

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM HORRY COUNTY
Court of Common Pleas
The Honorable Frank Addy, PCR Action Judge
2023-CP-26-01738

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S.C. SUPREME COURT

Jordan Hodge, #381543,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Jordan Hodge appeals the denial of her post-conviction relief application. The post-conviction relief action was heard and denied by the Honorable Frank Addy, circuit court judge, on July 16, 2025, and was denied by written order issued filed on September 4, 2025. Applicant received notice of the judgement on September 8, 2025.

/s Chelsey F. Marto
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STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
)
 Jordan Hodge, SCDC #381543,)
)
 Applicant,)
 v.)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2023-CP-26-01738

ORDER OF DISMISSAL

FILED
 HORRY COUNTY
 2025 SEP -14 A 8:08
 RENEE J. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

THIS MATTER CAME BEFORE THE COURT pursuant to an application for post-conviction relief (“PCR”) filed by Jordan Hodge (“Applicant”) on March 21, 2023. On July 16, 2025, an evidentiary hearing was convened. Applicant was present and represented by Chelsey F. Marto, Esquire. Assistant Attorney General Bryan T. Hall represented Respondent. At the hearing, Applicant testified on her own behalf and called as a witness Ralph Wilson, Sr., Esquire. Following a thorough review of the trial transcript and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant did not meet her burden of proof. Therefore, this Court denies relief and dismisses this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (“SCDC”) serving a life sentence. In November 2017, the Horry County Grand Jury indicted Applicant for two (2) counts of murder (2017-GS-26-04446; -04447).¹ The charges arose from an incident in which Applicant’s grandmother and her husband (“victims”) went missing. Law enforcement subsequently found Applicant’s grandmother’s truck at a home Applicant shared with her boyfriend and co-defendant, Kenneth Carlisle (“Carlisle” or “co-defendant”). In a subsequent

¹ An additional indictment for criminal conspiracy (2019-GS-26-04214) was *nolle prossed*.

search of the vehicle, police found the victims' blood and two (2) shell casings. The victims' bodies were later discovered in the woods. Applicant and her co-defendant were seen on video surveillance using the victims' bank cards at Walmart.

From September 30th to October 3, 2019, Applicant and her co-defendant proceeded to a joint jury trial² before the Honorable D. Craig Brown. Assistant Solicitors George H. DeBusk, Jr. and Seth A. Oskin prosecuted the case. Applicant was represented by Ralph J. Wilson, Sr., Esq. ("Counsel"). The jury convicted Applicant as indicted, and Judge Brown sentenced her to concurrent sentences of life without parole.

On October 15, 2019, a notice of appeal was filed on Applicant's behalf. On appeal, Applicant was represented by Appellate Defender Taylor D. Gilliam. Following briefing and without oral argument, the Court of Appeals affirmed Applicant's convictions and sentences. *State v. Hodge*, Op. No. 2022-UP-189 (S.C. Ct. App. filed May 11, 2022), *cert. denied*. The remittitur was sent on June 7, 2023.

CURRENT APPLICATION

In her current application, Applicant alleges she is entitled to relief for the following reasons:

Ineffective Assistance of Counsel

- a. Failure to rigorously represent Applicant in murder case.
- b. "[Applicant] was an abuse victim & under duress & and should have been treated as such by the law"
- c. "Should not have been tried in a joint trial."

On January 10, 2025, Respondent filed its Return. On or about July 16, 2025, Applicant filed an amendment, raising the following allegations:

Ineffective Assistance of Counsel

- a. Failure to contemporaneously renew objection to police statement. (Tr. 210).

² Kenneth W. Carlisle was represented by Martin D. Spratlin, Esq.



- b. Failure to properly redact video so GPS monitoring ankle was not shown to the jury. (Tr. 513).
- c. Failure to move to sever trials.
- d. Failure to meet with Applicant and communicate effectively and sufficiently.
- e. Failure to review discovery with Applicant.
- f. Erroneously telling Applicant not to take a plea offer.
- g. Failure to pursue a duress defense.
- h. Failure to raise during mitigation the fact that Applicant was a domestic violence victim.
- i. Erroneously telling Applicant not to testify.
- j. Failure to present a zealous defense.
- k. Failure to fully explain the trial process and Applicant's options to her.
- l. Failure to collaborate on a defense.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

At the evidentiary hearing, Applicant proceeded solely on the issues raised in her amended application. Before this Court are the Horry County Clerk of Court records of the subject conviction, Applicant's records from SCDC, the appellate records, the trial transcript, and the records of the current PCR action. This Court has reviewed the trial transcript in its entirety and has heard the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony. 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 this Court's findings of facts and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations. Rule 71.1(e), SCRCF; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). An applicant alleging ineffective assistance of counsel must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland*



v. *Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. “The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases.” *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. An applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).

To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Strickland*, 466 U.S. at 687–88; *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625. Applicant must prove prejudice by showing “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.

Failure to Renew Objection to Applicant’s Statement to Police

This Court finds Applicant failed to prove Counsel was ineffective in failing to renew an objection to a statement to police. This Court has reviewed the statement in question (Tr. 210) and finds that there is likely an error in the transcript attributing the statement to Applicant. This Court finds the statement was given by Applicant’s co-defendant, Carlisle. Pre-trial, the trial court held a *Jackson v. Denno* hearing on Carlisle’s statement to law enforcement and found the statement was given voluntarily. (Tr. 80-87). Carlisle’s statement was entered into evidence without objection from his or Applicant’s counsel. (Tr. 210; St.’s Ex. 5). This Court also finds credible Counsel’s testimony that the transcript erroneously attributed the statement to Applicant instead of Carlisle. Thus, this Court finds this allegation is without merit.



Failure to Properly Redact Video so GPS Monitoring Anklet was not Shown to the Jury

This Court finds Applicant failed to prove Counsel was ineffective for failing to redact or object to the video depicting her co-defendant wearing a GPS anklet. (Tr. 513-15; St.'s Ex. 120). This Court finds Applicant failed to prove prejudice from the video. Based on the trial record, this Court finds it is unlikely that the jury saw or recognized the ankle monitor in the video. Carlisle's counsel (Spratlin) indicated to the trial court that he was not certain that the jury would know what was on his client's ankle. (Tr. 513:14). In denying Carlisle's motion for a mistrial, the trial court also noted that it was not readily apparent from the video that Carlisle is wearing an ankle monitor. (Tr. 515:2-7). Reviewing the issue on appeal, the Court of Appeals determined Carlisle failed to show prejudice from the video since he "repeatedly conceded that Exhibit 120 was insufficient for the jury to conclude he was wearing an ankle monitor." *State v. Carlisle*, Op. No. 2022-UP-197 (S.C. Ct. App. filed May 18, 2022). Although the Court of Appeals' decision in Carlisle's case is not binding on Applicant's case, it lends sufficient support to this Court's reasoning that Applicant was not prejudiced by the video since it is unlikely the jury could determine that Carlisle was wearing an ankle monitor.

Further, this Court finds credible Counsel's testimony that he does not believe the depiction was a nefarious act on the part of the State and believes it was a simple "slip up" and an honest mistake. This Court also finds Counsel articulated a valid and reasonable trial strategy in attempting to paint Applicant's co-defendant as the more culpable party. This Court finds the inadvertent disclosure of Carlisle wearing an ankle monitor likely aided Applicant's case in accordance with Counsel's trial strategy. Thus, Applicant failed to meet her burden.



Failure to Move to Sever Trials

This Court finds Applicant failed to prove Counsel was ineffective for failing to move to sever the trial from her co-defendant. There is no clearly defined rule for determining when a defendant is entitled to a separate trial; the decision to sever is within the trial court's discretion, based on a just and proper consideration of the particular circumstances presented to the court in each case. *State v. Halcomb*, 382 S.C. 432, 676 S.E.2d 149 (Ct. App. 2009). Severance should only be granted when there is a serious risk that a joint trial would compromise a specific trial right of a codefendant or prevent the jury from making a reliable judgment about a codefendant's guilt. *Id.* at 440, 676 S.E.2d at 153 (citing *State v. Harris*, 351 S.C. 643, 652-53, 572 S.E.2d 267, 273 (2002)). A defendant who alleges he was improperly tried jointly must show prejudice by demonstrating he was prejudiced by the joint trial and would have obtained a more favorable result in a separate trial. *See id.*, 382 S.C. at 441, 676 S.E.2d at 153-54.

This Court finds Applicant failed to prove she was prejudiced by a joint trial with her co-defendant. This Court finds credible Counsel's testimony that a joint trial was a part of his defense strategy to shift the blame to Applicant's co-defendant, Carlisle, and paint him to be the more culpable party. This Court also finds credible Counsel's testimony that he did not see a reason to sever the trial based on the facts because Applicant and her co-defendant acted together in committing the crimes. This Court also finds credible Counsel's testimony that, in his opinion, he did not believe a motion to sever would have been successful. Further, this Court finds Applicant failed to prove that she would have obtained a more favorable result in a separate trial since the evidence presented at trial established that she and her co-defendant acted together in committing the murders, cover-up, and subsequent use of the victims' cards. Thus, Applicant failed to meet her burden.



***Failure to Meet with Applicant and Communicate Effectively and Sufficiently
Failure to Review Discovery with Applicant***

This Court finds Applicant failed to prove Counsel was ineffective for failing to meet and communicate effectively and sufficiently with her. “[B]revity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation.” *Smith v. State*, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012). The applicant must show evidence of how additional preparation or communication would have resulted in a different outcome. *Id.*

This Court finds Counsel met and communicated sufficiently with Applicant to prepare for trial. This Court finds credible Counsel’s testimony that he talked to Applicant eight (8) to ten (10) times about the case. This Court also finds Counsel’s meeting and communications with Applicant were reasonable and not deficient. Further, this Court finds Applicant failed to prove prejudice by failing to prove how additional communication would have resulted in a different outcome.

This Court finds Applicant failed to prove Counsel was ineffective for failing to review discovery with her and prepare for trial. This Court finds credible Counsel’s testimony that he reviewed discovery with Applicant. Counsel’s trial preparation was reasonable under prevailing professional norms and not deficient. Further, this Court finds Applicant failed to present probative evidence of what Counsel could have discovered or what plausible defenses Counsel could have pursued with additional preparation. Thus, Applicant failed to meet her burden.

Erroneously Telling Applicant not to Accept the Plea Offer

This Court finds Applicant failed to prove Counsel was ineffective for allegedly telling her not to accept a plea offer of sixty (60) years for two (2) counts of murder. Where a defendant rejected a favorable plea offer and proceeded to trial on the advice of counsel, the defendant must prove prejudice by showing that (1) counsel was ineffective in advising him; and (2) but for



counsel's advice, there is a reasonable probability that the defendant and the trial court would have accepted the guilty plea. *Lafler v. Cooper*, 566 U.S. 156 (2012).

The plea offer that Applicant received was arguably not favorable to Applicant. *See id.* at 163 (a favorable offer is one in which “the offer’s terms would have been less severe than under the judgment and sentence that were in fact imposed”). Applicant testified that the plea offer was sixty (60) years to two (2) counts of murder. Counsel testified that the offer was a straight up plea to murder. This Court finds credible Counsel’s testimony. Additionally, this Court cannot say that a straight up plea to murder, which carries a day-for-day sentence of thirty (30) years to life, is a favorable offer.

This Court finds credible Counsel’s testimony that he communicated and discussed the offer with Applicant. This Court finds credible Counsel’s testimony that he explained Applicant’s options to her and did not tell her to reject the plea offer. This Court finds Applicant failed to overcome the presumption that Counsel rendered competent advice and failed to prove Counsel was deficient. *See Padilla v. Kentucky*, 559 U.S. 356, 372 (2010) (“We should...presume that counsel satisfied their obligation to render competent advice at the time their clients considered pleading guilty.”).

This Court finds Applicant failed to prove a reasonable probability that she would have accepted the offer instead of going to trial. Applicant testified at the PCR hearing that she was not responsible for the murders but also testified that she would have accepted the plea offer to murder. This Court finds Applicant’s testimony contradictory and finds that Applicant would not have accepted a plea offer to murder where she maintained that she was not guilty of the murders. Thus, Applicant failed to meet her burden.



Failure to Pursue a Duress Defense

This Court finds Applicant failed to prove Counsel was ineffective for failing to pursue a duress defense. In South Carolina, duress is not a defense to murder. *State v. Rocheville*, 310 S.C. 20, 425 S.E.2d 32 (1993). This Court finds Counsel cannot be deemed ineffective for failing to pursue a defense that is not available to the murder charge for which Applicant was being tried. *Frost v. United States Parole Com'n*, 857 F.2d 1477 (9th Cir. 1988) (“failure to raise a frivolous defense cannot constitute ineffective assistance of counsel” (quoting *Strickland*, 466 U.S. at 668 (1984))). This Court finds credible Counsel’s testimony that he discussed duress with Applicant, but duress is not a defense to murder. Additionally, Applicant cannot prove she was prejudiced by Counsel failing to assert a defense which was not, in actuality, a defense. Thus, Applicant failed to meet her burden.

Failure to Raise the Fact that Applicant was a Domestic Violence Victim During Mitigation

This Court finds Applicant failed to prove Counsel was ineffective for failing to raise to the trial court that Applicant was a domestic violence victim during sentencing mitigation. This Court finds credible Counsel’s testimony that, during client meetings, Applicant gave inconsistent stories, most of which could not be proven or disproven. This Court finds credible Counsel’s testimony that there was no way to validate Applicant’s story that she was abused by Carlisle because she never called the police, never told her family, and never went to the hospital. Additionally, Applicant’s assertions stands in contrast with the evidence presented at trial that, subsequent to the murders, Applicant misled her family and law enforcement, took the victims’ property, spent the victims’ money, and helped her co-defendant dispose of the victims’ bodies.

This Court finds Counsel articulated a valid and reasonable decision to not assert that Applicant was a domestic abuse victim where Applicant’s stories were inconsistent, at odds with



the evidence presented at trial, and no evidence corroborated or substantiated her claims of domestic abuse. Further, this Court finds Applicant failed to prove prejudice by failing to present probative evidence of prior domestic abuse that would have resulted in a different outcome at sentencing. *See Jackson v. State*, 329 S.C. 345, 495 S.E.2d 768 (1998) (holding to prevail on a claim that counsel did not adequately investigate, an applicant must present evidence of what counsel could have discovered that would have resulted in a different outcome). Thus, Applicant failed to meet her burden.

Erroneously Telling Applicant not to Testify

This Court finds Applicant failed to prove Counsel was ineffective for allegedly telling her not to testify. This Court finds credible Counsel's testimony that he did not tell Applicant not to testify. This Court finds credible Counsel's testimony that he advised Applicant that if she wanted to testify, she was going to have her credibility attacked. This Court finds credible Counsel's testimony that Applicant made the decision not to testify.

The record reflects that the trial court explained to Applicant twice her Fifth Amendment right to testify or not testify. (Tr. 562-63; 660). The trial court explained to Applicant that it is a personal right which no one could waive but her. (Tr. 563; 660). The trial court further explained that if she chose to testify, she would be subject to cross-examination. (Tr. 563; 660-61). Applicant indicated that she understood and, after having overnight to think about her decision, indicated that she did not wish to testify. (Tr. 563-65; 662). This Court finds Applicant clearly and unequivocally waived her right to testify. *Brown v. State*, 340 S.C. 590, 594, 533 S.E.2d 308, 310 (2000) (stating a waiver of the Fifth Amendment right to testify or not must be made with knowledge of the consequences of either choice) (citation omitted).



Further, even if Counsel did advise Applicant not to testify, this Court finds Counsel's advice valid and reasonable under the circumstances because Applicant would not have been a good witness in that she would have been cross-examined on her prior inconsistent and misleading statements to law enforcement and her family. Thus, Applicant failed to prove prejudice and failed to meet her burden.

Failure to Present a Zealous Defense

This Court finds Applicant failed to prove Counsel was ineffective for failing to present a zealous defense. Based on a review of the record, this Court finds Counsel's overall representation of Applicant and performance were reasonable under prevailing professional norms and not deficient. *See Harrington v. Richter*, 562 U.S. 86, 90 (2011) ("it is difficult to establish ineffective assistance where counsel's overall performance reflects active and capable advocacy"). This Court finds that, in light of the evidence presented, Counsel's defense of Applicant was an uphill fight, made even more difficult by the fact that Applicant gave Counsel inconsistent stories during client meetings. This Court finds that Counsel was adequately prepared for trial, met with Applicant sufficiently, reviewed discovery, and presented a reasonable and logical defense to the murder charges.

Further, this Court finds Applicant failed to prove prejudice by failing to present a plausible defense that Counsel could have pursued which would have resulted in a different outcome. *Jackson v. State*, 329 S.C. at 353-54, 495 S.E.2d at 772 (finding the applicant "failed to present any evidence of what counsel could have discovered or what other defenses [the applicant] would have requested counsel pursue had counsel more fully prepared for the trial"). Thus, Applicant failed to meet her burden.

A handwritten signature in black ink, appearing to be the initials 'JA' with a long, sweeping flourish extending to the right.

Failure to Fully Explain the Trial Process and Applicant's Options with Her

This Court finds Applicant failed to prove Counsel was ineffective for failing to explain the trial process and her options with her. This Court finds Applicant failed to overcome the “strong” presumption that Counsel rendered adequate advice and assistance in the exercise of reasonable, professional judgment during his representation of her. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814 (“Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” (citing *Strickland*, 466 U.S. at 690)).

This Court finds credible Counsel’s testimony that, during client meetings, Applicant “pretended” like she did not understand what was explained or “pretended” like she was hearing voices. This Court finds credible Counsel’s testimony that, in response to this behavior, he filed a motion to have her evaluated by the Department of Mental Health which concluded that Applicant was competent. This Court finds Counsel’s performance and advice were reasonable under prevailing professional norms and not deficient. Thus, Applicant failed to meet her burden.

Failure to Collaborate on Defense

This Court finds Applicant failed to prove Counsel was ineffective for failing to collaborate on her defense. This Court finds Applicant failed to specify with whom Counsel should have collaborated: either her or her co-defendant. Notwithstanding, this Court find Counsel articulated a valid and reasonable trial strategy in attempting to paint Applicant’s co-defendant as the more culpable party. This Court finds that a collaboration with Applicant’s co-defendant would have undermined or possibly negated Counsel’s trial strategy. This Court finds Counsel collaborated sufficiently with Applicant both in preparation for trial and at trial. Thus, this Court finds Counsel’s



performance was reasonable under prevailing professional norms and not deficient. Thus, Applicant failed to meet her burden.

CONCLUSION

Based on the foregoing, this Court finds and concludes Ms. Hodge has not established any constitutional violations or deprivations that would require this Court to grant relief. Therefore, her application is denied and dismissed with prejudice.

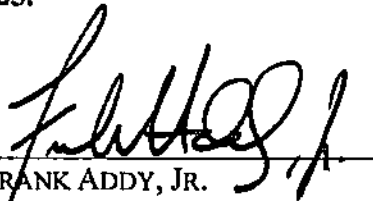
Should Ms. Hodge wish to secure appellate review, she must file and serve a notice of appeal within thirty (30) days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). If an applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on her behalf. Rule 71.1(g), SCRCR. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

THEREFORE, IT IS ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant must be remanded to and remain in the custody of the State.

IT IS SO ORDERED THIS 22nd day of August, 2025.

Greenwood, South Carolina


FRANK ADDY, JR.
Presiding Judge
Fifteenth Judicial Circuit