

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Marquis Dellan Evans, Appellant.

Appellate Case No. 2016-000307

Appeal From York County
John C. Hayes, III, Circuit Court Judge

Unpublished Opinion No. 2017-UP-445
Submitted October 1, 2017 – Filed November 29, 2017

AFFIRMED

Appellate Defender Lara Mary Caudy, of Columbia,
for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Deborah R.J. Shupe,
both of Columbia; and Solicitor Kevin Scott Brackett, of
York, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Barnes*, 407 S.C. 27, 35, 753 S.E.2d 545, 550 (2014) ("A
South Carolina criminal defendant has the constitutional right to represent himself

under both the federal and state constitutions."); *State v. Reed*, 332 S.C. 35, 41, 503 S.E.2d 747, 750 (1998) (providing an accused may exercise this right by "waiv[ing] the right to counsel and proceed[ing] pro se" (italics omitted)); *Faretta v. California*, 422 U.S. 806, 835 (1975) (explaining the requirement that a criminal defendant must be "made aware of the dangers and disadvantages of self-representation, so that the record will establish that 'he knows what he is doing and his choice is made with eyes open'" (quoting *Adams v. United States ex rel. McCann*, 317 U.S. 269, 279 (1942))); *Prince v. State*, 301 S.C. 422, 423-24, 392 S.E.2d 462, 463 (1990) ("To establish a valid waiver of counsel, *Faretta* requires the accused be: (1) advised of his right to counsel, and (2) adequately warned of the dangers of self-representation."); *State v. Cash*, 309 S.C. 40, 42, 419 S.E.2d 811, 813 (Ct. App. 1992) ("Although a specific inquiry by the [trial court] expressly addressing the disadvantages of a pro se defense is preferred, the ultimate test is not the trial [court's] advice but the accused's understanding." (italics omitted)); *State v. Bryant*, 383 S.C. 410, 415, 680 S.E.2d 11, 13 (Ct. App. 2009) ("[W]hen the trial court fails to expressly make this inquiry, this court will examine the record to determine whether the accused had sufficient background or was apprised of [his] rights by some other source.").

AFFIRMED.¹

SHORT, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.