

# The Supreme Court of South Carolina

James Edward Johnson, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-001062

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## ORDER

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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 Tiffany Lorraine Butler of the Commission on Indigent Defense, Division of Appellate Defense. Petitioner moves to relieve Ms. Butler as counsel and to proceed *pro se* in this matter. Ms. Butler has filed a return in which she takes no position on the motion. 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 Ms. Butler.

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. Butler. If petitioner fails to notify this Court of

his intentions within twenty (20) days, Ms. Butler will continue to be listed as counsel of record in this matter.



C.J.  
FOR THE COURT

Columbia, South Carolina

December 3, 2015

cc:

Alicia A. Olive, Esquire

Tiffany Lorraine Butler, Esquire

James Edward Johnson, Jr., #353643