

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SEP 14 2015
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
D. Garrison Hill, Circuit Court Judge
Appellate Case No. 2014-001853

The State, Respondent,

vs.

Donna Boyd, Appellant.

RECORD ON APPEAL

ALAN WILSON
Attorney General

J. Falkner Wilkes
114 Whitsett Street
Greenville, SC 29601

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

Counsel for Appellant

Post Office Box 11549
Columbia, SC 29211-1549

W. WALTER WILKINS
Solicitor, Thirteenth Judicial Circuit

305 E. North Street, Suite 325
Greenville, SC 29601

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
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ATTORNEYS FOR RESPONDENT

INDEX

Order of Circuit Court	1
Notice of Criminal Appeal	2
Return of Magistrate	4
Transcript of Circuit Court Proceedings	7
Letter to Magistrate re Transcript	11
Magistrate Letter re Transcript	12
Email	13
Email	15
Warrant	17

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAT. J. HIGGINS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP2303740

South Carolina State Of

Donna Boyd

2014 AUG 19 PM 3 55

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE. ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☒ Statement of Judgment by the Court:

This Appeal is dismissed for failure to prosecute.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

2138

8/14/2014

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER

2014-CP-23-3740

COMMON PLEAS CASE NUMBER

STATE OF SOUTH CAROLINA 2014 JUL 7 PM 3 09

COUNTY OF Greenville

MAGISTRATE CIVIL CASE NUMBER

Donna Boyd

APPELLANT(S)

IN THE COURT OF COMMON PLEAS

VS.

NOTICE OF CRIMINAL APPEAL

State of South Carolina

RESPONDENT(S)

Verified

The plaintiff defendant (circle one), Donna Boyd hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Greenville.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 25 day of June, 2014.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

- 1) Absolutely No Probable Cause prior to arrest or at time of arrest. 2) Solicitor Lyall admitted that videotape destroyed since 2012. However, in 3/11/14 Discovery, Asst. Solicitor Boyd alludes that evidence may be in P+E. 3) Late Discovery, rec'd Discovery on date of trial 6/25/14. Witness for the State not listed.
- 4) Summoned to meet privately with Judge Ford and Solicitor Lyall before being forced to go to trial on June 25, 2014. Both Judge and Solicitor did offer to interrupt the harass and duress Defendant to accept the trial intervention.
- 5) Dual Process. Defendant denied right to plan def or call witnesses. Also, the State's withholding of evidence to gain the advantage. Judge refused to grant continuance. Judge refused Jan Rife to properly instruct jury. Jury admitted not understanding what probable cause is.

Dated: 07 July 2014

Donna Boyd
Appellant (or his attorney)

- 6) While jury deliberated, state's witness, Jack Crump did approach and speak with the alternate juror as she was exiting the parking lot. Crump later stated to the court that he

SCCA/720 (Amended 8/1/2011)

asked the female white juror her opinion on the case

FILED - CLERK OF COURT
GREENVILLE CO. S.C. 2014-CP-233740
PAUL B. VICKENS COMMON PLEAS CASE NUMBER

STATE OF SOUTH CAROLINA

2014 JUL 7

PM 3 09

COUNTY OF Greenville

MAGISTRATE CIVIL CASE NUMBER

Donna Boyd

APPELLANT(S)

IN THE COURT OF COMMON PLEAS

VS.

NOTICE OF CRIMINAL APPEAL

State of South Carolina

RESPONDENT(S)

The plaintiff/defendant (circle one), Donna Boyd hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Greenville.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 25 day of June, 2014.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

- 1) State deliberately destroyed evidence.
- 2) Perjured testimony by Deputy Holman State that he did not know Jack Crump or anyone that knew Crump prior to the arrest of Defendant on 16 November 2012.
- 3) Deliberate delay to adjourn the case, in order to gain advantage. Defendant made complaint on October 30, 2012. However Discovery not made available until 2014.
- 4) RACIAL ANIMUS
Judge allowing Solicitor to repeatedly use certain racial code words to incite and prejudice "all white jury". Solicitor allowed to poison the entire court room including where the jurors were in the back. Solicitor's control of Docks.

Dated: 07 July 2014

Donna Boyd
Appellant (or his attorney)

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSINER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
STATE OF SOUTH CAROLINA)

2014 JUL 23 AM 8 53
2014-CP-23-03740

VS

RETURN OF MAGISTRATE

Donna Boyd)

IN ANSWER

I. This case was placed before this court on warrant number 2012-4055. The charge of Filing a False Police Report was made by Deputy Holman with the Greenville County Sheriffs Office. A Jury Trial was held on June 25, 2014 and the Jury returned with a guilty verdict. The state was represented by Assistant Solicitor George Lyall and the defendant was PRO SE.

At the pre-trial hearing the appellant asked for a continuance based on the fact that she had not received a response to discovery requests. The state showed the court that the request was satisfied. The Appellant had hired Michael Talley to represent her and a request for discovery was made March 10, 2014 and the information was sent by the Solicitors Office on March 11, 2014 to Mr. Talley. Mr. Talley was released by the Appellant on April 9, 2014. Also the Appellant asked that the case be dismissed based on the fact that a video had been destroyed by the State. This motion was denied based on the fact that the State planned to call witnesses of the incident and the appellant would have an opportunity to cross examine these witnesses.

The Appellant was given a copy of the file that the State had put together and then she was given an opportunity to interview all of the witnesses that the state was planning to call to testify.

The Appellant was offered the opportunity to go to Pre-Trial Intervention and she was told about the program and that if she decided to attend the program that it would not be an admission of guilt. She declined this offer and the Jury was sworn.

II Addressing numbered reasons

1. Appellant alleges no Probable Cause for the warrant.

This court reviewed the face of the warrant that was issued by Judge Hudson November 16, 2012. Based on the facts stated on the warrant, this court agreed with Judge Hudson.

2. Assistant Solicitor Byrd stated that the Video was in the Greenville County's Property and Evidence locker.

Assistant Solicitor Byrd was not present at this hearing.

3. Discovery issue.

The State showed that the Discovery motion was sent to the attorney of record. Appellant took over her own defense and never requested any discovery from the State.

4. Summoned to meet privately.

This court has a pretrial hearing in all Jury Trials. Appellant was offered PTI and she did not want to take the program. No intimidation was ever used by this court or Solicitor Lyall. The appellant's family was asked to attend the hearing after the appellant began saying that race was the basis for her arrest. She also had the opportunity to interview all of the witnesses that the State had summoned.

5. Due Process, withholding evidence, and Jury Charges.

Appellant was arrested on November 16, 2012; she has had approximately sixteen months to prepare her case. No request was made to this court by the appellant to summon any witnesses in her defense.

This court is not aware of any evidence that the State withheld during the trial.

An objection was made by the Appellant about the standard jury charges given by the Court. Appellant did ask that the charge on probable cause charge be read to the Jury. The Court brought the Jury back into the courtroom and gave the standard probable cause charge to the jury, thereby curing the Appellant's objection

6. Jury Tampering

A State's witness did speak with an alternate juror who had been excused before the jury was sworn in.

7. State deliberately destroyed evidence.

No proof of this was given to this court.

8. Perjured Testimony.

No proof of this given to this court

9. Racial Animus.

This court was not aware of any hostile attitude displayed towards the Appellant. Also this court was unaware of any of the secret code words used by the Solicitor during the trial and no codes were ever objected to by the appellant. Also Solicitor Lyall was never in the back of the office near the jurors or jury room. Appellant never brought this issue up to the attention of the court the day of trial.

Respectfully Submitted,


Judge Dean E. Ford

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

COURT OF COMMON PLEAS
2014-CP-23-03740

STATE OF SOUTH CAROLINA,
PLAINTIFF,

vs.

TRANSCRIPT OF RECORD

DONNA BOYD,
DEFENDANT.

ORIGINAL

August 12, 2014
Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE.

A P P E A R A N C E S:

MITCHELL K. BYRD, SR., ESQ.
Attorney for the Plaintiff

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

THE COURT: The next case is State v. Donna Boyd.

MR. BYRD: I don't see her, Your Honor. But we'll check and see if she's outside.

THE COURT: All right.

(Pause.)

MR. GEORGE LYLE: Your Honor, if I may introduce myself to the Court.

THE COURT: Yes.

MR. GEORGE LYLE: My name is George Lyle.

THE COURT: Yes, sir, Mr. Lyle. Good to see you.

MR. GEORGE LYLE: Mr. Byrd is handling this appeal. But he never met Ms. Boyd, so would not know what she looked like. I just went out into the hall, walked up and down, and saw no one. Literally, there's no one in the hall.

THE COURT: Okay. Well, let's see.

Mr. Anderson, do you want to go out there and with your booming voice bellow out the name of Donna Boyd?

BAILIFF ANDERSON: Yes, sir.

(Pause.)

BAILIFF ANDERSON: Your Honor, I called Donna Boyd three times in the hallway. There was no response.

THE COURT: All right, sir. Thank you.

Well, it's her appeal. She's not here. So the

1 appeal is dismissed for failure to prosecute.

2 MR. BYRD: Thank you, Your Honor.

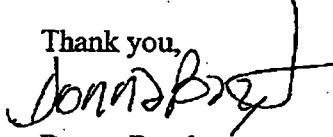
3 THE COURT: Thank you.

4 *****END OF TRANSCRIPT OF RECORD*****
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Dear Magistrate Court,

I respectfully request the transcript of the hearing, State v. Donna Boyd Case #2012A-23-30204055, held on June 25, 2014, in the court of Magistrate, before Honorable Judge Dean Ford. Please inform of all associated costs.

Thank you,

A handwritten signature in black ink, appearing to read "Donna Boyd", with a stylized flourish at the end.

Donna Boyd
July 14, 2014

P. O. Box 1168
Mauldin, South Carolina 29662

cc: Commission on Judicial Conduct



JUDGE DEAN E. FORD

"... At Your Service"

Donna Boyd
PO Box 1168
Mauldin, S.C. 29662

I am in receipt of your request for the recordings of your hearing. No recordings are available for that session of court. The audio tool used malfunctioned. Sorry for the inconvenience.



Judge Ford

Byrd, Mitchell

From: Mitchell Byrd <mitchell@mitchellbyrdlaw.com>
Sent: Tuesday, August 12, 2014 3:17 PM
To: Byrd, Mitchell
Subject: Fwd: August 12, 2014 Hearing

Sent from my iPhone

Begin forwarded message:

From: Donna Boyd <dcarolineis@yahoo.com>
Date: August 12, 2014, 2:49:01 PM EDT
To: "mitchell@mitchellbyrdlaw.com" <mitchell@mitchellbyrdlaw.com>
Subject: Fw: August 12, 2014 Hearing
Reply-To: Donna Boyd <dcarolineis@yahoo.com>

On Monday, August 11, 2014 12:28 PM, Donna Boyd <dcarolineis@yahoo.com> wrote:

George K. Lyall is not the opposing counsel? Will opposing counsel please stand up!

Dear Honorable Chief Administrative Judge,

On July 18, 2014, I sent a certified request for the transcript of the hearing held on June 25, 2014, before Honorable Judge Dean Ford. On July 25, 2014, I received an undated response from Judge Ford asserting that no recordings were available for that session of court because allegedly the audio tool used malfunctioned. I find this recent event concerning because on June 25, 2014, prior to the start of the hearing, contracted solicitor George K. Lyall informed me that the 'videotape evidence' to support my version of the event had been destroyed in 2012. Also, I received discovery for the first time on June 25, 2014. I asked that the charge be dismissed due to lack of probable cause but was told by Judge Ford that the jury would make that decision. Also asked for a continuance since I had received discovery for the first time, again Judge Ford denied my request. Prior to the hearing Judge Ford and Solicitor George K. Lyall did meet privately with me in an attempt to intimidate, harass, and coerce me into accepting pretrial intervention. Also contracted solicitor Lyall admitted choosing an 'all white jury' on June 24, 2014, because he believed that they would support the State's position. I did make a complaint with the Commission on Judicial Conduct, requesting that it investigate the hearing held on June 25, 2014. Since Honorable Judge Dean Ford alleges that there are no recordings available for the hearing held on June 25, 2014, I ask that the charge be dismissed without a hearing on August 12. I am currently preparing for a new semester of law school and also using my very limited time to tend

to other personal matters. I respectfully request that the charge be dismissed, as it should have been in 2012. Also, I ask that I not be further subjected to any racial animus or harassment by the Solicitors Office or the State of South Carolina.

Respectfully,

Ms. Donna Carolina Boyd

cc: Office of Disciplinary Counsel

Byrd, Mitchell

From: Mitchell Byrd <mitchell@mitchellbyrdlaw.com>
Sent: Tuesday, August 12, 2014 3:18 PM
To: Byrd, Mitchell
Subject: Fwd: Request re: 8/12 hearing

Sent from my iPhone

Begin forwarded message:

From: Donna Boyd <dcarolineis@yahoo.com>
Date: August 12, 2014, 3:00:45 PM EDT
To: "mitchell@mitchellbyrdlaw.com" <mitchell@mitchellbyrdlaw.com>
Subject: Fw: Request re: 8/12 hearing
Reply-To: Donna Boyd <dcarolineis@yahoo.com>

On Monday, August 11, 2014 3:20 PM, "Hill, D. Garrison Law Clerk (Weston J. White)" <ghilllc@sccourts.org> wrote:

Dear Ms. Boyd,

The Court is in receipt of your email regarding your 8/12 hearing. Please send the email again and cc the opposing counsel, Mr. Mitchell Byrd. His contact information is below:

Law Office of Mitchell Byrd
216 Pimlico Rd,
Greenville, SC 29607
Phone - 864-331-9630
Email - mitchell@mitchellbyrdlaw.com

Best,
Weston White

Weston Jones White
Law Clerk to the Honorable D. Garrison Hill
305 E. North Street, Suite 213
Greenville, SC 29601
Office: (864) 467-8490
Fax: (864) 467-8595

--- CONFIDENTIALITY NOTICE --- This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

1. 12/12

FAX NO. 854 963 0024

Fairview Summary Court

PO BOX 47 JAN 02 2013

ARREST WARRANT

2012A2330204055

STATE OF SOUTH CAROLINA

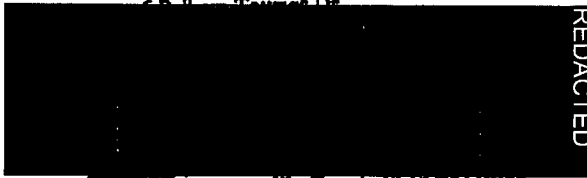
☒ County/ ☐ Municipality of

Greenville

THE STATE
against

12-168907

Donna C Boyd



Prosecuting Agency: Greenville County Sheriff's Office
Prosecuting Officer: M. Holman - 1146
Offense: Report / Filing a false police report of a
Misdemeanor violation
Offense Code: 2598
Code/Ordinance Sec: 16-17-0722(C)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of Greenville
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Donna C Boyd
on 11-16-12

[Signature]
Signature of Constable and Enforcement Officer

RETURN WARRANT TO:

Fairview/Austin Summary Court
205 North Maple Street, Suite 4
Simpsonville, SC 29681

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant M. Holman who

being duly sworn deposes and says that defendant Donna C Boyd

did within this county and state on or about 10/30/2012

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: Report / Filing a false police report of a Misdemeanor violation

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

On 10/30/12 the Defendant, Donna Boyd, filed a police report against a male subject who served her with civil papers (reference case # 12-160032). The investigation revealed the suspect to be Jack Crumpton with Foothills Investigations. Further investigation revealed video evidence from GCSO deputies at County Square, unfounding the Defendant's complaint that Mr. Crumpton "aggressively" approached the Defendant and "forcefully" shoved papers inside of the Defendant's handbag, causing her injury to her shoulder, arm, and hand. The Affiant has a written statement from the Defendant, in her own words and her own hand writing, falsely accusing Mr. Crumpton. This offense occurred at County Square, 301 University Ridge, Greenville, S.C. in Greenville County.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address: 4 Mcgee Street

Greenville, SC 29601-

Affiant's Telephone: (864)271-5210

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/30/2012 defendant Donna C Boyd

did violate the criminal laws of the State of South Carolina (or ordinance of Greenville) as set forth below:

☒ County/ ☐ Municipality of

DESCRIPTION OF OFFENSE: Report / Filing a false police report of a Misdemeanor violation

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me
on 11/16/2012

[Signature]
Signature of Issuing Judge

James E. Hudson

Judge Code: 5031

(L.S.)

Judge's Address: 4 Mcgee Street, Room 116-B

Greenville, SC 29601-

Judge's Telephone: (864)467-5302

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL