

The Supreme Court of South Carolina

Alan L. Burns, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-000380

ORDER

In this post-conviction relief case, petitioner is represented by Christopher L. Murphy. Mr. Murphy has moved to substitute James K. Falk, Esquire, as counsel for the petitioner. Petitioner has filed documents indicating that he has not consented to this substitution, and desires to represent himself in this case.

The motion for substitution is granted, and Mr. Murphy is relieved as counsel. The records of this Court now reflect that Mr. Falk is representing petitioner in this case. The Division of Appellate Defense shall remain associated for the limited purpose of paying for any necessary transcript(s), and providing copies of the petition for a writ of certiorari, appendix, and any briefs.

As to the request to proceed without counsel, this Court may allow petitioner to proceed *pro se* in this case if 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 request that he is fully aware of the dangers and disadvantages of proceeding *pro se*.

This Court warns petitioner that if he is allowed 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 this Court strongly encourages petitioner to continue with representation by Mr. Falk.

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. Falk. If petitioner fails to notify this Court of his intentions within twenty (20) days, Mr. Falk will continue as his counsel in this case.

The time limits for perfecting this case are held in abeyance pending further action by this Court.



FOR THE COURT C.J.

Columbia, South Carolina
September 4, 2019

cc: Megan Harrigan Jameson, Esquire
Christopher L. Murphy, Esquire
James K. Falk, Esquire
Mr. Alan L. Burns, 143218