

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CHARLES SIMPERS,	:	Superior Court No. 01022003252
	:	Supreme Court No. 90, 2002
Defendant Below	:	
Appellant	:	
v.	:	
	:	
STATE OF DELAWARE,	:	
	:	
Plaintiff Below,	:	
Appellee	:	

ORDER

_____ Date Submitted: June 18, 2002
Date Decided: June 21, 2002

Upon defendant's motion to proceed pro se upon appeal to the Delaware Supreme Court,
FINDINGS AND CONCLUSIONS.

Paula Ryan, Esquire, Department of Justice, Georgetown, Delaware, for the State;

Charles Simperts, Delaware Psychiatric Center, New Castle, Delaware.

Karl Haller, Esquire, Public Defenders Office, Georgetown, Delaware

GRAVES, J.

This ____ day of June, 2002, it appears to the Court that:

(1) Charles Simperts was convicted in this Court and sentenced to a period of incarceration. As a condition of the sentence, the Court ordered that the Delaware Health and Social Services, Delaware Psychiatric Center enter into a plan of treatment for the psychiatric and mental health needs of the Defendant. Defendant was directed to be housed at the Delaware Psychiatric Hospital or Forensic Unit at Department of Corrections as determined by the Department of Corrections. The Court also ordered that it would review the sentence on July 26, 2002 or earlier if there was an application for a civil commitment presented by the defense.

(2) Mr. Simperts has indicated to the Supreme Court his desire to discharge the attorney and represent himself in the appeal notwithstanding his constitutional statutory right to counsel.

(3) This matter was remanded to the Superior Court for an evidentiary hearing so that he may demonstrate that his request is made knowingly and voluntarily. On June 18, 2002, this Court conducted the hearing as ordered by the Supreme Court and as required under Watson v. State, Del. Supr., 564 A.2d 1107 (1989). This hearing took place with notice to the State and defense counsel. The Prosecutor and defense attorney were present.

(4) The Court has determined that Mr. Simperts is indigent and cannot afford his own counsel.

(5) The Court has determined that Mr. Simperts is 64 years of age and has an eighth grade education. He has difficulty in dealing objectively with the accusations that have been made and his

belief in his innocence. Based upon Mr. Simperts' mental health issues and his lack of education, it would be extremely difficult for Mr. Simperts to prosecute his appeal.

(6) Mr. Simperts recognized this and made a determination that he desired to have his Court-appointed attorney prosecute the appeal, so long as it was pursued zealously..

(7) Under the above circumstances, I find the defendant has not voluntarily waived his right to Court-appointed counsel.

IT IS SO ORDERED.