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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Sumter County
Court of Common Pleas
The Honorable Krisit F. Curtis, Circuit Court Judge
Appellate Case No. 2025-001799

LARRY DURANT,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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II. The PCR court erred in finding Petitioner received effective assistance of counsel where Counsel Kent advised Petitioner to waive his right to testify on an improper basis and this prevented Petitioner from taking the stand to refute the testimony of the state's witnesses.

III. The PCR Court erred in finding Counsel provided effective assistance where trial counsel failed to object to the testimony of Natalie Kelly, whose testimony improperly bolstered that of Minor, A.R., T.H., and D.B., violating the spirit of Rule 801(d)(1)(D).

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I. The PCR Court did not err in finding Counsel was not ineffective for failing to investigate Ronald McRae as a witness during the defense's case.

II. The PCR Court did not err in finding Counsel was not ineffective for advising Petitioner not to testify because Counsel articulated a valid reason for the advice, Petitioner voluntarily chose not to testify, and Petitioner has failed to establish prejudice.

III. The PCR Court did not err in finding Counsel was not ineffective for failing to object to Natalie Kelly's testimony because the testimony was plainly admissible under Rule 801(d)(1)(D), SCRE.

STATEMENT OF THE CASE

On October 23, 2014, the Sumter County Grand Jury indicted Petitioner for second-degree criminal sexual conduct (CSC) with a minor. On May 23, 2016, the State proceeded to a jury trial before the Honorable Roger M. Young, Sr. Shaun Kent, Cameron Blazer, and David Weeks represented Petitioner; Assistant Attorneys General of South Carolina KinliAbee and David Ferndandez represented the State. The jury found Petitioner guilty as charged and the trial judge sentenced him to twenty years' incarceration.

On May 27, 2016, Petitioner moved for a new trial based on an alleged Brady violation. On June 8, 2016, the trial judge convened a hearing on the motion. After hearing the arguments from counsel, the trial judge denied the motion.

Petitioner filed a timely notice of appeal, and the appeal was perfected by E. Charles Grose, Jr., Esquire. In a published opinion, the South Carolina Supreme Court affirmed Petitioner's convictions. State v. Durant, 430 S.C. 98, 844 S.E.2d 49, (2020). On October 6, 2020, Petitioner filed a Petition for Writ of Certiorari to the Supreme Court of South Carolina in the Supreme Court of the United States. On February 22, 2021, The United States Supreme Court denied the petition.

On June 22, 2021, Petitioner filed this post-conviction relief application. On November 22, 2024, a hearing into the matter was convened before the Honorable Kristi F. Curtis at the Sumter County Courthouse. Petitioner 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"). Judge Curtis denied the post-conviction relief application by written order on July 1, 2025. Petition filed a notice of appeal.

This return follows.

STATEMENT OF THE FACTS

Minor began attending Petitioner's church when she was five years' old. (App. p. 282). Minor testified her first sexual interaction with Petitioner occurred in 2012, when she was thirteen and in the eighth grade. (App. p. 287). Petitioner ordered one of his armor bearers retrieve her and bring her to Petitioner's office. Petitioner would pray for her to "not like girls" and avoid diseases. (App. p. 288). Minor testified that at the small church Petitioner would stick his fingers in her vagina, but at the big church "he would actually stick his penis inside my vagina and have sexual intercourse with me." (App. p. 288). The assaults continued over time, usually Wednesdays, Fridays, and Sundays and occurred in his offices at both of his churches and included repeated sexual intercourse. (App. p. 289). The intercourse would occur with Minor bent over Petitioner's desk with him standing. (App. pp. 290–291). Minor testified Petitioner had a skin pigmentation on his penis. (App. p. 295).

A.R., Minor's cousin and McRae's daughter, recounted her abuse by Petitioner. She began attending Petitioner's religious services at age four, and would show up at the church Tuesdays or Wednesdays, Fridays, and Sundays for worship services, bible studies, and other groups. (App. pp. 315–316). The first incident of abuse occurred in 2012 when she was eighteen. Petitioner had summoned her to his office for a special prayer session to ensure she "wouldn't get any diseases or early pregnancy." (App. pp. 318–319). Instead, he inserted his fingers into her vagina. Eventually, Petitioner began having sex with A.R., bending her over his desk while he stood. (App. p. 320). Their sexual relationship terminated on Mother's Day of 2013. (App. p. 323). A.R. testified Petitioner had a skin pigmentation on his penis. (App. p. 325).

T.H., another victim testified regarding her experiences with Petitioner. She began attending Petitioner's church around the age of four. (App. p. 360). Her mother was a member of the church choir and a Sunday school teacher. T.H. went to the churches Wednesdays, Fridays, and Sundays for worship services and other activities. (App. p. 362). When she was approximately sixteen, she was summoned to his office by the armor bearers. (App. p. 363). She was summoned there under the guise of a prayer session so that she would not get breast cancer or contract any diseases. (App. p. 364). Instead, Petitioner would touch her breasts and her vagina. (App. p. 365). The abuse ended when she disclosed these incidents to her mother. (App. p. 366).

D.B., the final victim who testified she began attending Petitioner's church when she was very young. (App. p. 396). Her mother was an usher and her nephew was an armor bearer. Her first encounter with Petitioner occurred when she was thirteen, around 2012 or 2013, after one of his armor bearers asked her to go back to his office. (App. pp. 397). When she arrived, Petitioner informed D.B. he wanted to pray for her healings. (App. p. 390). D.B. had a bladder problem and Petitioner would stick his fingers in her vagina for "healing." (App. p. 399). After Petitioner discovered D.B. was pregnant with another man's child, he claimed he could "bump the seed" out of her. (App. p. 399). D.B. testified Petitioner would have sex with her while she was bent over his desk. (App. p. 400). D.B. testified Petitioner's penis had a "pink discoloration to it." (App. p. 401).

McCrae, A.R.'s mother and K.R.'s aunt, testified regarding her experiences with Petitioner's churches. She would attend various functions at the church three to four days a week, where she served as a youth director, secretary, altar worker, Sunday school teacher, kitchen committee member, and armor bearer. She confirmed armor bearers assisted Petitioner on a "personal level." She claimed she was unaware of Petitioner's private prayer sessions with A.R. and K.R. until she overheard them in a bathroom in her home discussing a sexual assault. She confronted them over the conversation, at which time they disclosed they were sexually assaulted by Petitioner. McCrae informed Johnson of the abuse and heard her confront Petitioner via telephone. She recalled Petitioner eventually broke down and cried, apologized, and requested to meet with her, Johnson, K.R., and A.R. (Tr.p.302, line 21–Tr.p.313, line 6).

Johnson met Petitioner in 1995, and helped him establish his first church. Over the years, she served in various capacities within Petitioner's churches, including treasurer, superintendent, and secretary. She remained active with Petitioner's institutions until McCrae informed her of his abuse of K.R. and A.R. She confronted him over the phone and later at one of his churches, at which point a tearful Petitioner asked her to help his wife run the church after he stepped down from his position. (App. p. 410–418).

On cross-examination, Johnson testified she and Petitioner briefly dated and lived together for a while when they first met. After their relationship ended, she moved into another home owned by Petitioner located at 805 Murray Street. Petitioner eventually deeded the property to her. Later, after Petitioner was indicted for his crimes, a dispute arose over ownership of the property. The deed transferring the property to Johnson was dated September 16, 2009, and filed November 4, 2009. A second deed, dated November 1, 2009 and filed May 13, 2013, transferred the property back to Petitioner. Notably, this deed was filed just a few weeks after McCrae and Johnson confronted Petitioner over his abuse of K.R. and A.R. (App. p. 418–445).

Samara Samuels, a notary, testified she notarized the deed transferring September 16, 2009 deed and saw the parties sign the document. However, her signature on the November 1, 2009 deed transferring the property back to Petitioner was not signed by her. Further, she noted Petitioner's wife notarized part of that second deed, which she should not have done because Petitioner's wife personally benefitted from the receipt of the property. (App. p. 547–552).

Marvin Dawson, a forensic document examiner and expert in handwriting analysis, was hired by Petitioner to analyze the two deeds. Using writing samples provided to him by the defense along with machine copies of the deeds, he claimed: (1) Petitioner's signatures in both the deeds were not likely genuine; (2) the same person did not sign Samuels's signature on the two deeds; (3) the same person signed Johnson's name on both deeds. However, he cautioned his results were based on "limited standards" because copies of the documents may not accurately reflect all the characteristics of the original writings. He further noted he did not have writing samples from Samuels or Johnson to compare to the signatures.

(App. p. 585–App. p. 616).

Myer Whack, and armor bearer with Petitioner's churches, testified he did witness K.R., A.R., T.H., and D.B. go into Petitioner's offices for private meetings with him. Similarly, Elvin Vaughn, another armor bearer, admitted to seeing the four girls go into Petitioner's for short meetings after services. Both men admitted the walls to the office were made of cinder block and that they were not in Petitioner's offices during his private "prayer sessions." Arlisa Vaughn, a trustee in charge of the churches' finances, testified she gave D.B.'s mother five-hundred dollars on the direction of Petitioner's wife, and was only told the money was given to her as a loan. (App.p.625–654; App. p. 682–App. p. 689). Petitioner's physician, Jason Leonard, M.D., testified that he treated Petitioner for erectile dysfunction. Dr. Leonard further testified as to Petitioner's poor eyesight. (App. p. 696–698).

STANDARD OF REVIEW

The post-conviction relief court's findings of fact receive great deference during appellate review and will be upheld if "any evidence of probative value" exists in the record to support the lower court's findings. Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016). Questions of law are reviewed de novo, and appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Id; Smalls v. State, 422 S.C. 174, 180-181, 810 S.E.2d 836, 839 (2018).

ARGUMENT

I. The PCR Court did not err in finding Counsel was not ineffective for failing to investigate Ronald McRae as a witness during the defense's case

Petitioner contends the PCR court erred by finding Counsel was not ineffective for failing to fully investigate Ronald McRae as a witness. This argument is without merit. The Sixth and Fourteenth Amendments to the United States Constitution guarantee criminal defendants the right to "assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair." Strickland v. Washington, 466 U.S. 668 (1984). Where, as in this case, a PCR Petitioner alleges ineffective assistance of counsel as a ground for relief, the Petitioner 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 v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland: first, the Petitioner must prove that counsel's performance was deficient. Strickland, 466 U.S. at 686; 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.

Second, counsel's deficient performance must have prejudiced Petitioner 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. "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." Strickland, 466 U.S. at 670. The Petitioner bears the burden of proving the allegations in his application by a preponderance of the evidence. Butler, 286 S.C. at 442, 334 S.E.2d at 814; Rule 71.1(e), SCRCP.

Relevant Facts

Following Petitioner's trial, Counsel was contacted by Ronald McRae who informed him of Ulanda McRae's prior convictions. Counsel ran a criminal records search and confirmed Ulanda had several prior convictions which the State did not disclose to the defense prior to trial. Counsel filed a motion for new trial, arguing that a Brady violation occurred because the State incorrectly informed the defense that witness, Ronald McRae, had no prior criminal convictions. The motion was denied by the trial court following a hearing. This issue was subsequently raised during Petitioner's direct appeal. The South Carolina Supreme Court affirmed Petitioner's convictions and found that, although a Brady violation occurred, Petitioner was not prejudiced because there was not a reasonable probability the outcome at trial would have been different had the prior convictions been disclosed.

Specifically, in its opinion affirming Petitioner's convictions, the South Carolina Supreme Court sated the following regarding Counsel's duties in this situation:

> 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.

State v. Durant, 430 S.C. 98, 110, 844 S.E.2d 49, 55 (2020).

The opinion further addressed the absence of prejudice resulting from the alleged Brady violation:

> 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 proceedings would have been different.

State v. Durant, 430 S.C. 98, 110, 844 S.E.2d 49, 55 (2020).

Discussion

Here, the PCR court clearly did not err in finding Counsel was not deficient for failing to investigate Ronald McRae as a witness. "Counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary. In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgement." Strickland v. Washington, 466 U.S. 668, 691, 104 S. Ct. 2052, 2066, 80 L. Ed. 2d 674 (1984). Petitioner argues that Counsel should have fully investigated Ronald McRae to establish Ulanda McRae's criminal background. As explained by the Supreme Court, it was unreasonable to require Counsel 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." Durant, 430 S.C. at 110. Although this finding arose in the context of a Brady violation, it remains relevant because the Supreme Court's analysis concerned the reasonableness of Counsel's reliance on the State's representation and the scope of Counsel's obligation to independently investigate under these circumstances.

Clearly, based on the Supreme Court's determination that Counsel was not required to conduct an independent investigation into the witness's background, Counsel's decision not to pursue further investigation of this witness was objectively reasonable. The Supreme Court's finding confirms that Counsel's actions were "within the wide range of reasonable professional assistance." Id. at 694. Thus, the PCR court did not err in finding Counsel was not deficient in his investigation of this witness.

Additionally, the PCR court did not err in finding Petitioner has failed to prove he was prejudiced by Counsel's alleged deficient investigation. The Supreme Court has already determined that this evidence would not have created a reasonable probability of a different outcome at trial. Therefore, it is the law of the case. Petitioners' assertion that a different standard applies because the Supreme Court's analysis arose in the context of a Brady violation is incorrect. Stickland expressly applies the same prejudice standard used in Brady—whether there is a reasonable probability the outcome of the proceeding would have been different. See Strickland v. Washington, 466 U.S. 668, 694, 104 S. Ct. 2052, 2068, 80 L. Ed. 2d 674 (1984) ("the appropriate test for prejudice finds its roots in the test for materiality of exculpatory information not disclosed to the defense by the prosecution"). Because the Supreme Court has already resolved that this evidence did not establish prejudice, Petitioner cannot use a PCR proceeding to relitigate that issue under the guise of an ineffective assistance of counsel claim.

Importantly, the impeachment evidence was immaterial to Petitioner's conviction because it had no impact on the credibility of the four victims' testimonies. Notably, despite Petitioner's assertion, Ulanda McCrae's testimony and criminal background were not relevant to Petitioner's theory of the case. Petitioner never alleged McCrae was involved in the property dispute which purportedly caused the victims to report their abuse. Petitioner's theory at trial was that Lizzie

Johnson forged the deed, not Ulanda McRae. The record contains absolutely no evidence that Ulanda McRae had any role whatsoever in the property dispute Petitioner claimed prompted the alleged false allegations. McRae was an unimportant witness whose testimony was merely cumulative to what was already established through other evidence presented at trial. Therefore, as the Supreme Court has already found, "[Petitioner] cannot demonstrate the evidence was material because there was not a reasonable probability the result of the proceedings would have been different." Durant 430 S.C. at 110. Accordingly, the PCR court did not err in finding Petitioner was not prejudiced.

II. The PCR Court did not err in finding Counsel was not ineffective for advising Petitioner not to testify because Counsel articulated a valid reason for the advice, Petitioner voluntarily chose not to testify, and Petitioner has failed to establish prejudice

Petitioner contends Counsel was ineffective for advising Petitioner not to testify. This argument is without merit. After the State rested its case, the trial court engaged in the following colloquy with Petitioner:

> The Court: Okay. Well, Mr. Durant, I want to talk to you again one last time. Your lawyer has told me now that you are not planning on testifying. I've told you now throughout the trial that that is your decision and your decision alone. If you want to testify, you certainly can. And, again, you would be subject to not only answering questions from your lawyers, but also from the State, as well. But if you do not want to testify, I will instruct the jury that that is your Constitutional right and they are not to hold that against you at all while they are deliberating. Do you understand that?
>
> The Defendant: Yes, sir, I do.
>
> The Court: Do you have any questions you want to ask me about that or your lawyers?
>
> The Defendant: No, sir, I don't.
>
> The Court: All right. You made a decision you do not want to testify?
>
> The Defendant: That's correct, sir.

(App. pp. 703–704).

At the PCR evidentiary hearing, Counsel testified to the following regarding Petitioner's decision not to testify:

> Q. So the decision was ultimately his to make?
>
> A. The decision is always the client's. I have never forced a client. I've never made a client do any - - now, I give my choices and tell them what I think is in his best interest, which I do. And Ms. Blazer was there. His wife was there. And we chose not to testify, but it was his ultimate choice.

(App. p. 1114).

Here, the trial court advised Petitioner of his Fifth Amendment right to testify and expressly informed him that the decision whether to testify belonged to him alone. Petitioner contends he wished to testify to rebut testimony from witnesses that he cried when confronted with the sexual assault allegations. However, that testimony had already been presented before the trial court conducted the above colloquy. Thus, Petitioner was fully aware of the testimony he now claims he wished to rebut, knew he could do so by testifying in his own defense, and was advised by the trial court that the decision to testify was his alone. Despite knowing all this, Petitioner voluntarily chose not to testify. His present allegation amounts to nothing more than a hindsight regret over his own voluntary choice not to testify, not deficient performance by Counsel. See Strickland v. Washington, 466 U.S 668, 689, 104 S.Ct. 2052, 2065 (1984) ("[A] fair assessment of attorney performance requires that every effect be made to eliminate the distorting effects of hindsight").

Furthermore, Counsel articulated valid reasons for advising Petitioner not to testify, particularly where the sole purpose of his testimony would have been to refute the testimony that he cried when confronted with the sexual assault allegations. Testimony of Counsel's strategic assessment is entitled to substantial deference, as he was the attorney who spent the most time with

Petitioner reviewing the case, and was therefore in the best position to evaluate how Petitioner would perform on the witness stand and whether the benefits of his testimony outweighed the risks. See Id. ("[A] court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance"). Counsel testified at the PCR hearing that he advised Petitioner not to testify because he was concerned doing so could open the door to damaging information on cross-examination, including allegations of sexual relationships with other women of his congregation and evidence that Petitioner "was overexaggerating his eyesight situation." (App. pp. 1113–1114).[1] Counsel further explained that the risk of Petitioner testifying was not justified merely to refute testimony that he cried when confronted with the allegations. Counsel explained that this witness was not a strong witness for the State, whose testimony contained inconsistencies, and that it was therefore unnecessary for Petitioner to testify solely to contradict her testimony. (App. p. 1115).

These are clearly valid strategic reasons for advising Petitioner not to testify, especially considering that Petitioner asserted he wished to testify to refute testimony he cried when confronted with the allegations. Such innocuous and immaterial testimony was clearly insufficient to warrant exposing Petitioner to potentially damaging cross-examination. Therefore, The PCR court did not err in finding Counsel was not deficient.

Furthermore, the PCR court did not err in finding Petitioner has failed to prove he was prejudiced. There is no reasonable probability the outcome at trial would have been different had

[1] Petitioner's claim that there is no legal basis for the admission of sexual relationships with other adult women is without merit. Petitioner presented testimony from his physician, Jason Leonard, M.D., who testified that he treated Petitioner for erectile dysfunction. (App. p. 696–698). This testimony was clearly elicited to demonstrate it was difficult for Petitioner to engage in sexual activity. Had Petitioner testified, it would have been entirely proper for the State to cross-examine him on his sexual relations with other women to rebut the testimony of his own witness.

Petitioner testified in order to refute the testimony that he cried when confronted with the allegations.[2] Whether he cried or not after being confronted with the allegations is completely immaterial to his guilt or innocence. It is just as likely, or perhaps more likely, that an innocent man when confronted with false allegations of criminal sexual conduct, would have a severe emotional reaction. This testimony was not damaging to his defense. Therefore, rebutting harmless testimony would not have led to a different outcome at trial.

Accordingly, Certiorari should be denied.

III. The PCR Court did not err in finding Counsel was not ineffective for failing to object to Natalie Kelly's testimony because the testimony was plainly admissible under Rule 801(d)(1)(D), SCRE.

Petitioner contends Counsel was ineffective for failing to object to the testimony of Detective Natalie Kelly because it violated "the spirit of Rule 801(D)(1)(d)." This is without merit.

At Petitioner's trial, 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 from the end of 2012 and throughout 2013. The victim told her the sexual assaults occurred at two different Word International Ministry locations. (App. pp. 243–244). The victim clarified the sexual assaults occurred in the pastor's office of both churches. (App. p. 244). Detective Kelly further testified she interviewed each of the 404(b) witnesses who all informed her of when they were sexually assaulted and where. (App. pp. 245—247).

"Rule of evidence that sexual assault victim's prior consistent statements limited to time and place of alleged incident are not hearsay, if victim testifies at trial and is subject to cross-

[2] Petitioner also contends he could have testified to the layout of his office. However, as the PCR court found in its order, any additional evidence of this would have been merely cumulative to evidence already presented at trial through the defense witness armor bearers. (App. p. 1164). A finding that is not being challenged in this appeal. Therefore, Petitioner has failed to prove prejudice because his testimony on this issue would have been cumulative to other testimony presented at trial.

examination, expressly allows other witnesses to testify that victim complained of assault, but only as to time and place; it specifically circumscribes such testimony by excluding details or particulars." State v. Jeffcoat, 350 S.C. 392, 565 S.E.2d 321 (Ct. App. 2002) (citing SCRE 801(d)(1)(D)). 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.

Petitioner contends that Detective Kelly's testimony that she obtained a warrant and arrested Petitioner 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, 837 S.E.2d 496 (Ct. App. 2019). Detective Kelly testified that, after conducting her interviews, she obtained search warrants for those locations and Petitioner was subsequently charged with second degree criminal sexual conduct with a minor. (App. pp. 247–249).

The PCR court correctly found this testimony was not improper bolstering. Detective Kelly was merely testifying to an action she undertook in her investigation and in no way offered any opinion regarding the credibility or truthfulness of the victim's allegations. Moreover, the jury was already aware Petitioner 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 Petitioner committed second degree criminal sexual conduct with a minor, Detective Kelly's testimony explaining Petitioner had been arrested for second degree criminal sexual conduct did not prejudice Petitioner.

Furthermore, at Petitioner's trial, the State presented testimony from the minor victim and three other girls who all testified they were sexually abused by Petitioner in nearly identical fashion. As the Supreme Court held in its opinion from Petitioner's direct appeal, "the jury had ample evidence supporting its verdict." State v. Durant, 430 S.C. 98, 110, 844 S.E.2d 49, 55 (2020). Therefore, Petitioner has failed to prove he was prejudiced by Counsel's alleged failure to object to the testimony of Detective Natalie Kelly.

Accordingly, Certiorari should be denied.

CONCLUSION

For the reasons stated above, this Court should deny certiorari. However, if this Court decides to grant the Petition of Writ of Certiorari, Respondent respectfully requests permission to more fully brief the issues herein.

Respectfully Submitted,

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This 7th day of August 2026.