

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2022-CP-10-5328

Alexis Denise Grant,

Appellant,

v.

State of South Carolina,

Respondent.

NOTICE OF APPEAL

Alexis Denise Grant hereby appeals the denial and dismissal of her application for post conviction relief in this case. An evidentiary hearing in the matter was convened before the Honorable Carmen T, Mullen. Following the hearing, Judge Mullen issued a written order denying and dismissing the application with prejudice filed July 29, 2025. Undersigned counsel did not receive a written filed copy of said order but downloaded a copy of same on today's date.

September 5, 2025

s/ Denise Grainger Swope
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Other Counsel of Record:

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Alexis D. Grant, #386494,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT

CASE NO. 2022-CP-10-5328

ORDER OF DISMISSAL

FILED
2025 JUL 29 PM 3:07
JULIE J. ARMSTRONG
CLERK OF COURT

This matter comes before the Court by way of Alexis D. Grant’s application for post-conviction relief (PCR) filed on November 17, 2022. On May 28, 2025, an evidentiary hearing was held at the Charleston County Courthouse before the Honorable Judge Carmen T. Mullen. Applicant was present and represented by Denise Swope, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the allegations in her application. In support of these claims, Applicant testified on her own behalf, and presented the testimony of her mother. Respondent presented the testimony of Megan Ehrlich, Esquire (Plea 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 her 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 twenty-year sentence. In 2017, Applicant was indicted for homicide by child abuse (2017-GS-10-7036). This charge arose from the death of her fourteen-old-month son on May 11, 2017. According to the State, Applicant hit the victim “around five times in the head and knocked him

down twice,” causing his death. On November 9, 2021, Applicant pled guilty pursuant to a negotiated plea before the Honorable Deadra L. Jefferson. Megan Ehrlich represented Applicant, and Deborah Herring Lash represented the State. Pursuant to the negotiated plea, Applicant was sentenced to twenty years; she received credit for time served on house-arrest. Applicant did not file a direct appeal.

CURRENT APPLICATION

Applicant filed this PCR action on November 17, 2022. In her application, Applicant alleges she is being held in custody unlawfully for the following reasons:

Ineffective assistance of counsel:

- a. Defendant was prejudiced by trial counsel erroneous advice of taking a guilty plea and comparing case of like nature to avoid a harsher sentence denied defendant of her Sixth Amendment.
- b. Trial counsel was ineffective for not consulting with a forensic pathologist and presenting a pathologist testimony at trial on behalf of the petitioner.
- c. Invalid indictment.

As relief, Applicant requested “new trial, vacated sentence.”

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying conviction, Applicant’s records from the South Carolina Department of Corrections, the plea transcript, 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 her 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).

Ineffective Assistance of Counsel/ Involuntary Plea

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 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. When reviewing a guilty plea, the Strickland deficiency prong remains unchanged – Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58-59. To show prejudice, Applicant must show a reasonable probability "that, but for counsel's [alleged] errors, he would not have pled guilty and would have insisted on going to trial." Id. at 59. To be knowing and voluntary, the defendant must be advised of the constitutional rights he is waiving, including the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243.

Involuntary Guilty Plea

Applicant alleged she was “prejudiced by trial counsel erroneous advice of taking a guilty plea and comparing case of like nature to avoid a harsher sentence denied defendant of her Sixth Amendment”. This Court finds this allegation is without merit.

Counsel testified that they were in full trial preparation mode at the time of the plea and had discussions about whether to plea. Counsel testified that she had adequate time to discuss the plea and they met consistently. Counsel testified that she drove to Marion to review discovery with Applicant and had zoom meetings and phone calls. Counsel testified she reviewed the evidence as it came in with Applicant. Counsel testified she had Applicant have a psychological evaluation for mitigation purposes. Counsel testified she got South Carolina Department of Corrections data on sentences for homicide by child abuse and did so to provide Applicant with that information. This Court finds Counsel’s testimony credible. Based on this testimony, this Court finds Counsel’s representation and advice reasonable under prevailing professional norms. Applicant has presented no valid reason why she should be able to depart from the statements made during her guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whiteley, 759 F.2d 317 (4th Circ. 1985) (finding that the accuracy and truth of an accused’s statements at a guilty plea proceeding are “conclusively” established unless he makes some reasonable allegation why this should not be so). Applicant has not provided any evidence to prove counsel’s representation fell below an objective standard of reasonableness. Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty. Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failure to Present Testimony of a Forensic Pathologist

Applicant alleged Counsel was ineffective for not consulting with a forensic pathologist and presenting a pathologist testimony at trial on behalf of the petitioner. This Court finds this allegation is without merit. Counsel credibly testified that she met with a pathologist and hired a pathologist to review the records, and that the testimony from the pathologist would make the case worse if they proceeded to trial. Further, Applicant knowingly and voluntarily pled guilty, and Applicant told the plea court she understood she was giving up the right to present any defenses by pleading guilty. (Tr. 15). This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Invalid indictment

Applicant alleged her indictment was invalid. This Court finds this Allegation to be without merit. Counsel *credibly* testified that she did not see any basis upon which she could have moved for dismissal of the indictments. Further, this Court has reviewed the indictments and finds they were sufficient to put Applicant on notice of the charges she faced. Applicant did not allege any grounds at the evidentiary hearing on which the indictments could have been dismissed. This Court finds Counsel was not deficient in her performance with regard to this allegation because there was no meritorious motion Counsel could have made. Therefore, this Court finds Applicant has failed to show any deficiency by Counsel for failing to move to dismiss or any prejudice flowing therefrom, and 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 her

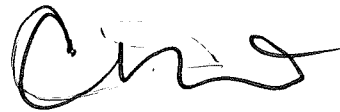
application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE.**

Should Applicant wish to secure appellate review, she 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), SCRPC, 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.

AND IT IS SO ORDERED this 14 day of July, 2025.



THE HONORABLE CARMEN T. MULLEN
Presiding Judge
Ninth Judicial Circuit

Beaufort, South Carolina



ALAN WILSON
ATTORNEY GENERAL

July 25, 2025

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Re: Alexis D. Grant, #386494 v. State of South Carolina
Case No. 2022-CP-10-05328

Dear Ms. Armstrong:

Enclosed please find the original Order of Dismissal signed by the Honorable Carmen T. Mullen, in the above-captioned case, for filing in your office. Please forward a time-stamped copy back to our office for our file.

Sincerely,

Kylee Kanealey
Assistant Attorney General

KK/vh
Enclosure

cc: Denise G. Swope, Esquire