THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Darrell Efird, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2010-178866

ON WRIT OF CERTIORARI

Appeal From York County
John C. Hayes, III, Circuit Court Judge

Unpublished Opinion No. 2016-UP-395
Submitted June 1, 2016 – Filed August 3, 2016

AFFIRMED

Appellate Defender Wanda H. Carter, of Columbia, for Petitioner.

Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Attorney General James Rutledge Johnson, and Assistant Attorney

General Justin James Hunter, all of Columbia, for
Respondent.

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PER CURIAM: Darrell Efird was convicted of second-degree criminal sexual
conduct (CSC), two counts of second-degree CSC with a minor, assault and battery
of a high and aggravated nature, and incest. Efird filed a direct appeal, which this
court affirmed in an unpublished opinion.[1] Efird then filed an application for post-
conviction relief (PCR), which was dismissed by the PCR court. This court
granted Efird's petition for a writ of certiorari on two of his issues and denied
certiorari as to his remaining issues. Efird now argues the PCR court erred in
finding his counsel was not ineffective for failing to object (1) to improper
comments and arguments in the State's closing argument, and (2) when the State's
expert witness gave arguably improper corroboration testimony.

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 v. State*, 351 S.C. 362,
373, 570 S.E.2d 160, 166 (2002))); *id.* ("The relevant question is whether the
solicitor's comments so infected the trial with unfairness as to make the resulting
conviction a denial of due process." (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."); *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

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[1] *State v. Efird*, Op. No. 2009-UP-248 (S.C. Ct. App. filed May 28, 2009).

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 or 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))).

AFFIRMED.[2]

SHORT, WILLIAMS, and THOMAS, JJ., concur.

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[2] We decide this case without oral argument pursuant to Rule 215, SCACR.