

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE *Appellate* COURT

RECEIVED

DEC 04 2014

Certiorari To York County
The Honorable John C. Hayes, III., Circuit Court Judge **SC Court of Appeals**

DARRELL EFIRD,

PETITIONER pro se

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI

Darrell Efird, #322883
Petitioner, pro se

S.C. Departments of Corrections
Perry Correctional Institute
430 Oaklawn Road
Pelzer, S.C. 29669

INDEX

Index	1
Questions Presented	2
Statement Of The Case	3
Arguments On Issue A.	5
Arguments On Issue B.	15
Conclusion	18

QUESTIONS PRESENTED

A. Did The Petitioner Receive Ineffective Assistance Of Trial Counsel Within The Following Categorical Issues:

1. Failure to object and seek curative judicial intervention when the State:

- (a) Improperly injected a "Golden Rule" argument?;
- (b) Improperly appealed to inflame the passions and prejudices of the jurors?;
- (c) Improperly vouched for the veracity of the Accuser?;
- (d) Improperly argued the Defendant's lack of emotion (remorse)?;

2. Failure to object and move to dismiss indictments when they clearly - on their face:

Reflected violations of the protection against "double jeopardy"; and Conveyed an insufficiency of offense element characteristics necessary to support a fundamentally fair and Constitutionally sound trial?

3. Failure to object and seek curative judicial intervention when:

The State's expert witness testified outside the restrictions set forth by the trial judge. (Improper Corroboration Testimony)?

[Faint, illegible text]

[Faint, illegible text]

B C. Was The Cumulative Impact Of Trial Counsel's Failures, Omissions, Oversights And Errors As Presented At Post-Conviction Relief Sufficient To Undermine Confidence In The Trial Outcome And Thus Warrant A New Trial?

STATEMENT OF THE CASE

The Petitioner, Darrell Efird, was tried before a York County jury on July 10-12, 2007 for the following offenses: three (3) counts of Criminal Sexual Conduct With A Minor, Second Degree (Indictment numbers 2007-GS-46-1991 to 1993); one (1) count of Criminal Sexual Conduct, Second Degree (Indictment number 2007-GS-46-1994); one (1) count of Attempt to Commit Criminal Sexual Conduct, First Degree (Indictment number 2007-GS-46-1995); and Incest (Indictment number 2007-GS-46-1996). The Honorable Lee S. Alford, presided over the trial.

Through the course of the trial, Judge Alford granted the Petitioner's motion for a directed verdict upon one (1) count of Criminal Sexual Conduct With A Minor, Second Degree (2007-GS-46-1991).

At the close of trial, after being given an Allen charge, the jury returned the following verdicts: guilty of the remaining two (2) counts of Criminal Sexual Conduct With A Minor, Second Degree (2007-GS-46-1992 & 1993), and the Incest charge (2007-GS-46-1996). The jury also found the Petitioner guilty of the lesser-included offense of Assault and Battery of a High and Aggravated Nature (ABHAN) on the original charge of Attempt to Commit Criminal Sexual Conduct, First Degree (2007-GS-46-1995).

Judge Alford sentenced the Petitioner to a term of twenty (20) years imprisonment for Criminal Sexual Conduct, Second Degree (2007-GS-46-1994), a consecutive term of ten (10) years and a concurrent term of twenty (20) years for the two remaining counts of Criminal Sexual Conduct With A Minor, Second Degree (2007-GS-46-1992 & 1993), a concurrent ten (10) year term for ABHAN (2007-GS-46-1995),

and a concurrent term of one (1) year for Incest (2007-GS-46-1996).

The Petitioner appealed his convictions and sentences which were Affirmed by the South Carolina Court of Appeals. State v. Efird, Unpublished Opinion number 2009-UP-248, filed May 29, 2009.

Petitioner filed an Application for Post-Conviction Relief on July 30, 2009. An amended application was filed on August 30, 2010, following which, and evidentiary hearing was held before the Honorable John C. Hayes, III., on September 3, 2010. The Order of Dismissal was filed on September 23, 2010.

A timely petition for writ of certiorari concerning the Order of Dismissal from Post-Conviction Relief (PCR) was filed on the Petitioner's behalf by Appellate Defender, Elizabeth A. Franklin-Best on June 29, 2011. However, due to irreconcilable differences of opinion between the Petitioner and Appellate Defense Counsel Best, the Petitioner requested and was granted his motion to relieve counsel and permission to proceed pro se with a petition for writ of certiorari by letter dated January 31, 2012.

The Petitioner's pro se petition for writ of certiorari follows:

ARGUMENTS

A. The Petitioner Received Ineffective Assistance Of Trial Counsel Within The Following Categorical Issues:

1. Failed to object and seek curative judicial intervention during the State's closing arguments at several instances of reversible impropriety:

In the case at bar the State's closing argument was wholly improper and trial counsel's failures to object upon each facet of impropriety was ineffective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Butler v. State, 334 S.E.2d 813 (1985).

A solicitor's closing argument must be carefully tailored not to appeal to the personal biases of the jury, Von Dohlen v. State, 602 S.E.2d 738 (2004), cert. denied, 544 U.S. 943 (2005), nor may the solicitor's argument be calculated to arouse the juror's passions or prejudices, and its content should stay within the record and reasonable inferences to it, Humphries v. State, 570 S.E.2d 160, 166 (2002).

The South Carolina Supreme Court has drawn a clear distinction between an intentionally improper closing argument and an "instance wherein through inadvertence a comment is made." Dunn v. Charleston Coca-Cola Bottling Company, 426 S.E.2d 756, 758 (1993). In the later situation, the Court observed, "Oftentimes the judge is permitted to give a curative instruction." Id.

In the case at bar, even supposing the solicitor's wholly improper closing arguments were construed as unintentional and inadvertent "comments," the Petitioner was robbed of an in-court

ruling on the matter and was denied curative judicial intervention by trial counsel's failures and/or choices not to object and seek a cure for the prejudice and unfair harm caused by the State. See Pemberton v. State, 560 N.W.2d 524 (Ind.Sup.Ct. 1990); Strickland, supra.

At a constitutional level, the relevant question is whether the solicitor's arguments may have "so infected the trial with unfairness as to make the resulting conviction a denial of due process." Darden v. Wainwright, 477 U.S. 168 (1986); Donnelly v. DeChristoforo, 416 U.S. 637, 643 (1974); Von Dohlen v. State, supra. The answer to that "question" requires a reviewing court to look to the "nature of the comments, the nature and quantum of the evidence before the jury, the arguments of opposing counsel, the judge's charge, and whether the errors were isolated or repeated." Bennett v. Angelone, 92 F.3d 1336, 1345-46 (4th Cir. 1996).

(a) Improperly injected a "Golden Rule" argument;

In the case at bar, the solicitor argued a "Golden Rule" argument in her closing at App. p.438, lns. 6-20, to wit:

"And she (alleged Victim) got up here and talked about having sex with her father. Just imagine for a minute that for whatever reason and it's illogical and it'll never happen to you but imagine that I called you up and I said you know Mr. Juror, Mr. So and So, I want you to get on the stand and tell me about the last time you had sex with your wife or your husband. ... But for whatever reason you were compelled to do that think about how difficult it would be to get on that stand and testify you know what my wife and I last Thursday night this is how it happened. You would be mortified. And that was a consensual, loving, hopefully fun encounter for you. That wasn't a dark dastardly deed that you weren't even consenting to. Thing about what that takes. Put yourself in her shoes."

Discussion and Arguments:

That statement by the solicitor committed a "Golden Rule" violation and this Court has long held that such arguments are improper. See State v. Reese, 633 S.E.2d 898 (2006) (citing Von Dohlen v. State, 602 S.E.2d 738 (2004), cert. denied, 544 U.S. 943, 125 S.Ct. 1645 (2005)). "Jurors are sworn to be governed by the evidence, and it is their duty to consider the facts of the case impartially. A Golden Rule argument asking the jurors to place themselves in the victim's shoes tends to completely destroy all sense of impartiality of the jurors, and its effect is to arouse passion and prejudice."

This Court has found reversible error where a solicitor has suggested that the jurors place themselves in the victim's shoes, "size six." Von Dohlen, supra. This Courts has also found reversible error when the solicitor asked the jurors "Who speaks for [the victim]?" Reese, supra. And in State v. McDaniel, 462 S.E.2d 882 (1995) the South Carolina Court of Appeals reversed the conviction where the solicitor asked the jury to place themselves in the place of the victim.

The solicitor's argument was improper and trial counsel should have objected to it and sought curative judicial intervention even up to a mistrial. Strickland, supra.

(b) Improperly appealed to inflame the passions and prejudices of the jurors. See App. p.435, ln.13 -through- p.436, ln.1, to wit:

"Most people don't want to think about child abuse. Most people don't want to believe that it happens in our community. And most people say you know what I can't look at a child and become sexually aroused. I don't know how anybody can do that; I don't understand it. It's just not

something I even want to think about. But the reality is that child abuse happens in our community and it happens alot more than people are willing to believe. It used to be a dark little corner and only a few people came out of there but the reality is that it is growing and that child abuse does happen and that we must confront it. And it takes jurors willing to believe children testifying against adults and parents to hold these people accountable."

Discussion and Arguments:

That statement was wholly improper as it was intended to arouse the juror's passions and prejudices while appealing to community sentiments. (See also App. p.436, lns. 2-19) This particular argument by the solicitor suggested the jury return a verdict of guilty based on their sense of community outrage and not because of the Defendant's actual guilt. This argument by the solicitor dilutes the burden of proof that the State must shoulder and denied the Petitioner of his right to a fair trial. Darden v. Wainwright, 477 U.S. 168 (1986); State v. Durden, 212 S.E.2d 587 (1975). See also In re Winship, 397 U.S. 358 (1970).

Here again, the solicitor's argument was improper and trial counsel should have objected and pursued curative judicial intervention to negate the prejudice and harm caused by the State, even up to a mistrial. Strickland, supra.

(c) "Improperly vouched for the veracity of the Accuser.
See App. p.459, ln.4, to wit:

"Her (the alleged victim's) story is consistent, cohesive, and true."

Discussion and Arguments:

That statement constituted improper vouching. The government may

not vouch for the credibility of its witnesses either by putting its own prestige behind the witness, or by indicating through explicit personal assurances of a witness's veracity, or where the prosecutor implicitly vouches for a witness's veracity by indicating that extrinsic information not presented in court supports the witness' testimony, United States v. Roberts, 618 F.2d 530 (9th Cir. 1980), cert. denied, 452 U.S. 942, 101 S.Ct. 3088 (1981); State v. Shuler, 545 S.E.2d 805, 818 (2001); State v. Kelly, 540 S.E.2d 851 (2001). Nor may the prosecutor imply that the government has taken steps to assure the veracity of its witnesses, United States v. Brown, 720 F.2d 1059, 1073 (9th Cir. 1983).

In the case at bar, by telling the jury that the Accuser's testimony was "true", the solicitor directly assured the jury that the Accuser should be believed over the Petitioner.

This was a matter of improper vouching for the prosecutor's own witness and trial counsel should have objected and sought curative judicial intervention to reduce the prejudice and harm caused by the State, even up to a mistrial. Strickland, supra.

(d) "Improperly argued the Defendant's lack of emotion (remorse). See App. p.449, ln.18 -through- p.450, ln.5, to wit:

"Think about if your child got on the stand in an open courtroom and said that he came into my bed at night and he fingered her and he had sex with her and he made her perform oral sex on him and he performed oral sex on her. Even if it's a lie the pain you must feel, the betrayal you must feel. If I would have said that to my daddy every word out of my mouth would have been a slap across the face. Or did he (the Defendant) sit there like he already knew the story? Like it really wasn't a revelation and like he really could have

responded. Does he get up on that stand does he show the awe and confusion and fear that he claims that is in his heart? Or does he sit there stoic, denial, lying, and blank like his wife? ..."

Discussion and Arguments:

That statement by the solicitor to the jury was an improper comment upon the Petitioner's "perceived" non-emotional reaction or "lack of remorse" displayed in open court. The solicitor's argument implied that he had something to be remorseful about and portrayed him as an empty, emotionless and deceiving person who would not acknowledge his guilt.

In this case, there should be no doubt that the solicitor's statement was improper and calculated to produce a wrongful conviction. United States v. Young, 470 U.S. 1, 7, 105 S.Ct. 1038, 1042 (1985). By painting the Petitioner as emotionless, remorseless and a liar in her closing arguments, the solicitor prosecuting the case did not further the aims of justice or aid in the search for truth. The result of the portrait painted by the solicitor inflamed the biases in the jury and influenced their verdict based on something other than the evidence. Cf. United States v. Singer, 660 F.2d 1295, 1304 (1981), cert. denied, 445 U.S. 1156, 102 S.Ct. 1030 (1982); Hall v. United States, 419 F.2d 582, 587-88 (1969).

This was an improper statement based on the solicitor's perceived interpretation that the Petitioner displayed no emotions or remorse in open court and trial counsel should have objected and pursued curative judicial action to negate the prejudice and harm caused by the State. See Fossick v. State, 453 S.E.2d 899 (1995); Strickland, supra.

Summarized Arguments On Improper Closing Arguments Category Of Issues:

For a Applicant to be granted Post-Conviction Relief as a result of ineffective assistance of trial counsel, he must present that his counsel (1) failed to render reasonable effective assistance under prevailing professional norms, and (2) that he was prejudiced by that ineffective assistance. U.S.C.A. Const.Amend.6; Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984); Brown v. State, 533 S.E.2d 308 (2000).

The Petitioner clearly satisfied the evidentiary requirements for relief on Post-Conviction Relief (PCR). He clearly established through fact and case law precedents that he was deprived the effective assistance of trial counsel guaranteed by the United States Constitution.

A review of the PCR pleadings and testimony before the Court of Common Pleas reveals that trial counsel did not object and seek curative judicial intervention on numerous improper statements delivered by the solicitor during closing arguments. See App. p.p.537-636. Moreover, the testimony of trial counsel conveys the fact that he did not even recognize the inflammatory, prejudicial and improper character of the solicitor's closing arguments despite ample authority which establishes the inappropriate, egregious and reversible nature thereon. See App. p.p.616-633.

Yet, despite the evidence, testimony and case law on the improper statement issues, the PCR court erroneously and unreasonably ruled against the Petitioner's ineffective assistance of counsel claims relative to this cluster of closing arguments issues and denied PCR relief. See App. p.p.642-644.

When the Justice Department refused to object and challenge the testimony of the expert witness, the State's case was put in jeopardy. Such a failure by trial counsel to object to the testimony of the expert witness, and the PCR court's ruling on this issue was clearly a basis for reversal of the conviction. The State's failure to object to the testimony of the expert witness was a clear error. (See App. p. 206-207)

The Honorable Justice, in his opinion, considered and reviewed the lower court's conclusion and reached a different conclusion on this matter.

3. Failed to object and seek curative judicial intervention when the State's expert witness testified outside the restrictions set forth by the trial Judge. (Improper Corroboration Testimony - See App. p.206, ln.25 -through- p.207, ln.14)

The Petitioner presented in his PCR Application that his trial counsel provided ineffective assistance by failing to object to improper corroboration testimony given by the prosecution's expert witness, Dr. Allison F. Defelice. (App. p.p.557-58)

At the PCR evidentiary hearing the Petitioner argued to the court that the scope of Dr. Defelice's testimony had been limited by the trial Judge. (App. p.p.588-89) The Petitioner gave reference to the transcript on the matter.

Whereas, the expert witness was asked by the solicitor to recite what materials she reviewed to make herself familiar with the trial case at issue. From which, the expert witness testified that she reviewed: "(a) the General Sessions case file summary of the York County Sheriff's Office; (b) the Law Enforcement Incident interview report; (c) the written statement that Tabitha (alleged Victim)

provided to law enforcement - five (5) pages in length; (d) the contract we heard testimony about; (e) the voluntary statement given by Tabitha's mother Christine Efird; and (f) the testimony of Mrs. Efird given yesterday."

Discussion and Arguments:

Based on the list of materials reviewed and testimony heard, the expert witness conveyed to the jury that, all of her testimony is based upon her assessment of the particular facts of the case at bar. Thus, the expert's entire testimony became improper corroboration testimony beyond the scope of the Judge's specific limitations and defense counsel should have objected to the listing of materials reviewed as recited by the witness which conveyed to the jury that her testimony is founded upon intimate, direct substantial profession conduct that did not occur in this case. See defense counsel's arguments to preclude this witness's testimony at App. p.187, ln.22 -through- p.189, ln.11. It is obvious that defense counsel recognized the potential dangers of unfair prejudice posed by an expert witness's testimony on subject matters where a thorough and comprehensive examination of the alleged Victim and others associated with the incidents on trial are typically necessary. Since no such examination and personal evaluation was conducted by this witness, defense counsel properly sought to exclude her testimony.

Nevertheless, the trial Judge allowed Dr. Defelice to testify in her expert capacity within limits of generality. However, the expert's testimony crossed those "generality line boundaries" when she listed her review of case specific materials and her assessment of specific

testimony provided that related to the specific case facts at controversy. The expert's testimony was an exercise in veiled corroboration directly upon the credibility of abused children, and in particular, the veracity of the alleged Victim in the case at bar, within a guise of generalities.

See United States v. Antone, 981 F.2d 1059, 1062 (1992) (quoting United States v. Binder, 769 F.2d 595 (1985) at 602) holding that; the effect of the expert's testimony was to "bolster the children's story and to usurp the jury's fact-finding function." Essentially, the jury in the case at bar was being asked to accept the expert's determination that the alleged Victim was being truthful.

Trial counsel at bar allowed the issue to pass without objection despite his obvious awareness to the dangers of unfair prejudice inherent in such expert witness testimony. See Jolly v. State, 443 S.E.2d 566 (1984) holding that, improper corroboration testimony (in the guise of generalities) to the alleged Victim's testimony in a Criminal Sexual Conduct prosecution cannot be harmless, as it enhances the devastating impact of such testimony due to its cumulative effect toward improper corroboration.

The PCR court's final order on this issue is both erroneous and unreasonable. The conclusions arrived at by the PCR court are not supported by the record nor by the plethora of case law existing that supports the Petitioner's arguments for post-conviction relief. (See App. p.645).

Wherefore, the PCR court should have found ineffective assistance of counsel on this issue and resulting prejudice sufficient to warrant a new trial. And so, the Petitioner Prays this Honorable Court to grant certiorari review on this issue.

B. The Cumulative Impact Of Trial Counsel's Failures, Omissions, Oversights And Errors As Presented At Post-Conviction Relief Was Sufficient To Undermine Confidence In The Trial Outcome And Thus Warrants A New Trial.

In the case at bar, the PCR court took the initiative to rule upon an issue sua sponte that was not specifically raised by the Petitioner. See App. p.644, 3rd paragraph, where the court rules upon the "Cumulative Effect" of several errors. The court explained that it addressed this issue to allay such a "cumulative" impact of errors argument, and the court specifically found that, "... even when viewed cumulatively, the alleged error, to the extent the allegations constitute error, did not so infect the Applicant's trial with unfairness as to make Applicant's resulting convictions a denial of due process." (App. p.644).

The Petitioner asserts that the PCR court's analysis of cumulative error impact is based upon an erroneous standard, and is unreasonable under prevailing professional norms of conduct required of criminal defense attorneys. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984); et.al.

Just as the PCR court overlooked or missed the jurisdictional challenge made by the Petitioner (Issue B), the court unreasonably minimized the significance of trial counsel's cumulative errors that are unique to the case at bar, to wit in chronological trial order:

Pretrial Errors:

... moved to ...

... challenge ...

... moved to move for suppression of evidence obtained upon defective Search Warrant.

Trial / Post-Trial Errors:

- a (d) Failed to object and seek curative measures when the State's expert witness testified outside restrictions set by the trial Judge; (Improper Corroboration Testimony)

[Closing Argument Issues]

- b (e) Failed to object and seek curative measures upon an improper "Golden Rule" argument;
- c (f) Failed to object and seek curative measures upon the argument that appealed to the passions and prejudices of the jury;
- d (g) Failed to object and seek curative measures upon the improper vouching for the veracity of the Accuser;
- e (h) Failed to object and seek curative measures upon an improper argument stating the Defendant's lack of emotion (remorse).

Those categorical errors are significantly interwoven at specific intervals such that anyone reviewing the overall context of trial issues must take pause due to the glaringly obvious magnitude of cumulative error and the undeniably prejudicial impact as a result thereof.

Discussion and Arguments:

A cumulative error and prejudice analysis does not per se require an "infection assessment" expressed by the PCR court. Whereas, a criminal Appellant presenting "ineffective assistance of counsel" claims is not required to demonstrate that trial counsel's deficient performance "more likely than not" altered the outcome of the trial. The Strickland test merely requires that a criminal Appellant demonstrate that "but for" his counsel's deficient performance, there is a "probability sufficient to undermine reliability in the outcome" of the trial. *Id.* at 104 S.Ct. 2068. Thus, a criminal Appellant need not prove at any level that trial counsel's deficient performance was

outcome determinative, as the language of Strickland focuses on a showing of a "likelihood of a result more favorable" to the Appellant. Id. at 2068.

In the challenges the Petitioner has made, he expected the PCR court to examine each challenge (allegation) individually, and he also expected the court to recognize, what seems to be the common sense matter of cumulative error impact.

Strickland required a totality review of error(s) and their impact upon the result of a trial which is "cumulative error analysis". Id. at 2069. An analysis based on cumulative error was articulated in United States v. Brown, 739 F.2d 1136, 1145 (1984) which expressed that; cumulative error used in the context of appellate review means that, trial counsel's individual errors and/or omissions may not, looking at the trial as a whole, cast doubt on the reliability of the result, and thus would not merit a reversal. On the other hand, even if the individual act and/or omissions are not so grievous as to merit a finding of ineffectiveness and prejudice, their "cumulative effect" may be substantial enough to meet the Strickland test. There is no mechanical number of minor errors and/or omissions that are summed to trigger a "cumulative error" review. It is a matter based upon a case-by-case basis and should be evaluated to ascertain the likelihood of an outcome more favorable to the criminal Appellant within the totality of circumstances and facts unique to the trial case at issue.

The Petitioner's case has already triggered a sua sponte cumulative error and effect analysis by the PCR court. However, the PCR court's analysis and standard of review on the matter was both

erroneous and unreasonable.

Therefore, the Petitioner Prays this Honorable Court to grant certiorari upon the lower court's determinations and conclusions related to this "cumulative error" issue.

CONCLUSION

For the proceeding reasons, the Petitioner respectfully asks this Court to grant this petition for writ of certiorari.

Darrell Efird, #322883

Darrell Efird, #322883
Petitioner pro se

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED
DEC 04 2014

Certiorari to York County

John C. Hayes, III, Circuit Court Judge

SC Court of Appeals

DARRELL EFIRD,

PETITIONER,

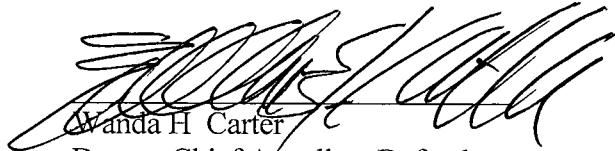
V

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

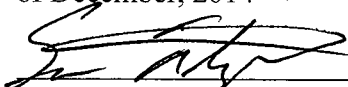
I certify that a true copy of the pro se petition for writ of certiorari and a copy of the supplemental appendix in this case have been served on Rutledge Johnson, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and Darrell Efird #322883, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 4th day of December, 2014


Wanda H. Carter

Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 4th day
of December, 2014

 (L.S.)

Notary Public for South Carolina

My Commission Expires. October 30, 2022.

Darrell Efird, #322883
Perry C.I., Q1B118
430 Oaklawn Road
Pelzer, S.C. 29669

September 11, 2014

To: Ms. Elizabeth A Franklin-Best, Esquire
S.C. Commission on Indigent Defense,
Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589

RECEIVED

DEC 04 2014

Re: Enclosed Petition For Writ Of Certiorari and Supplemental Appendix
for copying, binding, filing and serving.
Efird, Darrell V. State

SC
DIV OF APP 13

Dear Ms. Franklin-Best:

Enclosed you should find my completed pro se Petition For Writ Of
Certiorari and Supplemental Appendix.

Per the directive issued by the Supreme Court of South Carolina dated
January 12, 2012, the Division of Appellate Defense is to remain associated
with me for the limited purpose of copying, binding if necessary, filing and
serving the pro se Petition and related documents that I provide your Agency
Division.

Therefore, please receive the enclosed documents and have them copied,
bound if necessary in the numbers required by Appellate Court Rule.
once completed, please provide the Supreme Court of South Carolina with the
require number of copies for filing and please also provide the Office of the
Attorney General (Ms. Jennifer A. Kinzeler) with the number of copies required
by Rule to complete the process of service in the matter.

I thank you most sincerely for your time and effort in my behalf in
this and the other matters to which you have been involved. Further, as an
important afterthought, please also provide me a copy of the materials you
file and serve in my behalf.

Very gratefully presented and requested,

Darrell Efird, #322883
Darrell Efird, #322883
Petitioner pro se

copy: Appellate Court of South Carolina
My records

Darrell Efird, #322883
Perry C.I., Q1B-118
430 Oaklawn Road
Pelzer, S.C. 29669

To: Ms. Elizabeth A. Franklin-Best, Esquire
S.C. Division Of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589

Re: Enclosed Document Copies That I Have Filed With The S.C. Supreme Court:
Efird, Darrell V. State - "Motion For Extension Of Time"
"Motion To Relax Rule 227(d)(3), SCACR"
"Brief of Petitioner Out-Of-Time"

Date: Sep. 11, 2014

Dear Ms. Franklin-Best:

I have mailed the above regarded documents to the Supreme Court for filing, and have provided you a copy being as the Extension Of Time motion is directly related to the task your Office has been directed to complete in my behalf.

Also, on Sep. 11, 2014 I will be mailing your Office the completed pro se Petition For Writ Of Certiorari and Supplemental Appendix for copying, binding, filing and serving per the Supreme Court's directive that your Office remain associated with me for those task purposes.

Should you have any questions please contact me at the above address with them.

Very respectfully provided,

Darrell Efird, #322883
Darrell Efird, 322883
Petitioner pro se

RECEIVED

DEC 04 2014

SC Court of Appeals



RECEIVED ORIGINAL
DEC 04 2014

SC Court of Appeals

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone (803) 734-1330
Facsimile (803) 734-1397

Robert M Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

December 4, 2014

The Honorable Jenny Abbott Kitchings
Clerk, S C Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Darrell Efird v. The State
Appellate Case No. 2010-178866

Dear Ms Kitchings;

Enclosed are thirteen copies of the pro se brief of petitioner, appendix and supplemental appendix for filing in the above titled appeal. Please accept these filings out of time.

If you have further questions, do not hesitate to contact me.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/smf

Enclosures

cc: Rutledge Johnson
Darrell Efird #322883