

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

CECIL HALL)	Cr. ID No. 0506014139
)	
Defendant Below,)	Supreme Court No. 649, 2006
Appellant)	
)	
v.)	
)	
STATE OF DELAWARE)	
)	
Plaintiff Below,)	
Appellee.)	

Submitted: January 29, 2007
Decided: March 5, 2007

REPORT TO THE DELAWARE SUPREME COURT UPON REMAND
CONCERNING APPELLANT'S MOTION TO PROCEED *PRO SE*

ABLEMAN, JUDGE

Appellant Cecil Hall (“Hall”) seeks to proceed *pro se* in appealing his convictions of one count of third degree attempted burglary, two counts of third degree burglary, two counts of theft of \$1000 or more, two counts of criminal mischief less than \$1000, one count of criminal mischief less than \$1500, and one count of attempted theft of \$100. In an Order dated January 29, 2007, the Supreme Court instructed this Court to conduct an evidentiary hearing to determine whether Hall’s choice to proceed without counsel is made knowingly and voluntarily. On February 26, 2007, the Court conducted a hearing in which Hall testified. The Court finds that Hall’s decision to pursue his appeal *pro se* is knowing and voluntary. In support thereof, the Court makes the following findings of fact and conclusions of law, using the numbering used in the Supreme Court’s Order:

1) Hall has not retained private counsel to represent him on appeal. He has several debts, no assets, no income, and was severely financially affected after his arrest for burglary in Pennsylvania. Therefore, Hall is indigent.

2) Hall has a bachelors degree and a masters degree in organizational leadership and public administration from Springfield College. He successfully completed a paralegal program in the early 1980s while in prison, and he tries to keep up on the current state of the law

through the use of the prison law library. Hall is also familiar with the Supreme Court rules, and understands his right to court-appointed counsel and that his only options are to accept representation from his appointed counsel or proceed *pro se*.

3) Hall does not want appointed counsel to represent him because he feels that the Public Defenders office is overburdened and will be unable to take the same amount of interest that he has in his case. He also states that he does not want representation because counsel refuses to raise certain claims on appeal that he wants to raise.

a) In making his decision to waive his right to counsel, Hall has consulted with his brother, who manages a law office in North Carolina, and his sister-in-law, who is a lawyer in North Carolina.

b) Hall is a self described “jailhouse attorney” and, as previously mentioned, is familiar with the Supreme Court rules. He, therefore, understands that the appellate process involves the application of rules of procedure that may prove difficult for him to follow or understand. That is why he intends to study the rules to prepare for his appeal.

c) Hall is cognizant of the fact that he will be required to comply with all pertinent rules of the Supreme Court even though he has no formal training; hence the reason why he intends to study the rules.

d) Hall realizes that if he does not comply with the rules of the Supreme Court, his appeal may be delayed or dismissed altogether.

e) Hall understands that it is unlikely that the Supreme Court will grant him an opportunity for oral argument, and is expected to make a decision based on his written submissions.

f) Hall knows that if he is permitted to proceed *pro se*, he will be unable to delay his appeal to secure counsel simply because he has changed his mind.

g) No other inquiries were deemed necessary for the Court to formulate a conclusion regarding Hall's desire to proceed *pro se*.

4) Based on the foregoing, the Court finds that Hall's decision to pursue his appeal *pro se* is knowing and voluntary.

AS ORDERED.

Peggy L. Ableman, Judge

Original to Prothonotary