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Aug 03 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Debra R. McCaslin, Circuit Court Judge
Appellate Case No. 2025-000368

THE STATE,

Appellant,

vs.

CHAD EUGENE GIBBS,

Respondent.

RETURN TO PETITION FOR REHEARING

Through an unpublished decision issued on July 15, 2026, this Court reversed the plea judge’s award of 1,831 days of credit for time served to Respondent Chad Eugene Gibbs and remanded the matter to the circuit court for the imposition of a sentence consistent with its decision. State v. Gibbs, Op. No. 2026-UP-365 (S.C. Ct. App. filed July 15, 2026). In doing so, this Court correctly found Gibbs was not entitled to credit for the time he spent on pre-trial bond pursuant to Section 24-13-40 of the South Carolina Code of Laws because he was not on “monitored house arrest” during that time period and, instead, “was permitted to freely come and go from his home without restriction” so “long as he did not leave the state in which he was authorized to reside in or travel to[.]”

Now, Gibbs has petitioned for rehearing, arguing this Court should find he was, in fact, statutorily eligible for credit for the time he spent on bond. In support of that argument, Gibbs maintains he was “essentially” on house arrest during the time period he was released on bond

since his bond conditions were purportedly “stringent,” he was electronically monitored while free on bond, his out-of-state travel was allegedly for work purposes only, he was required to obtain approval before any intended trips, and he was “geographically confine[d] to Pennsylvania” during the time he was free on bond. (Pet. for Reh. pp. 1-5).

To the contrary, Gibbs—as previously noted by the State and as this Court has already correctly recognized—was *not* ordered to remain on house arrest and was never at any point subjected to an actual house arrest requirement during the entirety of the period he was free on bond. Instead, his bond conditions permitted him to leave South Carolina and reside in the state of Pennsylvania—an area spanning roughly 46,055 square *miles*—without restriction on his in-state travel there and without being confined to his home. (R. pp. 80-89). And, perhaps best demonstrating he was neither confined to his home nor believed he was while free on bond, Gibbs did not even suggest to the plea judge he was on house arrest—“essentially” or otherwise—during the time period he was released on bond but, instead, asserted “the knowledge of the prosecutor as to his movements” was “exactly” why he was seeking the time served credit at the circuit court level. (R. p. 46). Thus, since Gibbs never served any time on “monitored house arrest” in connection to his charges, he was not—as this Court has accurately determined—eligible for any credit for the time he was free on bond pursuant to unambiguous South Carolina law, and, resultantly, the plea judge’s erroneous decision to award such credit had to be reversed on appeal just as this Court has done. See S.C. Code Ann. § 24-13-40 (“In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under *monitored house arrest*.” (emphasis added)).

For all those reasons coupled with the arguments raised in the Final Brief of Appellant, this Court did not misapprehend or overlook anything by properly reversing the plea judge's erroneous decision to award Gibbs time served credit he could not legally receive. Accordingly, this Court should deny Gibbs's petition for rehearing and uphold the correct decision it has already issued in Gibbs's case.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General



By: _____
Mark R. Farthing
S.C. Bar Number 76901

August 1, 2026

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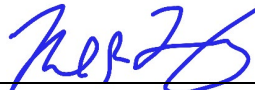
Respondent.

PROOF OF SERVICE

I, Mark R. Farthing, certify I have served the within Return to Petition for Rehearing on Respondent by sending an electronic copy via email to the address listed in AIS for the following individual:

James Todd Rutherford, Esquire
todd@rutherford.law

I further certify all parties required by Rule to be served have been served.
This 1st day of August, 2026.



MARK R. FARTHING
Senior Assistant Deputy Attorney General
Office of the Attorney General