

The Supreme Court of South Carolina

OCT 11 2013

Attention: Honorable Stromquist

Re: WARREN RUSSELL Appellate Case No. 2012-213314

S.C. SUPREME COURT

Respectfully, I am in receipt of this court's "Order" informing me that I may only proceed pro-se in this matter only after knowingly and intelligently waiving my rights to counsel. See *Faretta v. California*, 422 U.S. 806 (1975); *State v. Brewer*, 328 S.C. 117, 492 S.E. 2d 97 (1997). I also, with eyes wide open and fully aware of the dangers and disadvantages of doing so, and that I must comply with all applicable rules. After being of sound mind hereby knowing and intelligently wish to waive my constitutional rights to counsel for the following:

- (1) Appointed Counsel has informed me that she would not consult with me regarding my issues before ~~the~~ submission to the courts.
- (2) That the decision on what issues to file are hers' alone, and petitioner would have no say.
- (3) Said failure to address these meritorious issues to the States Supreme Court would cause them to be procedural barred in Federal Court.
- (4) Counsel is unwilling to file ineffective assistance of Counsel, or petitioner's initial-review collateral counsel for failing to sufficiently and adequately raising petitioner's issues.
- (5) Counsel is unwilling to file petitioner's belated appeal issues.
- (6) Counsel has intentional or unintentional ~~has~~ omitted information, and or misrepresented information in the appendix, after the transcript clearly supports the correct information, example the appendix transcript shows that petitioner proposed order granting relief, Summary Judgment, and default judgment were properly filed in compliance with SCRPC Rule 11. However, these motions are either omitted or labeled as pro-se, which is clear a misrepresentation. Either counsel has not reviewed the transcript, or has intentional defaulted on this information. Either way she has already proven herself to be ineffective.

Furthermore, in order for me to proceed pro-se, I will need documentation from this office, informing LCI that I must be allowed access to the law library ~~and~~ regularly to research and prepare, also access to copies of appendix and books to submit to this court. Currently, I am not allowed access to the law library but occasionally in two hour installments.

Without this documentation I will be unable to comply with any court rules, or any case law to properly prepare for my pro-se appeal, and two hours occasionally to research and prepare would be insufficient and inadequate to prepare a legal defense. If this court grants writ on my direct appeal issues, then I will need representation at that point.

If this court would like to hold a hearing on this matter, regarding appellant counsel's failure to consult, or the meritoriousness of my issues that are brief and supported by the record, I will then show my allegations to be meritorious, and true regarding the misrepresented and omitted records in the appendix, along with the documentation already submitted to this court from counsel.

Warren Russell 9/8/2013

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The Supreme Court of South Carolina

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