

The Supreme Court of South Carolina

Trey Williams, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001553

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 Nathan Sheldon. Petitioner moves to relieve Mr. Sheldon as counsel. It appears petitioner seeks to proceed *pro se* in this matter.¹ Mr. Sheldon has filed a return in which he asks the Court to grant the motion, stating "the attorney-client relationship is broken beyond repair." The State has filed a return in opposition 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 Mr. Sheldon.

¹ Petitioner is not entitled to have other counsel appointed. *State v. Jones*, 270 S.C. 587, 243 S.E.2d 461 (1978)("[A] PCR applicant is not entitled to appointed counsel of choice. While an applicant may have the right to reject or discharge court-appointed counsel and proceed *pro se* or retain his own counsel, he does not have the right, without a showing of satisfactory cause to refuse or dismiss the counsel appointed and have other counsel appointed.").

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



FOR THE COURT C.J.

Columbia, South Carolina
November 10, 2016

cc:
Nathan James Sheldon, Esquire
Justin James Hunter, Esquire
Trey Williams, 341036