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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

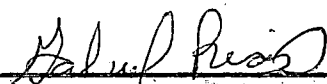
Appellate Case No: 2026-001110

Gabriel Rios.....Petitioner,

v.

State of South Carolina.....Respondent.

PETITION FOR A WRIT OF CERTIORARI



Gabriel Rios
P.O. Box 2039
Ridgeland, S.C. 29936

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On August 19, 2019, Respondent filed an amended application, which included as an exhibit a news article stating Investigator Lorin Williams was fired from Spartanburg County Sheriff's Office after he used false information to obtain a search warrant. The article further stated that Solicitor Barry Barnette sent a letter to every member of the Spartanburg County Bar Association informing attorneys that his office was reexamining all current and past cases that William was involved with. App. 633-643.

This is a serious violation of Sheriff's Office policy and has potential for other serious repercussions. It is a very unfortunate situation as this is going to result in the termination of your employment. The SO is also required to report this to the SCCJA and your certification is in jeopardy. (App'x p. 656).

CONCLUSION

QUESTION PRESENTED

Whether Rios testimony was in fact impeachment evidence?

Whether Rios testimony must be such, and of such nature, as that, on a new trial, the newly discovered evidence would probably produce an acquittal?

STATEMENT OF THE CASE

The Petitioner's new trial motion was reversed on February 25, 2026 because the newly discovered evidence was not material to the issue of guilt or innocence and was mere impeachment evidence.

The Court agree with State that the evidence of Investigator Williams's impropriety in an unrelated case is, at best impeachment evidence. The sole use of this evidence in a new trial would be to impeach Investigator William's testimony or the victim's identification of Rios as the intruder. The State used *United States v. Robinson*, 627 F.3d 941, 949 (4th Cir. 2010)(rejecting a newly discovered evidence claim centering around the post-trial discovery of officer misconduct in a separate case because "the evidence is offered to cast doubt on the testimony of the dismissed officers and the evidence they help to collect, which is about as textbook an example of impeachment evidence as there could be"). The Petitioner ask this Court for writ of certiorari on this issue.

ARGUMENT

Whether Rios testimony must be such, and of such nature, as that, on new trial, the newly discovered evidence would probably produce an acquittal?

The practice has been to deny new trials where the only newly discovered evidence was impeaching. But the practice should not be taken to imply a rule that even if the defendant proves that his conviction almost certainly rests on a lie, the district judge is helpless to grant a new trial. U.S. v. Taglia, 922 F.2d 413 (7th Cir. Court of App. 1991). It is easy to confuse a practice with a rule?

CONCLUSION

Petitioner prays this Court would grant petition for writ of certiorari.