

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Bentley Price, Circuit Court Judge

Opinion No. 6164

THE STATE,

RESPONDENT,

V.

MAURICE T. SINGLETON,

PETITIONER

APPELLATE CASE NO. 2023-000553

Petition for Rehearing

Pursuant to Rule 221(a), SCACR, counsel for Petitioner, Maurice T. Singleton, respectfully requests this Court grant rehearing. On September 23, 2026, this Court, in a published opinion, affirmed the murder conviction and sentence of life imprisonment. State v. Singleton, No. 2023-000553, 2026 WL 2854818 (S.C. Ct. App. Sept. 23, 2026). Counsel respectfully submits this Court overlooked four critical points. First, Petitioner's actions did not rise to the level of disruptive conduct warranting removal from the courtroom. Second, once removed from the courtroom, the trial judge failed to mitigate the disadvantages of removal. Third, Petitioner's actions did not rise to the level of disruptive conduct warranting the forfeiture

of the right to self-representation. Fourth. Petitioner did not forfeit his right to standby counsel. Counsel respectfully seeks rehearing.

1. Petitioner's actions did not rise to the level of disruptive conduct warranting removal from the courtroom.

Petitioner had a Sixth Amendment right to be present in the courtroom and confront the witnesses against him. In Illinois v. Allen, 397 U.S. 337, 338, 90 S. Ct. 1057, 1058, 25 L. Ed. 2d 353 (1970), the Supreme Court of the United States wrote:

The Confrontation Clause of the Sixth Amendment to the United States Constitution provides that: 'In all criminal prosecutions, the accused shall enjoy the right * * * to be confronted with the witnesses against him * * *.' We have held that the Fourteenth Amendment makes the guarantees of this clause obligatory upon the States. Pointer v. Texas, 380 U.S. 400, 85 S.Ct. 1065, 13 L.Ed.2d 923 (1965). 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. Lewis v. United States, 146 U.S. 370, 13 S.Ct. 136, 36 L.Ed. 1011 (1892).

Petitioner's actions leading up to his removal from the courtroom are detailed in the final brief. Petitioner's actions in the courtroom were not sufficient to constitute a waiver of the right to be present in the courtroom and confront witnesses. Petitioner had a physical altercation with the guards and, according to the judge's ruling, Petitioner refused to acknowledge the judge's rulings or orders. The record, however, reflects that prior to the judge removing Petitioner from the courtroom, Petitioner, representing himself, was trying to make a record of what he attempted to file in the clerk's office. (R. p. 191, line 22 – p. 192, lines 1-3).

In affirming this Court wrote:

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.”).

State v. Singleton, No. 2023-000553, 2026 WL 2854818, at *7 (S.C. Ct. App. Sept. 23, 2026).

Counsel respectfully submits that while this Court cited State v. Bell, 293 S.C. 391, 360 S.E.2d 706 (1987), and State v. Shuler, 344 S.C. 604, 545 S.E.2d 805, (2001), this Court overlooked the fact that Petitioner's conduct did not rise to the level of disruptive conduct in Bell and Shuler. Petitioner's actions are distinguished from the actions in Bell where the defendant twice stood and objected during defense counsel's closing argument, the judge excused the jury and then explained that the right to be present had limitations and allowed defense counsel to further explain the matter to defendant, when the jury returned the defendant again interrupted closing argument, the judge again excused the jury to further explain the right to be present to the defendant who told the judge that he would continue to obstruct the proceedings. The Court found the defendant in Bell waived his right to be present. Petitioner in the present case did not indicate that he would continue to obstruct the proceedings and did not interrupt a lawyer. Instead, while Petitioner may have interrupted the judge, his interruption was an attempt to make a record as he represented himself. Petitioner did not waive his right to be present. After

Petitioner was removed from the courtroom, the judge should have given him the opportunity to comply with the rules and returned Petitioner to the courtroom before the State called the next key witness, Gregory McKean.

Petitioner's actions are distinguished from the actions in Shuler where, during a Jackson v. Denno hearing, the defendant not only fought with the guards prior to the hearing but, also had to be restrained during transport to the court, slammed his head on the table prior to the hearing, wore a protective mask to prevent spitting and yelled during court. The Court found that the defendant voluntarily absented himself from the hearing. The Court additionally found that the error was harmless primarily because the hearing was held open so that the defendant could be present. In the present case Petitioner's presence was excluded from a portion of his trial, not a pre-trial hearing as in Shuler. Petitioner's behavior did not rise to the level of disruptive conduct discussed in Shuler. Petitioner did not voluntarily absent himself from the trial. The error in the present case is not harmless because, despite his requests, Petitioner was not given an opportunity to cross-examine the witnesses called by the State during Petitioner's absence.

2. The trial judge failed to mitigate the disadvantages of removal.

In his concurrence in Illinois v. Allen, 397 U.S. 337, 351, 90 S. Ct. 1057, 1064, 25 L. Ed. 2d 353 (1970), Justice Brennan wrote:

I would add only that when a defendant is excluded from his trial, the court should make reasonable efforts to enable him to communicate with his attorney and, if possible, to keep apprised of the progress of his trial. Once the court has removed the contumacious defendant, it is not weakness to mitigate the disadvantages of his expulsion as far as technologically possible in the circumstances.

Respectfully, this Court overlooked the fact that the trial judge did not attempt to mitigate Petitioner's absence from the courtroom. During pre-trial, when Petitioner continued to argue

for suppression after the judge denied the motion, the prosecutors, standby counsel and the judge discussed technology available to allow Petitioner to view the trial without disturbing the proceedings. (R. pp. 107-110). There was, however, no discussion of the use of alternate ways to deal with any possible disturbance before the judge ordered Petitioner out of the courtroom on the second day of trial. Additionally, Petitioner was not given a second opportunity to conform his conduct before the State was allowed to call four witnesses in his absence and in the absence of standby counsel.

3. Petitioner's actions did not rise to the level of disruptive conduct warranting the forfeiture of self-representation.

In a footnote in Faretta v. California, 422 U.S. 806, 834, 95 S. Ct. 2525, 2541, 45 L. Ed. 2d 562 (1975), the Court wrote:

Moreover, the trial judge may terminate self-representation by a defendant who deliberately engages in serious and obstructionist misconduct. See Illinois v. Allen, 397 U.S. 337, 90 S.Ct. 1057, 25 L.Ed.2d 353. Of course, 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. See United States v. Dougherty, 154 U.S.App.D.C. 76, 87—89, 473 F.2d 1113, 1124—1126.

The trial judge erred in terminating self-representation by Petitioner when Petitioner did not deliberately engage in serious and obstructionist misconduct. As discussed above, Petitioner had a physical altercation with the guards and, according to the judge's ruling, Petitioner refused to acknowledge the judge's rulings or orders. While Petitioner may have interrupted the judge, the record reflects that prior to the judge removing Petitioner from the courtroom, Petitioner was trying to make a record of what he attempted to file in the clerk's office. (R. p. 191, line 22 – p. 192, lines 1-3).

An opinion by the Texas Court of Appeals is persuasive where the court wrote:

However, even though we rely heavily on the trial court's assessment of an obstreperous defendant when reviewing the court's decision, the court's discretion to deny the right of self-representation is necessarily limited. Faretta empowers the courts to preserve the integrity of the trial by denying self-representation to those who deliberately engage in obstructionist behavior. Allowing a defendant to represent himself will almost certainly result in some disruption or delay in the trial proceedings, but “so long as it is not a *calculated* obstruction, this delay cannot deprive the accused of the right [of self-representation] once properly asserted.” Birdwell v. State, 10 S.W.3d 74, 77 (Tex.App.—Houston [14th Dist.] 1999, pet. ref'd) (emphasis added). We address only the instances in which the trial court has observed calculated attempts to disrupt, subvert, or obstruct the trial proceedings. A trial court may not deny the right to self-representation based simply on “predictions of likely recalcitrant behavior” or delay or disruption incidental to self-representation without a legal education. Scarborough v. State, 777 S.W.2d 83, 92, 94 n. 3 (Tex.Crim.App.1989); Colon v. State, 717 S.W.2d 474, 475 (Tex.App.—San Antonio 1986, no pet.) (“To hold that citizens are unduly disruptive merely because they are inexperienced in the practice of law is tantamount to holding that only attorneys enjoy a constitutional right to self-representation.”).

Lewis v. State, 532 S.W.3d 423, 431–32 (Tex. App. 2016)(n. 5 omitted). In ruling the Texas Court of Appeals wrote, “On this record, the trial court did not abuse its discretion in determining that appellant's behavior demonstrated an attempt at calculated obstruction and delay, not an earnest attempt to act in his own defense. The delay caused by appellant's questions, interjections about his proper name, and general refusal to give answers responsive to the trial court's questioning were not regular incidents of self-representation.” Lewis, 532 S.W.3d at 432. In contrast, Petitioner's behavior in the present case was not an attempt at calculated obstruction and delay.

In affirming this Court wrote, “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.” State v. Singleton, No. 2023-000553, 2026 WL 2854818, at *9 (S.C. Ct. App. Sept. 23, 2026).

Respectfully, this Court overlooked the fact that during the time Petitioner was removed from the courtroom and the State was allowed to call four witnesses and admit State’s exhibits #32, #33, #34, #35, #36, #37, #38A, and #39, Petitioner’s right to self-representation was terminated. Petitioner’s actions in the courtroom were not sufficient to constitute a waiver of the right to self-representation.

4. Petitioner did not forfeit his right to standby counsel.

While standby counsel had been appointed, standby counsel was not present when Petitioner was absent. Petitioner was entirely unrepresented while the State called four witnesses to testify at trial.

In United States v. Ductan, 800 F.3d 642, 654 (4th Cir. 2015), the United States Court of Appeals for the Fourth Circuit reversed finding that the Appellant did not waive his right to counsel. In a concurrence Judge Diaz wrote:

Of course, the right to self-representation is “not absolute.” Fields, 49 F.3d at 1035. Thus, a pro se defendant who is disruptive in the courtroom may forfeit his right to self-representation. Faretta, 422 U.S. at 834 n. 46, 95 S.Ct. 2525 (“[T]he trial judge may terminate self-representation by a defendant who deliberately engages in serious and obstructionist misconduct.”). In these cases, the proper course of action is to revoke the defendant's right to self-representation and appoint counsel. See, e.g., United States v. Mack, 362 F.3d 597, 601 (9th Cir.2004) (“A defendant does not forfeit his right to representation at trial when he acts out. He merely forfeits his right to represent himself in the proceeding.”); United States v. Pina, 844 F.2d 1, 15 (1st Cir.1988) (suggesting that a trial judge “employ his or her wisdom to appoint standby counsel” to represent a defendant who is removed or discharges counsel); see also United States v. West, 877 F.2d

281, 287 (4th Cir.1989) (affirming the defendant's conviction where the district court found him incompetent to represent himself and immediately appointed his standby counsel to replace him).

Ductan at 654. (n. 2 omitted).

Petitioner maintains that the trial judge erred in finding that Petitioner forfeited his right to self-representation because he did not deliberately engage in serious and obstructionist misconduct. Assuming, arguendo, that the judge did not err in that finding, the judge erred by not asking standby counsel to return in Petitioner's absence. "The Sixth Amendment guarantees to a criminal defendant the right to the assistance of counsel before he can be convicted and punished by a term of imprisonment. U.S. Const. amend. VI; Gideon v. Wainwright, 372 U.S. 335, 339–40, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963). The right to counsel is fundamental to our system of justice; beyond protecting individual defendants, it is 'critical to the ability of the adversarial system to produce just results.' Strickland v. Washington, 466 U.S. 668, 685, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)." United States v. Ductan, 800 F.3d 642, 648 (4th Cir. 2015). Allowing the trial to go forward in Petitioner's absence while entirely unrepresented violated Petitioner's Sixth Amendment right to counsel. Under the unusual circumstances of this case, Petitioner did not waive the right to counsel once he was removed from the courtroom.

In affirming this Court wrote:

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 adamantness—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, 95 S.Ct. 2525 ("[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. Singleton, No. 2023-000553, 2026 WL 2854818, at *9 (S.C. Ct. App. Sept. 23, 2026).

Respectfully, this Court overlooked the persuasive language from the Fourth Circuit concurrence in Ductan, writing, “In these cases, the proper course of action is to revoke the defendant's right to self-representation and appoint counsel.” 800 F.3d at 654. Additionally, in relying on the North Carolina Court of Appeals case of State v. Fuller, 298 N.C.App. 199, 914 S.E.2d 36 (N.C. Ct. App. 2025), this Court overlooked the fact that in that case the trial court considered appointing standby counsel, but decided against it because of Defendant’s behavior.

In Fuller the court wrote:

Moreover, the Record shows the trial court considered appointing standby counsel, but decided against it because of Defendant's behavior: [Trial Court]: I don't find at this point appointing counsel to go back and forth would be helpful for a number of reasons, one of which, pretty clear to me, he's not going to cooperate with anyone. And, second, I think it puts a lawyer in a very difficult position as to know what conduct -- what the wishes of the defendant would be. Consequently, Defendant has failed to show the trial court abused its discretion by not appointing standby counsel for him.

298 N.C. App. at 215, 914 S.E.2d at 47 (2025). In contrast in the present case, when Petitioner was removed from the courtroom the prosecutor asked if she should contact standby counsel and noted that standby counsel was present in the Faretta case. The judge responded, “At this point it would just be – he’s not abreast of the case; he was just standby counsel for procedural purposes only, and that’s been a nonissue, so it’s moot, so we don’t need to bring him back.” (R. p. 197, lines 8-18). The trial judge in the present case abused his discretion in not asking standby counsel to return when Petitioner was removed from the courtroom.

Based on the above arguments, counsel respectfully seeks rehearing.



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ATTORNEY FOR PETITIONER

This 8th day of October, 2026.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
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SC Court of Appeals

Appeal from Charleston County

Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

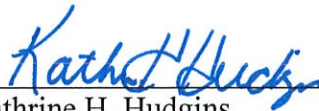
MAURICE T. SINGLETON,

PETITIONER

APPELLATE CASE NO. 2023-000553

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition for Rehearing in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Maurice T. Singleton, #390651, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 8th day of October, 2026.



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ATTORNEY FOR PETITIONER

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From: Stock, Chris
Sent: Thursday, October 8, 2026 5:06 PM
To: mbrown@scag.gov; Angela Brown
Cc: Hudgins, Kathrine
Subject: 2023-000553 - The State v. Maurice T. Singleton - Petition for Rehearing
Attachments: 2023-000553 - The State v. Maurice T. Singleton - Petition for Rehearing.pdf;
2023-000553 - The State v. Maurice T. Singleton - Petition for Rehearing - AG Cover Letter.pdf

Ms. Brown,

Please find attached for service the Petition for Rehearing for Maurice Singleton's appeal which will be filed today with the Court of Appeals.

Thank you.
Chris

Chris Stock
Administrative Coordinator
Commission on Indigent Defense
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(803) 734-1330