

The Supreme Court of South Carolina

Oscar Fortune, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-002231

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 Wanda H. Carter of the Commission on Indigent Defense, Division of Appellate Defense. Petitioner moves to relieve Ms. Carter as counsel and to proceed *pro se*. Ms. Carter has filed a return in which she states she does not oppose the motion. The State, by letter in response to petitioner's motion, states it leaves the matter to the sound discretion of this Court.

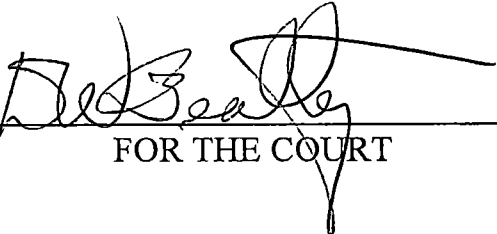
Petitioner may proceed *pro se* as long as he knowingly and intelligently waives his right to counsel. *See Faretta v. California*, 422 U.S. 806 (1975); *State v. Brewer*, 328 S.C. 117, 492 S.E.2d 97 (1997). However, it is not apparent from petitioner's motion that he is fully aware of the dangers and 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. Carter.

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. Carter. If petitioner fails to notify this Court of

his intentions within twenty (20) days, Ms. Carter 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 Ms. Carter shall be considered withdrawn and petitioner will have thirty days from the date he notifies this Court that he wishes to proceed *pro se* to serve and file a new petition for a writ of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 Ms. Carter shall remain on file and be used as the record in this matter. The Division of Appellate Defense will remain associated for the purpose of providing copies of the petition and any briefs and additional copies of the appendix were the petition to be granted. Petitioner shall communicate with the Division of Appellate Defense for the purpose of coordinating these services.

Ms. Carter's motion to amend the petition for a writ of certiorari is held in abeyance pending petitioner's response to this order regarding his desires for representation.



FOR THE COURT C.J.

Columbia, South Carolina
August 18, 2017

cc:
Valerie Garcia Giovanoli, Esquire
Wanda H. Carter, Esquire
Oscar James Fortune, #314269