

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

STATE OF DELAWARE,	:
	:
v.	: Cr. A. No. IN 99-03-1467,
	: 1468, 1469 and 1470
LARRY W. AUSTIN,	: Cr. ID #9903005366
	:
Defendant.	:

**Upon Remand from the Supreme Court
Pursuant to Supreme Court Rules 19(c) and 26(d)(iii)**

**Submitted: December 19, 2000
Decided: January 9, 2001**

ORDER

This 9th day of January, 2001, after conducting a hearing pursuant to the remand of the Supreme Court dated November 28, 2000, it appears to the Court that:

1. The defendant, Larry W. Austin, seeks to appeal his Superior Court convictions of Possession with Intent to Deliver a Narcotic Schedule II Controlled Substance, Possession of a Controlled Substance within 1000 Feet of a School, Possession of a Controlled Substance within 300 Feet of a Park or Recreation Area, and Resisting Arrest. He

has informed the Supreme Court that he desires to pursue his appeal *pro se*.

2. At the hearing December 19, 2000, the defendant was carefully interrogated regarding his desire to act as his own counsel. Each of the inquiries set forth in *Watson v. State*, Del. Supr., 564 A.2d 1107(1989) was conducted. He indicated that he has not retained private counsel to represent him. He is indigent; he has no assets. He is under a court order to pay child support; he has not met that obligation since his incarceration. He has limited formal education; he has not completed a GED. He claims to be literate and to understand the legal papers he receives. He has a number of grievances with the representation of his counsel, James Bayard. He claims that Bayard said things to him which upset him and caused him to fail to appear for trial. He wishes to represent himself because he has no trust in Mr. Bayard.

3. Austin claims to have experience with the criminal justice system and a general understanding of the process. He acknowledged awareness that the appellate process involves the application of rules of procedure that may prove difficult for him to follow or understand. He expressed the view that he would be able to comply with all pertinent rules of the Court. He is aware that if he fails to understand or comply with the rules of the Supreme Court, it might have an adverse effect on his appeal. He further understands that he may not be permitted to

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argue his case orally to the Supreme Court. He understands that if his waiver of counsel is accepted, he cannot change his mind, or interrupt or delay the proceedings.

4. He has access to the necessary books and papers that he needs to do the work in the appeal.

Upon careful questioning, I am convinced that the defendant has knowingly, intelligently and voluntarily decided to proceed *pro se*, with full recognition of the associated risks.

IT IS SO ORDERED.

Judge Susan C. Del Pesco

Original to Prothonotary

xc: Supreme Court

Mr. Larry W. Austin

Stuart Sklut, Esquire, Deputy Attorney General

James Bayard, Esquire