IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONNIE L. JONES,	§	
	§	No. 262/287, 1999
Defendant Below,	§	(consolidated)
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for Sussex County
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: June 20, 2000
Decided: August 30, 2000

Before VEASEY, Chief Justice, WALSH and BERGER, Justices.

O R D E R

This 30th day of August, 2000, upon consideration of the briefs of the parties, it appears to the Court that:

1) Ronnie L. Jones appeals from his conviction, following a jury trial, of assault first degree, possession of a firearm during the commission of a felony, and two counts of aggravated menacing. Jones argues that the trial court erred in (i) failing to adequately investigate Jones's reasons for requesting a new attorney on the eve of trial; (ii) denying Jones's request for a continuance; and (iii) failing to ensure that Jones understood the implications of proceeding *pro se*.

2) The incident that gave rise to these charges occurred in April 1996, when Jones went to a party looking for a girlfriend. She was there, but had passed out.

Jones decided to take her with him and, as the two were leaving, Jones got into an argument with the host of the party, Darren Dockins. Jones and his girlfriend got into a car with two other people. They drove two blocks away and then returned. When the car got to Dockins' house, Jones started shooting out of the car window. Dockins' sister was hit twice in the leg and the police recovered 17 bullet casings from the crime scene.

3) The Laurel Police arrived at the scene shortly after the incident, assisted the victim, secured evidence and obtained a warrant for Jones's arrest. Jones fled to Florida, but was arrested two years later.

4) Jones was represented by an attorney from the Public Defender's Office at his preliminary hearing on September 10, 1998. A second Public Defender was assigned to represent Jones immediately after the preliminary hearing. A third Public Defender took over Jones's representation two and one-half weeks before the trial began in April 1999. At the final case review, on April 8, 1999, Jones told the Court that he wanted a new attorney. Jones explained that he only met his attorney, on video camera, a week before the final case review. Jones complained about his attorney's lack of preparation and about her apparent interest in having him accept a plea bargain instead of going to trial.

5) The Court advised Jones that Jones could hire his own attorney or represent himself, but that there would be no continuance of the trial, which was scheduled to

begin four days later. Jones replied that he would represent himself, and the Court instructed the Public Defender to serve as "standby" counsel. At trial, Jones waived his opening statement, cross-examined the State's witnesses, testified on his own behalf, and requested that standby counsel make his closing argument. Jones was convicted on four counts and acquitted on two.

6) Jones contends that the trial court violated his constitutional right to counsel by failing to question him in detail as to the reasons for his dissatisfaction with the Public Defender. Jones says that the interrogation is necessary to provide a basis for the court's decision on his request for a continuance to obtain new counsel.

7) This argument lacks merit. "If the reasons [why the accused is dissatisfied with counsel] are made known the court, the court may rule without more. If no reasons are stated, the court then has a duty to inquire…."[1] Jones stated his reasons at the time he requested new counsel, and he does not identify any other pertinent information that the court should have known before deciding whether to grant his request. Accordingly, we find no error in the court's failure to question Jones about his dissatisfaction with counsel. We also find no abuse of discretion in the court's decision to deny Jones's request for a continuance. Jones's complaints about his counsel did not justify another postponement of the trial, especially since it was not

[1] *United States v. Welty*, 3rd Cir., 674 F.2d 185, 188 (1982)(quoting *Brown v. United States*, D.C. Cir., 264 F.2d 363, 369(1959)).

clear that Jones would be able to retain private counsel even if he were given more time.

9) Jones also complains that he did not fully understand the implications of waiving his right to counsel. In deciding whether a defendant's waiver of his right to counsel is knowing and intelligent, the trial court should advise the defendant that:

> [H]e will have to conduct his defense in accordance with the …Rules of Evidence and Criminal Procedure, rules with which he may not be familiar; that the defendant may be hampered in presenting his best defense by his lack of knowledge of the law; and that the effectiveness of his defense may well be diminished by his dual role as attorney and accused. In addition,… "[the] waiver must be made with an apprehension of the nature of the charges, the statutory offenses included within them, the range of allowable punishments thereunder, possible defenses to the charges and circumstances in mitigation thereof, and all other facts essential to a broad understanding of the whole matter."[2]

10) Based on our review of the colloquy both at the final case review and immediately before trial, we are satisfied that Jones was adequately advised of the risks associated with proceeding *pro se*. The trial court stressed the severity of the charges Jones was facing, the difficulty Jones would have in following the rules of evidence and procedure, and the trial court's experience that defendants who represent themselves are always convicted. Although a more thorough description of all of the items

[2] *Id.* at 188-189 (quoting *Von Moltke v. Gillies*, 332 U.S. 708, 724 (1948)).

identified above would have been preferable, the *Welty* guidelines "were never intended to serve as a rote dialogue…."[3] and, under all the circumstances, we find Jones's waiver of his right to counsel to be knowing and intelligent.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

By the Court:

/s/ Carolyn Berger
Justice

[3] *Government of the Virgin Islands v. James*, 3rd Cir., 934 F.2d 468, 473 (1991).