The South Carolina Court of Appeals

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September 23, 2026

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Re: The State v. Maurice Trimaine Singleton
Appellate Case No. 2023-000553

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,
Jasmine D. Smith, Deputy
CLERK

cc: Alan McCrory Wilson, Esquire
W. Jeffrey Young, Esquire
Donald J. Zelenka, Esquire
Scarlett Anne Wilson, Esquire
The Honorable Bentley Price

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Maurice Trimaine Singleton, Appellant.

Appellate Case No. 2023-000553

Appeal From Charleston County
Bentley Price, Circuit Court Judge

Opinion No. 6164
Heard June 3, 2026 – Filed September 23, 2026

AFFIRMED

Senior Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy Attorney General W. Jeffrey Young, Deputy Attorney General Donald J. Zelenka, and Senior Assistant Deputy Attorney General Melody Jane Brown, all of Columbia; and Solicitor Scarlett Anne Wilson, of Charleston, all for Respondent.

PER CURIAM: Maurice Trimaine Singleton appeals his conviction for murder and sentence of life imprisonment. On appeal, Singleton argues the trial court erred in removing him, a pro se defendant, from the courtroom during trial and denying him his right to self-representation. We affirm.

FACTS

Singleton was indicted for the 2018 murder of Vaughn McFadden (Victim).[1] At a pretrial hearing for the new trial, the State asked the court to address defense counsel's motion to be relieved because although the prior judge had verbally granted the motion and conducted what the State believed was an incomplete *Faretta v. California*[2] colloquy, an order had not yet been filed. During the pretrial hearing, Singleton repeatedly refused to sign the *Faretta* warning documents, claiming he needed more time and insisting he would proceed "in propria persona," while also asserting he was not waiving any rights. The court relieved counsel and directed Singleton to review the documents again before returning the following morning. The next day, Singleton again refused to sign the *Faretta* warning documents. The court explained Singleton's right to an attorney, the right to self-representation, and the dangers of self-representation. Singleton stated he would not be "representing" himself but wanted to "proceed in [his] most proper person." Later that morning, the State requested that the court clarify whether Singleton intended to proceed pro se or with counsel. The court indicated it had asked Singleton that question "probably about [eleven] times."

On the first day of trial, Singleton failed to arrive on time. Upon entering the courtroom, Singleton made numerous interruptions arguing about his right to object, be heard in a meaningful way, and to proceed "as a special appearance to challenge the validity of these claims" and "in propria persona." The court explained it had appointed standby counsel for assistance, but Singleton objected, arguing standby counsel was "not qualified." Despite multiple warnings from the court, Singleton continued to interrupt and speak over the court. Singleton was removed from the courtroom and the court directed standby counsel to confer with him. Standby counsel returned, stating Singleton no longer wished to speak with him. When Singleton returned, the court outlined his options: proceed pro se without disruptions; participate remotely with full ability to see, question, and cross-examine witnesses; or face an option that the court stated Singleton did not

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[1] Singleton's first trial resulted in a mistrial due to a hung jury. Following the mistrial, Singleton's counsel moved to be relieved. A hearing on the motion was held; however, no order was filed.

[2] "Under *Faretta* [*v. California*, 422 U.S. 806 (1975)], the trial judge has the responsibility to make sure that the defendant is informed of the dangers and disadvantages of self-representation, and that he makes a knowing and intelligent waiver of his right to counsel." *State v. Barnes*, 407 S.C. 27, 36, 753 S.E.2d 545, 550 (2014).

want to know. After assurance that he would be heard in a meaningful way, Singleton agreed to cease his interruptions. At Singleton's request, the court allowed deputies to remove his handcuffs but warned him to comply. When asked if he understood and wanted to review his *Faretta* warnings again, Singleton stated, "I don't need to go over them again. I refuse to sign *Faretta* warnings."

The court explained the jury selection process, after which Singleton again moved to relieve standby counsel. The court denied the motion, explaining that standby counsel was present for procedural purposes. Singleton continued to challenge the ruling, object, and argue that standby counsel was unqualified. The court explained the objection was on record and instructed Singleton to move to the next issue. Singleton told the court he had a couple of issues and would let the court know when he was moving on to the next one. The court told Singleton that he would not tell the court "how to run [the] courtroom" and again warned him of removal. The court repeatedly told Singleton to move on, but he refused, insulting the court and requesting patience because standby counsel was not assisting him. Singleton again moved for standby counsel to be relieved and argued the denial of his motion violated his rights. The court told standby counsel he could move to where he could be kept "abreast of actually what's transpiring." Thereafter, the parties participated in jury selection.[3]

Over Singleton's objection, the court granted the State's motion to preclude any mention of Singleton's previous trial. Singleton continued to object despite repeated court warnings. After the court twice stated it had already ruled on the motion regarding his previous trial, Singleton insisted the court had an obligation to hear his objection. The court informed Singleton that he could supplement the record later and again warned that further interruptions would result in removal, to which Singleton responded he would attend trial "personally."

When asked if he was ready for the jury or to be removed, Singleton stated he was not ready for the jury because he had other issues to discuss. The court ordered his removal but noted he could listen from another room. Singleton stated he was "being unlawfully removed from [his] own trial" for exercising his right to be heard. Singleton was escorted out, and the parties discussed alternative methods for participation and the availability of technology. The court stated it did not know whether to hold Singleton in contempt or try to resolve his ability to

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[3] Singleton struck several jurors and during the close of selection, he requested every juror number. The court responded it would be happy to provide the numbers "at some point in time."

participate without interrupting the consistent flow of court. The court expressed concern that Singleton would not accept its rulings and stated it could not conduct a trial when a person did not accept the court's rulings. The court proposed, as "one last-ditch effort" that it explain to Singleton the appellate process, preservation rules, and how to supplement the record at the close of trial. Therefore, the court explained, "it's not all hope lost if I rule against him." When Singleton returned, the court gave him one final opportunity to proceed, explaining that he could object and later supplement the record, but he must move on once the court ruled. Singleton nevertheless continued to argue that his rights were being violated.

In the presence of Singleton and the jury, the State presented evidence from several witnesses. Testimony showed that on the evening of March 2, 2018, responders were called to a railyard. Greggory McKean, the conductor of the railyard, directed them to the train yard, where responders observed Victim, who was deceased, with injuries to his face and head. Police found various items that identified Victim, including his driver's license, two school identification cards, and two cellphones, and learned that Victim had been with Singleton and JaJuan Lockwood that evening.

Singleton did not appear the following day, and the court granted the State's request to revoke his bond and issue a bench warrant. The court ruled Singleton would be tried in his absence. The court released standby counsel, reiterating his role was limited to procedural matters and that he would be called upon to return if Singleton appeared. The court informed the jury that Singleton failed to appear, but his absence could not be considered against him. During Singleton's absence, John Reynolds, formerly of City of North Charleston Police Department, testified about photos he took and items he observed at the crime scene. During Reynolds's testimony, the court excused the jury. Outside of the jury's presence, the court explained it had learned Singleton was in the courthouse making copies; thus, it had him escorted to the courtroom. Singleton immediately began making objections and demanded to question the solicitor. The court asked whether he could participate without disrupting the proceedings and offered to allow him to confront witnesses and participate if he behaved. Singleton claimed the handcuffs violated his due process rights and demanded the court recuse itself. The court ordered deputies to remove the handcuffs.

Singleton then made remarks the court perceived as threatening, prompting another warning. He denied threatening the court and claimed he was merely discussing his constitutional remedies. Singleton asserted he was the "controlling authority"

and because the court prevented him from filing his documents, he would read the documents aloud. The court stated it would not allow Singleton to read from the documents and again warned of removal. Singleton's defiant behavior continued, at which time the court ordered his removal and ruled that he would not participate further.

After deputies placed Singleton in a cell, the court expressed concern about his potential violence, causing a mistrial, and violating the ruling excluding any mention of his previous trial. The State, while acknowledging the outbursts were not in the presence of the jury, likewise noted concern with Singleton's repeated refusal to comply with rulings. The State contended the law provided that a defendant's constitutional right to face his accusers at trial could be overcome if he was egregiously disruptive and explained Singleton could be tried in his absence with standby counsel if the defendant received his *Faretta* warnings on the record and there was a record of the court's "repeated attempts to persuade him to conduct himself in an orderly manner or be held in contempt." Finding that it had been patient and offered Singleton numerous alternatives that he rejected, the court stated that Singleton had "forfeited his constitutional right to represent himself based on his actions and outbursts." The State asked whether the court wanted standby counsel to return and explained the defendant in *Faretta* had standby counsel. The court determined standby counsel need not return because he was not "abreast of the case" and had been appointed only for procedural matters, which were not at issue.

The court also expressed concern regarding possible jury tampering. The court explained that it had removed a juror who felt scared and threatened, and she believed she could no longer be fair and impartial after receiving several friend requests on social media and a phone call from her cousin asking if she was involved in a murder trial even though her cousin had no reason to know she was a juror. The State noted itself and the defense were the only people privy to the jurors' names.[4]

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[4] The following morning, outside the jury's and Singleton's presence, the court questioned Keyshon Poinsette about why he had a list of all the jurors. He stated Singleton's girlfriend, with whom he rode to the courthouse, told him to give Singleton his clothing and paperwork. Singleton's girlfriend stated the list was with the paperwork, and Singleton wanted it for an unknown reason. Standby counsel stated the list was in his handwriting, and although he gave it to Singleton for jury selection, he believed he retrieved it back from Singleton. The court

The trial resumed in Singleton's and standby counsel's absence and four witnesses testified. McKean testified that he saw two young, African-American males between sixteen and twenty years old shooting towards the ground beneath the I-26 bridge before fleeing. He saw what appeared to be a dark, semiautomatic gun and described one of the males as wearing dark clothing with a white stripe or marking on the sleeve. Dr. Nicholas Batalis, an expert in forensic pathology, testified that Victim sustained at least fourteen gunshot wounds and facial wounds. The manner of death was homicide, and he expected Victim's death to have occurred within a "couple of minutes." Nathaniel Pearson, assistant principal at North Charleston High School, testified that on March 2, Victim and Singleton were marked tardy but present for the same class that lasted from 2:00 to 3:15 p.m. Detective Tiffani Crider, of the North Charleston Police Department, testified that she knew Victim, Singleton, and Lockwood from her work as a school resource officer and that the three lived in the same neighborhood and were friends.

Following Crider's testimony and outside the presence of the jury and Singleton, the court called on standby counsel to ask Singleton if he wished to participate, and if he did, he would be handcuffed. The court explained Singleton had an "extreme" outburst with deputies outside the jury's presence and could not be controlled. After the lunch break, standby counsel indicated Singleton wanted to participate, and he told Singleton that he would be shackled, allowed into the courtroom, and subject to removal again if there were any further incidents. The court then reiterated that warning.

Singleton returned to the courtroom after agreeing to comply with the court's prior rulings. He nevertheless insulted the court, persisted in arguing contrary to prior rulings, and directed standby counsel to "stay in the back and not participate." Singleton asked if the court purposely denied him the right to cross-examine the witnesses that testified in his absence, and the court stated it did not purposely do so but instead did so because of his behavior. Singleton objected, arguing he had a constitutional right to face his accuser, and asked if he would receive a remedy for the violation. The court explained his remedy was his current ability to sit in the courtroom, and Singleton again objected. When the jury returned, Singleton objected to the State calling its next witness and requested to address the jury; the court denied the request but allowed him the opportunity to cross-examine the next witness. Singleton stated he wanted to start with McKean.

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wanted to know why Singleton desired the list and ordered the list be returned to standby counsel.

The State then called Detective David Pritchard, of the North Charleston Police Department, who testified about incriminating video footage police obtained, Singleton's clothing the day of the murder, and a photo of Victim that day with "a large amount of money." He stated he did not find a gun at Singleton's house or any clothing that matched the videos; however, a .9 mm bullet and $154 was found in Singleton's bedroom. During direct examination, Singleton interrupted and requested the removal of his handcuffs, which the court denied. On cross-examination, Singleton again requested the handcuffs be removed because it was infringing on his ability to raise an affirmative defense. Outside the presence of the jury, the court allowed the removal of the handcuff from his right hand, and Singleton noted that being detained in front of the jury was prejudicial and showed the court was biased. He demanded the judge recuse himself. The jury returned and cross-examination continued. Pritchard testified he knew McKean was dyslexic and was not aware that McKean had testified he saw two individuals wearing all black. Pritchard stated the video evidence, witness statements, contradicting statements, and overwhelming cellphone evidence led him to believe Singleton killed Victim.

At the conclusion of Pritchard's testimony, Singleton asked the court if McKean had already testified. The court ordered a jury break and Singleton stated, "[l]et the record show he's inducing a fraud." Outside the jury's presence, Singleton again claimed he was not being "heard fully" and attempted to read from his affidavit, which the court refused. The court then stated it was bringing the jury in, and Singleton could supplement the record later. When Singleton asked to return to the clerk's office to file his paperwork, the court directed him to provide the document to the court to give to the clerk for filing. Singleton nevertheless claimed he was unlawfully detained and his rights were violated.

Singleton entered the courtroom but remained handcuffed because he had assaulted deputies the previous day. After explaining the bond revocation, the court held Singleton in contempt for fighting at least two deputies and sentenced him to six months' imprisonment. It warned that any further outbursts would lead to additional jail time. Singleton indicated he heard the court's directions but denied assaulting the deputies. The court instructed deputies to bring in the jury. The court then denied Singleton's request to cross-examine McKean. Other witnesses testified for the State, and Pritchard was recalled. During cross-examination, Singleton again requested to cross-examine McKean, and the court stated they had already discussed that issue. Thereafter, Singleton asked Pritchard questions regarding McKean's statements.

After the State rested, Singleton moved for a directed verdict, reiterating he had been denied his right to cross-examine witnesses and suffered prejudice during trial. The court denied the motion, attributing any prejudice Singleton suffered to his own actions, citing the repeated outbursts and interruptions. When asked if he had discussed testifying with standby counsel, Singleton stated standby counsel was not his attorney. When asked if he needed more time to consider his decision, Singleton stated he had needed more time to cross-examine McKean and again claimed the court was violating his constitutional rights.

During the jury charge conference, the court warned Singleton that violating its prior rulings, such as mentioning his previous trial to the jury, would result in his removal, exclusion from closing arguments, and contempt. As the jury was entering the courtroom, Singleton reasserted he had not been heard and claimed the court had been "very biased" and "prejudicial" towards him.[5] Singleton was nevertheless permitted to present a closing argument. During jury instructions, the court informed the jury that Singleton's absence during part of the second day could not be considered against him "in any manner whatsoever." The jury convicted Singleton of murder, and the court imposed a life sentence. This appeal followed.

STANDARD OF REVIEW

"In criminal cases, the appellate court sits to review errors of law only." *State v. Baccus*, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). An appellate court "is bound by the trial court's factual findings unless they are clearly erroneous." *Id.* "The trial [court] retains discretion to impose reasonable limits on the scope of cross-examination." *State v. Mizzell*, 349 S.C. 326, 331, 563 S.E.2d 315, 317 (2002); *see also State v. Aleksey*, 343 S.C. 20, 33–34, 538 S.E.2d 248, 255 (2000) ("The right to a meaningful cross-examination of an adverse witness is included in the defendant's Sixth Amendment right to confront his accusers. This does not mean, however, that trial courts conducting criminal trials lose their usual discretion to limit the scope of cross-examination." (citation omitted)). "An abuse of discretion occurs when the trial court's ruling is based on an error of law or is based on findings of fact that are without evidentiary support." *State v. Perez*, 423 S.C. 491, 496–97, 816 S.E.2d 550, 553 (2018).

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[5] After jury instructions, the State noted it requested to approach the bench during jury instructions because it observed "Singleton mouthing 'please'" at the jury during the charge.

"Whether a defendant has knowingly, intelligently, and voluntarily waived his right to counsel is a mixed question of law and fact which appellate courts review de novo." *State v. Samuel*, 422 S.C. 596, 602, 813 S.E.2d 487, 490 (2018). "Specifically, we review a circuit [court]'s findings of historical fact for clear error; however, we review the denial of the right of self-representation based upon those findings of fact de novo." *Id.*

LAW/ANALYSIS

Removal, Standby Counsel, Waiver

Singleton argues the trial court erred in removing him from the courtroom because it violated his constitutional rights to be present and confront witnesses. He also argues the court erred in failing to appoint standby counsel during his absence. Singleton asserts he had a right to be present when four witnesses testified in his absence and his opportunity for effective cross-examination was impeded when the State called the witnesses in his and standby counsel's absence. Singleton maintains the court violated his right to counsel when trial continued in his absence and while he was unrepresented and "[u]nder the unusual circumstances of this case, [he] did not waive his right to counsel once he was removed from the courtroom."

A criminal defendant has the right to confront the witnesses against him. *Illinois v. Allen*, 397 U.S. 337, 338 (1970) (explaining the right guaranteed by the Confrontation Clause of the Sixth Amendment to the United States Constitution). "One of the most basic of the rights guaranteed by the Confrontation Clause is the accused's right to be present in the courtroom at every stage of his trial." *Id.* "The primary interest secured by the Confrontation Clause of the Sixth Amendment is the right to cross[-]examination." *State v. Shuler*, 344 S.C. 604, 624, 545 S.E.2d 805, 815 (2001). "A criminal defendant has the right to be present at any stage of the criminal proceeding that is critical to its outcome if his presence would contribute to the fairness of the procedure." *Id.*

"[A] defendant can waive his right to be present at a crucial stage of the trial by disruptive conduct[,]" and he or she "may be properly excluded when his [or her] conduct is disruptive or is interfering with the progress of the trial." *Id.* at 625, 545 S.E.2d at 815 (internal citation omitted). "Although the right to be present is a substantial one, no presumption of prejudice arises from a defendant's exclusion."

Id. "A defendant's exclusion, or absence, will be reviewed in light of the whole record." *Id.* at 624, 545 S.E.2d at 815.

In *State v. Bell*, 293 S.C. 391, 401, 360 S.E.2d 706, 711 (1987), the trial court removed Bell from the courtroom during closing argument and refused his counsel's request to provide an audio hookup in the holding cell after his removal. During defense counsel's closing argument, Bell twice "stood and objected to the trial proceeding on the Sabbath." *Id.* The trial court excused the jury and explained to Bell his right, and the limits of the right, to be present in the courtroom and "took a recess to provide defense counsel an opportunity to further discuss the matter with" Bell. *Id.* When the trial resumed, Bell "again interrupted defense counsel's argument, with complaints of fatigue and hunger"; the trial court "excused the jury[] and discussed [Bell's] right with him again"; and Bell "told the trial [court] he could not sit quietly if trial resumed and he would insist on obstructing the trial in one way or another." *Id.* The trial court then removed Bell "from the courtroom[] and denied defense counsel's request for an audio hookup in the holding cell." *Id.* Our supreme court found the trial court "was generous and patient in accommodating [Bell's] outbursts prior to excluding him from the courtroom" and even without Bell's "candid admissions that he would impede the trial if he remained in the courtroom, his disruptive conduct clearly constituted a waiver of his right to be present at trial." *Id.* at 401–02, 360 S.E.2d at 712.

In *Shuler*, our supreme court held the trial court did not violate Shuler's constitutional rights when Shuler was absent for part of a pretrial *Jackson v. Denno* hearing.[6] 344 S.C. at 623, 545 S.E.2d at 815. It explained that before the *Denno* hearing began, "Shuler fought with the guards because he did not want to attend the hearing"; "[l]aw enforcement agents were forced to restrain [him] in order to transport him to the hearing"; and "[w]hile in transport, the officers had to put a protective mask over Shuler's face to prevent him from spitting on them." *Id.* at 622, 545 S.E.2d at 814. The court also explained that "[i]mmediately before the hearing, Shuler severely 'rapped' his head on the table." *Id.* The trial court "found Shuler voluntarily absented himself from the" *Denno* hearing and provided him an opportunity to testify when he was present on a different day. *Id.* at 623, 545 S.E.2d 814.

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[6] "Under *Jackson v. Denno*, [378 U.S. 368 (1964)], a defendant is entitled to a 'reliable determination as to the voluntariness of his [statement] by a tribunal other than the jury charged with deciding his guilt or innocence.'" *State v. Parker*, 381 S.C. 68, 84, 671 S.E.2d 619, 627 (Ct. App. 2008) (quoting *State v. Fortner*, 266 S.C. 223, 226, 222 S.E.2d 508, 510 (1976)).

Our supreme court concluded Shuler's right to confrontation was not adversely affected because any questions asked during the *Denno* hearing were repeated at trial when Shuler was present. *Id.* at 624, 545 S.E.2d at 815. It also found his right to be present was not violated because although both parties agreed the *Denno* hearing was "critical to the outcome of the criminal proceeding," "Shuler's presence would not have contributed to the fairness of the procedure." *Id.* It explained (1) "Shuler was not cooperating with the trial court and was disruptive during the . . . hearing" and he "banged his head on the table prior to the hearing and was wearing a protective mask to prevent him from spitting on the guards"; (2) the trial court "held the hearing open to allow the defense to present evidence from Shuler"; and (3) "Shuler declined to testify or offer any evidence in the" hearing; thus, he failed to allege or demonstrate "knowledge of any facts not known to his attorneys that would have been relevant to the voluntariness determination." *Id.* at 624–25, 545 S.E.2d at 815. Our supreme court also found "Shuler was removed from the hearing because of his elevated blood pressure, which the trial [court] concluded was the result of malingering"; however, his "pattern of disruptive conduct on the day of the" hearing was "no different than the conduct in *Bell*." *Id.* at 625, 545 S.E.2d at 816. Thus, the court concluded the trial court "correctly found Shuler's conduct at the . . . hearing disruptive, his mental and physical condition to be the result of malingering, and he voluntarily absented himself from the hearing." *Id.* at 625–26, 545 S.E.2d at 816.

After a review of the entire record, we hold the trial court did not err in removing Singleton from the courtroom and trying him in his absence. *See id.*, 344 S.C. at 624, 545 S.E.2d at 815 ("A criminal defendant has the right to be present at any stage of the criminal proceeding that is critical to its outcome if his presence would contribute to the fairness of the procedure."); *id.* ("A defendant's exclusion, or absence, will be reviewed in light of the whole record."). During the testimony of the first witness on the second day of trial, the trial court learned Singleton was in the clerk's office and directed the deputies to bring him to the courtroom. Singleton was escorted to the courtroom, and after several comments from Singleton, the court asked Singleton if he wanted to be present in the courtroom. Singleton continued to speak, attempted to ask the solicitor a question, and stated his constitutional rights had been violated. The court asked Singleton if he wanted to participate in trial and if he could behave enough to do so, and it told Singleton it would allow him to participate. After Singleton stated he had been present and did not run, the court again asked Singleton if he wanted to participate. The court and Singleton then discussed the removal of handcuffs, and Singleton told the court that it "would be held accountable" if it revoked his bond. The court told

Singleton that they were "going to have a real problem" if Singleton threatened the court again, and Singleton stated he was not threatening the court but was discussing his constitutional remedy. Singleton then wanted to read from the documents he wanted to file and told the court that it had "no right" to tell him that he could not read from the documents. When asked if he wanted "to go back there," Singleton asked the court if it took "an oath to the constitution," at which time the court directed Singleton be taken "in the back" and indicated he would not participate. The court explained it did not trust that Singleton would not be violent with someone or "continue to try to tamper with" the jury.

Although Singleton's actions occurred outside the presence of the jury, his behavior when he entered the courtroom and his interactions with the court before his removal were disruptive and warranted his removal. *See id.* at 625, 545 S.E.2d at 815 ("[A] defendant can waive his right to be present at a crucial stage of the trial by disruptive conduct."); *id.* ("A defendant may be properly excluded when his conduct is disruptive or is interfering with the progress of the trial."); *Bell*, 293 S.C. at 401–02, 360 S.E.2d at 712 (concluding the trial court did not err in excluding appellant from the courtroom); *Shuler*, 344 S.C. at 625–26, 545 S.E.2d at 816 (concluding the trial court did not err in finding appellant's "conduct at the [pretrial] hearing disruptive, his mental and physical condition to be the result of malingering, and he voluntarily absented himself from the hearing"). The trial court had valid concerns about Singleton's behavior, especially in light of Singleton's prior interactions with the court, which resulted in his removal on at least two other occasions. Further, the trial court had shown patience with Singleton throughout trial and repeatedly asked Singleton if he wanted to participate and also if he could behave in order to participate in trial; however, Singleton would not conform his conduct. Moreover, the trial court later indicated Singleton engaged in a physical altercation with the deputies. Accordingly, we hold the trial court did not err in removing Singleton from the courtroom based on his conduct. *See* 21A Am. Jur. 2d *Criminal Law* § 1004 (Aug. 2026 Update) ("A defendant can lose the right to be present at trial if, after being warned by the judge that the defendant will be removed if [he or she] continues in disruptive behavior, the defendant nevertheless [acts] . . . so disorderly, disruptive, and disrespectful of the court that the trial cannot be carried on with the defendant in the courtroom.").

Also, although four witnesses testified while Singleton was absent, unrepresented, and unable to hear the witnesses' testimonies through alternate means, we hold the trial court did not err in trying him in his absence without appointing counsel, directing standby counsel to return to the courthouse, or allowing Singleton to cross-examine witnesses upon his return to the courtroom. Initially, we note this

court has affirmed a trial court's decision to try a pro se defendant in his absence when the pro se defendant did not appear for trial. *See State v. Fairey*, 374 S.C. 92, 95, 99–106, 646 S.E.2d 445, 446, 448–52 (Ct. App. 2007). However, we acknowledge that unlike the defendant in *Fairey*, Singleton did not fail to appear for trial; rather, he was removed from the courtroom. We have been unable to find any South Carolina authority that precludes the trial court from proceeding with a pro se defendant's trial after his removal from the courtroom or that *requires* a trial court to appoint counsel, order standby counsel to return and represent a defendant in his or her absence, or allow the pro se defendant to cross-examine the witnesses who testified in his or her absence upon his or her return to the courtroom.

Some jurisdictions note that generally a criminal defendant does not have a right to standby counsel if he or she is removed. In *State v. Lacey*, the Oregon Supreme Court found the following:

> When a defendant waives the right to counsel knowing that, if he is removed from the courtroom for misconduct, no one will be present to represent him, and then, while representing himself, intentionally engages in misconduct that he knows will result in his removal, the defendant is choosing to not . . . participate in or be present at trial." 431 P.3d 400, 408 (Or. 2018). It then concluded, "[i]n that circumstance, a trial court can accept the defendant's choice. The trial court is not required to appoint counsel or take other measures to provide a defense presence.

Id. (footnote omitted).

In *State v. Fuller*, the North Carolina Court of Appeals found the trial court did not err in determining the defendant forfeited his right to counsel and to be present in the courtroom. 914 S.E.2d 36, 43–46 (N.C. Ct. App. 2025). It then concluded the trial court did not "prejudicially err[]" when it failed to appoint standby counsel during his trial. *Id.* at 47. The court in *Fuller* recognized that "[b]oth the right to be present at trial and the right to counsel may be forfeited." *Id.* at 42. Like Singleton, the defendant in *Fuller* refused to sign the waiver of counsel form and repeatedly disrupted the trial proceedings. *Id.* at 43. The court found Fuller forfeited his right to counsel. *Id.* at 44. The court next analyzed whether Fuller also forfeited his right to be present during trial, noting a defendant has the

constitutional right to be present at trial but the right may be forfeited. *Id.* at 44–46. The court found Fuller also forfeited that right. *Id.* at 45.[7]

Although the court in *Fuller* recognized that "[g]ood and prudent practice may necessitate appointing standby counsel in these situations," it concluded the trial court did not err in failing to appoint standby counsel. *Id.* at 46–47. The court first found a "defendant does not possess a right to standby counsel" and the governing North Carolina statute did not require the appointment of standby counsel when a defendant was removed from the courtroom. *Id.* at 47. In addition, "the trial court considered appointing standby counsel, but decided against it because of [Fuller's] behavior." *Id.* Acknowledging the discretionary nature of a trial court's decision regarding whether to appoint standby counsel, the court in *Fuller* affirmed the trial court. *Id.*

While appointment of counsel or standby counsel may be "prudent practice," we hold the trial court here was not required to have standby counsel return to the courthouse or appoint counsel given Singleton's previous waiver of the right to counsel and his adamance—throughout various points during trial—that he did not want standby counsel to participate in this case. *See Faretta*, 422 U.S. at 834 n.46 ("[A] State *may*—even over objection by the accused—appoint a 'standby counsel' to aid the accused if and when the accused requests help, and to be available to represent the accused in the event that termination of the defendant's self-representation is necessary." (emphasis added)); *State v. Cabrera-Pena*, 350 S.C. 517, 534, 567 S.E.2d 472, 481 (Ct. App. 2002) (noting "the right to counsel is not absolute once waived" and holding the trial court did not abuse its discretion in prohibiting hybrid representation when the defendant wanted to recall his attorney during trial after he waived his right to counsel), *rev'd in part and aff'd in result on other grounds*, 361 S.C. 372, 605 S.E.2d 522 (2004). Additionally, as to Singleton's argument regarding allowing him to cross-examine the witnesses who testified in his absence, we hold the trial court did not err in refusing to allow him to cross-examine the witnesses. Although Singleton mentioned cross-examining "witnesses," he largely focused his request on cross-examining McKean. Even if it would have been prudent practice to allow Singleton to cross-examine McKean to

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[7] The court in *Fuller* also discussed the statutory authority in North Carolina, which "governs the procedures for removing a disruptive defendant from the courtroom." *Id.* The court concluded that although the statute "presumes a defendant has counsel," the trial court gave the defendant updates on the trial proceedings and opportunities to participate in the proceedings based on improved conduct. *Id.* at 46.

mitigate Singleton's absence, he wanted to do so in order to elicit information that McKean was dyslexic and had given inconsistent statements about the clothing that the perpetrators wore at the time of the shooting, matters about which Singleton elicited testimony from Pritchard. Like the defendant in *Fuller*, Singleton continuously interrupted and challenged the trial court despite having been given numerous opportunities to participate. We find no error by the trial court in removing Singleton and denying him the opportunity to cross-examine witnesses who testified during his absence. We also find no error by the trial court in not requiring stand-by counsel to remain throughout the trial because we find Singleton waived any right to standby counsel.

Right to Self-Representation

Singleton argues the trial court erred in violating his right to self-representation. He asserts the court erred in terminating his right to self-representation because he did not "deliberately engage in serious and obstructionist misconduct." He argues the errors in denying his rights to self-representation and to counsel are structural. We disagree.

"In *Faretta*, the United States Supreme Court held that criminal defendants have a fundamental right to self-representation under the Sixth Amendment." *Samuel*, 422 S.C. at 602, 813 S.E.2d at 491. "Although a defendant's decision to proceed *pro se* may ultimately be to his detriment, such requests 'must be honored out of that respect for the individual which is the lifeblood of the law.'" *Id.* at 603–04, 813 S.E.2d at 491 (quoting *State v. Barnes*, 407 S.C. 27, 35–36, 753 S.E.2d 545, 550 (2014)). "A circuit [court]'s denial of a defendant's knowing and voluntary request to proceed *pro se* is a structural error requiring automatic reversal and a new trial." *Id.* at 603, 813 S.E.2d at 491.

However, "the right to proceed pro se as a criminal defendant is not absolute and may be forfeited where a litigant repeatedly abuses the judicial process . . . ." *City of Columbia v. Assa'ad-Faltas*, 420 S.C. 28, 33, 800 S.E.2d 782, 784 (2017); *see also Reed v. Ozmint*, 374 S.C. 19, 28 n.4, 647 S.E.2d 209, 214 n.4 (2007) (noting "a criminal defendant's right to self-representation under the United States Constitution is not absolute"). Additionally, the United States Supreme Court has stated the trial court "may terminate self-representation by a defendant who deliberately engages in serious and obstructionist misconduct." *Faretta*, 422 U.S. at 834 n.46. Our supreme court has stated that "once a defendant has been permitted to represent himself, the trial court has broad discretion to revoke that right," and our supreme court recognized "a defendant's constitutional right to

self-representation may be lost when, in the trial court's discretion, he is disrupting or manipulating the trial of a case." *Samuel*, 422 S.C. at 605 n.4, 813 S.E.2d at 492 n.4. The *Faretta* court explained, "The right of self-representation is not a license to abuse the dignity of the courtroom. Neither is it a license not to comply with relevant rules of procedural and substantive law." 422 U.S. at 834 n.46.

Although Singleton asserts the trial court erred in stating he had "forfeited his constitutional right to represent himself based on his actions and outbursts," we find the trial court intended to say Singleton had *forfeited his right to be present during trial*, which is supported by the fact that the trial court did not actually terminate Singleton's right to self-representation because Singleton continued to represent himself after he returned to the courtroom. Accordingly, although "[g]ood and prudent" practice may be to appoint counsel or standby counsel when a pro se defendant is removed from the courtroom based on his conduct, we hold the trial court did not err in how it handled Singleton's trial. Singleton's ongoing, incorrigible behavior; intentional decision not to report to the courtroom on the first and second days of testimony; apparent efforts to tamper with and intimidate the jury; physical violence against the escorting deputies; and repeated refusal to accept both the trial court's warnings and the assistance of standby counsel convince us that the trial court did not abuse its discretion in removing Singleton from the courtroom and declining to appoint standby counsel after Singleton's multiple refusals of such assistance. *See, e.g.*, *Fuller*, 914 S.E.2d at 42-47 (holding defendant forfeited both his right to counsel and his right to be present at trial).

CONCLUSION

Based on the foregoing, Singleton's conviction and sentence are

AFFIRMED.

THOMAS, MCDONALD, and TURNER, JJ., concur.