

COURT OF APPEALS OF GEORGIA

Duerfeldt v. The State

No. A26A0008 (Ga. Ct. App. Apr. 30, 2026) · No. A26A0008 · Decided April 30, 2026

SUMMARY

The Georgia Court of Appeals affirmed Flint Duerfeldt’s convictions for child molestation, aggravated sexual battery, and aggravated child molestation, as well as the denial of his motion for new trial. The court held that the trial court did not plainly err under OCGA § 24-7-702 by admitting a forensic interviewer’s expert testimony that the victim’s disclosure was consistent with reports by other children of sexual abuse. The court also rejected Duerfeldt’s ineffective-assistance claim because an objection to the admissible testimony would have been futile.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Georgia                                                                                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Dillard, Presiding Judge; Gobeil, Judge; Pipkin, Judge                                                                                                                                                                                                                                                                                                                                                             |
| JURISDICTION          | Georgia Court of Appeals                                                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | April 30, 2026                                                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | A26A0008                                                                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Duerfeldt appealed his convictions and the denial of his amended motion for new trial after a jury convicted him of four counts of child molestation, one count of aggravated sexual battery, and one count of aggravated child molestation.                                                                                                                                                                       |
| STANDARD OF REVIEW    | Unpreserved evidentiary error was reviewed for plain error affecting substantial rights under the four-pronged standard adopted from Puckett v. United States. Rulings on the qualification of an expert and admissibility of expert testimony are reviewed for abuse of discretion. Factual findings on ineffective assistance are upheld unless clearly erroneous, while legal conclusions are reviewed de novo. |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                                                                                                                                                                                                                                  |
| PARTIES               | Flint Douglas Duerfeldt v. The State                                                                                                                                                                                                                                                                                                                                                                               |

TOPICS

expert testimony

daubert standard

ineffective assistance

criminal procedure

appellate procedure

## PRACTICE AREAS

criminal procedure

evidence

criminal appeals

ineffective assistance of counsel

## QUESTIONS PRESENTED

1. Whether the trial court plainly erred under OCGA § 24-7-702 by admitting a forensic interviewer's expert testimony that the alleged victim's disclosure was consistent with disclosures by other children reporting sexual abuse and showed no indication of coaching.
2. Whether trial counsel rendered ineffective assistance by failing to object to the forensic interviewer's testimony.

## HOLDINGS

1. The trial court did not plainly err by admitting testimony that the alleged victim's disclosure was consistent with disclosures by other children reporting sexual abuse and showed no indication of coaching. The testimony was limited, did not directly opine that the victim was credible or had in fact been abused, and did not invade the jury's fact-finding function.
2. Duerfeldt failed to establish ineffective assistance because an objection to Brown's testimony would not have succeeded; counsel's failure to pursue a futile objection was not deficient performance.

## KEY QUOTATIONS

*"It's not my job to believe [alleged victims]. It's my job just to gather the information from them."* (at 15)

*"It's not my job to figure out if [the disclosure is] true or not."* (at 15)

*"Given our holding in Division 1, this enumeration provides no basis for reversal because Duerfeldt has not shown that an objection to Brown's testimony that he now challenges would have succeeded, and his trial counsel's 'failure to pursue this futile course does not constitute ineffective assistance of counsel.'" (at 18)*

## FACTUAL BACKGROUND

Duerfeldt, who had helped raise C. R., sexually abused her on four occasions in 2019 when she was thirteen years old. C. R. later disclosed the abuse to friends and then to her mother, after which law enforcement arranged a forensic interview. At trial, the State presented C. R.'s testimony, evidence from the forensic interview, and testimony from forensic interviewer Jelielgha Brown that C. R.'s disclosure was consistent with disclosures by other children reporting sexual abuse and showed no indication of coaching.

## PROCEDURAL HISTORY

Following a jury trial, Duerfeldt was convicted on all counts charged in the indictment. He filed a motion for new trial and later amended it, through appellate counsel, to assert ineffective assistance of trial counsel. After an evidentiary hearing at which trial counsel testified, the trial court denied the motion. The Court of Appeals of Georgia affirmed the convictions and the denial of the motion for new trial.

## DISPOSITION

affirmed

## CASES CITED

- Libri v. State, 346 Ga. App. 420, 421 (816 SE2d 417) (2018)
- Gates v. State, 298 Ga. 324, 326-27(3) (781 SE2d 772) (2016)
- Puckett v. United States, 556 U.S. 129 (2009)
- Rijal v. State, 367 Ga. App. 703, 705(1), 713(3)(b)(ii) (888 SE2d 272) (2023)
- Williams v. State, 315 Ga. 490, 495(2) (883 SE2d 733) (2023)
- Smith v. State, 315 Ga. 287, 300(2)(b) n.6 (882 SE2d 300) (2022)
- Garland v. State, 361 Ga. App. 724, 732(2) (865 SE2d 724) (2021)
- Flannigan v. State, 305 Ga. 57, 60(2)(a) (823 SE2d 743) (2019)
- Hambrick v. State, 353 Ga. App. 666, 675(3) (839 SE2d 664) (2020)
- Hammond v. State, 368 Ga. App. 277, 283(2)(b) (890 SE2d 40) (2023)
- DiPietro v. State, 356 Ga. App. 539, 544-45(2)(a) (848 SE2d 153) (2020)
- Gilmer v. State, 339 Ga. App. 593, 595(2)(a) (794 SE2d 653) (2016)
- United States v. Whitted, 11 F.3d 782, 785-87 (8th Cir. 1993)
- United States v. Charley, 189 F.3d 1251, 1266-69 (10th Cir. 1999)
- United States v. Lukashov, 694 F.3d 1107, 1116-17 (9th Cir. 2012)
- United States v. Hadley, 918 F.2d 848, 852-53 (9th Cir. 1990)
- Olds v. State, 299 Ga. 65, 69(2) (786 SE2d 633) (2016)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Chapman v. State, 273 Ga. 348, 349-50(2) (541 SE2d 634) (2001)
- Ashmid v. State, 316 Ga. App. 550, 556(3) (730 SE2d 37) (2012)
- McAllister v. State, 351 Ga. App. 76, 93(6) (830 SE2d 443) (2019)
- Gomez v. State, 300 Ga. 571, 573 (797 SE2d 478) (2017)
- Lockhart v. State, 298 Ga. 384, 385(2) (782 SE2d 245) (2016)
- Cammer v. Walker, 290 Ga. 251, 255(1) (719 SE2d 437) (2011)
- Sowell v. State, 327 Ga. App. 532, 539(4) (759 SE2d 602) (2014)
- Grant v. State, 295 Ga. 126, 130(5) (757 SE2d 831) (2014)
- Ramirez v. State, 376 Ga. App. 775, 782(3) (921 SE2d 36) (2025)
- Hill v. State, 310 Ga. 180, 192-93(8)(b) (850 SE2d 110) (2020)
- Ward v. State, 353 Ga. App. 1, 7(2)(b) (836 SE2d 148) (2019)