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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM COLLETON COUNTY
Court of Common Pleas
The Honorable Frank Addy, PCR Action Judge
2024-CP-15-00363

BRADLEY JACKSON, #391410,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Bradley Jackson appeals the denial of his post-conviction relief application. The post-conviction relief action was heard and denied by the Honorable Frank Addy, circuit court judge, on April 16, 2025, and was denied by written order issued filed on July 14, 2025. Applicant received notice of the judgement on August 11, 2025.

/s Chelsey F. Marto
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STATE OF SOUTH CAROLINA)
 COUNTY OF COLLETON)
)
 Bradley L. Jackson, SCDC #391410,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FOURTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-15-00363

ORDER OF DISMISSAL

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 COLLETON CO CP, GARY HALE

THIS MATTER COMES BEFORE THE COURT by way of Bradley L. Jackson's application for post-conviction relief (PCR) filed on May 21, 2024. Respondent filed its Return requesting an evidentiary hearing. An evidentiary hearing was held on April 16, 2025 at the Beaufort County Courthouse. Applicant was present and represented by Chelsey Marto, Esquire, and Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on all of the allegations in his amended application. In support of these claims, Applicant testified on his own behalf and presented the testimony of Matthew Walker, Esquire (Trial Counsel).

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a cumulative sixty-year sentence. In January 2023, the Colleton County Grand Jury indicted Applicant for two counts of first-degree criminal sexual conduct (CSC) with a minor (2021-GS-

15-00605, -00606). On June 28, 2023, Applicant was convicted as indicted following a jury trial before the Honorable Carmen T. Mullen. Public Defender Matthew Walker represented Applicant, and Assistant Solicitor Julie Kate Keeney represented the State. Following his conviction, Judge Mullen sentenced Applicant to consecutive sentences of thirty years for each charge.

On July 7, 2023, Applicant filed a direct appeal, which was dismissed due to Applicant's withdrawal. The Remittitur was sent on May 22, 2024.¹

CURRENT APPLICATION

On May 21, 2024, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegations of ineffective assistance of counsel:

(A): Counsel did not move for a directed verdict;

(B): Counsel did not diligently prepare or subpoena witnesses, specifically the lead investigator who testified at a preliminary hearing that there was no evidence of sexual assault;

(B)(2): Counsel failed to move to suppress statements and evidence;

(B)(3): Counsel failed to "investigate into whether the alleged victim had ever been sexual penetrating by an expert medical doctor. Since there was no evidence per medical exam did not."

(B)(4): Counsel failed to object to/move to suppress the indictment when Solicitor changed the date, and the arrest warrant does not match.²

¹ Applicant filed his first PCR action on October 9, 2023, which was dismissed without prejudice on February 13, 2024, due to the fact that Applicant's direct appeal was still pending.

² Applicant did not proceed on these claims at the evidentiary hearing.

On April 10, 2025, Applicant filed an amended application alleging:

1. Ineffective assistance of counsel for:
 - a. Failure to ensure each juror was polled once and only once;
 - b. Failure to prepare for trial;
 - c. Failure to object to the State's exhibits;
 - d. Failure to object to the State qualifying their expert witness as an expert witness;
 - e. Failure to object to asking victim's mom regarding promises made in exchange for testifying;
 - f. Erroneously telling Applicant not to testify;
 - g. Failure to object to admission of the forensic interview;
 - h. Failure to raise Brady violations regarding failure to disclose the DNA analysis;
 - i. Failure to cross-examine witnesses effectively;
 - j. Failure to admit the DNA analysis;
 - k. Failure to investigate and test the carpet;
 - l. Failure to object to the State's direct examination of their expert witness;
 - m. Failure to challenge the indictments;
 - n. Failure to argue interviewer was unreliable;
 - o. Failure to collaborate with Applicant regarding strategy.

At the hearing, Applicant proceeded only on the allegations in his amended application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Colleton County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

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Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient and that the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to received relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625.

Failure to Ensure Each Juror was Polled Once

Applicant alleged Trial Counsel was ineffective for failing to ensure each juror was polled once. The record directly refutes this allegation and reflects each juror was polled once. (Tr. 316 – 318). Applicant has failed to prove deficiency or prejudice and thus, this claim is denied.

Failure to Prepare for Trial and Discuss Strategy with Applicant³

Applicant alleged Trial Counsel failed to prepare for trial and discuss trial strategy with Applicant. This Court finds this allegation is without merit.

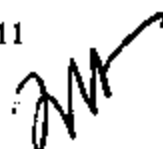
³ This section addresses allegations (b) and (c).



In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Trial Counsel credibly testified that he had adequate time to prepare for trial, that he reviewed the discovery with Applicant and discussed his strategy with Applicant, and that that his strategy was to impeach the victim and focus on the lack of physical corroboration. Trial Counsel told Applicant they needed a motive for why child would allege the crime took place if not true and needed to answer how the child had knowledge regarding sexual acts. Trial Counsel credibly testified that he reviewed the discovery with Applicant but generally advises against having a copy of the discovery in the jail because of the nature of the crime. This Court finds Trial Counsel was prepared for trial and fully discussed the strategy with Applicant. Based on Counsel's foregoing testimony, Applicant failed to offer any evidence on how Counsel could have further prepared for trial or how further discussion about the strategy would have had a reasonable probability of changing the outcome of trial. Applicant thus failed to prove deficiency and prejudice, and this claim is denied.

Failure to Object to the State's Exhibits

Applicant alleged Trial Counsel was ineffective for failing to object to pictures of the upstairs of the home. Trial Counsel testified he does not believe an objection to the photos of the scenc would have been sustained. Applicant failed to set forth a valid, legal objection that would have reasonably excluded the photos. Further, Applicant did not introduce these photos at the PCR hearing, and therefore, it's speculative as to whether they would be excluded. This Court finds Trial Counsel was not deficient for not objecting to the photos. Further, this Court finds that any



objection to the admission of these photos would have been non-meritorious. See Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence). This Court finds Applicant failed to prove deficiency and prejudice, and this claim is denied.

Failure to object to the State's Expert Witness⁴

Applicant alleged Trial Counsel was ineffective for failing to object to the qualification of the State's expert witness and improper bolstering on direct examination by the State. Trial Counsel testified that there was no basis to object to the State's examination of the expert. Applicant did not provide where the bolstering allegedly took place. This Court finds, after a thorough review of the record, that improper bolstering did not take place. Applicant has failed to set forth any ground for objecting to the qualification of the expert witness or where improper bolstering occurred. Further, this Court finds that any objection would have been non-meritorious. See Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence). Applicant has failed to prove deficiency and prejudice, and this claim is denied.

⁴ This section addresses allegations (d) and (l).

Failure to object to Questioning of Victim's Mother

Applicant alleged Trial Counsel was ineffective for failing to object to the questioning of the victim's mother regarding promises made in exchange for testifying. Trial Counsel testified there was no basis to object to the questions regarding the mother's promises to testify. During the trial, the Solicitor asked witness Rhoda Manigo: "Have I promised you anything in exchange for testifying?" to which she responded "No, you have not." (Tr. 195). Applicant failed to set forth a valid, legal objection that would have reasonably excluded the testimony. This Court finds that any objection would have been non-meritorious. See Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence). Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Advising Applicant Not to Testify

Applicant alleged Trial Counsel was ineffective for erroneously telling Applicant not to testify. Trial Counsel credibly testified that he discussed testifying with Applicant and that Counsel got all he needed from other witnesses in order to make the closing argument he wanted. This Court finds Trial Counsel articulated a valid trial strategy in not calling Applicant to testify and potentially subjecting him to cross examination. Further, Applicant testified that he told the judge he did not wish to testify and that this decision was his choice. This Court finds Trial Counsel was not deficient in his advice to Applicant, and further it was Applicant's choice whether or not to testify. Further, this Court finds Applicant has failed to prove prejudice. Applicant testified that at trial he would have testified that he did nothing to the child. Applicant has failed to show a reasonable probability that the outcome of the trial would have been different had he testified. See



Cherry *supra*. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failure to Object to Admission of the Forensic Interview⁵

Applicant alleged Trial Counsel was ineffective for failing to object to the admission of the forensic interview and for failing to argue the interviewer was unreliable. The record directly refutes this allegation and reflects Trial Counsel did object to the admission of the forensic interview on the basis of bolstering and due process. (Tr. 111). Trial Counsel testified that he did not believe the interviewer's reliability would have a bearing on the case. This Court finds Applicant has failed to set forth what more Counsel should have argued in this regard and thus failed to prove deficiency. Further, this Court finds Applicant has failed to prove prejudice. This Court finds the reliability of the interviewer asking the questions would, as Trial Counsel testified to, have no bearing on this case. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failure to Cross-Examine Victim Effectively

Applicant alleged Trial Counsel failed to cross-examine the victim effectively. Trial Counsel testified that he tried to not ask too much from the child victim other than asking about the contradicting statements. Trial Counsel testified that it is risky having the victim repeat their story. This Court finds Trial Counsel's testimony credible and that he articulated a valid trial strategy in his cross-examination of the victim. Further, this Court finds cross-examination is a matter of trial strategy, and Applicant has failed to overcome the presumption that Trial Counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at

⁵ This section addresses allegations (g) and (n).

ZNA

690). Finally, Applicant did not present any credible evidence of what the victim would have said upon further cross-examination and thus did not prove prejudice. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

DNA Analysis⁶

Applicant alleged Trial Counsel was ineffective for failing to raise Brady violations regarding failure to disclose the DNA analysis and failing to admit the DNA analysis. This allegation lacks merit. Initially, these allegations directly contradict each other. Further, the State stipulated to the lack of DNA. Thus, Applicant did not prove deficiency or prejudice and this claim is denied.

Failure to Investigate and Test the Carpet

Applicant alleged Trial Counsel was ineffective for failing to investigate and test the carpet. Trial Counsel credibly testified that he does not recall Applicant requesting to have the carpet tested. Trial Counsel credibly testified that he probably would not have tested it because Applicant lived in the house, so naturally his DNA would be in the house and that would not be helpful. This Court finds Trial Counsel articulated a valid reason for not testing the carpets within the household. Trial Counsel testing all of the carpet in the house where the victim and Applicant lived would be impractical and would have zero impact on the outcome of the trial. Further, Applicant did not submit any evidence at the PCR hearing of what the testing would have shown and thus did not prove prejudice. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

⁶ This section addresses allegations (h) and (j).



Failure to Challenge the Indictments'

Applicant alleged Trial Counsel was ineffective for failing to challenge the indictments. Trial Counsel credibly testified that he did not see anything wrong with the indictments and so did not consider moving to quash them. Applicant did not allege any grounds at the evidentiary hearing on which the indictments could have been dismissed. This Court finds Trial Counsel was not deficient in his performance with regard to this allegation because there was no meritorious ground to challenge the indictments. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE.**

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

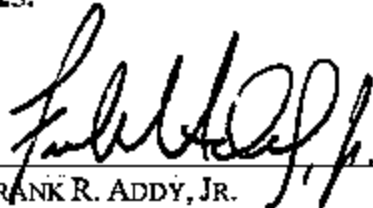
IT IS THEREFORE ORDERED:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and



2. Applicant shall be remanded to and remain in the custody of the South Carolina Department of Corrections.

IT IS SO ORDERED this 1st day of July, 2025.



FRANK R. ADDY, JR.
Presiding Judge
Fourteenth Judicial Circuit

Greenwood, South Carolina