

The Supreme Court of South Carolina

Alonzo Tarell Jones, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-000158

ORDER

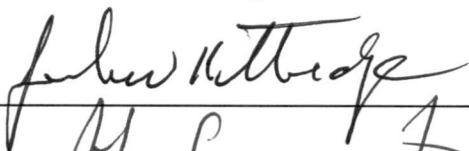
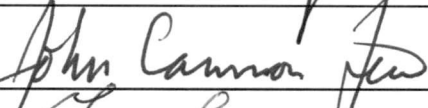
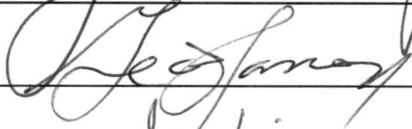
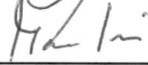
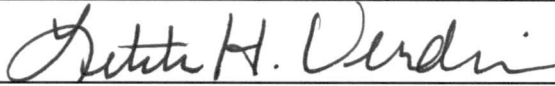
This matter is before the Court by way of a notice of appeal from an order of the circuit court finding Petitioner is entitled to a belated review of the denial of his application for post-conviction relief (PCR) pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Petitioner is currently represented by Sarah Shipe of the South Carolina Commission on Indigent Defense, Division of Appellate Defense. Petitioner moves this Court to relieve Ms. Shipe as counsel and appoint new counsel. Neither Ms. Shipe nor the State has filed a return to the motion.

A PCR applicant is not entitled to appointed counsel of choice. *Richardson v. State*, 377 S.C. 103, 106, 659 S.E.2d 493, 495 (2008). While an applicant may have the right to reject or discharge court-appointed counsel and proceed *pro se* or retain his own counsel, he does not have the right, without a showing of satisfactory cause, to refuse or dismiss appointed counsel and have other counsel appointed. *Id.* Appellate counsel is not required to raise every nonfrivolous issue that is presented by the record but must be allowed to exercise her reasonable professional judgment. *Jones v. Barnes*, 463 U.S. 745, 752–54 (1983). We find Petitioner has failed to show satisfactory cause to relieve Ms. Shipe *and have other counsel appointed*.

In the alternative, Petitioner may relieve Ms. Shipe as counsel and proceed *pro se* as long as he knowingly and intelligently waives his right to counsel. *See Faretta v. California*, 422 U.S. 806, 835 (1975); *State v. Brewer*, 328 S.C. 117, 119, 492 S.E.2d 97, 98 (1997). We take this opportunity to warn Petitioner that if he chooses to proceed *pro se*, this Court will require full compliance with all

applicable rules and procedures. 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 Ms. Shipe.

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 continue to be represented by Ms. Shipe. If Petitioner fails to notify this Court of his intentions within twenty days, Ms. Shipe will continue to be counsel of record in this matter.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina
November 14, 2024

cc:

D. Russell Barlow II
Sarah Elizabeth Shipe
Alonzo Tarell Jones