

RECEIVED

Sep 26 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Colleton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RYAN MANIGO (2),

APPELLANT

APPELLATE CASE NO. 2024-001818

FINAL REPLY BRIEF OF APPELLANT

S. BOYD YOUNG
Chief Attorney

ROBERT LOUIS BANK, JR.
Capital Defender

South Carolina Commission on Indigent Defense
Capital Trial Division
PO Box 11433
Columbia, SC 29211
(803) 734-1343

ATTORNEYS FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
ARGUMENT IN REPLY	1
CONCLUSION.....	5

TABLE OF AUTHORITIES

Cases

<i>State v. Wilson</i> , 387 S.C. 597 (2010)	2
<i>Stone v. Thompson</i> , 426 S.C. 291 (2019)	2

Rules

Rule 201, SCACR	1, 3
-----------------------	------

Statutes

S.C. Code Ann. § 14-3-330	1, 2, 3
S.C. Code Ann. § 14-8-200(a)	2
S.C. Code Ann. § 14-18-200	1
S.C. Code Ann. § 18-1-30	1, 3
S.C. Code Ann. § 30-4-40(a)(3)	4
S.C. Code Ann. §30-4-110(B)	3

Constitutional Provisions

S.C. Const. art. 5, § 20	1
S.C. Const. art. 5, § 5	1
S.C. Const. art. I, § 3	3
S.C. Const. art. I, § 9	3
S.C. Const. art. I, § 10	3
S.C. Const. art. I, §11	3
S.C. Const. art. I, §12	3
S.C. Const. art. I, §14	3
S.C. Const. art. I, §15	3

U.S. Const. amend. I	3
U.S. Const. amend. VI	3
U.S. Const. amend. VIII.....	3
U.S. Const. amend. XIV	3
U.S. Const. amend. IV	3
U.S. Const. amend. V.....	3

ARGUMENT IN REPLY

Respondent again avoids addressing the merits of Appellant's argument. Other than a passing comment on the issue related to Appellant's right to a fair trial, Respondent has left this Court and Appellant with no understanding of its position on the vast majority of the issues raised by Appellant. Abandoning those issues, Respondent has relied solely on its position that the appeal should be dismissed because it is interlocutory.¹

First, Respondent argues this appeal should be dismissed because it was originally filed in conjunction with a Writ of Supersedeas and that Appellant asserted he was not pursuing an ordinary appeal. However, as Appellant noted in its Motion to File Initial Brief of Appellant and Designation of Matter Out of Time, Initial Brief of Appellant, and Petition for Rehearing,² Appellant deferred to this Court on how to proceed. It is clear this Court has the authority to rule on the merits of the case in a variety of ways under Article 5 §§ 5 and 20 of the South Carolina Constitution and S.C. Code Ann. 14-18-200.

Second, Respondent argues this appeal should be dismissed because it is interlocutory and does not fall under any exception listed in S.C. Code Ann. § 14-3-330. However, Respondent conflates the merits and conclusion of his criminal trial with the wholly separate issues raised in this appeal. According to Rule 201, SCACR, an appeal may be taken "from any judgment, appealable order or decision." Additionally, "any party aggrieved" may appeal in the cases prescribed in the title. S.C. Code Ann. § 18-1-30. Generally, an order must fall into one of

¹ The majority of Respondent's arguments have already been made in its Motion to Dismiss Appeal. This Court denied that motion noting the parties were free to address the questions of appealability in their briefing as the appeal progressed. However, Appellant is unable to address Respondent's position on the merits of the appeal because Respondent has never addressed the merits of this appeal.

² The Petition for Rehearing was in relation to its Petition for Writ of Supersedeas.

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).

Here, Appellant challenges a **final order** by the circuit court permitting the release of recorded telephone 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 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, the harm to Appellant cannot be corrected by the remedy of a new trial as it is separate from the merits of the criminal case and implicates rights separate from those associated with the criminal case. 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.

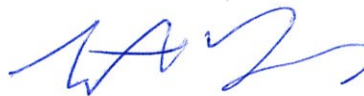
Finally, in Footnote 4 of the Brief of Respondent, Respondent suggests this should be litigated in the Court of Common Pleas pursuant to the mechanisms provided for in FOIA. However, FOIA provides no mechanisms for pretrial detainees to have notice of the possible release of their recorded telephone calls. If the pretrial detainee were fortunate enough to be made aware of possible release, as was the case here, there is still no mechanism to file an action to challenge 1) whether the calls are a public record subject to FOIA, or 2) whether the release would create irreversible constitutional deprivations for the pretrial detainee, or anyone else recorded during the recorded telephone call. S.C. Code Ann. 30-4-110(B) does provide a third party an ability to ask for a hearing, but only to challenge limited statutory exemptions. The

limited statutory exemptions do not include matters in S.C. Code Ann. 30-4-40(a)(3) which contain the majority of the exemptions any pretrial detainee would likely challenge including his right to a fair trial and one of the privacy provisions afforded by FOIA.

Appellant has filed this litigation because FOIA does not, and never has, contemplated this issue arising. This litigation itself is evidence that the legislature never intended for FOIA to be used in this fashion. It will always risk repetition and evade review. The Appellant asks this Court to consider its appeal of the circuit court's final ruling on this issue.

CONCLUSION

Based on the foregoing argument, as well as the arguments in the Brief of the Appellant and all other previous filings, Appellant respectfully requests that this Court reverse the findings of the circuit court and enter relief.



S. BOYD YOUNG
Chief Attorney

ROBERT LOUIS BANK
Capital Defender

ATTORNEYS FOR APPELLANT

This 26th day of September, 2025.

RECEIVED

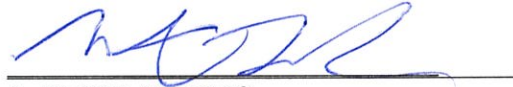
Sep 26 2025

SC Court of Appeals

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Reply Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This 26th day of September, 2025.



S. BOYD YOUNG
Chief Attorney

ROBERT LOUIS BANK, JR.
Capital Defender
South Carolina Commission on Indigent
Defense
Capital Trial Division
PO Box 11433
Columbia, SC 29211
(803) 734-1343

ATTORNEY FOR APPELLANT

RECEIVED

Sep 26 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Colleton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RYAN MANIGO (2),

APPELLANT

APPELLATE CASE NO. 2024-001818

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Final Reply Brief of Appellant in the above-referenced case have been served upon Melody J. Brown, Esquire, and I. McDuffie Stone, III, Esquire AND Michael Anzelmo, Esquire and Mark Peper, Esquire at the primary e-mail addresses listed in the Attorney Information System (AIS), this 26th day of September, 2025.



S. BOYD YOUNG

Chief Attorney

ROBERT LOUIS BANK, JR.

Capital Defender

South Carolina Commission on Indigent Defense

Capital Trial Division

PO Box 11433

Columbia, SC 29211

(803) 734-1343

ATTORNEYS FOR APPELLANT