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Jan 07 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

Appellate Case No. 2023-001439

THE STATE,

Appellant,

v.

TERRENCE O. FRAZIER,

Respondent.

Opinion No. 2025-UP-427

PETITION FOR REHEARING

On December 23, 2025, this Court issued an unpublished opinion affirming the lower court's order finding Respondent Terrence Frazier did not knowingly and voluntarily waive his right to counsel. State v. Frazier, Opinion No. 2025-UP-427 (S.C. Ct. App. filed December 23, 2025). Pursuant to Rule 242 of the South Carolina Appellate Court Rules, the State respectfully petitions for rehearing.

Initially, the State respectfully submits the Court misapprehended or overlooked portions of the record demonstrating Frazier received Faretta warnings from Circuit Court Judge Edward Miller during a hearing convened for that purpose. R.p.19–20. Although the transcript of that hearing does not exist, the solicitor gave credible testimony establishing the hearing took place.

This was in addition to the extensive warnings the solicitor personally gave Frazier. The record demonstrates Frazier was familiar with the criminal process and understood his right to a jury trial, but knowingly and voluntarily waived that right. The State will not repeat all arguments from the Brief of Appellant, but incorporates them by reference into this petition.

Additionally, the State wishes to call to the Court's attention that the opinion does not explicitly order a new trial. While the opinion affirms the lower court, the remand court also did not order a new trial, but merely found Frazier's waiver was not knowing and voluntary. The State respectfully submits this Court should clarify the relief it is granting.

CONCLUSION

This Court should grant Appellant's petition and reverse the lower court.

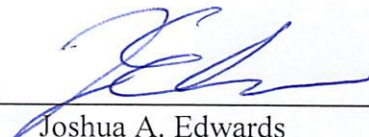
Respectfully submitted,

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ATTORNEYS FOR APPELLANT

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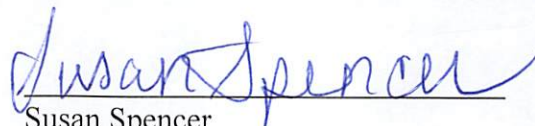
TERRENCE O. FRAZIER,

Respondent.

PROOF OF SERVICE

I, Susan Spencer, certify that I have served the within Petition for Rehearing on Respondent by sending an electronic copy to Joanna K. Delany, Esquire to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 7th day of January, 2026.



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