ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

DARRELL EFIRD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2010-178866

Appeal from Court of Appeals

Honorable John C. Hayes, Circuit Court Judge

Opinion No. 2016-UP-395

PETITION FOR REHEARING

RECEIVED

AUG 18 2016

SC Court of Appeals

Pursuant to Rules 221 and 240 of the South Carolina Appellate Court Rules, appellate counsel would petition for rehearing based on this Court's holding in the above titled appeal that no prejudice resulted when trial counsel failed to object to **five** impermissible closing comments made by the solicitor and **three** instances of improper corroboration testimony from the state's sex therapist because a cumulative error doctrine analysis yields a showing of prejudice sufficient to prove petitioner was denied due process at trial, particularly since credibility mattered at trial. In support of this petition, counsel would submit the following points.

1.) Petitioner Darrell Efird was convicted of incest, assault and battery of a high and aggravated nature, second degree criminal sexual conduct, and two counts of second degree criminal sexual conduct with a minor, and sentenced to imprisonment for a period of thirty years. Petitioner's sentences were affirmed on direct appeal. See State v. Efird, Unpublished Op. No. 2009-UP-248 (Ct. App. May 28, 2009). Petitioner filed a PCR action on August 31, 2010, and after a hearing was held on September 2, 2010, before Judge John C. Hayes, III, an Order of Dismissal dated September 20, 2010, was issued in the case. Petitioner appealed. This Court granted petitioner's petition for writ of certiorari on the question of whether counsel erred in failing to object to numerous improper closing arguments made by the solicitor at trial and on the question of whether trial counsel erred in failing to object to portions of the sex expert's testimony that constituted impermissible corroboration with respect to the sex abuse claims. After full briefing, this Court upheld the PCR judge's denial of PCR relief to petitioner in Darrell Efird v. State, Unpublished Opinion No. 2016-UP-395 (S.C. Ct. App. filed August 3, 2016).

2.) The **five** erroneous comments made by the solicitor at trial during closing arguments cumulatively infected the trial with sufficient unfairness under the cumulative error doctrine as to deny petitioner due process at trial, and thus trial counsel's error in failing to object to the same constituted in effective assistance of counsel at trial as a result.

3.) The finding of no prejudice was central to this Court's affirmance of the PCR judge's denial of relief to petitioner despite the fact that counsel failed to object to **five** instances of impermissible remarks made by the solicitor during closing arguments in the case. This Court's holding follows:

> We affirm pursuant to Rule 220(b), SCACR, and the following authorities: Brown v. State, 383 S.C. 506, 516, 680 S.E.2d 909,

914-15 (2009) ("On appeal, the appellate court will view the alleged impropriety of the solicitor's argument in the context of the entire record, including whether the trial [court's] instructions adequately cured the improper argument and whether there is overwhelming evidence of the defendant's guilt." (quoting Simmons v. State, 331 S.C. 333, 338, 503 S.E.2d 164, 166 (1998))); id. At 516, 680 S.E.2d at 915 ("Improper comments do not automatically require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument." (quoting Humphries, 351 S.C. at 373, 570 S.E.2d at 166)): Smith v. State, 386 S.C. 562, 566, 689 S.E.2d 629, 631 (2010))"[N]o prejudice occurs, despite trial counsel's deficient performance, where there is otherwise overwhelming evidence of the defendant's guilt.")

4.) At trial, the prosecutrix testified that her father (petitioner) sexually abused her throughout her entire childhood and teenage years beginning at age four with "breast touching" and "fingering;" and that sexual intercourse began when she was eight years old. The prosecutrix added that she told her mother about these events in December 2005 while she was in college. App. 121, l. 11 - p. 154, l. 19. Petitioner was arrested in 2006 and charged via indictments dated July 14, 2007. Petitioner testified at trial and denied any sexual involvement or sex activities with his daughter. App. 331, l. 21 – p. p. 355, l. 12. As typical in most criminal sexual conduct cases, this trial was a case of credibility "in essence" involving a swearing contest between two people: the prosecutrix and petitioner. Therefore, since this case hinged on the credibility of these two people, petitioner was denied the right to a fair trial ultimately after the jury heard numerous improper comments made by the solicitor during closing arguments that bore negatively on his credibility. Moreover, petitioner was denied effective assistance of counsel at trial because counsel trial counsel failed to object to the solicitor's numerous improper arguments made at trial because the same constituted reversible trial errors.

5.) Cumulatively speaking, the solicitor's **five** errors made during closing arguments via the **five** impermissible references outlined below constituted sufficient prejudice to petitioner's case (particularly since this was "in essence" a swearing contest case, ie., the prosecutrix's testimony versus petitioner's testimony) as to have denied him a fair trial based on the obvious resulting prejudice; and as a result, it logically followed that counsel's failure to object to these **five** erroneous remarks constituted ineffective assistance of counsel. Moreover, the **five** serious improper references infected petitioner's trial with sufficient unfairness as to make the resulting convictions a denial of due process. See Connelly v. DeChristoforo, ____U.S._____. Furthermore, the cumulative error doctrine applies in this case. The cumulative error doctrine provides relief to a party when a combination of errors prevent the party from receiving a fair trial, and the cumulative effect of the errors affect the outcome of the trial; and in order to reverse in such a case, there must be a showing that the errors adversely affected his right to a fair trial. State v. Beekman, 405 S.C. 225, 746 S.E.2d 483 (2014); State v. Johnson, 334 S.C. 78, 512 S.E.2d 795 (1999). Additionally, if a trial attorney's deficiency is so pervasive, then a particularized prejudice inquiry maybe unnecessary and a defendant may be relieved of his burden to show prejudice. Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006), citing to Green v. State, 351 S.C. 184, 569 S.E.2d 318 (2002).[1] Nonetheless, in the case at bar, the prejudice petitioner suffered due to the solicitor's errors made at closing, viewed cumulatively, and counsel's failure to object to the same violated his right to a fair trial and his right to competent counsel during his criminal trial.

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[1] Whether several errors, which are independently found not to be prejudicial, may cumulatively warrant relief (via ineffective assistance of counsel) is "an unsettled question in South Carolina." Simpson v. Moore, supra.

The solicitor's **five** errors made at trial follow:

A.) Conscience of the Community Argument

During the PCR hearing, petitioner complained of several instances where the solicitor made improper and unconstitutional arguments at closing, and where trial counsel erred in failing to object to those arguments. For example, petitioner testified at the PCR hearing that the solicitor improperly appealed to the passions of prejudices of the jury by appealing to community values in acknowledging that child sex abuse happened previously in our communities, but that this problem has been exposed lately and not covered-up as in the past, and how horrible this sex abuse was in York County, and how it must end, preferably by convicting petitioner as charged. App. 579, l. 24 – p. 58, l. 13. Specifically, the solicitor's argument regarding this matter follows:

> 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 be sexually aroused....[b] the reality is that child abuse happens in our community and it happens a lot 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 that it takes jurors willing to believe children testifying against adults and parents to hold these people accountable. Child abuse is perhaps the most cowardly of crime committed in York County...Because remember when this started he's the father; he's the adult and he preyed and exploited his own four year old daughter. That's what this entails. It is a cowardly evil thing and that is what goes on and that's why child abusers are so successful because they don't pick on adults. They don't pick on women of their own size. They don't go out in parking lots with their video cameras. They keep it at him where nobody is a witness. App. 435, l. 13 – p. 436, l. 13.

As a rule, a solicitor's closing argument must not appeal to the personal biases of the jurors. State v. Copeland, 321 S.C. 318, 468 S.E.2d 620 (1996). In State v. Liberte, 336 S.C. 648, 521

S.E.2d 744 (1999), the Court held that the solicitor's closing argument urging the jury to protect the community by keeping drugs off the street via a conviction of the defendant on conspiracy to traffick in cocaine constituted reversible error because the argument was calculated to appeal to the "jury's passions and prejudices by playing on the jury's fear of the impact of drugs on our society." Here, the solicitor's plea for the jurors to hold petitioner "accountable," i.e. convict him as charged, in order to eliminate the problem of sex abuse in York County was an impermissible appeal to the conscience of the community, which was so prejudicial that the same infected the trial with sufficient unfairness as to deprive petitioner of his right to a fair trial. See State v. Hawkins, 292 S.C. 418, 357 S.E.2d 10 (1987); Donnelly v. DeChristoforo, 416 U.S. 637 (1974).

Counsel's erred in failing to object to this conscience of the community argument.

B.) Improper Vouching Argument

Also during the PCR hearing, petitioner complained that the solicitor improperly vouched for the credibility of the prosecutrix in the case during closing remarks, and that counsel erred in failing to object to the same. App. 577, l. 8 – p. 579, l. 6. The solicitor's remarks regarding this issue follow:

> He is guilty of attempt to commit criminal sexual conduct in the first degree. It takes a lot to try and bribe your daughter into sex. It takes a lot more to threaten her. It takes a lot more to put your hand on her and hold her there while you are trying to convince her. It was about sex. It had been about sex since day one. He is guilty of having sex with her when she turned sixteen. He is guilty. He had sex with her, he used her, she was his mistress, she was his avenue for sex, she always had been. He is guilty of criminal sexual conduct second degree. He is guilty because when the toys and the bribes didn't work he turned to threats. He said you know if you don't I'll hurt you and I'll hurt your sister and I'll hurt your mom I don't care. He is desperate and he's sick. He is guilty of criminal sexual conduct with a minor second degree. He had sex with here when she was eight and nine and ten, eleven, twelve, thirteen, fourteen, and when they move to Fort Mill again when she had her birthday sixteen during that year in high school. He was guilty, guilty, guilty. Their

> version is unreasonable and full of holes. Her story is consistent, cohesive, and true. App. 438, lines 6-20.

Clearly, it was error for the solicitor to reference the testimony of the prosecutrix as "true." This constituted improper vouching. Improper vouching occurs when the prosecution places the government's prestige behind a witness by making explicit personal assurances of a witness's veracity, or where a prosecutor implicitly vouches for a witness' veracity by indicating information not presented to the jury supports the testimony. State v. Shuler, 344 S.C. 604, 630, 545 S.E.2d 805, 818 (2001); State v. Kelly, 343 S.C. 350, 540 S.E.2d 851 (2001). Vouching occurs when a prosecutor implies he has facts that are not before the jury for their consideration. By telling the jury that the accuser's testimony was "true", the solicitor directly assured the jury that she should be believed over petitioner. It was improper and trial counsel should have objected.

C.) Improper Golden Rule Argument

Additionally, petitioner complained that trial counsel erred in failing to object to the solicitor's improper golden rule argument made at the close of the case. App. 579, l. 12 – 23. The solicitor's argument made at closing in this regard follows:

> That's what she got. And she got up here and talked about having sex with her father. Just imagine for a minute that whatever reason and its 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...think about how difficult it would be to get on that stand and testify [to that]...You would be mortified...Think about what that takes. Put yourself in her shoes.

This argument was a golden rule violation, which this Court has long held to be improper. Jurors are sworn to be governed by the evidence, and it is their duty to consider the facts of the case impartially, and a golden rule argument asking the jurors to place themselves in the victim's shoes tends to completely destroy all sense of partiality of the jurors, and its effect is to arouse

passion and prejudice. State v. Reese, 370 S.C. 31, 633 S.E.2d 898 (2006) (citing to Von Dohlen v. State, 360 S.C. 598, 602 S.E.2d 738 (2004), cert denied 544 U.S. 943 (2005). This Court has found reversible error where a solicitor has suggested that the jurors place themselves in the victim's shoes. Von Dohlen, supra. This Court has also found reversible error when the solicitor asked the jurors "Who speaks for [the victim]?" Reese, supra. In State v. McDaniel, 320 S.C. 33, 462 S.E.2d 882 (1995), the Court reversed where the solicitor asked the jury to place themselves in the place of the victim, as in this case. This argument was improper, and trial counsel should have objected to it.

D.) Lack of Remorse Argument

Moreover, petitioner complained that counsel erred in failing to object to the soliciotr's improper comment on petitioner's remorselessness about the case. App. 581, l. 4 – p. 582, l. 17. The solicitor remorse remarks at closing follow:

> Or did he 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? Is that what you expected from him when he said those things? App. 449, l. 25 – p. 450, l. 6.

Comments by the prosecution upon an accused's failure to express remorse invite the jury to draw an adverse inference merely because the defendant did not appear penitent. Fossick v. State, 317 S.C. 375, 453 S.E.2d 899 (1995). Thompson v. Aiken, 281 S.C. 239, 315 S.E.2d 110 (1984).

E.) Finally, the solicitor's comment questioning the integrity of defense counsel constituted a trial error well. See App. 437, l. 10 – 17.

6.) Also, there were three instances in which the state's sex expert and forensic interview gave improper corroboration testimony that should not have been permitted in the case. This Court upheld the PCR judges finding of no ineffective assistance of counsel with respect to counsel's failure to object to these three instances of erroneous improper corroboration and affirmed per the following case law:

> State v. Weaverling, 337 S.C. 460, 474, 523 S.E.2d 787, 794 (Ct. App. 1999) ("Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible."); id. At 475, 523 S.E.2d at 794 ("It [expert testimony] assists the jury in understanding some of the aspects of the behavior of victims and provides insight into the sexually abused child's often strange demeanor."); id: (" There is no requirement the sexual assault victim be personally interviewed or examined by the expert before the expert can give behavioral evidence testimony."; id. ("The fact that the expert does not personally interview the victim bears on the weight of the behavioral evidence not on its admissibility.") id. At 474, 523 S.E.2d at 794 ("An expert may give an opinion based upon personal observations of in answer to a properly framed hypothetical question that is based on facts supported by the record." (quoting State v. Evans, 316 S.C. 303, 311, 450 S.E.2d 47, 52 (1994))).

7.) In the case at bar, the solicitor questioned sex expert and forensic interviewer Dr. Allison Defelice regarding child sex abuse syndrome. However, Dr. Allions did not speak generally about the subject, but rather responded specifically to the solicitor's questions geared meticulously to track each of the syndromes experienced by the prosecutrix, which she (expert) confirmed as valid and verified experiences of sexually abused victims. For example, Dr. Defilice confirmed points raised by the prosecutrix regarding tentative disclosure, delayed disclosure, age of disclosure, continued love for the parent (abuser), the acceptance of threats of from the abusing parent, and the accommodations made to the parent (abuser). The expert's

testimony in this regard constituted inadmissible and impermissible testimony that was not fully challenged by trial counsel at trial.

The instances improper corroboration in question follow:

A.) Tentative and Delayed Disclosure

The prosecutrix testified that at age six she told her mother that petitioner was touching her inappropriately, but her mother alleged she did not remember any of this. App. 163, l. 5 – 18. Therefore, the prosecutrix did not reveal the abuse (delayed/tentative reporting) until she was a sophomore in college. As a result, the solicitor asked a follow-up question regarding delayed reporting, and the expert's answers gave credibility to the prosecutrix's experience (tentative reporting) and her response (delated reporting), all of which follow:

> Q. And you talked initially about children and tentative disclosure... perhaps maybe not perpetrator in the immediate family but the surrounding family is that do they tentatively test how they are going to react, that group of people in their life?
>
> A. Yes. Tentative disclosure is not just for children; it's for adults as well because again testing the waters you know it's basically an assessment. What am I going to loose? Who can handle this? Can anybody handle this? So the same questions are there it's just that you now have a victim who has an adult brain and had a little bit more independence and so she's got more options to go out and test. You know well maybe there's a cousin that I care very much about that I never thought of telling as a child but maybe I'll go talk to that cousin. Is that cousin going to accept me in testing the waters so that's a very common pattern and it can take – you know it's a real thought process to get to where the victim is going to make the ultimate decision.
>
> Q. You talked about tentative disclosure in terms of adult victims of child sexual abuse how do you response to that tentative disclosure negative versus positive going to impact how the adult victim proceeds from there?

A. It's going to impact it in very much the same way as it would for the adolescent or the child. In other words if they test the waters and they receive positive – tentative disclosure again means telling a little bit; putting yourself out there but not all the way. And then if that is positively received – [then] … a victim then to move from what we call tentative disclosure to active disclosure. .. If they respond negatively and negatively… So it is a – if the tentative disclosure is not met with support and acceptance is it very damaging to the adult victim and it takes a real act of courage and some other support for that adult to then go forward and tell anybody else.

Q. If a child makes tentative disclosure is it always this is everything that's going on in my life today or do they ever piece m[eal]l it out?

A. The very definition of tentative disclosure means that it's halting, it's not the full disclosure… For example if a child should have an opportunity that they thing well maybe I should tell my mom and they come out and tell some piece to see how mom might react. And depending on what they learn from that experience either the mom reacts supportively and protectively or doesn't.

Q. And if there is a situation where there is this kind of disclosure and then a negative response whatever that negative response may be how does that impact that child in terms of further abuse or their own personal development?

A. It increases the sense of helplessness… so the abuse will clearly continue and the likelihood that there would be a future disclosure would be decreased. It would be very expected that any additional disclosure would be a long time coming. App. 246. L. 14 – p. 247, l. 23; app. 248, l. 12 – p. 250, l. 18; App. 217, l. 13 – p. 218, l. 24.

B.) Continued Love For Abusive Parent

The prosecutrix testified that she did not get along well with her mother, and admitted that she was a daddy's girl and that she and her father (petitioner) were compatible. The prosecutrix added that she loved her father (petitioner) as any daughter would love her father. App. 129, l. 19 – p. 131, l. 1; App. 185, l. 22 – 23. The prosecutrix concluded that she loved her father even though he did what he did. App. 153, l. 21 – p. 154, l. 3. Subsequently, in order to avoid any confusion in the jurors' minds, the solicitor asked the

expert how one could feel love for an abuser, and even prefer the abuser to the non-abuser, and afterwards the expert explained that this was typical and normal behavior for abused children, which in turn gave credibility to petitioner's testimony. The colloquy follows:

> Q. [Y]ou talked a little bit about how they would still feel love for the perpetrator…?
>
> A. Absolutely…Parents say I love you to their children the children say I love you too…certainly when children are not motivated to reveal that anything is wrong… this is just one element – the sex abuse I mean – or it can be many things. It can be that I love my daddy I just wish he wasn't an alcoholic or I love my daddy I just wish he didn't have sex with me…so there is a lot of things that have to accommodated in problematic families…. [a]nd in fact the victim can even be motivated to be extra loving because maybe their love can change things. So they can have wishes that somehow loving could make the bad things go away.
>
> Q. Have you ever seen a child that's being – a child favor that perpetrator between the mother and the father if they are a victim of that abuse nonetheless? Is that contradiction and is that common or uncommon?
>
> A. It is definitely common. It is not a contradiction. Again this is why – you know we can call rationally think well something – if its an adult does something bad to a child that that child should some how be able to consistently wall herself off from that person and just declare it as wrong and seek help that's a very rational logical way of looking at the problem and unfortunately its just not the way children function and it's not the way families generally function. So the truth is that the victim is dealing with the hard that she was dealt and it may be that while the sex abuse is the bad part of the hand well the good part of the hand might be when I'm with him I get to watch more TV; go see my friends; spend more time on the computer; whatever it is. App. 229, l. 5 – p. 230, l. 24.

C.) Acceptance of Threats/Accommodation

The prosecutrix testified that she hated herself "for not reporting earlier" and that she just wanted him "to stop" and "he just wouldn't" and in effect she hated herself for tolerating his threats (withholding things she wanted such as cars, trips, people, friends), and bribes (toys when she was

younger). Ap. 186, l. 1 – 20; App. 136, lines 3 – 21; App. 133, l. 14 – 20. Again, the solicitor shed light on the feelings of the prosecutrix as being valid for abused children by asking the expert about abusers' threats and how this would lead children to accommodate their abusers, and the expert answered accordingly in the following passages:

> Q. You talked initially in terms of a threat such that it may be a ploy in getting a child to go along with this. Are there any other tactics that we know that children succumb to... in order to get them to accommodate this abuse?
>
> A. Most definitely. Threats is actually probably in many ways the least adequate piece of the abuse grooming...[s] the grooming has a lot more to do with investments and love and investment in affection and ambivalence; giving the child things that perhaps the child can't otherwise get....But certainly so privileges, gifts, you know hush money and that sense of you know what I gave you for this so then that's quite guilt inducing because it does suggest to the victim mentally well I agreed to this; I did this to receive a gift, to receive a privilege so I am culpable....so it's very much a part of the entrapment.
>
> Q. And you said that when you enter into elementary school that the dynamic of that type of bribery and manipulation does that increase or decrease once the child is older and more toward the high school age and more developed?
>
> A. Bribery is going to increase. To put it sort of bluntly you know the price of the things that the teenage wants goes up because they are teenagers and movies, cars, and clothes, may cost more than you know a little gift at the Dollar Tree sort of thing. Privileges get larger because the stakes are higher and they way you retain that relationship with the adolescent does require that.
>
> Q. Associated with that do they develop any new fears? You said early on in tentative disclosures that they fear perhaps getting the perpetrator in trouble. Once they move on to teenage years do they fear any retribution against themselves?
>
> A. Oh definitely. Retribution – they can also fear retribution against other family members... [b]ut there can also be the fear you know we are economically typically dependent on our caregivers into young childhood so for example for college or for a down payment on a first apartment or whatever I might be there is going to be an

economic investment and this may be the last opportunity for the victim to reap a benefit, a financial benefit from a care giver even if that care giver has been abusive.

So it's typical for them to accept, to believe in the threats, to believe in the pact, and when they nod their heads and they don't tell they feel that they've now you know agreed to a certain term. And of course children have to think long and hard before rising up against a parent and being disrespectful or rebelling.

Q. You also used the term accommodation. Is there such a thing as an accommodation syndrome or how accommodation interrelates to child abuse?

A. Okay. So the first component is secrecy and that's setting the stage of secrecy, the path of secrecy between offender and child or offender of the victim. This stage of secrecy then sets the stage for the dynamic of helplessness for the child victim. Which meaning that they feel like they've somehow entered into this arrangement that they don't know how to get out so they are helpless. That leads to a feeling of entrapment okay. So they are trapped, they are concerned, they're stuck, don't know how to get out of it but yet have to get on with the business of living as I've testified to already. The next is what we call the stage of accommodation. The stage of accommodation can go on for weeks, months, or years. And what that is is the putting up with, the accommodating. We all accommodate lots of things and move on with the business of life and so it's no different than that. App. 223, l. 6 – p. 227, l. 14; App. 210, lines 16 – 21; App. 214, l. 21 – p. 217, l. 5.

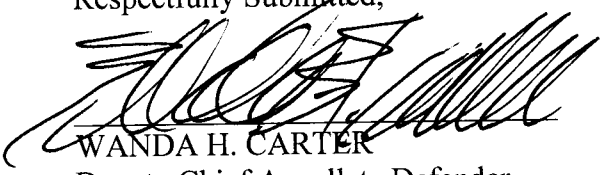
Defense counsel objected twice during the expert's testimony, but the solicitor simply rephrased the questions and the expert's improper answers were given nonetheless. App. 217, l. 3 – 6 and App. 247, l. 24 – p. 248, l. 10. Clearly, counsel erred in failing to object to the expert's improper corroboration testimony in its entirety, which prejudiced the defense such that but for the omission, the outcome of petitioner's trial might have been different. See Strickland v. Washington, supra.

In summary, trial counsel rendered ineffective assistance in failing to object to the solicitor's **five** impermissible closing remarks and **three** improper testimony given by the sex

therapist in the case. Counsel's omission in not objecting to these errors constituted prejudice sufficient to deny petitioner due process at trial. But for counsel's aforementioned errors, a reasonable likelihood exists that the outcome of petitioner's case would have been different. See Strickland v. Washington, 466 U.S. 668 (1984) and the Sixth Amendment to the United States Constitution.

WHEREFORE, based on the foregoing points, counsel for petitioner would request a rehearing on this Court's finding of no prejudice on the instances of ineffective assistance of counsel presented in petitioner's case.

Respectfully Submitted,



WANDA H. CARTER
Deputy Chief Appellate Defender

This 18th day of August, 2016.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Honorable John C. Hayes, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Petition for Rehearing in the above-entitled case has been served upon Justin Hunter, 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 18th day of August, 2016.

Wanda H. Carter
Deputy Chief Appellate Defender
ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 18th day of August, 2016.

(L.S)
Notary Public for South Carolina
My Commission Expires: 10/30/2022