

The Supreme Court of South Carolina

Ben Robert Stewart, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-001478

ORDER

Petitioner has filed a motion to relieve appellate counsel, Sarah E. Shipe.

Petitioner may proceed *pro se* in this matter only after knowingly and intelligently waiving the right to counsel. See *Faretta v. California*, 422 U.S. 806 (1975); *State v. Brewer*, 328 S.C. 117, 492 S.E.2d 97 (1997). We take this opportunity to warn Petitioner that this Court requires *pro se* parties to fully comply with all applicable rules. Petitioner is certain to be unlearned in other aspects of the law as well. Representation by an attorney trained in the law would be highly beneficial, and we strongly encourage Petitioner to continue with representation by the Division of Appellate Defense.

After considering this information, Petitioner shall, within twenty days of the date of this order, notify this Court whether he wishes to proceed *pro se* or to continue to be represented by Sarah Shipe of the Division of Appellate Defense. If Petitioner notifies this Court that he wishes to proceed *pro se* despite the dangers and disadvantages of doing so, this Court will then determine if it will allow him to do so. Cf. *State v. Roberts*, 364 S.C. 583, 614 S.E.2d 626 (2005) (holding there is no right to proceed *pro se* on appeal). If Petitioner fails to notify this Court within twenty days, the Division of Appellate Defense will continue to provide representation in this matter.

John K. Killebrew C.J.
John Cannon Jew J.
[Signature] J.
D. Alan Lewis J.
Arthur H. Urdin J.

Columbia, South Carolina
August 13, 2024

cc:
Zachary William Jones
Sarah Elizabeth Shipe
Ben Robert Stewart, 00390701