

The Supreme Court of South Carolina

John J. Moore, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-000786

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 Benjamin John Tripp of the Commission on Indigent Defense, Division of Appellate Defense. Petitioner moves to relieve Mr. Tripp as counsel and to proceed *pro se* in this matter. Mr. Tripp has filed a return in which he states he does not oppose the motion if petitioner fully understands the dangers, disadvantages, and other consequences of relieving counsel and proceeding *pro se* and he makes a knowing and voluntary waiver of his right to counsel. The State, by letter in response to petitioner's motion, states it leaves the matter to the sound discretion of this Court.

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 Mr. Tripp.

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 Mr. Tripp. If petitioner fails to notify this Court of his intentions within twenty (20) days, Mr. Tripp will continue to be listed as counsel of record in this matter.

If petitioner confirms that he wishes to proceed *pro se*, the petition for a writ of certiorari filed by Mr. Tripp shall be considered withdrawn and petitioner will have thirty days from the date he notifies this Court that he wishes to proceed *pro se* to serve and file a new petition for a writ of certiorari. The appendix filed by Mr. Tripp shall remain on file and be used as the record in this matter.



FOR THE COURT C.J.

Columbia, South Carolina

February 18, 2015

cc:

Benjamin John Tripp, Esquire
James Clayton Mitchell, III, Esquire
John J. Moore, #326455