

# The South Carolina Court of Appeals

The State, Respondent,

v.

Ryan Lenard Manigo, Appellant.

Appellate Case No. 2023-001747

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## ORDER

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Appellant filed a notice of appeal from the circuit court's order denying his motion to preclude the release of his recorded communications from the Colleton County Detention Center and Clarendon County Detention Center. Appellant also filed a petition for writ of supersedeas asking that this court "stay and quash" the circuit court's order. Previously, this court denied Appellant's motion to quash and temporarily stayed the order to allow the interested parties<sup>1</sup> to respond.

In his petition for writ of supersedeas, Appellant asks this court to answer the ultimate question presented in the circuit court's order – whether Appellant's telephone calls are subject to the Freedom of Information Act (FOIA). We decline to do so at this early stage.

The circuit court ordered the detention centers to comply with section 30-4-30(c) of the South Carolina Code (Supp. 2023), which necessitates that a public body determine whether requested information is subject to disclosure. The circuit court further ordered that if the detention centers determine "specific recording[s] were not exempt from release pursuant to FOIA" the detention centers must provide

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<sup>1</sup> The South Carolina Public Defender Association, the South Carolina Association of Criminal Defense Lawyers, and the National Association of Criminal Defense Lawyers filed motions to appear as amici curiae. After careful consideration, we grant their motions, and their conditionally-filed-and-served amici curiae briefs are hereby accepted.

[three] business days' notice to [Appellant] of [their] intent to release the records and recordings to the requesting parties, so as to provide an opportunity for [Appellant] to seek subsequent relief from [the circuit court]."

In its return to Appellant's petition for writ of supersedeas, the State argued that "by the terms of the [o]rder that is the subject of this appeal, Appellant is protected from disclosure without an opportunity for argument." Further, the State argued "Appellant may seek review if release of a *specific* record would generate, in his opinion, the need to be challenged." Thus, the State requested that this court "deny the petition [for writ of supersedeas] and dismiss the appeal to allow further factual development in circuit court."

Because the order contemplates some further act which must be done prior to a determination of the rights of the parties, we find this order is interlocutory and not immediately appealable. See *Mid-State Distribs., Inc. v. Century Imps., Inc.*, 310 S.C. 330, 335, 426 S.E.2d 777, 780 (1993) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, then the order is interlocutory."). We lift the temporary stay granted by this court on November 14, 2023, and we dismiss the appeal.<sup>2</sup>



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FOR THE COURT

Columbia, South Carolina

cc:

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Robert Louis Bank, Jr., Esquire  
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**FILED**  
**Jan 24 2024**

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<sup>2</sup> In light of our decision to dismiss this appeal as interlocutory, we take no action on the petition for writ of supersedeas.