

The Supreme Court of South Carolina

Javon Rivers, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002647

ORDER

This matter is before the Court by way of a notice of appeal from an order of the circuit court denying petitioner's application for post-conviction relief (PCR). Petitioner is currently represented by Kathrine H. Hudgins, of the South Carolina Commission on Indigent Defense, Division of Appellate Defense. Petitioner moves to relieve Ms. Hudgins as counsel and to proceed *pro se* in this matter. The State has not filed a return to the motion.

Petitioner may proceed *pro se* as long as he knowingly and intelligently waives his 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). However, it is not apparent from petitioner's motion that he is fully aware of the dangers and disadvantages of proceeding *pro se*. We therefore 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, and failure to comply with such rules and procedures could result in the dismissal of the matter and forfeiture of the right to discretionary review. 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. Hudgins.

After considering this information, petitioner shall, within twenty (20) days of the date of this order, notify this Court whether he wishes to proceed *pro se* or continue to be represented by Ms. Hudgins. If petitioner fails to notify this Court of his intentions within twenty (20) days, Ms. Hudgins will continue to be listed as counsel of record in this matter. If petitioner notifies this Court, within the

prescribed time period, that he wishes to proceed *pro se*, the petition for a writ of certiorari filed by Ms. Hudgins will be considered withdrawn and petitioner will be given an opportunity to serve and file a *pro se* petition for a writ of certiorari.


C.J.
FOR THE COURT

Columbia, South Carolina

~~October 21, 2014~~

cc:

Daniel Francis Gourley, II, Esquire
Kathrine Haggard Hudgins, Esquire