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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 REPLY TO STATE’S RETURN TO MOTION TO FILE INITIAL BRIEF
AND DESIGNATION OF MATTER OUT OF TIME**

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 return attempts 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. In addition to the denial of Gray Media’s motion, this Court has previously indicated interest in reaching the merits of this issue by temporarily staying the circuit court’s order to allow the parties to respond to the writ of

supersedeas (*see* Order Appellate Case No. 2024-001818, pg. 1 (S.C. Ct. App. Filed October 29, 2024)) and setting multiple scheduling orders.

The procedural posture is unique because the South Carolina Legislature did not foresee the issues related to this case arising and therefore did not provide a mechanism in the Freedom of Information Act (FOIA) for a criminal defendant to be notified or object to the release of his recorded telephone calls. FOIA does not contain any textual indication for which procedural vehicle a non-record holding party must use to obtain appellate review, nor does it place any restrictions on an appellate court's ability to consider or issue a decision on a ruling pursuant to a FOIA request. A circuit court order concerning a FOIA determination is generally appealable and is contemplated by reference within the text of the statute (§ 30-4-110(d)), yet FOIA does not provide any statutory guidance for appellate review and relief for such a ruling. The Appellant maintains his position that without any clear statutory language indicating otherwise, 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 the Court grant counsel's request under Rule 263(b), SCACR, to file its initial brief out of time and consider its merits.

May 29, 2025



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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

IN RE: State v. Ryan Lenard Manigo

The undersigned attorney hereby certifies that a true copy of the Appellant's Reply to State's Return to Motion to File Initial Brief and Designation of Matter Out of Time 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



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