

WITNESSES

Spartanburg County Sheriff's Office

*Jimmy W. Barnes*

ARREST WARRANT NUMBER

2022A4210100738

ACTION OF GRAND JURY

**True Bill**

*Danielle Woodward*  
Foreperson of Grand Jury

Date: DEC 09 2022

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. -

**22-GS-42-6030**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 12 2022

TERM

THE STATE  
vs.

JOEL ANTONIO DURAN

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR, FIRST DEGREE**

SC Code:16-3-0655(A)(1)

CDR Code: 0385

Class FEL/Exempt

**FILED**

2022 DEC 15 AM 9:26

CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX

**RECEIVED**

Sep 17 2025

SC Court of Appeals





IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF GENERAL SESSIONS  
FOR THE 7TH JUDICIAL CIRCUIT

Criminal Indictment No:  
2022-GS-42-6030

State of South Carolina,

v.

Joel Antonio Duran,

Defendant.

VERDICT FORM

**RECEIVED**

**Sep 17 2025**

**SC Court of Appeals**

1. On Indictment No: 2022-GS-42-6030, on the charge of Criminal Sexual Conduct with a Minor, First Degree, in which the State alleges that the Defendant committed a sexual battery by way of penile penetration of the anus on the minor victim who was under eleven (11) years of age at the time of the said incident, we the jury unanimously find the Defendant, Joel Antonio Duran:

X Guilty

           Not Guilty

**I certify this decision was the unanimous decision of the jury.**

  
\_\_\_\_\_

Foreman

Spartanburg, South Carolina

July 18, 2025

WITNESSES

Spartanburg County Sheriff's Office

*Jimmy W. Davis*

ARREST WARRANT NUMBER

2022A4210100739

ACTION OF GRAND JURY

**True Bill**

*Danielle Woodward*  
Foreperson of Grand Jury

Date: DEC 09 2022

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. **22-GS-42-6031**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

DEC 12 2022

TERM

THE STATE  
vs.

JOEL ANTONIO DURAN

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A  
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SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on DEC 09 2022 the  
Grand Jurors of Spartanburg County present upon their oath:

**CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE**

That the Defendant, Joel Antonio Duran, did in Spartanburg County, on or between January 1, 2021 and November 30, 2021, commit the offense of Criminal Sexual Conduct with a Minor in the First Degree in that the Defendant did commit a sexual battery, to wit: vaginal intercourse (penile penetration of the vagina), upon the minor victim, [REDACTED] who was under eleven (11) years of age at the time of the said incident. Said incident occurred in Spartanburg County, South Carolina, in violation of §16-3-655(A)(1), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 vs. )  
 )  
 )  
 JOEL ANTONIO DURAN, )  
 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
 SEVENTH JUDICIAL CIRCUIT

Case No: 2022-GS42-06030, 06031

**ORDER DENYING DEFENDANT’S  
 POST-TRIAL MOTIONS**

This matter is before the Court on Defendant Joel Antonio Duran’s post-trial motions pursuant to Rule 29(a), SCRCrimP. Defendant’s motions follow his conviction on two counts of Criminal Sexual Conduct with a Minor, First Degree. The jury trial in this matter occurred July 14-18, 2025. Defendant Duran was sentenced to life in prison. For the reasons stated in this Order, Defendant’s motions are DENIED.

Defendant Duran raises multiple issues as bases for his motion for a new trial and resentencing. They are addressed below.

- 1. The trial court erred in denying Defendant’s motion for a mistrial when the State’s expert witness in child abuse dynamics impermissibly bolstered and vouched for the credibility of the child, and the trial court’s curative instruction did not cure the prejudice.**

The Court DENIES Defendant’s motion for a new trial on this ground. During the examination of State’s expert Rebecca Hamrick, the witness was questioned about standard behavioral or emotional characteristics displayed by a child who has been abused. She responded that the strongest correlation is if the child tells about the abuse. Her quote from the transcript is included in the State’s and the Defendant’s briefs on Defendant’s post-trial motions. Defendant’s counsel properly lodged an objection and a motion for mistrial based on the grounds of improper bolstering and vouching. Outside the presence of the jury, the

Court discussed with counsel a curative instruction. After some discussion about the substance of the curative instruction, the Court then gave a curative instruction to the jury after it returned.

The decision to grant or deny a mistrial is within the sound discretion of the trial judge. *State v. Dempsey*, 340 S.C. 565, 532 S.E.2d 306 (Ct. App. 2000)(internal citations omitted). Accordingly, a mistrial should not be ordered in every case where incompetent evidence is received and later stricken from the record. *Id.* An instruction to disregard incompetent evidence usually is deemed to have cured any error in its admission unless on the facts of the particular case it is probable that, notwithstanding such instruction, the accused was prejudiced. *Id.* Furthermore, the granting of a mistrial motion is an extreme measure to be taken only where an incident is so grievous that its prejudicial effect can be removed in no other way. *Id.*

The Court finds that the curative instruction in this case was sufficient to cure any prejudicial effect of improper bolstering or vouching based on Ms. Hamrick's challenged response. Therefore, a mistrial was not warranted on this issue.

**2. The State accused Defendant of "making up an excuse" during cross-examination, and improperly referenced that exchange during closing argument.**

The Court DENIES Defendant's motion for a new trial on this ground. While the Court did sustain Defendant's objections to certain portions of the State's cross-examination of Defendant and a related portion of the State's closing argument, those portions were ordered stricken from the record. The Court does not find that the prosecutor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. *State v. Blurton*, 342 S.C. 500, 537 S.E.2d 291 (Ct. App. 2000).

**3. The trial court erred as a matter of law by allowing the jurors access to a laptop computer to replay the video recordings from the victim's interviews at the Children's Advocacy Center.**

In this case, there was no dispute about whether the forensic interviews were to be admitted into evidence. Defendant's objection related to the Court's decision to allow the videos to go to the jury room along with the other evidentiary exhibits, to be examined by the jury during their deliberations. The conduct of a criminal trial is left largely to the sound discretion of the trial judge, who will not be reversed in the absence of a prejudicial abuse of discretion. *State v. Gray*, 438 S.C. 130, 882 S.E.2d 469 (Ct. App. 2022). In *Gray*, the appellate court found that a surveillance video admitted into evidence was not likely to confuse the jury because "the jury was able to replay the video, or portions of it, as many times as it wanted to." *Id.* The jury had access to the video along with the other exhibits to review as it saw fit during deliberations. It also requested to hear the Defendant's and the victim's testimony replayed in the courtroom, a request the Court granted. The Court finds no error or prejudice in allowing the properly admitted forensic interview video to go to the jury room. Defendant's motion for a new trial on this ground is DENIED.

**4. The trial court erred in giving an *Allen* charge that implied the jurors are required to reach a verdict in order to avoid the State and Spartanburg County the expense of a retrial.**

The Court DENIES Defendant's motion for a new trial on this ground. The *Allen* charge was given after the jury informed the Court after approximately two hours of deliberation that it was "hung." No numerical division was provided to the Court, and no inquiry into the split was made. The Court considers the *Allen* charge given to be a balanced charge and non-coercive in nature. The charge did not directly mention the expense of a retrial, only that it would have to be retried at a later time with another jury that would not be in any better position to evaluate the case than the current jury. The jury then returned to deliberations for several more hours, at which time

the jury requested to be allowed to resume deliberations the next day, which request was granted.

**5. The Court should order a new trial under the cumulative error doctrine.**

The Court has not found any error on the points raised by Defendant. Defendant's motion for a new trial on this ground is DENIED.

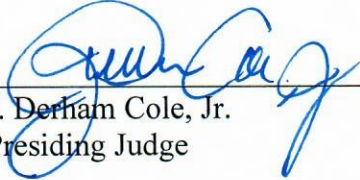
**6. The Court should reconsider the life sentence imposed.**

The Court's sentence in this case was lawfully imposed. The Court finds it is appropriate for the circumstances of the case and DENIES Defendant's motion to reconsider the sentence.

**CONCLUSION**

Based upon the record of the case and consideration of the applicable law to the issues Defendant has raised in his post-trial motions, this court finds that Defendant's motions for a new trial are DENIED. Additionally, his motion for resentencing is DENIED.

IT IS SO ORDERED!

  
\_\_\_\_\_  
J. Derham Cole, Jr.  
Presiding Judge

Spartanburg, South Carolina  
September 12, 2025

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF GENERAL SESSIONS  
FOR THE 7TH JUDICIAL CIRCUIT

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  X   Guilty

       Not Guilty

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**Sep 17 2025**

**SC Court of Appeals**

**I certify this decision was the unanimous decision of the jury.**



Foreman

Spartanburg, South Carolina

July 18, 2025

