

The Supreme Court of South Carolina

James R. Rose, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-002052

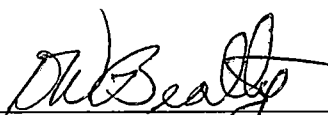
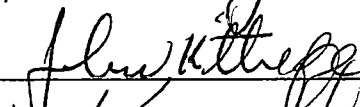
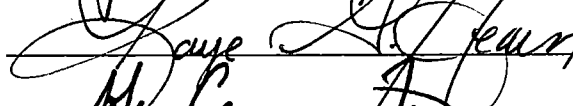
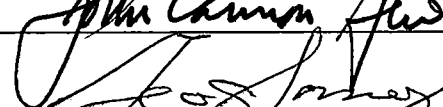

ORDER

By order dated April 18, 2018, we denied petitioner's motion to relieve Robert Dudek, Esquire, as counsel and to have other counsel appointed. Petitioner has also filed a Petition for Relief of Counsel in which he simply states he "would like to discharge appellate counsel from this appeal." It is not clear if the petition is part of his previous motion in which he sought to have other counsel appointed or if petitioner wishes to relieve Mr. Dudek and proceed *pro se*. While petitioner does not have the right, without a showing of satisfactory cause, to refuse or dismiss appointed counsel and have other counsel appointed, he has the right to reject or discharge court-appointed counsel and proceed *pro se* or retain his own counsel. *Richardson v. State*, 377 S.C. 103, 106, 659 S.E.2d 493, 495 (2008).

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 the petition for relief of counsel that petitioner 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. Dudek.

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. Dudek. If petitioner fails to notify this Court of his intentions within twenty (20) days, Mr. Dudek 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 Mr. Dudek shall be considered withdrawn and petitioner will have thirty (30) 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 Mr. Dudek 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.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

June 12, 2018

cc:
Megan Harrigan Jameson, Esquire
Robert Michael Dudek, Esquire
James R. Rose, #293938