

## Argument "Pro Se"

2-21-12

The trial judge erred in granting appellant's request to appear pro se because appellant did not voluntarily & intelligently waive his right to counsel in the case.

In determining the appellant's fitness & ability to proceed pro se

The trial court failed to adequately apply the *Farrita* test. Specifically the trial judge had a duty to go through this & did not. He also had a duty of asking appellant whether he was under the influence of any medication before granting petitioner's motion to represent himself but erred. If he would have properly applied *Farrita* & learned of the appellant's medication I'm sure he would have not allowed me to proceed pro se. A 30 month deal was on the table & by him not properly doing his job & by me being so medicated by an accident that I was in it was a mistake for me to represent myself or for that matter even be at trial. Medications that I was on at trial were oxycontin, percocet, Xanax & hydrocodone thus any doctor would tell you that while on these meds at any time, anyone would not or could not make the right choices or decision. In addition the court warned appellant that he did not know the impeachment rules nor the definition/elements of the offenses involved nor what evidence was admissible or inadmissible, nor how to give opening & closing statements. The court stated that pro se representation would be a mistake but granted appellant's motion to proceed pro se. Based on foregoing argument, appellant's ~~should be reversed~~ conviction should be reversed.