

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ALONZO W. MORRIS, : Supreme Court Case No. 21, 2003
: :
Defendant Below, : Court Below: Superior Court
Appellant, : in and for Sussex County
: in Cr.A. Nos. 99-11-0096 through
v. : 99-11-0097
: :
STATE OF DELAWARE, : ID #9911000751
: :
Plaintiff Below, :
Appellee. :

ORDER

Date Submitted: February 14, 2003
Date Decided: March 12, 2003

Thomas A. Pedersen, Esquire, Georgetown, Delaware.

James W. Adkins, Esquire, Deputy Attorney General, Department of Justice, Georgetown, Delaware, Attorney for the State.

Alonzo W. Morris, Defendant *Pro Se*, Sussex Correctional Institution, Georgetown, Delaware.

Graves, J.

By Order dated February 11, 2003, the Delaware Supreme Court remanded the above-captioned case to Superior Court for the limited purpose of determining the factual matters related to Defendant's

request to waive representation and represent himself on his appeal to the Delaware Supreme Court. On March 12, 2003 this Court conducted an evidentiary hearing into this matter.

Upon inquiry by the Court, Alonzo W. Morris ("hereinafter Defendant") advised the Court that he is 30 years of age and is a high school graduate. He has had regular familiarity with the criminal justice system. He reports he has two previous convictions in which he pled guilty. In the present case, there was a trial in which the defendant was convicted, but that conviction was overturned in the Delaware Supreme Court. He was represented in that appeal by counsel retained by his family. He reports that he has represented himself successfully in a *pro se* appeal to the Delaware Supreme Court in another matter.

Defendant is indigent. Whether or not private counsel may be retained by his family is unknown to the Defendant but he is fully aware that if the Court accepts his waiver of court-appointed counsel, then he cannot later change his mind. Defendant understands that he must either accept the representation of court-appointed counsel or proceed *pro se*. He is firm in his conviction that he desires to proceed *pro se*.

When inquiring as to why he wanted to proceed with representing himself, he reported that he "needs to." Other than his family he has not consulted others in making this decision.

He is aware that the appellate process involves the application of rules of procedure with some technicalities that may prove difficult for a non-lawyer to follow or understand. Further he understands that he will have to comply with all pertinent rules of the Delaware Supreme Court. He knows that he could jeopardize his appeal due to his failure to understand both the procedural and substantive aspects of his appeal. He understands that his non-compliance with pertinent rules of the Supreme Court will not result in delay or prejudice to his appeal. In other words, he knows that he can't poison his own well.

He understands the meaning of "he who represents himself has a fool for a client." Nevertheless, he wishes to proceed and handle this case himself. He feels confident in his ability to handle his own appeal. His only concern was that he needed to get the file and the paperwork as soon as possible so he could begin work. That has been addressed by the Court's communications with Mr. Pedersen, his appellate attorney, and Mr. Liguori, who handled the trial. The Defendant and the Court engaged in the colloquy in which the Court is satisfied that the Defendant is fully aware of the pitfalls, disadvantages and potential consequences of self-representation. The Defendant has made this Court aware of his strong desire to proceed *pro se*. I conclude that the Defendant knowingly, intelligently, and voluntarily desires to waive his right to counsel and invoke his right to self-representation.

Under these circumstances, I find that the Defendant has voluntarily waived his right to court-appointed counsel and has invoked his right to self-representation. *Watson v. State*, 564 A.2d 1107 (Del. 1989).

IT IS SO ORDERED.