

# The South Carolina Court of Appeals

Gabriel Rios, Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2023-000378

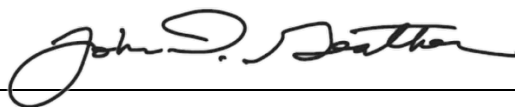
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## ORDER

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On appeal, this court reversed the decision of the post-conviction relief (PCR) court granting Respondent Gabriel Rios's PCR application. *Rios v. State*, Op. No. 2026-UP-099 (S.C. Ct. App. filed Feb. 25, 2026). Respondent attempted to file a pro se motion to extend the time to file a petition for rehearing, but this court rejected his filing because he was represented by counsel. *See Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) (noting substantive motions other than a motion to relieve counsel filed pro se by a person represented by counsel will not be accepted unless they are submitted by counsel). When the deadline to file a petition for rehearing prescribed by Rule 221(a), SCACR, lapsed, this court sent the remittitur. That same day, this court received a pro se petition for rehearing from Respondent. Respondent has now filed a motion to recall the remittitur and relieve counsel.

After careful consideration, we grant the motion to recall the remittitur, grant the motion to relieve counsel, and accept Respondent's petition for rehearing out of time. Additionally, following our review of the petition for rehearing, this court has discovered no material fact or principle of law that has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. *See* Rule 221(a), SCACR. Therefore, the petition for rehearing is denied.



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J.

Blake L Hewitt

J.

Kristi Curtis

J.

Columbia, South Carolina

cc:

Mark Reynolds Farthing

Alan McCrory Wilson

Lara Mary Caudy

Gabriel Jon Rios, 344751

Amy W. Cox

**FILED**  
**May 01 2026**