

COURT OF APPEALS OF UTAH

State v. Durfee

Durfee, 2026 UT App 42 (Utah Ct. App. 2026) · No. 20230410-CA · Decided March 26, 2026

SUMMARY

The Utah Court of Appeals affirmed Fredrick Dee Durfee’s conviction for object rape. The court rejected his ineffective-assistance claim concerning expert testimony about the victim’s injuries, concluding that counsel’s handling of the testimony was objectively reasonable. The court also upheld the trial court’s ruling concerning the permissible scope of cross-examination regarding character evidence, while clarifying the application of Utah Rules of Evidence 404 and 405.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	Ryan M. Harris; John D. Luthy; Amy J. Oliver
JURISDICTION	Utah Court of Appeals
DECIDED	March 26, 2026
DOCKET	20230410-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a jury conviction for object rape, challenging the effectiveness of trial counsel and an evidentiary ruling concerning the permissible scope of cross-examination of a proposed character witness.
STANDARD OF REVIEW	An ineffective-assistance claim raised for the first time on appeal presents a question of law. Evidentiary rulings are reviewed for abuse of discretion, while interpretation of evidentiary rules is reviewed for correctness.
PRECEDENTIAL VALUE	Published precedential opinion of the Utah Court of Appeals
PARTIES	Fredrick Dee Durfee v. State of Utah

TOPICS

- ineffective assistance
- evidence
- character evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether trial counsel rendered ineffective assistance by failing to object to an expert's testimony concerning the relationship between Eliza's injuries and consensual sexual activity.
2. Whether the trial court abused its discretion by provisionally allowing the State, on cross-examination of a defense character witness, to inquire about Durfee's refusal to leave the witness's home upon request.

HOLDINGS

1. Counsel did not provide deficient performance by declining to object to the expert's testimony because counsel could reasonably interpret the testimony as permissible general expert testimony and could reasonably choose to clarify it through cross-examination.
2. The trial court did not abuse its discretion by provisionally allowing the State to ask the character witness about a relevant specific instance in which Durfee refused to leave her home after being asked to do so.

KEY QUOTATIONS

“To succeed on such a claim, Durfee must make a two-part showing: that (1) Counsel’s performance was deficient in that it “fell below an objective standard of reasonableness” and (2) “there is a reasonable probability that, but for [C]ounsel’s unprofessional errors, the result of the proceeding would have been different.”” (2026 UT App 42, ¶ 24)

“On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person’s conduct.” (2026 UT App 42, ¶ 36)

FACTUAL BACKGROUND

Durfee and Eliza engaged in consensual sexual activity that later became painful when Durfee allegedly manually penetrated Eliza with his entire hand and continued after she told him to stop. Eliza suffered extensive anogenital injuries, including a cervical laceration requiring two stitches, and reported the incident to medical providers and police. At trial, a medical expert testified that the injuries were consistent with Eliza's account and generally were not caused by consensual intimacy. Durfee sought to present a former romantic partner's testimony that he respected sexual partners' wishes, but the trial court ruled that the State could ask the witness about Durfee's refusal to leave her home when requested, leading the defense not to call her before the jury.

PROCEDURAL HISTORY

The State charged Durfee with object rape and, originally, two counts of obstructing justice; the obstruction counts were dismissed at the preliminary hearing. After a jury trial, Durfee was convicted of object rape and sentenced to prison. The Utah Court of Appeals rejected his ineffective-assistance and evidentiary claims and affirmed the conviction.

DISPOSITION

affirmed

CASES CITED

- State v. Popp, 2019 UT App 173, 453 P.3d 657
- State v. Rivera, 2022 UT App 44, ¶ 21, 509 P.3d 257
- Rothwell v. Rothwell, 2023 UT App 50, ¶ 34, 531 P.3d 225
- Strickland v. Washington, 466 U.S. 668, 687-88, 694 (1984)
- State v. Scott, 2020 UT 13, ¶¶ 28, 31, 35, 462 P.3d 350
- State v. Ray, 2020 UT 12, ¶¶ 24, 34, 469 P.3d 871
- State v. Kufrin, 2024 UT App 86, ¶ 55, 551 P.3d 416
- State v. Burnett, 2018 UT App 80, ¶ 29, 427 P.3d 288
- Patey v. Lainhart, 1999 UT 31, ¶¶ 22, 26, 977 P.2d 1193
- State v. Griffin, 2015 UT 18, ¶ 42, 441 P.3d 1166
- State v. Christensen, 2016 UT App 225, ¶ 21, 387 P.3d 588
- State v. Thompson, 2014 UT App 14, ¶ 26, 318 P.3d 1221
- State v. White, 2016 UT App 241, ¶ 27, 391 P.3d 311
- United States v. Yazzie, 188 F.3d 1178, 1189 (10th Cir. 1999)
- State v. Francis, 2025 UT App 104, ¶ 88, 575 P.3d 1197
- Michelson v. United States, 335 U.S. 469, 478 (1948)
- State v. Johnson, 2022 UT 14, ¶ 22, 508 P.3d 100
- State v. Leber, 2009 UT 59, ¶ 22, 216 P.3d 964
- United States v. Hazelwood, 979 F.3d 398, 410 (6th Cir. 2020)
- United States v. Benedetto, 571 F.2d 1246, 1250 (2d Cir. 1978)
- State v. Blackwing, 2025 UT 60, ¶¶ 36-37, 582 P.3d 829
- State v. Lenaburg, 781 P.2d 432, 437 (Utah 1989), abrogated on other grounds by State v. Doporto, 935 P.2d 484 (Utah 1997)
- State v. Doporto, 935 P.2d 484 (Utah 1997)