DISMISS NOTICE OF APPEAL

Appellant requests this Court deny the State’s motion to dismiss and review the merits of the issue presented in the initial brief. This Court already denied Gray Media Group, Inc.’s (Gray Media) motion to dismiss for failure to file a timely initial brief and designation of matter. *See* Order Appellate Case No. 2024-001818, pg. 2 (S.C. Ct. App. Filed May 5, 2025). The State’s motion to dismiss is an attempt to prevent this Court from evaluating the merits of Appellant’s claims by putting forth similar arguments this Court rejected when it denied Gray Media’s motion.

The right to appeal in South Carolina is determined by statute. According to Rule 201 of the South Carolina Appellate Court Rules (SCACR), an appeal may be taken “from any judgment, appealable order or decision.” SCACR Rule 201. Additionally, “any party aggrieved” may appeal in the cases prescribed. S.C. Code Ann. § 18-1-30. Generally, an order must fall into one of the categories set out by statute to be immediately appealable. *State v. Wilson*, 387 S.C. 597, 600 (2010). Section 14-3-330 confers appellate jurisdiction to the Supreme Court for

- (1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from;
- (2) **An order affecting a substantial right made in an action when such order**
 - (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) **strikes out an answer or any part thereof or any pleading in any action;**
- (3) **A final order affecting a substantial right made in any special proceeding** or upon a summary application in any action after judgment; and
- (4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.

S.C. Code Ann. § 14-3-330 (emphasis added). Furthermore, South Carolina Code 14-8-200(a) provides that

(a) Except as limited by subsection (b) and Section 14-8-260, the [South Carolina Court of Appeals] has jurisdiction over any case in which an appeal is taken from an order, judgment, or decree of the circuit court, family court, a final decision of an agency, a final decision of an administrative law judge, or the final decision of the Workers' Compensation Commission. This jurisdiction is appellate only, and the court shall apply the same scope of review that the Supreme Court would apply in a similar case. The court has the same authority to issue writs of supersedeas, grant stays, and grant petitions for bail as the Supreme Court would have in a similar case. The court, to the extent the Supreme Court may by rule provide for it to do so, has jurisdiction

to entertain petitions for writs of certiorari in post-conviction relief matters pursuant to Section 17-27-100.

The question of whether an order is immediately appealable must be determined on a case-by-case basis. *Stone v. Thompson*, 426 S.C. 291, 295 (2019). The Supreme Court’s decisional law provides the basic guideposts for such case-by-case analysis.

In *State v. Isaac*, the Supreme Court clarified its holding in *State v. Duncan* that an order granting request for immunity under the Protection of Persons and Property Act “is immediately appealable *because* it is a final order in the case.” *State v. Isaac*, 405 S.C. 177, 182 (2013) (referencing *State v. Duncan*, 392 S.C. 404 (2011)) (emphasis added). In addition, the Supreme Court reiterated in *Watson v. Underwood* that “if the question involved will be inherent in the final judgment and can be presented in an appeal from that judgment, it will be treated as an interlocutory order, review of which can only be had upon the general appeal.” *Watson v. Underwood*, 407 S.C. 443, 459 (2014) (quoting *Good v. Hartford Accident & Indem. Co.*, 201 S.C. 32, 41 (1942)). Finally, the Supreme Court has underscored the policy that intermediate appeals should be avoided for “most errors [which] can be **corrected by the remedy of a new trial.**” *Wilson*, 387 S.C. at 601; *Watson*, 407 S.C. at 458; *Stone*, 418 S.C. at 604.

Here, Appellant challenges a **final order** by the circuit court permitting the release of jail calls between Appellant and his family and loved ones to the media pursuant to a Freedom of Information Act (FOIA) request. Additionally, the order is *not* inherent to the final judgment of Appellant’s criminal charges. No matter the result of the judgment in the lower court—acquittal or conviction and sentence—this final order implicates several of Appellant’s substantial rights including the rights enshrined in the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments of the federal Constitution and Article I, §§ 3, 9, 10, 11, 12, 14, and 15 of the state

Constitution. Unlike many of the intermediate rulings in a criminal action, much of the harm to Appellant cannot be corrected by the remedy of a new trial as it is separate from the merits of the action and implicates rights separate from those associated with the action. Appellant's contentions are reviewable by this Court, pursuant to § 14-3-330(2) or (3) and Rule 201, as it is a final order that affects Appellant's substantial rights and does not concern the merits of the underlying criminal case. Furthermore, Appellant is a "party aggrieved" under § 18-1-30 as he is a party to this action and his state and federal constitutional rights are implicated by this order.

While a circuit court order regarding a FOIA determination is generally appealable and is contemplated by reference within the text of the statute (§ 30-4-110(d)), FOIA does not provide any statutory guidance for appellate review and relief for such a ruling when a third party objects to release. Without any clear statutory language indicating otherwise, the Appellant maintains his position that this Court has the authority to reach the merits of the issues contained in its original petition for writ of supersedeas and its appeal in whatever form this Court decides is appropriate.

WHEREFORE, the undersigned counsel respectfully requests that the State's motion to dismiss be denied and Appellant's notice of appeal be accepted for consideration on the merits.

May 29, 2025



Robert L. Bank, Jr., Attorney
SC BAR # 101112
Capital Trial Division
1330 Lady Street, Suite 401
Columbia, SC 29201

S. Boyd Young, Attorney
SC BAR # 16959
Capital Trial Division
1330 Lady Street, Suite 401
Columbia, SC 29201

Matthew Walker, Attorney
SC BAR# 72535
Fourteenth Circuit Public Defender
319 N Lucas St,
Walterboro, SC 29488

CERTIFICATE OF SERVICE
THE STATE OF SOUTH CAROLINA
APPEAL FROM COLLETON COUNTY GENERAL
SESSIONS COURT
HONORABLE Robert J. Bonds JUDGE
Appellate Case No. 2024-001818

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IN RE: State v. Ryan Lenard Manigo

The undersigned attorney hereby certifies that a true copy of the Appellant's Return to State's Motion to Dismiss Notice of Appeal in the above-referenced case has been served upon opposing counsel by delivering same this date to his office at the Office of the 14th Circuit Solicitor's Office, the S.C. Attorney General's Office, the Peper Law Firm, P.A., and McGuireWoods, L.L.P.

May 29, 2025



Robert L. Bank, Jr., Attorney
Capital Trial Division
South Carolina Commission on
Indigent Defense

Other Counsel of Record:

Sean Paul Thornton
14th Circuit Solicitor's Office
PO Box 1880
Bluffton, SC 29910
Attorney for Respondent

Melody Jane Brown
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211
Attorney for Respondent

Mark Andrew Peper, Sr.
The Peper Law Firm, P.A.
548 Savannah Highway
Charleston, SC 29407
Attorney for Gray Media Group, Inc.

Michael J. Anzelmo
McGuireWoods L.L.P.
1301 Gervais Street
Suite 1310
Columbia, SC 29201
Attorney for Gray Media Group, Inc.