

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

COURT OF GENERAL SESSIONS
FOR THE FOURTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
v.)
RYAN LENARD MANIGO,)
Defendant.)

Indictment Nos.: 2023A1510100220-222,
2023A1510100224-227, 2023A1510100281-288,
2023A1510100277-280, 2023A1510100266-268

ORDER

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Oct 28 2024

SC Court of Appeals

Pursuant to this Court's Order of October 31, 2023, a hearing was held on May 7, 2024, for this Court to review each public record *in camera* and determine which, if any, were precluded from being released pursuant to state law. Present at the hearing were counsel for Ryan Manigo, Robert Bank, Jr. and Boyd Young. Mr. Manigo's appearance was waived by the parties. Also present was counsel for Gray Media Group, Inc., Mark A. Peper and Brenna Wiles. Present for the State was Assistant Solicitor Sean Thornton.

PROCEDURAL HISTORY

The above-named Defendant was arrested on July 2, 2023, and subsequently indicted. Since that time, he has been held in pretrial detention in both Colleton County and Clarendon County. On August 9, 2023, Defendant, by and through his attorneys, moved for an Order precluding the release of Defendant's jail calls pursuant to Title 30, Chapter 4 of the South Carolina Code of Laws ("FOIA Statute"), and various articles of the United States Constitution and Constitution of the State of South Carolina.

A hearing was held on the Motion on October 19, 2023, before this Court, at which time the State informed the Court that multiple media outlets had submitted FOIA requests to the Colleton County Sheriff's Office for copies of the Defendant's recorded jail calls. This Court, after

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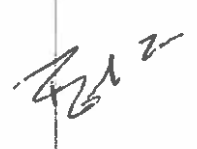


finding that the parties failed to notify the media outlets of the hearing, continued the matter so each entity could be given an opportunity to address the Court. The matter was re-scheduled for October 24, 2023, and this Court issued an Order Prohibiting the Release of Information Until Further Order of the Court.

On October 31, 2023, this Court issued an Order finding that the Defendant's jail calls were public records under the state's Freedom of Information Act and that the Defendant would suffer no constitutional deprivations based on their release. That same day, Defendant filed a Motion to Reconsider and Motion to Stay, which this Court denied. On November 9, 2024, Defendant filed a Notice of Appeal and Petition for Writ of Supersedeas. On November 14, 2024, this Court issued an Order Prohibiting Release of Information until further notice. On January 24, 2024, the South Carolina Court of Appeals issued an order denying Defendant's petition for writ of supersedeas and denying the appeal on the basis that this Court's October 31, 2023, order is interlocutory because the Circuit Court had not issued a final ruling on what statutory exemptions under FOIA may apply. On January 25, 2024, Defendant filed a Petition for Rehearing with the Court of Appeals. On March 7, 2024, the parties entered into a Consent Protective Order. On March 18, 2024, the South Carolina Court of Appeals issued an order denying Defendant's Petition for Rehearing.

LAW

S.C. Code Ann. § 30-4-20(a) defines a "public body" as "any department of the State...any public or governmental body or political subdivision of the State, including counties..." A "public record includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body." S.C. Code Ann. § 30-4-20(c).



The South Carolina Freedom of Information Act provides that "a person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30-4-40, or other state and federal laws, in accordance with reasonable rules concerning time and place of access." S.C. Code Ann. § 30-4-30(A)(1).

S.C. Code Ann. § 30-4-40(a) provides specific exemptions that "a public body may but is not required to exempt from disclosure." Further, "if any public record contains material which is not exempt under subsection (a)..., the public body shall separate the exempt and nonexempt material and make the nonexempt material available in accordance with the requirements of this chapter." S.C. Code Ann. § 30-4-40(b).

"Any expectation of privacy in outbound calls from prison is not objectively reasonable and the Fourth Amendment is therefore not triggered by the routine taping of such calls." U.S. v. Van Poyck, 77 F.3d 285 (9th Cir. 1996). Further, to the extent inmates at the Colleton County Detention Center have a reasonable expectation of privacy, any limitation on the right does not prohibit the publication of matter which is of legitimate public or general interest. Soc'y of Prof'l Journalists v. Sexton, 283 S.C. 563, 324 S.E.2d 313 (1984). As a matter of law, if a person, whether willingly or not, becomes an actor in an event of public or general interest, then the publication of his connection with such an occurrence is not an invasion of his right to privacy. Doe v. Berkeley Publishers, 329 S.C. 412, 496 S.E.2d 636 (1998).

S.C. Code Ann. § 30-4-110(A) provides that a public body may file a request for a hearing with the circuit court if it is unable to make a "good faith determination as to whether the information is exempt from disclosure." S.C. Code Ann. § 30-4-110(B) provides that a person with a specific interest in the underlying records shall have the right to "request a hearing with the court or to intervene in an action previously filed" if a request for disclosure "may result in the release



of records or information exempt from disclosure under Section 30-4-40(a)(1), (2), (4), (5), (9), (14), or (19).”

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the forgoing, and consistent with this Court’s prior rulings, the Court finds that the following recordings¹ do not fall under any exemptions and shall be released in their entirety to the media outlets that requested same through FOIA:

- a. 7/10/23 at 11:23
- b. 7/10/23 at 14:53
- c. 7/11/23 at 18:07
- d. 7/11/23 at 18:33
- e. 7/11/23 at 18:35
- f. 7/11/23 at 18:41
- g. 7/20/23 at 17:40
- h. 7/20/23 at 17:42
- i. 7/20/23 at 18:14
- j. 7/20/23 at 18:15
- k. 7/23/23 at 13:06
- l. 7/23/23 at 13:10
- m. 7/27/23 at 18:17
- n. 7/31/23 at 19:16
- o. 8/4/23 at 18:44
- p. 8/4/23 at 18:51
- q. 8/4/23 at 18:59
- r. 8/6/23 at 12:00
- s. 8/13/23 at 13:20
- t. 8/13/23 at 13:23
- u. 8/13/23 at 13:26
- v. 8/13/23 at 13:31
- w. 8/13/23 at 13:33
- x. 8/13/23 at 13:34
- y. 8/13/23 at 15:00
- z. 8/13/23 at 15:02
- aa. 8/14/23 at 16:58
- bb. 8/14/23 at 17:00
- cc. 8/16/23 at 19:43
- dd. 9/3/23 at 9:38
- ee. 10/13/23 at 16:52

¹ The recordings are identified by their date and time.

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ff. 10/13/23 at 18:48
gg. 10/19/23 at 21:39
hh. 10/19/23 at 21:41
ii. 10/19/23 at 21:43
jj. 10/23/23 at 21:03
kk. 10/23/23 at 21:12
ll. 10/23/23 at 21:14
mm. 10/23/23 at 21:16
nn. 10/23/23 at 21:19

The Court finds that the following recordings partially fall under certain exemptions and shall be redacted and released in accordance with this Court's Order filed under seal:

a. 7/11/23 at 18:37
b. 7/11/23 at 18:43
c. 7/20/23 at 17:56
d. 7/20/23 at 18:09
e. 7/22/23 at 15:56
f. 7/22/23 at 16:02
g. 7/22/23 at 16:14
h. 7/22/23 at 16:20
i. 7/23/23 at 13:15
j. 7/23/23 at 13:29
k. 7/23/23 at 13:35
l. 7/27/23 at 18:22
m. 7/31/23 18:54
n. 7/31/23 at 18:59
o. 7/31/23 at 19:04
p. 7/31/23 at 19:10
q. 8/6/23 at 12:05
r. 8/13/23 at 15:19
s. 8/14/23 at 17:05
t. 8/18/23 at 11:23
u. 8/21/23 at 15:30
v. 9/3/23 at 9:49
w. 9/29/23 at 10:41
x. 10/13/23 at 18:51
y. 10/23/23 a 21:05

The Court finds that the following recordings are exempt from disclosure in their entirety and shall not be released in accordance with this Court's Order filed under seal:

a. 7/20/23 at 17:44
b. 7/20/23 at 17:50

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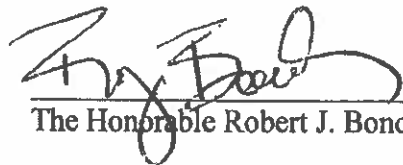
- c. 7/20/23 at 18:02
- d. 7/22/23 at 16:08
- e. 8/4/23 at 18:53
- f. 10/25/23 at 10:32
- g. 10/25/23 at 10:35

ORDER

Having listened to each recording *in camera* and accepting arguments from counsel, and having applied the facts of this case to the law, it is hereby ORDERED that:

1. The recordings are public records subject to FOIA.
2. The Defendant will suffer no constitutional deprivations because of the release of the recordings.
3. The recordings listed herein shall be released, redacted and released, or withheld from release in accordance with the language of this Order and the sealed Order filed herewith.
4. The recordings that are to be released or redacted and released shall be released on November 1st 2024.
5. The public body has complied with FOIA by turning the recordings over to the defense for redaction pursuant to the court's order.

AND IT IS SO ORDERED!


The Honorable Robert J. Bonds

This 13 day of October 2024.
Walterboro, South Carolina

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