

The Supreme Court of South Carolina

Andra Jamison, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-000031

ORDER

The Division of Appellate Defense (Appellate Defense) has assumed responsibility for representing petitioner in this post-conviction relief case. Petitioner has now filed a motion seeking to represent himself in this appellate proceeding with "standby" counsel from Appellate Defense.

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 these rules and procedures could result in the dismissal of the matter and forfeiture of the right to discretionary review. Petitioner has not had the legal training and experience necessary to conduct effective legal research, to understand and apply the legal principles related to appellate review such as error preservation and scope of review, or to draft persuasive legal documents that may be necessary in this case. Petitioner is certain to be unlearned in other aspects of the law as well. Further, petitioner's incarceration may adversely affect this ability to meet appellate deadlines, conduct legal research, or otherwise represent himself in this case. Representation by an attorney trained in the law would be highly beneficial, and we strongly encourage petitioner to continue with representation by the Division of Appellate Defense.

If petitioner is allowed to proceed *pro se* in this case, the Division of Appellate Defense will be relieved from providing representation in this case and will remain associated only for the limited purpose of ordering transcripts or providing copies of documents required by Rule 243, SCACR. In short, Appellate Defense will not be serving as "standby counsel" as petitioner has requested.

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 the Division of Appellate Defense. If petitioner notifies this Court that he wishes to proceed *pro se* despite the dangers and disadvantages of doing so, this Court will then determine if it will allow him to do so. *Cf. State v. Roberts*, 364 S.C. 583, 614 S.E.2d 626 (2005) (no right to proceed *pro se* on appeal). If petitioner fails to notify this Court of his intentions within twenty (20) day of the date of this order, the Division of Appellate Defense will continue to represent him in his matter.



FOR THE COURT C.J.

Columbia, South Carolina
May 15, 2019

cc: Kelly Oppenheimer, Esquire
Robert Michael Dudek, Esquire
Mr. Andra Jamison