

The Supreme Court of South Carolina

Bobby Joe Barton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000995

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 Taylor Davis Gilliam of the South Carolina Commission on Indigent Defense, Division of Appellate Defense. Petitioner moves to relieve Mr. Gilliam as counsel and to proceed *pro se* in this matter. Mr. Gilliam has filed a return in which he leaves the disposition of the motion in the 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. Gilliam.

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. Gilliam. If petitioner fails to notify this Court of

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



C.J.

FOR THE COURT

Columbia, South Carolina

September 1, 2016

cc:

Karen Christine Ratigan, Esquire

Taylor Davis Gilliam, Esquire

Bobby Joe Barton #163629