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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

On Petition for Writ of Certiorari to the Court of Appeals
Appeal from Colleton County
The Honorable Robert J. Bonds, Circuit Court Judge

Opinion No. 6149 (S.C.Ct.App. filed June 24, 2026)

THE STATE,

Respondent,

v.

RYAN LENARD MANIGO,

Petitioner.

Appellate Case No. 2026-001737

RETURN TO PETITION FOR WRIT OF CERTIORARI

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TABLE OF CONTENTS

QUESTIONS PRESENTED.....	1
RESPONDENT’S RESTATEMENT OF QUESTION PRESENTED	1
STATEMENT OF THE CASE.....	2
STATEMENT OF FACTS	3
STANDARD OF REVIEW	5
ARGUMENT	
The Court of Appeals properly dismissed Petitioner’s appeal as impermissibly interlocutory because Petitioner, a criminal defendant, has not yet been tried and sentenced; thus, there is no final ruling to review.	
[Petitioner’s Questions I and II].....	6
CONCLUSION.....	9

QUESTIONS PRESENTED

- I. Whether the Court of Appeals erred in holding the circuit court's order is not immediately appealable because it is an interlocutory order?
- II. Whether the Court of Appeals erred in not addressing the merits of the appeal and finding that recorded jail telephone calls are not subject to release pursuant to the Freedom of Information Act?

RESPONDENT'S RESTATEMENT OF QUESTIONS PRESENTED

Whether the Court of Appeals properly dismissed this attempted appeal by a criminal defendant from a pre-trial ruling when he has not yet been tried and sentenced, nor can he show any exception under S.C. Code Ann. § 14-3-330 that would allow this interlocutory appeal to be heard?

STATEMENT OF THE CASE

Petitioner is a pretrial detainee in Colleton County currently charged with multiple crimes including: five counts of murder; arson first degree; two counts of criminal sexual conduct first degree; two counts of criminal sexual conduct with a minor; two counts of kidnapping; six counts of possession of a deadly weapon in the commission of a violent crime, burglary first degree; attempted murder and incest. There has not yet been a trial in this matter and the charges remain pending.

RESPONDENT'S STATEMENT OF FACTS

At some point while awaiting trial on his multiple charges, Petitioner became aware that the media, pursuant to the Freedom of Information Act¹ (FOIA), had requested access to Petitioner's recorded jail calls. On August 9, 2023, Petitioner moved, in general sessions, to prevent the recordings from being released. The Honorable Robert J. Bonds heard Petitioner's motion. Judge Bonds found that the recordings were subject to the FOIA provisions and no constitutional infringements by disclosure had been shown. The judge also provided a review process for *specific* challenges, and restricted release of any of the jail calls until a final ruling could be made. (*See* R. 127). After this ruling, Petitioner attempted an appeal and filed a motion to quash and petition for supersedeas to challenge the ruling and stop disclosures. On January 24, 2024, the Court of Appeals denied the motion to quash, declined to rule on the petition for supersedeas, and dismissed the notice as interlocutory because Judge Bonds had not even issued a final ruling. (*See* R. 127; *see also* Appellate Case No. 2023-001747).

Thereafter, Judge Bonds conducted a detailed review and ruled on objections and/or arguments on *specific* calls having rejected the defense's request for complete exemption. (*See* R. 127-131). Notably, Judge Bonds found multiple records subject to redaction before release and seven records not subject to release. (R. 129-131). Petitioner filed a notice of appeal and moved for supersedeas, or to quash the order.

On May 5, 2025, the Court of Appeals denied Petitioner's motion to prevent the release of jail calls to the media pursuant to Judge Bonds' order. The Court found, in relevant part, that Petitioner would "not suffer irreparable harm or a miscarriage of justice due to the release of the recordings in accordance with the circuit court's well-reasoned order." (Appellate Case No. 2024-

¹ S.C. Code Ann. §§ 30-40-10 through 165.

001818). The court subsequently denied Petitioner's petition for rehearing on June 5, 2025. (Appellate Case No. 2024-001818).

On May 23, 2025, the State moved to dismiss the appeal as improperly interlocutory given Petitioner had not yet been tried, convicted and sentenced. The Court of Appeals denied the State's motion to dismiss the appeal with the following provision:

...this order merely allows the appeal to proceed at this time and does not finally determine whether the underlying order is subject to immediate review. The parties are free to address these questions of appealability in their briefing as the appeal progresses.

(Appellate Case No. 2024-001818, June 10, 2025 Order).

Briefing followed. Then, on June 24, 2026, the Court of Appeals, without oral argument, issued a published opinion dismissing the appeal as improperly interlocutory. (App. 54-57). Petitioner sought rehearing which the Court of Appeals denied on July 10, 2026. (App. 63-64).

Petitioner filed a petition for writ of certiorari with this Court on August 5, 2026. This return follows.

STANDARD OF REVIEW

Certiorari Review

“A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons.” Rule 242(b), SCACR.

Appellate Jurisdiction

““An appellate court may determine the question of appealability of a decision from a lower court as a matter of law.”” *Levi v. N. Anderson Cnty. EMS*, 409 S.C. 374, 379, 762 S.E.2d 44, 47 (Ct. App. 2014) (quoting *Ashenfelder v. City of Georgetown*, 389 S.C. 568, 571, 698 S.E.2d 856, 858 (Ct. App. 2010) (citing S.C. Code Ann. § 14–3–330 (1976 & Supp.2009) (creating appellate jurisdiction in law cases)). Whether an appeal may be entertained by an appellate court is a matter of such primary importance that “[e]ven if not raised by the parties,” an appellate “court may address the issue of appealability *ex mero motu*.” *Ashenfelder v. City of Georgetown*, 389 S.C. 568, 571, 698 S.E.2d 856, 858 (Ct. App. 2010).

ARGUMENT

The Court of Appeals properly dismissed Petitioner's appeal as impermissibly interlocutory because Petitioner, a criminal defendant, has not yet been tried and sentenced; thus, there is no final ruling to review.

[Petitioner's Questions I and II].

"An appeal ordinarily may be pursued only after a party has obtained a final judgment." *Hagood v. Sommerville*, 362 S.C. 191, 194–95, 607 S.E.2d 707, 708 (2005) (citing *Mid-State Distributors, Inc. v. Century Importers, Inc.*, 310 S.C. 330, 335, 426 S.E.2d 777, 781 (1993)). See also Rule 201(a), SCACR ("Appeal may be taken, as provided by law, from any final judgment, appealable order or decision."). "A final judgment disposes of the whole subject matter of the action or terminates the particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined." *State v. Looper*, 421 S.C. 384, 388, 807 S.E.2d 203, 205 (2017) (quoting *Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep't of Health & Envtl. Control*, 387 S.C. 265, 267, 692 S.E.2d 894, 895 (2010)). It is a well-settled principle that a criminal defendant may not appeal prior to being sentenced. See, e.g., *State v. Rearick*, 417 S.C. 391, 400, 790 S.E.2d 192, 196 (2016) ("a defendant may appeal only after sentence has been imposed"); see also *State v. Isaac*, 405 S.C. 177, 183, 747 S.E.2d 677, 680 (2013) (collecting cases for the principle that "generally, a criminal defendant may not appeal until sentence is imposed").

In this case, Petitioner faces trial on criminal charges but has not yet been tried. Therefore, Petitioner cannot show the required finality to appeal, and his attempt to appeal is premature. Moreover, there is nothing that would otherwise allow an interlocutory appeal.

"[A] criminal defendant has no constitutional right to appeal." *Rearick*, 417 S.C. at 391, 790 S.E.2d at 196. "Rather, a defendant's right to appeal is authorized by statutes and appellate court rules of procedure." *Id.* "The determination of whether a party may immediately appeal an

order issued before or during trial is governed primarily by [section 14–3–330 of the South Carolina Code].” *State v. Wilson*, 387 S.C. 597, 600, 693 S.E.2d 923, 924 (2010) (citing *Hagood*, 362 S.C. at 195, 607 S.E.2d at 708 (2005)) (brackets in original).

In Section 14-3-330, our “General Assembly ... expressly limited those decisions that are immediately appealable.” *Rearick*, 417 S.C. at 399, 790 S.E.2d at 196. Thus, situations where an interlocutory appeal may be allowed is by design limited. *Stone v. Thompson*, 426 S.C. 291, 295, 826 S.E.2d 868, 870 (2019) (“[t]he provisions of section 14-3-330 are narrowly construed and serve the underlying policy favoring judicial economy by avoiding ‘piecemeal appeals.’”) (quoting *Hagood*, 362 S.C. at 196, 607 S.E.2d at 709). “[B]y its nature, the question of whether an order is immediately appealable is determined on a case-by-case basis.” *Stone*, 426 S.C. at 295, 826 S.E.2d at 870 (citing *Morrow v. Fundamental Long-Term Care Holdings, LLC*, 412 S.C. 534, 537–38, 773 S.E.2d 144, 146 (2015)).

Here, Petitioner offers that “substantial rights” are involved, thus, his appeal is compliant with the statute either under Section 14-3-30 (2)(a) or (3).² (Pet. at 8-9). The argument lacks merit.

The statute requires not just an allegation that a substantial right is involved, but that the appellant show the ruling at issue “in effect determines the action and *prevents a judgment* from which an appeal might be taken[.]” S.C. Code Ann. § 14-3-330 (2)(a) (emphasis added). Nothing in the judge’s ruling prevents a judgment, and Petitioner cannot show otherwise. Further, Section 14-3-20 (3) does not save the appeal, either. That section requires that the ruling be handed down

² Section 14-3-330(2)(b) and (2)(c) reference the grant or denial of a new trial or answer or pleading matters and clearly could not apply.

“in any *special proceeding* or upon a *summary application* in any action *after judgment*[.] *Id* (emphasis added).³

Likewise, a bare assertion that Petitioner is “aggrieved” is not enough. *See* Rule 201 (b), SCACR (“Only a party aggrieved by an order, judgment, sentence or decision may appeal.”). That assertion alone would allow most any ruling to support appealability, which is clearly not contemplated by the statute or case law. *See, e.g., Looper*, 421 S.C. at 389, 807 S.E.2d at 205 (determining that “the twin pillars of appealability, aggrieved and a final judgment” are necessary). But even if “aggrieved,” Petitioner cannot show prejudice in this context because the appeal remains premature. The Court of Appeals recognized the inability to show any real prejudice because “pretrial publicity does not automatically prejudice a criminal defendant, and he is afforded other avenues to protect his right to an impartial jury such as a motion to change venue or specific voir dire questions.” (App. 57, citing the following cases with supporting parentheticals: “*State v. Kelsey*, 331 S.C. 50, 67–68, 502 S.E.2d 63, 72 (1998) (finding it is the defendant’s burden to demonstrate actual juror prejudice because of news accounts of the case); *State v. Owens*, 293 S.C. 161, 167, 359 S.E.2d 275, 278 (1987) (‘[A defendant’s] mere assertion that the jurors could have been subconsciously affected by ... media exposure is insufficient to show prejudice.’)”). And, in an observation that again goes to the lack of a final judgment, the Court of Appeals noted that the calls at issue may not even be offered as evidence during the trial. (App. 57). Again, there simply is no fair ability to assess or prove prejudice.

In sum, from any view, the instant appeal is premature and subject to dismissal. Petitioner has shown no error in the Court of Appeal’s opinion.

³ To the extent Petitioner attempts to appeal the FOIA determination, the FOIA statute is separate from this appeal and requires its own steps for review. *See* S.C. Code Ann. §§ 30-40-10 through 165. Petitioner simply cannot mesh a civil action with his criminal trial.

CONCLUSION

Based on the foregoing, the petition should be denied.

Respectfully submitted,

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