



1. By Order dated July 6, 2009, the Delaware Supreme Court remanded this matter to the Superior Court for an evidentiary hearing concerning defendant Wallace A. Zimmerman's request to pursue his appeal *pro se* in the Supreme Court.

2. This Court conducted a hearing on August 11, 2009. The Court addressed the issues found relevant in *Watson v. State*, 564 A.2d 1107 (Del. 1989). The following are the Court's findings.

3. Defendant has not retained private counsel. Defendant is indigent.

4. Defendant stated that he was aware of his right to court-appointed counsel to assist him on appeal, but wishes to proceed without an attorney because he does not "trust the Public Defender's Office anymore."

5. Defendant stated that he feels qualified to pursue his appeal *pro se* because he previously filed a *pro se* petition for post-conviction relief and had no problem. Defendant timely filed the appeal in this case without the assistance of an attorney.

6. Defendant has a twelfth-grade education and testified that he reads and writes well. He has access to materials to perform legal research in the law library in prison.

7. Defendant has not discussed with any other person his decision to proceed on appeal without an attorney.

8. Defendant understands that he must follow all Court rules and procedures, even though that may be difficult because he is not trained in the law.

9. Defendant understands that his inability or failure to comply with the rules may delay or prejudice his appeal.

10. Defendant understands that oral argument is at the discretion of the Supreme Court and that he is not entitled to oral argument as a matter of right.

11. Defendant understands that once he is permitted to proceed without an attorney, the Court will not appoint counsel later in the proceedings.

12. Defendant understands that the appellate process will not be delayed or interrupted to permit him to secure court-appointed counsel should he change his mind.

**THEREFORE**, this Court finds that defendant Wallace A. Zimmerman's decision to pursue his appeal in the Delaware Supreme Court *pro se* is knowing and voluntary.

**IT IS SO ORDERED.**

/s/ Mary M. Johnston