

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Zaire Paige v. Stewart Eckert

No. 20-2296-pr, United States Court of Appeals for the Second Circuit (March 24, 2021)

SUMMARY

Habeas corpus petition under 28 U.S.C. § 2254 challenging conviction after defendant was ejected from trial for disruptive conduct and denied readmission. The Second Circuit affirmed denial of relief, holding that the state court's application of *Illinois v. Allen* was not unreasonable under AEDPA: the trial court acted within its discretion in initially removing the defendant and in refusing to readmit him based on his pattern of delaying tactics and failure to satisfactorily demonstrate future decorum. The court also held that there is no clearly established federal right for an excluded defendant to observe trial via closed-circuit video, so the state court's denial of that accommodation did not warrant habeas relief.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Rosemary S. Pooler; Richard J. Sullivan; Michael H. Park
JURISDICTION	Federal
DECIDED	March 24, 2021
DOCKET	20-2296-pr
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a petition for writ of habeas corpus under 28 U.S.C. § 2254.
STANDARD OF REVIEW	De novo review of the district court's denial of habeas relief; factual findings reviewed for clear error. Additionally, under AEDPA, the state court's decision is reviewed for reasonableness.
PRECEDENTIAL VALUE	unpublished
PARTIES	Zaire Paige v. Stewart Eckert, Superintendent Wende Correctional Facility; Letitia James, Attorney General of New York

TOPICS

[habeas corpus](#)[criminal procedure](#)[sixth amendment](#)[standard of review](#)[appellate procedure](#)

PRACTICE AREAS

Habeas Corpus

Criminal Law

QUESTIONS PRESENTED

1. Whether the Appellate Division's decision affirming the trial court's ejection and continued exclusion of Paige from the trial was an unreasonable application of *Illinois v. Allen*.
2. Whether the trial court's denial of Paige's request to observe the trial via closed-circuit video violated his constitutional right to be present.

HOLDINGS

1. The Appellate Division did not unreasonably apply clearly established federal law when it affirmed the trial court's ejection and continued exclusion of Paige, because the trial court acted within its broad discretion under *Allen*, and the state court's factual determinations were reasonable.
2. The Supreme Court has never held that an excluded defendant has a right to observe his trial through alternative mechanisms. Therefore, the Appellate Division did not unreasonably apply clearly established federal law in affirming the denial.

KEY QUOTATIONS

"a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom." (2)

"Once lost, the right to be present can, of course, be reclaimed as soon as the defendant is willing to conduct himself consistently with the decorum and respect inherent in the concept of courts and judicial proceedings." (2)

"A state court's determination that a claim lacks merit precludes federal habeas relief so long as fairminded jurists could disagree on the correctness of the state court's decision." (2)

"We will not lightly conclude that a State's criminal justice system has experienced the extreme malfunction for which federal habeas relief is the remedy." (2)

"When [the deferential decision to exclude] is viewed through the additionally deferential lens of § 2254(d), the bar to relief is a high one." (3)

"while a trial court that readily possesses the means to do so should generally permit a defendant who has been excluded from the courtroom to observe the proceedings from a remote location in order to minimize the possib[i]l[it]y of prejudice, we conclude that under the particular circumstances of this case, the court did not improvidently exercise its discretion in declining defense counsel's request to permit the defendant to view the proceedings from a remote location." (4)

FACTUAL BACKGROUND

Paige was on trial in New York state court for murder and assault. During the trial, Paige engaged in disruptive behavior, leading the trial court to eject him from the courtroom. After his ejection, Paige repeatedly promised to behave but the trial court refused to readmit him, citing his pattern of delaying tactics. The trial court also denied his request to observe the trial via closed-circuit video. Paige was convicted and sentenced to 107 years to life.

PROCEDURAL HISTORY

Paige was convicted in New York state court after a jury trial. He appealed to the Appellate Division, which affirmed his conviction. The New York Court of Appeals denied leave to appeal. Paige then filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 in the United States District Court for the Eastern District of New York, which was denied. Paige appeals that denial.

DISPOSITION

affirmed

CASES CITED

- Illinois v. Allen, 397 U.S. 337 (1970)
- Norde v. Keane, 294 F.3d 401 (2d Cir. 2002)
- Harrington v. Richter, 562 U.S. 86 (2011)
- Burt v. Titlow, 571 U.S. 12 (2013)
- Jones v. Murphy, 694 F.3d 225 (2d Cir. 2012)
- People v. Paige, 22 N.Y.S.3d 220 (2d Dep't 2015)
- Ramchair v. Conway, 601 F.3d 66 (2d Cir. 2010)