

COURT OF APPEALS OF NORTH CAROLINA

State v. Webber

No. COA25-613 · No. COA25-613 · Decided February 18, 2026

SUMMARY

The North Carolina Court of Appeals reviewed whether the trial court violated David Bradley Webber’s Sixth Amendment right to counsel by finding that he forfeited or waived counsel through his conduct. The court held that the trial court did not err. The opinion discusses Webber’s repeated changes in representation, conflicts with appointed and retained attorneys, waivers of appointed counsel, and his appearance without counsel before trial.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Allegra Collins; Zachary; Carpenter
JURISDICTION	North Carolina Court of Appeals
DECIDED	February 18, 2026
DOCKET	COA25-613
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from superior-court judgments entered upon jury verdicts finding him guilty of six crimes, challenging the trial court's determination that he had forfeited and waived counsel by conduct.
STANDARD OF REVIEW	De novo review applies to an alleged constitutional violation; the appellate court considers the matter anew and freely substitutes its judgment for that of the lower tribunal.
PRECEDENTIAL VALUE	Published North Carolina Court of Appeals opinion; precedential.
PARTIES	David Bradley Webber v. State of North Carolina

TOPICS

- right to counsel
- sixth amendment
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Defendant voluntarily waived his Sixth Amendment right to counsel.
2. Whether Defendant's conduct was sufficiently egregious and obstructive to constitute forfeiture of his right to counsel.

HOLDINGS

1. Defendant did not voluntarily waive assistance of counsel because he never sought to proceed pro se and continuously sought appointed or retained counsel, notwithstanding his waivers of court-appointed counsel.
2. Defendant forfeited his right to counsel because his repeated efforts to replace or reject counsel, significant delays, refusal to accept appointed counsel, and appearance for trial without counsel constituted sufficiently egregious obstructionist conduct that undermined the purposes of the right to counsel and made representation impossible.

KEY QUOTATIONS

“Forfeiture of the right to counsel is not an express choice to proceed pro se, but rather is a loss of the right to counsel which is imposed as a result of a defendant’s ‘egregious misconduct.’” (22)

“Here, it is readily apparent that “[D]efendant’s obstructionist actions completely undermine[d] the purposes of the right to counsel,” id., and the court correctly found and concluded that Defendant forfeited his right to counsel.” (23)

“The facts of this case “demonstrate forfeiture of the right to counsel because [D]efendant’s actions totally undermine[d] the purposes of the right itself by making representation impossible and seeking to prevent a trial from happening at all.”” (25)

FACTUAL BACKGROUND

Defendant was charged with robbery with a dangerous weapon, possession of a firearm by a felon, felony speeding to elude arrest, resisting a public officer, conspiracy to commit robbery with a dangerous weapon, and possession of a stolen firearm. Between 2019 and 2024, four appointed attorneys withdrew or were replaced amid repeated disputes, missed or disputed meetings, requests for new counsel, and delays in bringing the case to trial. Defendant later retained private counsel, who was removed after failing to proceed, twice declined renewed offers of appointed counsel, and appeared for trial without counsel despite repeated warnings that the case would proceed. The trial court found forfeiture and waiver by conduct, and Defendant represented himself through motions and jury selection before failing to appear on the fourth day; he was subsequently convicted and sentenced.

PROCEDURAL HISTORY

Defendant was charged in Union County in 2018 and was successively represented by four appointed attorneys. After the fourth appointed attorney was removed and Defendant twice declined further appointed counsel while attempting to retain private counsel, he appeared for trial without counsel. The trial court found that he had

forfeited his right to counsel and waived counsel by conduct, required him to represent himself, and later entered judgments following guilty verdicts. Defendant appealed after sentencing.

DISPOSITION

other

CASES CITED

- State v. Steele, 260 N.C. App. 315, 319 (2018)
- State v. Williams, 362 N.C. 628, 632-33 (2008)
- State v. McNeill, 371 N.C. 198, 217 (2018)
- State v. Harvin, 382 N.C. 566, 584, 587 (2022)
- State v. Atwell, 383 N.C. 437, 446-49 (2022)
- State v. Simpkins, 373 N.C. 530, 535-38 (2020)
- State v. Montgomery, 138 N.C. App. 521, 525 (2000)
- State v. Rogers, 194 N.C. App. 131 (2008)
- State v. Quick, 179 N.C. App. 647 (2006)

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