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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
Brian M. Gibbions, Circuit Court Judge

Appellate Case No. 2023-000378

Gabriel Rios.....Respondent,

v.

State of South Carolina.....Petitioner.

NOTICE OF APPEAL

The undersigned hereby file Notice of Appeal from the Order denying Rehearing and Relieved of Counsel that was signed on May 01, 2026 and received by me on May 06, 2026, from the South Carolina Court of Appeals. See attachment.

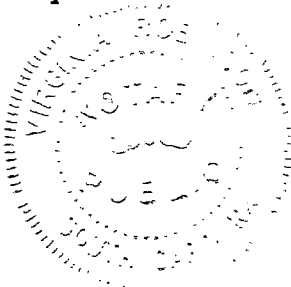
SWORN TO AND SUBSCRIBED BEFORE ME

This 8 day of May 2026

Virginia Robinson
Notary Public of South Carolina

My Commission Expires April 21, 2031

Gabriel Rios



The South Carolina Court of Appeals

Gabriel Rios, Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2023-000378

ORDER

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.



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