THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
Sep 08 2025
S.C. SUPREME COURT

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
Kristi F. Curtis, Circuit Court Judge

Case № 2021-CP-43-01059

Larry DuRant, #138605, ... Petitioner,

vs.

State of South Carolina ..... Respondent.

NOTICE OF INTENT TO APPEAL

Larry DuRant appeals the Order of Dismissal of the Honorable Kristi F. Curtis filed July 1, 2025, and the Order Denying Motion filed August 29, 2025.

Sept. 5th, 2025

C. Rauch Wise
Attorney at Law
305 Main Street
Greenwood, SC 29646
(864) 229-5010

Attorney for Petitioner

OTHER COUNSEL OF RECORD

T. Cruise Mitchell, Asst. Solicitor
Rembert C. Dennis Building
P.O. Box 11549
Columbia, SC 29211-1549

STATE OF SOUTH CAROLINA)	**IN THE COURT OF COMMON PLEAS**
)	**THIRD JUDICIAL CIRCUIT**
COUNTY OF SUMTER)	Civil Action Number 2021-CP-43-01059
Larry Durant,)	
)	
Applicant,)	
)	
vs.)	**Order Denying Applicant's Motion to Reconsider**
)	
State of South Carolina,)	
)	
Respondent.)	

This matter is before the Court upon Applicant's timely Motion for Reconsideration of the Order of Dismissal entered on July 1, 2025, pursuant to Rule 59(e), SCRCP. The Motion asks this Court to alter, amend, or reconsider its order dismissing the application for post-conviction relief.

The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to "reconsider matters properly encompassed in a decision on the merits." *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992). Consequently, a party usually is allowed to ask the court to reconsider its decision even if it means rehashing all or part of an argument previously presented. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 22, 602 S.E.2d 772, 779 (2004). A party may wish to file such a motion when he believes the court misunderstood, failed to fully consider, or failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. *Elam*, 361 S.C. at 24, 602 S.E.2d at 779.

After reviewing the applicable law and considering the arguments raised in the motion, the Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

Accordingly, the Court concludes that altering, amending, or reconsidering its prior Order is unwarranted, and the issues raised in the Motion do not change the Court's reasoning or conclusions. As such, Plaintiff's Rule 59(e) Motion is respectfully denied.

IT IS SO ORDERED.

Kristi Curtis

The Honorable Kristi F. Curtis

July 31, 2025
Sumter, South Carolina.

STATE OF SOUTH CAROLINA COUNTY OF SUMTER	)	IN THE COURT OF COMMON PLEAS FOR THE THIRD JUDICIAL CIRCUIT
Larry Durant, SCDC #138605, Applicant, v. State of South Carolina, Respondent.	)	Case No. 2021-CP-43-01059 **ORDER OF DISMISSAL**

INTRODUCTION

The matter before this Court is an action for post-conviction relief (PCR) commenced by Larry Durant ("Applicant") on June 22, 2021. On November 22, 2024, a hearing into the matter was convened before the Honorable Kristi F. Curtis at the Sumter County Courthouse. Applicant was present and represented by C. Rauch Wise, Esquire. Assistant Attorney General T. Cruise Mitchell represented the State. At the evidentiary hearing, testimony was taken from Applicant, Ronnie McCrae, Jeremiah Durant, and Shaun C. Kent, Esquire ("Counsel").

After hearing the testimony at the PCR hearing and upon full review of the record, this Court finds Applicant's allegations regarding ineffective assistance of counsel are without merit. For the reasons discussed below, this Court denies relief and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. In October of 2014, the Sumter County Grand Jury indicted Applicant for second-degree criminal sexual conduct (CSC) with a minor (2014-GS-43-0947). Shaun C. Kent and Cameron J. Blazer, Esquires, represented Applicant. Assistant Attorneys General Kinli Bare Abee and David

Fernandez prosecuted the case. On May 23-26, 2016, Applicant proceeded to a jury trial before the Honorable Roger M. Young. The jury convicted Applicant as indicted, and Judge Young sentenced him to twenty years' imprisonment.

Applicant filed a timely notice of appeal, and E. Charles Grose, Jr., represented him on appeal. Applicant filed a brief raising six issues:

1) whether the trial court erred in declining to order a mistrial after misinforming the jury of Applicant's charges,
2) whether the trial court erred on various grounds for admitting the testimony of three other victims to show a common plan or scheme,
3) whether the trial court's Allen charge was erroneous for singling out the minority juror,
4) whether the trial court erred in denying Applicant's motion for a new trial based on Brady,
5) whether the cumulative error doctrine entitled Applicant to a new trial.

After both parties filed briefs, Applicant moved to certify the case from the Court of Appeals, and the South Carolina Supreme Court granted his motion on January 11, 2019, and transferred the case.

Our Supreme Court heard oral arguments on May 9, 2019. On May 6, 2020, the South Carolina Supreme Court affirmed Applicant's conviction. *State v. Durant*, 430 S.C. 98, 844 S.E.2d 49 (2020). On July 8, 2020, the court denied Applicant's motion for rehearing and issued the remittitur. Applicant then filed a petition for writ of certiorari in the United States Supreme Court on October 6, 2020, which was denied on February 22, 2021.

CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is being detained unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
    a. Trial Counsel failed to adequately prepare for trial.
        i. "Trial counsel failed to introduce evidence to the jury that the pastor's study

where many of the alleged sexual acts occurred had a second door leading to a library or book store that was not locked."

ii. "Trial counsel was aware the state was planning to use several other alleged victims to prove a common scheme or plan. Trial counsel failed to call many other witnesses who would have testified that they were counseled by the Applicant in his office and the Applicant made no sexual advances on them. This testimony would show common scheme or plan of the Applicant was not to make sexual advances on young women he counseled, but to pray for them and give them guidance."

iii. "Trial counsel failed to call as a witness the wife of the Applicant who could have refuted the testimony as to the signing of the deed."

iv. "Trial counsel failed to call the Applicant to refute the testimony that he cried when confronted with the allegations. This statement was false. As trial counsel did not otherwise impeach this testimony through cross examination, the jury was given no alternative to the unrefuted false claim."

v. "Trial counsel failed to interview and call as a witness Rolnd [sic] McRae, the former husband of Ulanda McRae. Had Mr. McRae been interviewed before trial, trial counsel would have learned of the criminal history of Ulanda McRae before trial would have been able to successfully impeach her testimony."

b. Trial counsel failed to object to the improper bolstering testimony of Natalie Kelly.

i. "The state called as a witness Detective Natalie Kelly. Over pages 244 to 249, this witness bolstered the testimony of the complaining witness by repeating the allegation made by the witness. Detective Kelly was then permitted to testify that based upon the statements by the complainant witness, she obtained a warrant. This was tantamount to the Detective saying she believed the complaining witness. Trial counsel should have objected."

c. Trial counsel failed to require the state to open fully in their opening argument.

i. "Trial counsel failed to object to the State not opening fully on the law and the facts. This failure to object permitted the State to make arguments to which the Defendant did not have the opportunity to respond."

d. Trial counsel failed to object to improper closing argument of the state which improperly shifted the burden to the defendant.

i. "Trial counsel failed to object to the argument of the state on page 736 of the transcript when the State argued, "Why would these girls be lying? They get nothing out of this. They have absolutely no motivation to lie." This argument had the effect of shifting the burden to the defendant to prove why the girls would lie. In addition, saying they had no motivation to lie is an expression of the opinion of the prosecutor as to the truthfulness of the

witness which is also improper."

e. Appellate counsel failed to include in the record on appeal charts prepared by trial counsel that illustrated the lack of similarity of the 404(b) witnesses.
    i. "Appellate counsel failed to include in the record on appeal the charts that had been prepared by trial counsel to show the lack of similarity of the testimony of the Rule 404(b) witnesses presented by the state."
f. Since the trial, the applicant has learned that the jury decided his cases upon an improper basis which constitutes juror misconduct.
    i. "Since the trial, applicant has learned from one of the jurors that the juror used the 404(b) testimony for an improper purpose. The applicant is informed and believes the juror said that they used the 404(b) testimony to conclude the applicant was guilty simply because so many witnesses testified against him."

Applicant waived allegations 1(a)(ii), 1(a)(iii), 1(e), and 1(f) at the outset of the evidentiary hearing.

Before this Court are the records of the Sumter County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records of the current action.

INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

In a PCR action, Applicant bears the burden of proving the allegations in his application by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985); Rule 71.1(e), SCRCP. Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's

performance was deficient. *Strickland*, 466 U.S. at 687; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). "When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough*, 540 U.S. at 6; *see also Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable.").

Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 694). "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111-12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be

substantial, not just conceivable." *Id.* at 112.

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696–97.

FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. After hearing the testimony presented and considering the legal arguments by counsel, as well as the record in this action incorporated by way of the State's return, this Court proceeds to the claims raised in the application and finds each to be without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence presented.

Failure to Introduce Evidence of Second Door in Applicant's Study

Applicant alleges Counsel was ineffective for failing to introduce evidence to the jury that the pastor's study where many of the sexual acts occurred had a second door leading to a library or bookstore that was not locked. Applicant alleges Counsel should have called Ronnie McRae and Applicant's son, Jeremiah Durant, to testify as to this second door. This Court finds this allegation is without merit.

At the evidentiary hearing, Applicant testified he, along with Ronnie McRae and either Counsel or Counsel's investigator, visited the church where many of the alleged sexual acts

occurred, Applicant explained that his children had unfettered access to his study and came in whenever they wanted. Applicant testified his office had a connecting door to a candy shop/bookstore that was never locked. Applicant explained the acoustics in the office were such that sound traveled outside the office. Applicant averred that had Counsel presented this at trial, the outcome would have been different.

Ronnie McRae testifed he served as an "armor-bearer" at the church. He testified he met with Counsel at the church where they discussed the unrestricted access that Applicant's children and other members of the congregation had to the Applicant's office. Ronnie explained that the connecting door to the candy shop/bookstore was never locked and nobody had a key to it. Ronnie testified that after church services the canteen area was always crowded with people and would get loud enough where Applicant would need to close the door.

Jeremiah Durant testified he is the son of Applicant. Jeremiah explained that he did not testify at Applicant's trial. He stated that he had unrestricted access to Applicant's office. He noted he never asked permission to enter the office even when Applicant was holding a counseling session.

Counsel testified to the preparation he undertook prior to trial, including multiple meetings with Applicant, hiring a private investigator, and engaging another attorney, Cameron Blazer. Counsel reviewed discovery materials, examined witness statements, and looked into the backgrounds of key individuals. Counsel also visited the church where the assaults occurred. He noted Applicant was often accompanied by "armor bearers," likened to bodyguards. Although Counsel could not recall specifics about an unlocked second door, he testified the defense strategy centered on showing the assaults were implausible due to the constant presence of these armor

bearers. Counsel explained testimony was introduced to show that the office door was usually unlocked and that sounds from inside were easily heard from the outside.

Counsel testified that he does not specifically remember interviewing Applicant's son, Jeremiah Durant, and likely did not do so. He explained that he would not call a 13-year-old to testify that he never saw his father commit sexual assaults, as the child's age and clear bias would undermine the testimony. Counsel emphasized that the defense strategy was that the crimes did not occur at all—not that they did not happen while the son was present. He further explained that the prosecution could easily counter such testimony by showing the son was not always present. Given these considerations, Counsel determined it did not make strategic sense to call Jeremiah Durant as a witness.

Counsel testified he interviewed McRae specifically about the church and he does not recall anything being mentioned about the second door. (PCR Tr. 47). Counsel explained that he chose not to have Roland McRae testify because the information he would testify to was already in front of the jury and he was concerned about McRae's prior convictions.

This Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." *Ard v. Catoe*, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing *Strickland*). "[W]hen Counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." *Smith v. State*, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010). Counsel reasonably explained that, although he did not have a specific recollection of the alleged unlocked second door, he presented evidence at trial aimed at demonstrating the implausibility of the sexual assaults through the testimony of the armor bearers. Further, this Court finds that Counsel articulated a valid strategic reason for not calling Applicant's

son as a witness—namely, the child's age, inherent bias, and the limited probative value of his testimony. Additionally, Counsel elected not to call Roland McRae as a witness because the substance of his testimony was already before the jury and there was a risk his prior convictions could undermine his credibility. Because Counsel presented the relevant information through other witnesses and articulated valid reasons for not calling these witnesses, Applicant has failed to meet his burden of demonstrating Counsel's performance was deficient.

Furthermore, neither Roland McRae nor Jeremiah Durant's testimony was necessary to establish any point that was not already before the jury. The testimony was merely cumulative to the testimony of Meyer Whack and Elvin Vaughn. Whack, a 20-year member of International Word Ministries who served as both an elder and armor bearer, testified in detail about the office environment. Whack explained that an armor bearer's duty is to serve and protect the church leader, and that armor bearers were always stationed directly outside Applicant's office when someone wished to meet with Applicant. He testified that sounds inside the office could be heard on the outside, and he never heard anything inappropriate. Whack further stated that meetings in the office never lasted more than 5-10 minutes. (R. 575–577). He emphasized that the office door was never locked and that he would have been alerted if it had been. Whack also testified that he could enter the office at any time and often did so while Applicant was meeting with others. He reiterated that, even during meetings with the victims, he never heard anything inappropriate occurring inside the office. (R. 578–579).

Similarly, Elvin Vaughn, a minister and armor bearer at Word International Ministries, testified regarding Applicant's physical disabilities, specifically that Applicant is blind and is a double amputee. As a result, Vaughn stated that Applicant required constant assistance and was always accompanied by an armor bearer, both during and after church services. Vaughn testified

that following services, visitors would sometimes meet with Applicant in his office; however, an armor bearer was always stationed nearby, with unrestricted access to enter the office at any time. (R. 596–598).

Vaughn testified that he is personally familiar with each of the victims and affirmed that none of them were ever alone with Applicant. (R. 599). He explained that any meetings with Applicant were brief in nature, generally lasting no more than five minutes. Vaughn also noted the walls were thin enough that conversations within the office are audible from the outside. (R. 600). Vaughn stated he never heard anything inappropriate occurring inside Applicant's office. (R. 601).

Petitioner has failed to prove he was prejudiced because McRae and Jeremiah Durant's testimony were both cumulative to other testimony presented at trial. *See Edwards v. State*, 392 S.C. 449, 459, 710 S.E.2d 60, 66 (2011) (finding no prejudice where evidence produced during PCR proceedings is cumulative to or does not otherwise aid evidence introduced at trial).

Accordingly, this allegation is DENIED.

Failure to Object to Improper Bolstering

Applicant contends Detective Natalie Kelly bolstered the testimony of the complaining witness by repeating the allegation made by the witness. Specifically, Applicant argues Detective Kelly was permitted to testify that based upon the statements by the complaining witness, she obtained a warrant and that this was tantamount to the Detective saying she believed the complaining witness. Applicant avers Counsel should have objected. This Court finds Applicant has failed to prove this allegation.

"In South Carolina, a sexual assault victim's prior consistent statements limited to the time and place of the alleged incident are not hearsay if the victim testifies at trial and is subject to cross-examination" *State v. Jeffcoat*, 350 S.C. 392, 395-96, 565 S.E.2d 321, 323 (Ct. App. 2002)

(*citing* SCRE 801(d)(1)(D)). "This rule incorporates our state's previously recognized hearsay exception for 'limited corroborative testimony in a sexual conduct case.'" *Id.* (quoting *State v. Whisonant*, 335 S.C. 145, 154, 515 S.E.2d 768, 771 (Ct. App. 1999) "The rule expressly allows other witnesses to testify the victim complained of the assault, but only as to 'time and place'; it specifically circumscribes such testimony by 'excluding details or particulars.'" *Id.*

Detective Natalie Kelly testified that she interviewed the victim and each of the 404(b) witnesses in this case. She testified that the victim informed her she was sexually assaulted beginning in the later part of 2012 and continuing throughout 2013. The victim told her the sexual assaults occurred at two different Word International Ministry locations. (R. 189–190). The victim clarified the sexual assaults occurred in the pastor's office of both churches. (R. 190). Detective Kelly further testified she interviewed each of the 404(b) witnesses who all informed her of when and where they were sexually assaulted. (R. 191-193).). Detective Kelly testified that, after conducting her interviews, she obtained search warrants for those locations and Applicant was subsequently charged with second degree criminal sexual conduct with a minor. (R. 193–195).

Detective Kelly did not testify as to the identity of the perpetrator nor recite any of the specific details of the assaults as reported to her by the victims. Additionally, all the victims in this case testified at trial and were subject to cross-examination. Detective Kelly's testimony was confined to the time and place of the alleged sexual assaults as reported by the victims, and thus did not constitute inadmissible hearsay.

Applicant contends that Detective Kelly's testimony that she obtained a warrant and arrested Applicant was tantamount to her bolstering the victim's testimony. "Improper bolstering . . . occurs when a witness testifies for the purpose of informing the jury that the witness believes the victim, or when there is no other way to interpret the testimony other than to mean the witness

believes the victim is telling the truth." *Chappell v. State*, 429 S.C. 68, 75, 837 S.E.2d 496, 505 (Ct. App. 2019

This Court finds this testimony was not improper bolstering. Detective Kelly was merely testifying to a procedural fact and in no way offered any opinion regarding the credibility or truthfulness of the victim's allegations. Moreover, the jury was already aware Applicant had been arrested and indicted for second degree criminal sexual conduct with a minor, as this information was conveyed to them by the trial judge at the outset of trial. Given that the jury was actively engaged in a criminal proceeding wherein the State alleged that Applicant committed second degree criminal sexual conduct with a minor, Detective Kelly's testimony explaining Applicant had been arrested for second degree criminal sexual conduct did not prejudice Applicant.

Accordingly, this allegation is DENIED.

Trial Counsel Failed to Object to the State Not Opening Fully on the Law and Facts

Applicant alleges Counsel was ineffective for failing to object to the State not opening fully on the law and the facts. This failure to object allegedly permitted the State to make arguments to which the Applicant did not have the opportunity to respond. This Court finds this allegation is without merit.

Applicant cites to *State v. Beaty*, 423 S.C. 26, 813 S.E.2d 502 (2018) in support of his argument. Applicant's trial occurred before the opinion in *Beaty* was published. Only law that existed at the time of Applicant's trial may be used to determine whether Counsel was deficient for failing to object. *See, e.g.*, *Gilmore v. State*, 314 S.C. 453, 457, 445 S.E.2d 454, 456 (1994) ("We have never required an attorney to be clairvoyant or anticipate changes in the law . . . ." (citing *Thornes v. State*, 310 S.C. 306, 309–10, 426 S.E.2d 764, 765 (1993))), *overruled on other grounds by Brightman v. State*, 336 S.C. 348, 520 S.E.2d 614 (1999); *Thornes*, 310 S.C. at 309–

10, 426 S.E.2d at 765 ("This Court has never required an attorney to anticipate or discover changes in the law, or facts which did not exist, at the time of the trial."). At the time of Applicant's trial, and still today, there is no rule regarding the order of closing arguments. In practice, it was common for the defense to present their closing first, followed by the State in situations where the defense has presented evidence. Consequently, Applicant has failed to prove Counsel was deficient in failing to require the State to fully open on the law and facts. Furthermore, this case is distinguishable from *Beaty*. In *Beaty*, the Court considered the propriety of the State's *reply* argument. Here, by contrast, the State waived its initial closing and instead presented its full closing argument after the Applicant's, which does not implicate the same concerns raised in *Beaty*.

Even if this Court determined *Beaty* applies in this case, Applicant has failed to demonstrate any due process violation occurred as a result of the State's closing argument. *Beaty* does not require the State to open fully on the facts and restrict reply argument solely to matters raised by the defendant—in fact, *Beaty* specifically states that the Supreme Court does not have the requisite authority to unilaterally mandate such a rule. *State v. Beaty*, 423 S.C. 26, 43, 813 S.E.2d 502, 511 (2018). *Beaty* held that the Court's duty is to merely "address due process considerations as they arise." *Id.* at 46, 813 S.E.2d at 513. *Beaty* notes "the relevant inquiry in determining whether the State's closing argument violated defendant's due process rights is whether the State's comments 'so infected the trial with unfairness as to make the resulting conviction a denial of due process.'" *Id.* at 44, 813 S.E.2d at 511 (quoting *Humphries v. State*, 351 S.C. 362, 373, 570 S.E.2d 160, 166 (2002)). Here, the State's closing was proper and did not render the trial fundamentally unfair. Accordingly, Applicant has not shown that the argument so infected the trial with unfairness as to constitute a violation of due process.

First, Applicant contends the State, during its closing, improperly characterized Counsel's statements as accusing law enforcement of being "crooked." Applicant further argues that had the State been required to open fully on the facts and law, Counsel would have had the opportunity to rebut this point in his closing. During his closing argument, Applicant argued the following:

> Did they really do an investigation or did they make an assumption? . . . So what do we do? If somebody gives us evidence that's important. If somebody tell us something we need to know. What are we going to do? Ignore it. That's what they said on the stand. We will ignore important information. *We will ignore important evidence*.

(R. 663–664) (emphasis added).

> All the money, all the power, all of the influence of the State of South Carolina has come against Mr. Durant. *We've had officers hiding evidence*. We've had young ladies creating stories that are just not realistic. And the one thing we have not had presented to us is evidence.

(R. 669) (emphasis added).

The State made the following remarks during its closing argument:

> They want you to believe this is some sort of botched investigation. That these are a bunch of crooked police officers that had nothing but tunnel vision, that they focused on one idea to the exclusion of all others and paid no attention to anything else. That is not this case.

(R. 685).

The record reflects that Counsel argued law enforcement ignored and concealed evidence. In response, the State asserted that the defense was suggesting a theory involving "crooked cops." The State's reference to "tunnel vision" directly addressed the defense's claim that law enforcement prematurely concluded Applicant's guilt and disregarded contrary evidence. Moreover, the State supported its argument by referencing evidence presented at trial to counter the defense's claim of insufficient evidence. Thus, the State's remarks were a fair response to the defense's closing and did not constitute a due process violation.

Second, Applicant contends Counsel was unable to rebut the State's closing argument that forensic interviews are for children who are uncertain in their disclosures. This claim lacks merit. During the cross-examination of Detective Natalie Kelly, Counsel thoroughly elicited testimony regarding the absence of a forensic interview with the victim. (R. 200–205). Specifically, Counsel established that forensic interviews are typically conducted with individuals under the age of 14 (R. 201); that such interviews are recorded (R. 202); that the purpose of forensic interviews is to mitigate suggestibility (R. 202); that the victim in this case was under 14 (R. 205); and that there was no forensic interview conducted with the victim (R. 205). During its closing argument, the State made the following remarks:

> [The defense] wants to draw your attention to the fact that a forensic interview wasn't done in this case. But your investigators weren't serving and acting as forensic interviewers. They were acting as investigators. Forensic interviews are done, you heard, when a child is not clear in their disclosure, that it's hard to figure out what happened. It's clear to figure out what happened in this the entire time. Forensic interviews are done when children are suggestible. And David Kellin told you himself that the level of suggestibility changes over age. A four-year-old is lot more suggestible than a 14-year-old. An eight-year-old is more suggestible than an 18-year-old. So these girls didn't needed forensic interviews. But this is the type of stuff that the Defense wants you to think about.

(R. 685–686).

The State's comments were clearly responsive to Counsel's cross-examination of Detective Kelly, where Counsel emphasized the lack of a forensic interview. The State argued that forensic interviews are typically used when a child's disclosure is unclear or the child is particularly suggestible. The State further argued that suggestibility varies by age, and that the victim in this case did not require a forensic interview. The State's remarks in closing were thus proper rebuttal, supported by evidence in the record, and in no way amounted to a violation of Applicant's due process rights.

Third, Applicant contends that Counsel could have refuted the State's assertion during closing argument that the high level of acid phosphates present on the hand sanitizer bottle indicated the presence of semen. Jessica Stowe, an expert in forensic serology, testified she conducted an acid phosphate test on the bottle of hand sanitizer recovered from Applicant's office to assess the possible presence of semen. (R. 297). She explained that semen contains high levels of acid phosphate and that the test results were positive, indicating the likely presence of semen. (R. 297). On cross-examination, Ms. Stowe acknowledged that acid phosphates can be found in other bodily fluids, not exclusively semen. (R. 301). During Applicant's closing argument, Counsel made the following remarks:

> We have witnesses for the State of South Carolina who said we didn't find anything. And we have experts who says we definitely didn't find anything. We've got no DNA. We've got a fully intact hymen. We've got a normal sexual exam. All of this stuff shows normal. All of this shows is no evidence.

(R. 667)

During its closing argument, the State made this brief reference to the acid phosphate test:

> But what there was an allegation of was how Pastor Durant would clean up afterwards. [Redacted] told you that he used hand sanitizer to clean up. So they collected that hand sanitizer bottle. They waved a light on it and they did a test. And it teste positive for acid phosphate, which is found in high concentrations in semen. Exactly just like [redacted] told you. She said that he would pull out, ejaculate in his hand and then she'd have to clean him up. And he's clean up with that hand sanitizer. And high levels of acid phosphates were found on the bottle.

(R. 687).

Once again, the State's argument was a direct rebuttal of Counsel's assertion that the State presented no scientific evidence in this case and was fully supported by evidence in the record. As such, the State's argument was entirely proper and did not violate Applicant's due process rights.

Lastly, Applicant contends the State "ridiculed" the armor bearers in its closing argument and Counsel could have rebutted this point had the State been required to fully open on the law

and facts. This Court finds this is without merit. During closing argument, Counsel emphasized that the armor bearers were positioned immediately outside the office door and heard nothing improper, suggesting that no misconduct occurred within the office. (R. 667). In its closing, the State argued that the armor bearers' testimony lacked credibility due to their bias and that the walls of Applicant's office were not "paper thin," as characterized the defense, but were in fact made of cinder block. This argument was directly supported by evidence in the record and was responsive to the defense's theory that the armor bearers would have necessarily overheard any inappropriate conduct. Additionally, the remarks regarding the armor bearers' lack of credibility and bias were not intended to ridicule them, but rather to present an argument based on evidence in the record. Thus, the State's remarks regarding the armor bearers did not render Applicant's trial fundamentally unfair.

Each of the State's challenged remarks during closing argument served as a proper rebuttal of Counsel's assertions and were supported by evidence in the record. Therefore, none of the challenged statements violated Applicant's due process rights, as they did not compromise the fundamental fairness of the trial.

Based on the foregoing, this allegation is DENIED.

Failure to Call Applicant to Refute Testimony That He Cried When Confronted with the Allegations

Applicant contends Counsel was ineffective for failing to call the Applicant to refute testimony that he cried when confronted with the allegations of sexual abuse. This Court finds this allegation is without merit.

At the evidentiary hearing, Applicant testified that he did not take the stand at trial because Counsel advised him that, if he did, the State would present multiple women claiming to have had

sexual relations with him. Applicant also stated that a State's witness testified that he cried when first confronted with the allegations, which he contends is false. Applicant avers that, had he testified, he could have rebutted this claim.

Counsel testified he specifically recalled discussions surrounding whether Applicant should testify. Counsel explained that he and Cameron Blazer prepared Applicant as if he was going to testify. Counsel explained that during the trial, the State informed him that if Applicant testified they were going to make allegations that he had had relationships with other individuals inside of the church. Additionally, the State had investigated Applicant's vision and discovered that he had recently obtained a valid driver's license. Counsel explained that the State was going to use this as evidence that Applicant was exaggerating the extent of his vision impairment.

Counsel stated that he, Cameron Blazer, Applicant, and Applicant's wife met to discuss these issues. Counsel advised Applicant that these matters would likely be raised during cross-examination and recommended that he not testify. Counsel clarified that while the ultimate decision to testify rests with the client, he does advise the client on what he believes is in their best interest. Counsel explained Applicant ultimately chose not to testify based on Counsel's advice. Counsel further explained that calling Applicant to the stand to refute the crying allegation was not reasonable. Counsel also explained that the witness was not a strong witness for the State, as her testimony contained numerous inconsistencies. It was therefore not necessary to call Applicant solely to refute the allegation he cried when confronted with the sexual assault allegations, given the significant problems that could have arisen during cross-examination. Counsel testified, that although the State calling women to testify about Applicant's extramarital affairs may not be admissible on its face, his concern was that Applicant would open the door to this information with his testimony.

This Court finds Counsel's advice against testifying was reasonable, given that the State intended to introduce damaging evidence had Applicant testified. This is particularly true considering that Applicant asserted his sole reason for wanting to testify was to refute testimony that he cried when confronted with the allegations. Counsel credibly explained that the witness who offered this testimony was not a strong witness for the State, and that the Applicant testifying solely to refute this innocuous statement would likely have caused more harm than good, particularly considering the issues that could have arisen on cross-examination. Accordingly, this Court finds Applicant has failed to prove Counsel was deficient in providing that advice.

Furthermore, Applicant has failed to prove he was prejudiced. As Counsel credibly explained, the decision whether to testify ultimately rested with Applicant. The trial record reflects that the court expressly advised Applicant the decision to testify was his alone, and Applicant affirmed under oath that he understood his rights and did not wish to testify. (R. 650). Additionally, Applicant has failed to establish a reasonable probability that the outcome of trial would have been different had he testified solely to refute the testimony that he cried when confronted with the allegations. This Court finds that the statement in question was innocuous and was made by a weak witness for the State. Thus, having Applicant testify could have caused more harm than benefit to his defense.

Accordingly, this allegation is DENIED.

Failure to Object to Allegedly Improper Closing Argument

Applicant contends Counsel was ineffective for failing to object to a portion of the State's closing argument where Applicant alleges burden shifting and improper vouching occurred. This Court finds this allegation is without merit.

Applicant cites to this statement made by the State in closing that was allegedly improper:

> So does it make common sense that Lizzie Johnson is the mastermind of this great lie in order to have a house and she put her daughter and her granddaughter and two other girls she cares about through this? Through days of sitting up here and listening to testimony of embarrassing things. Does it make sense that she put them up to this, for what, a house? It makes no sense. Why would these girls be lying? They get nothing out of this. They have absolutely no motivation to lie.
>
> Does it make sense that this is the type of attention that these girls want? Does it make sense that [Victim] wants to be known as the girl who was sexually assaulted by her pastor? No 14-year-old, 17-year-old, 21-year-old, 40, 50, 60, 70, no one wants to be known as the girl that was sexually assaulted by her pastor. So is that the type of attention she wants? Is that what she's getting out of this lie is attention?
>
> Well, then, maybe she's lying, I don't know, to get out of trouble. Maybe she's in trouble. She says she was lying about it back then. She said she was lying about good things, right? She was lying about her grades so she could play basketball. She said she was lying about having a cell phone so she could continue to talk on it without it getting taken away. But what does she get out of this lie? She gets nothing but the embarrassment of telling what happened to her in a room full of strangers. If this was a lie, why wouldn't she be screaming it from the roof tops? Why wouldn't she tell every single person in that congregation? Why wouldn't she tell every single police officer? Why would she have waited to tell? She didn't tell because she was embarrassed. She didn't tell because she was scared. She didn't tell because she wanted the Defendant to be right. She wanted him to be right when he told that he could stop her from liking girls because she knew it upset her grandmother. She believed in him and wanted him to be right. He took advantage of all of that.

(R. 683–684).

Applicant contends this was both burden shifting and improper vouching. At the evidentiary hearing, Counsel testified he did not object because it would have highlighted the comment to the jury and Counsel does not like to object during closing unless it is really hurting the client. This Court finds this is a valid reason for not objecting.

Furthermore, these comments were neither burden shifting nor improper vouching. The State never suggested anywhere in these remarks that the defense has the burden in this case. On

the contrary, the State informed the jury "we had to prove our case to you beyond a reasonable doubt." (R. 695). Nor are these remarks made by the State improper vouching. A solicitor may not vouch for the credibility of a witness based on personal knowledge or other information outside the record. *Matthews v. State*, 350 S.C. 272, 276, 565 S.E.2d 766, 768 (2002). "Vouching" occurs where the prosecutor indicates to the jury that her argument regarding the credibility of a witness is based on something *other* than the evidence admitted—i.e., that the prosecutor "knows something about the credibility of a witness that the jury does not know." *State v. Busse*, 439 S.C. 104, 109, 886 S.E.2d 208, 211 (2023).

On the other hand, when the solicitor bases her credibility arguments on evidence *within* the record, or on reasonable or common-sense inferences therefrom, no improper vouching occurs. *State v. Caldwell*, 300 S.C. 494, 505, 388 S.E.2d 816, 822 (1990), *overruled on other grounds by State v. Evans*, 371 S.C. 27, 30, 637 S.E.2d 313, 315 (2006); *see also Busse*, 439 S.C. at 109, 886 S.E.2d at 211 ("A prosecutor arguing forcefully during closing argument that the jury should believe a particular witness is well within her proper role as a zealous advocate, so long as the argument is based on evidence admitted during trial."). A solicitor has the right to argue to the jury regarding the weight that should be given to a witness's testimony. *State v. Gibbs*, 438 S.C. 542, 553, 885 S.E.2d 378, 384 (2023). In fact, "a prosecutor is *expected* to comment on the credibility of the witnesses when making a closing argument. Far from improper, . . . doing so is one of the fundamental responsibilities of a lawyer." *Busse*, 439 S.C. at 111, 886 S.E.2d at 212 (emphasis added). Such comments are especially necessary when the case involves a "swearing contest" between a witness and the defendant. *State v. Raffaldt*, 318 S.C. 110, 115, 456 S.E.2d 390, 393 (1995).

Here, the arguments made by the State concerning the victim's credibility were properly based on the record and reasonable inferences therefrom. First, the State argued in closing that the defense's theory that Lizzie Johnson orchestrated this whole lie in order to get a house does not make sense because the girls get nothing out of this. This theory was posited by the defense during trial and in closing argument.

> Let's remember the case earlier. You remember Lizzie Johnson? You all remember Lizzie? Remember Lizzie testified? Remember what Lizzie told you about the house, the deed, the things she has stolen? Remember all the stuff that she told you? Remember, she's still fighting over this house right now? She looked you in your faces and what did she tell you? I didn't sign that second deed. Remember, all the girls giggled. I think we all heard them, they were laughing back there. I found that a little peculiar, but they all started giggling at that point in time.

(R. 665).

The entire defense theory was that the victims were lying in order for Lizzie Johnson to fraudulently obtain a house. The State was using evidence that *the defense presented* to argue it makes no sense that these girls were lying. The State was clearly well within their rights to rebut this by arguing . against the plausibility of that theory.

During the cross-examination of victim, Counsel elicited the following testimony:

Q. And I don't have too many questions. First, I want to talk about some of the stuff when Ms. Abee was asking you questions, okay?

A. Yes, sir.

Q. One of the first things you talked about, back in that time, you were lying real bad?

A. Yes, I was.

Q. Did people know that you were lying - - and I don't want to call you a liar, I'm just going from what you were saying.

A. Yes, sir.

Q. You were lying real bad. And was it just about grades or was there anything else that you were lying about?

A. And I said I was lying about having a cell phone.

Q. So you had a cell phone at that point in time?

A. Yes, sir, I did.

Q. And you weren't allowed to have a cell phone?

A. No, I wasn't.

Q. Was there anything else that you were lying about real bad back then?

A. No, just the cell phone and I lied about my grades.

Q. And you lied about your grades, also?

A. Uh-huh.

(R. 243–244).

During its closing, the State rebutted the defense's implication that the victim was a liar by arguing that, in previous instances, the victim had lied either to avoid trouble or to gain something. In contrast, the State contended, the victim had nothing to gain by lying about the sexual assault, and thus had no motivation to fabricate the claim. This Court finds that the State's remarks during closing were proper arguments regarding the victim's credibility and were based on evidence in the record.

Accordingly, this allegation is DENIED.

Trial Counsel Failed to Call and Interview Ronnie McRae

Applicant contends Counsel was ineffective for failing to call and interview Ronnie McRae, the former husband of Ulanda McRae. Applicant alleges that had Mr. McRae been interviewed before trial, trial counsel would have learned of the criminal history of Ulanda McRae

and would have been able to successfully impeach her testimony. This Court finds Applicant has failed to prove this allegation.

At the evidentiary hearing, Ronnie McRae testified that he called Counsel to discuss Ulanda McRae's background, which later became a point of contention during a post-trial motion. Counsel testified that McRae contacted him, distraught over Counsel's failure to cross-examine Ulanda regarding her prior criminal convictions. Counsel explained that, had he conducted a more thorough interview with McRae, he would have learned more about Ulanda McRae's background. He further stated that knowing about Ulanda's criminal history before trial would have strengthened the defense strategy and helped the jury understand why the girls were lying.

First, this issue was raised during Applicant's direct appeal. Following the trial, Counsel filed a motion for a new trial, arguing that a Brady violation occurred because the State incorrectly informed the defense that the witness, Ulanda McRae, had no prior criminal convictions. The motion was denied after a hearing. The issue was subsequently raised on direct appeal. In its opinion affirming Applicant's convictions, the South Carolina Supreme Court stated the following:

> Moreover, when the State discloses *Brady* material, the defense has the right to rely on its veracity. We find it entirely unreasonable to shift the burden to the defense to independently investigate the criminal background of each of the State's own witnesses when the State has affirmatively claimed that its witness does not have a criminal background. It is not incumbent on the defense to review the State's NCIC search for misspelled names.

As our Supreme Court suggests, Counsel was not unreasonable in relying on the State's representation that the witness had no criminal background. Accordingly, this Court finds that Counsel was not deficient for failing to more thoroughly interview McRae to potentially discover Ulanda McRae's prior convictions.

Additionally, Applicant has failed to prove he was prejudiced as to this allegation. Again, the Supreme Court opinion guides our analysis:

> Initially, we note McRae's criminal history included several convictions, many of them over ten years old, so it is unlikely that most of them would have been admissible. While we agree with the trial court that McRae's conviction for obtaining a signature under false pretenses likely would have been admissible, the defense never suggested that McRae—as opposed to Johnson—forged the deed. Perhaps more importantly, the State presented cumulative evidence in the form of the girls' testimony. As a result, the jury had ample evidence supporting its verdict. Accordingly, Durant cannot demonstrate the evidence was material because there was not a reasonable probability the result of the proceeding would have been different.

Additionally, Applicant has failed to establish prejudice with respect to this allegation. The defense theory at trial was that Lizzie Johnson—not Ulanda McRae—forged the deed and directed the victims to fabricate the sexual assault allegations. Accordingly, this Court finds that the discovery of Ulanda McRae's prior conviction would not have resulted in a different outcome at trial. Although Counsel testified that knowledge of Ulanda's prior conviction may have helped the jury understand the motivation for the victims to lie, this Court finds that, while such impeachment evidence may have affected Ulanda's credibility, the connection between her credibility and that of the four victims is tenuous at best.

Accordingly, allegation is DENIED.

CONCLUSION

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. This Court finds Counsel was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. Therefore, this Court denies relief on all allegations and dismisses this PCR action with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453,454, 409 S.E.2d 395, 396 (1991). Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The application for post-conviction relief be denied and dismissed with prejudice; and
2. Applicant must remain in the custody of the State.

AND IT IS SO ORDERED this 19 day of June, 2025.

Kristi Curtis

THE HONORABLE KRISTI F. CURTIS
Presiding Judge
Third Judicial Circuit

Sumter, South Carolina