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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Certiorari To York County  
The Honorable John C. Hayes, III., Circuit Court Judge

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DARRELL EFIRD,

PETITIONER, pro se

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

---

SUPPLEMENTAL APPENDIX

---

DARRELL EFIRD  
Petitioner, pro se

S.C. Dept. of Corrections  
Perry Corr. Institute  
430 Oaklawn Road  
Pelzer, S.C. 29669

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

JENNIFER A. KINZELER  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211-1549

ATTORNEYS FOR RESPONDENT

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# Affidavit of Truth

I along with the facts and evidence presented are true, correct and complete to the best of my knowledge and belief.

I Cindy E. Ramsey swear the following statements to be true:

On June 29, 2011, I and my Aunt, Margaret Lemonds, traveled to York, S.C., to the Moss Justice Center, to obtain records from inmate **Darrell R. Efird's trial and PCR hearing**. We were specifically looking for copies of the signed search warrant, attached affidavits, and of the so called "Hand Written Signed Contract" used as evidence from the search of his home, any papers/drawings the DA used in the PCR Hearing, and anything I thought was of importance to his case.

When going through the Trial File at the Clerk of Court's Office, there was no copy of a signed search warrant and affidavits or the signed written contract. I did find a copy of the letter **Darrel R. Efird, wrote on July 17, 2009**, requesting a certified copy of the "search warrant and affidavit from his case file, case # 2007-GS-46-1992-1996, stating these documents were critical to his PCR proceedings. "See attached Copy". Also attached is the copy of the letter he received back from the General Sessions Division of the Clerk of Court's Office, stating that he would have to contact his attorney James Boyd or Assistant Solicitor Mindy Harvey regarding the search warrant, to which he has written to both.

The nice clerk, "Cindy", said that I might be able to see Mindy Harvey since her office was just upstairs. I thought, "Awesome, since I am here, why not?" With a copy of the letter Darrell R. Efird had written with his request to Mindy Harvey and my Power of Attorney for him, I was made to feel assured that I would finally get him a copy of these items. My Aunt Margaret and I proceeded up stairs to Mrs. Harvey's Office.

A secretary for Mrs. Harvey was notified we were there and came out to assist. She took the letters and my POA back to the office while we waited in the lobby. She returned a little later and stated that they "could not and would not give these items requested to me and that we would have to see the Magistrate's Office downstairs. When asked why, we were told that was what was needed to get these items.

So, off we go downstairs to the Magistrate's Office and spoke to the secretary there. She stated that Judge Benfield was out to lunch and would return in about thirty minutes and that we could come back. She asked who the search warrant was for and wrote down the information to discuss with the Judge upon her return. Aunt Margaret and I then left for the Civil Court House to find the PCR File for Darrell R. Efird.

At the Civil Court House, located at #2 S. Congress St., York, SC, we went to the Clerk of Courts Office to pull Darrell R. Efird's PCR Hearing File. I paid to have the entire contents of

the file photocopied by the staff. I have a receipt #286420, dated 6/29/11, in the amount of \$55.20. In the contents of this file, the only exhibit of a Search Warrant was the copy that Darrell R. Efird supplied the court which, was the unsigned warrant given to him when his house was searched. There was no copy of the Exhibit by Jennifer A. Kinzeler, of the Attorney General's Office, which was presented in court at Mr. Efird's PCR Hearing, which "I" Cindy Ramsey was in attendance at. My question was of course, "Where is it and why it is not in the file?" It was given to the Judge at the hearing. Isn't all material used suppose to be on file?

Next my Aunt Margaret and I went back to the Moss Justice Center to the Magistrates' Office to retrieve a copy of the "Supposed" signed search warrant and affidavits. We were told by the secretary that Judge Benfield could not give us a copy of something she did not sign. I said, "What do you mean? My understanding is that it was signed by Judge Benfield." The secretary once again stated that they could not give me a copy of a search warrant that Judge Benfield did not sign. When I asked her, "Than can you tell me who did sign it?" She responded that she didn't know. Then she told me that they had spoken to Amanda Carter in the Sherriff's Department and she pulled Darrell's file and that we would need to speak to her.

So down the hall we go to meet with Amanda Carter, (the arresting officer as I found out later). Deputy Carter came out into the lobby with NO FILE in hand and asked how she could help us. I explained that we had been sent from Judge Benfield's Office to her in regards to a certified search warrant and affidavits for Darrell Efird. Deputy Carter stated that she could NOT give out that information, that they do not do that. When I told her that it was public information and that I was Darrell's POA, she said again that they do not do that. She said that his Lawyer could request it, or GO SEE THE SOLICITOR, but she could not give it to us. I explained that we had already been to Mindy Harvey's Office, then, too Judge Benfield's and now sent to her. She stated that once again, I would need Darrell's lawyer to request it. (That has been done, why did they think I was there?)

I inquired as to why no one wanted to give us a copy of the so called "signed" search warrant. Being so upset at this point with the run around we were getting, I implied that it was because a signed search warrant did not exist and that the search was illegal and they were trying to cover it up. Because of this an innocent man, wrongly accused and charged is in prison. Deputy Carter of course stated that this was just my opinion and we were done with the conversation.

I was determined to get what I came for and we went back to Judge Benfield's Office to try once more. I explained that Deputy Carter was unwilling to help and wanted to send us to Mindy Harvey's Office, who of course would send us back to the Magistrates' Office and we could do the merry go round all day. Once again I was told by the secretary that they could not give me something that the Judge did not sign. (Note: If you take a look at the search warrant served to Darrell Efird, you will see that it was not signed before being served but was signed when it came back by Judge Benfield) I asked the secretary could she find out who signed it so I could speak with them. She said that there are several magistrates and she did not know which one. WE GAVE UP AND LEFT!!!!

On Friday, July 8, 2011, I called Judge Benfield's Office around 3:30 pm. I finally got to speak with Judge Benfield, who told me that she did not say to her secretary that she did not sign the warrant, but that she did not remember if she signed it because it was so long ago. Again she tried to put me off to Deputy Amanda Carter, who put the search warrant together and served it. I explained to her that she sent me to Deputy Carter while I was there in person and Deputy Carter refused to help me. That I had also been to Mindy Harvey's Office and they sent me to her. I wanted to know why NO ONE involved in this process and case, wanted to give me a copy of the signed search warrant and affidavits when it is suppose to be public record and copies in the trial and PCR hearing files. That from my understanding with the Signed one that mysteriously, showed up the morning of the PCR Hearing and was presented to the Judge, by the Assistant Attorney General, was indeed signed by you, to be executed, and signed it when returned. It is amazing how mysteriously it has also disappeared that the inmate cannot retrieve it from discovery, lawyer, or anyone else he has requested it from, even after the PCR Hearing. Judge Benfield then stated that the files from the trial were kept in the basement and the people that had the keys to the area left at 3:30pm. She would have to wait until Monday, July 11, 2011, to find them and would give me a call. She also stated that she had 200 jurors on Monday and that she did not know what time she would be able to call me. She took my name and phone number down and repeated it to me until she had it correct.

It is Monday, July 11, 2011, and I called Judge Benfield's Office at 3:04 pm, to remind her that the files she needed to look at would need to be found before 3:30 pm due to the people leaving at 3:30 who had the keys to that area. I was told that Judge Benfield was in court and was switched to her message center. I left a message stating that no one would be there after 3:30 to retrieve the files and that I trusted people who said they would call me back to do so. That I would be waiting for her call and I knew she leaves at 5:00 pm. I stated my name and phone number two times, and I also stated that if I did not hear from her today, she could expect a call tomorrow.

I also stated that I was in attendance at Darrell R. Efir's PCR Hearing, September 2, 2010. The DA asked Mr. James Boyd, who was Darrell's defense lawyer at his trial, who we paid \$10,000 to, and now was testifying for the state, about a signed and unsigned search warrant. Mr. Boyd stated he had BOTH in his file. He had an accordion type file on his lap, while on the witness stand, and was kind of searching/looking for papers when the DA asked, "Did it look like this- the signed search warrant?" and walked over and handed it to Mr. Boyd. He said something about, yes that looks like it. But Mr. Boyd never pulled any papers out form the file on his lap. The DA then showed it to the Judge and to Mr. Rawlinson, Mr. Efir's appointed lawyer, (the one who stated to me in his office in front of my cousin when I asked him what he was going to do about my brother's case... "Born in Rock Hill, Live in Rock Hill, Plan to stay in Rock Hill; yep...that pretty much says it all!) Darrell says he got a brief glimpse of it and it was signed by Judge Benfield and dated the 22<sup>nd</sup> of March 2006. He did not see a date stamp on it like all papers have when processed by the clerk's office. It was handed back to the DA. So why this is then not exhibited as evidence in the PCR File? Why is it that we cannot get a copy of this document? Why is it that it was never forwarded to any of Darrell R. Efir's lawyers by Mr. Boyd, Mindy Harvey, or anyone else when requested? Why did it appear just in time for the PCR Hearing? All good questions no one seems to be able to answer. Was the signature forged or back dated and signed to protect all involved who have covered this up? The PCR

TRANSCRIPT shows that James Boyd states the search warrant was signed giving authorization of search by Judge Benfield on 22<sup>nd</sup> of March 2006. So Judge Benfield, where is it?

I heard back from Judge Benfield on Tuesday, July 12, 2011. She kindly let me know that she could not help and that I would have to file papers for the Freedom of Information Act and that if I needed help I could contact Mindy Lipinski @ 803-628-3166. She would be able to walk me through the process. In my frustration, I thanked Judge Benfield and hung up. I called the number she had given me only to reach MINDY HARVEY'S message line. Wow....guess she used to be Mindy Lipinski. I left a message asking that my call be returned. I called again on July 15, 2011, requesting again to have my call returned and help with filing this act. My calls to this day have never been returned.

Here is what I do know form the legal documents that I have read and sitting in on the PCR Hearing. Mr. Efirm was served an unsigned search warrant that makes the search illegal. His lawyer Mr. Boyd did nothing about it nor did Mr. Efirm know the warrant was illegal until after being incarcerated. He had never been in trouble and does not know the law. However I did not know that a Judge through a PCR Hearing can declare that it was done in good faith, so it stands. You mean a Judge can make something legal even though it goes against the law? The so called evidence was LATE being placed in evidence according to S.C. law, check the documentation. According to the Legal documentation about the "Grand Jury being held in General Sessions Court" which was brought up that it was not by Mr. Efirm, and therefore felt that a grand jury did not decide his case, was stated by the Assistant DA at the PCR Hearing that it was held in Common Pleas Court. I believe the laws on the books in SC states that the Grand Jury Must meets in General Sessions Court and Mr. Efirm's paperwork states that this is exactly what happened. Well, is the state not required to up hold legal documents that it writes? Yet the DA states it was not and the Judge at the hearing, "I don't care if it happened in the parking lot as long as it happened." What a flagrant disregard for the laws this man is supposed to be supporting!!! I know that Mr. Boyd was asked on the stand where it was he thought he got the unsigned search warrant from. He stated that it could have only come from two places, one being Mr. Efirm. He did not list the other place but we all know it would be from the clerk of courts office where he would have sought all information to represent his paying client Darrell R. Efirm. Yet Mr. Efirm's unpaid appointed Lawyer, Mr. Rawlinson, did not pursue the questioning any further. Why did he not ask Mr. Boyd where it is that he thought Mr. Efirm got the search warrant that Mr. Efirm gave him? Why did he not ask Mr. Boyd what was the other place the unsigned search warrant would have come from? Oh... Born in Rock Hill, Live in Rock Hill...that is right. Why is it that Mr. Efirm wasn't informed by his lawyer James Boyd in the first place that the search warrant was not signed?

Signed: Cindy E Ramsey  
Cindy E Ramsey.

Dated: 2/2/12

116 Pennhurst Road, Spring City, PA 19475

Phone: 610-715-4521

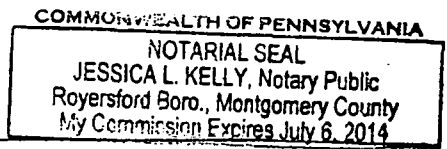
Subscribed and sworn, without prejudice, and with all rights reserved,  
(PRINT NAME BELOW)

Cindy E. Ramsey

Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

My Hand and Mark as Subscriber (SIGN NAME BELOW)

Date: 2-2-12 Common Law Seal:



On this 2 day of Feb, ~~2012~~ before me, the undersigned, a Notary Public in and for Pennsylvania (state), personally appeared the above-signed, known to me to be the one whose name is signed on this instrument, and has acknowledged to me that s/he has executed the same.

Signed: Jessica Kelly

Printed Name: Jessica Kelly

Date: 2-2-12

My Commission Expires: July 6, 2014

\_\_\_\_\_

July 17, 2009

FILED-RECEIVED

2009 JUL 20 PM 2:39

07-1991

Clerk of Court - York County  
David Hamilton  
P.O. Box 649  
York, SC 29745

DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

Re: State v. Darrell R. Efirid  
Case No. 2007-GS-46-1992-1496

Dear Mr. Hamilton:

Please be advised that I am writing your office asking if you could extend me the courtesy of providing me a certified copy of the "Search Warrant and affidavit" from your case file in the above referenced case. These documents are critical to my PCR proceedings.

I would appreciate any assistance regarding this matter.

Sincerely Yours

/s/ Darrell R. Efirid #322883  
Darrell R. Efirid # 322883  
Perry Correctional Inst.  
430 Oaklawn Road-Q3B  
Pelzer, S.C. 29669

cc: file

For I.D. only



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## CLERK OF COURT'S OFFICE

Post Office Box 649; York, South Carolina 29745

August 3, 2009

Darrell R. Efrid #322883  
Perry Corr Inst Q3B  
430 Oaklawn Road  
Pelzer SC 29669

The exhibit you want a copy of was not entered as evidence, it was marked for identification purposes only. You must contact your attorney Jim Boyd, or Assistant Solicitor Mindy Hervey, regarding the search warrant.

General Sessions Division

## Affidavit of Truth

I along with the facts and evidence presented are true, correct and complete to the best of my knowledge and belief.

I Margaret Lemonds swear the following statements to be true:

On June 29, 2011, I and my Niece Cindy E. Ramsey traveled to York, S.C., to the Moss Justice Center, to obtain records from inmate **Darrell R. Efird's trial and PCR hearing**. We were specifically looking for copies of the signed search warrant, attached affidavits, and of the so called "Hand Written Signed Contract" used as evidence from the search of his home, any papers/drawings the DA used in the PCR Hearing, and anything we thought was of importance to his case.

When going through the Trial File at the Clerk of Court's Office, there was no copy of a signed search warrant and affidavits or the signed written contract. WE did find a copy of the letter **Darrel R. Efird, wrote on July 17, 2009**, requesting a certified copy of the "search warrant and affidavit from his case file, **case # 2007-GS-46-1992-1996**, stating these documents were critical to his PCR proceedings.

The nice clerk, "Cindy", said that we might be able to see Mindy Harvey since her office was just upstairs. We thought, "Awesome, since we am here, why not?" With a copy of the letter Darrell R. Efird had written with his request to Mindy Harvey and Cindy Ramsey's Power of Attorney for him, we were made to feel assured that we would finally get him a copy of these items. My Niece Cindy and I proceeded up stairs to Mrs. Harvey's Office.

A secretary for Mrs. Harvey was notified we were there and came out to assist. She took the letters and Cindy's POA back to the office while we waited in the lobby. She returned a little later and stated that they "could not and would not give these items requested to us and that we would have to see the Magistrate's Office downstairs. When asked why, we were told that was what was needed to get these items.

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At the Civil Court House, located at #2 S. Congress St., York, SC, we went to the Clerk of Courts Office to pull Darrell R. Efird's PCR Hearing File. Cindy paid to have the entire contents of the file photocopied by the staff. She has a receipt #286420, dated 6/29/11, in the amount of \$55.20. In the contents of this file, the only exhibit of a Search Warrant was the copy that Darrell R. Efird supplied the court which, was the unsigned warrant given to him when his

house was searched. There was no copy of the Exhibit by Jennifer A. Kinzeler, of the Attorney General's Office, which was presented in court at Mr. Efird's PCR Hearing, which Cindy Ramsey was in attendance at. Cindy's question was of course, "Where is it and why it is not in the file?" It was given to the Judge at the hearing. Isn't all material used suppose to be on file?

Next my niece and I went back to the Moss Justice Center to the Magistrates' Office to retrieve a copy of the "Supposed" signed search warrant and affidavits. We were told by the secretary that Judge Benfield could not give us a copy of something she did not sign. Cindy said, "What do you mean? My understanding is that it was signed by Judge Benfield." The secretary once again stated that they could not give us a copy of a search warrant that Judge Benfield did not sign. When Cindy asked her, "Than can you tell me who did sign it?" She responded that she didn't know. Then she told us that they had spoken to Amanda Carter in the Sherriff's Department and she pulled Darrell's file and that we would need to speak to her.

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Signed: Margaret Lemonds Dated: 2-3-12

Margaret Lemonds

2015 Woodtop Court, Charlotte, NC 28214

Phone: (home) 704-399-3703 (cell) 704-491-6692

Subscribed and sworn, without prejudice, and with all rights reserved,  
(PRINT NAME BELOW)

Margaret Lemonds  
Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

My Hand and Mark as Subscriber (SIGN NAME BELOW)

Date: 2-3-12 Common Law Seal: Margaret Lemonds

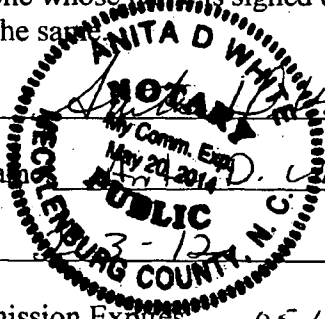
On this 3 day of Feb, 192012, before me, the undersigned, a Notary Public in and for \_\_\_\_\_ (state), personally appeared the above-signed, known to me to be the one whose name is signed on this instrument, and has acknowledged to me that s/he has executed the same.

Signed: \_\_\_\_\_

Printed Name: D. White

Date: 3-12

My Commission Expires: 05/20/2014



**James W. Boyd***Attorney at Law***1544 Ebenezer Road****Post Office Box 36425****Rock Hill, SC 29732**

Telephone (803) 328-2600

Fax (803) 328-5747

March 2, 2012

Darrell Ray Efrid, #322883  
Perry C. I. Q38/Room 112  
430 Oaklawn Road  
Pelzer, SC 29669

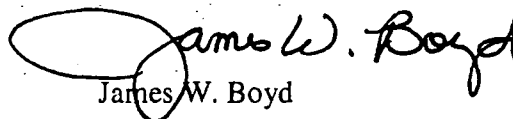
Re: State v. Darrell Ray Efrid  
Discovery

Dear Mr. Efrid;

I am writing this letter in response to your letter February 22, 2012. The Freedom of Information Act applies to governmental agencies. However, I will be glad to provide you with anything from your file that you want. I am enclosing a copy of the search warrant that was apart of the file. The search warrant that was presented at the PCR hearing is probalbyon file at the York County Clerk of Court. If you want a copy of that document you will need to contact them. There was no change of physical custody in your case so I cannot provide that to you since that does not exist.

With regards, I am

Sincerely,



James W. Boyd

JWB/klc  
Enclosure

STATE OF SOUTH CAROLINA

SEARCH WARRANT

Form Approved by  
S.C. Attorney General  
Section 17-13-160  
March 16, 1979

COUNTY OF York

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY  
OF York

it appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)  
TO BE SEARCHED

A Vinyl house located at 111 Wilson Street, Fort Mill South Carolina in the county of York. The house is located in front of a Beige Mobile Home. The House is Beige in color with Green Shutters and a Green Roof. The house has a Brown Swing on the front porch and a Green and White Swing in the front Yard.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Large Blue Dildo, Pink Smooth Dildo, a glow in the dark Dildo with ripples,, any Vibrators. Any Documents between the Victim and Suspects.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

\_\_\_\_\_ :S. C.

\_\_\_\_\_ ,20\_\_\_\_ Signature of Judge (L. S.)

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STATE OF SOUTH CAROLINA

County of York

---

SEARCH WARRANT

---

Date March 21, 2006

Officer Any Lawful Officer

---

---



RETURN

I received the attached Search Warrant March 22, 20 06, and have executed it as follows  
On March 22, 20 06 at 11:20 Am o'clock A M, I searched  
(the person) described in the warrant and (the premises)

I left a copy of the warrant with 111 Wilson St Fort Mill SC 29715  
Name of person searched or "at the place of search" with.  
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Letter inside white Safety Box - the letter was inside  
a white envelope

This inventory was made in the presence of Detective Carson Neely  
AND Amanda Carter

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20 06  
\_\_\_\_\_  
(L. S.)  
Signature of Judge

Amanda Pi Carter  
(Signature of Officer Executing Warrant)