

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**May 12 2026**

S.C. SUPREME COURT

\_\_\_\_\_  
Certiorari to Horry County

Honorable Frank R. Addy, Circuit Court Judge  
\_\_\_\_\_

JORDAN HODGE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002032  
\_\_\_\_\_

JOHNSON PETITION FOR WRIT OF CERTIORARI  
\_\_\_\_\_

Wanda H. Carter  
Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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ATTORNEY FOR PETITIONER

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**ISSUE PRESENTED**

Trial counsel erred in failing to properly advise petitioner on the benefit of accepting the state's plea offer that included a sixty-year prison term in order to avoid LWOP sentencing.

## STATEMENT

Petitioner Jordan Hodge was convicted of murder (two counts) on October 3, 2019, per jury trial held at the Horry County General Sessions Court before Judge D. Craig Brown. Petitioner was tried jointly with co-defendant Kenneth Carlisle. Petitioner received two concurrent sentences of life without parole. App. 1-780. Petitioner appealed, but the convictions and sentences were affirmed on appeal. See State v. Hodge, Op. No. 2022-UP-189 (S.C. Ct. App. Filed May 11, 2022).

On March 21, 2023, petitioner filed a PCR application with the Horry County Office of the Clerk of Court. App. 781-788. The Respondent filed Return dated January 7, 2025. App. 789-798.

A PCR hearing was convened on July 16, 2025, at the Horry County Courthouse before Judge Frank Addy, Junior. On August 22, 2025, Judge Addy issued an Order of Dismissal in the case. App. 839-851.

Petitioner appealed Judge Addy's Order of Dismissal. This petition follows.

## ARGUMENT

Trial counsel erred in failing to properly advise petitioner on the benefit of accepting the state's plea offer that included a sixty-year prison term in order to avoid LWOP sentencing.

Petitioner and co-defendant Kenneth Carlisle were indicted on two counts of murder and tried as co-defendants in the case. The death of petitioner's grandmother and her (grandmother's) husband resulted in petitioner and Carlisle being prime suspects in the case after the grandmother's truck was found parked at their residence and DNA evidence matching the deceased bodies appeared therein. Also, bank cards that belonged to the grandmother were allegedly used by petitioner and Carlisle thereafter. App. 689, 1.2-p. 722, 1.18.

During the PCR hearing held in the case, petitioner testified that the state presented a plea bargain containing a sixty-year sentencing offer in exchange for her guilty pleas on the charges, but that trial counsel advised "not to take it," and that a trial was a "better option." App. 809, 1.21-p. 810, 1.9. Petitioner stated that if she had been advised differently or otherwise prior to trial, then she would not have accepted the state's plea offer. App. 810, lines 10-12.

Trial counsel testified at the PCR hearing and stated that there was a sixty-year plea offer on both murder counts presented to petitioner although the offer was not a "firm negotiated sixty years," but rather a "straight up" scenario. Trial counsel added that he advised that "thirty years [would not] be as long as two consecutive life sentences." App. 824, 1.3-p. 825, 1.6. Trial counsel added that petitioner seemed confused regarding the plea offer and could not understand the meaning of the plea offer, which in turn resulted in a frustrating situation. App 825, 1.7-p. 28, 1.11.

In Lafler v. Cooper,<sup>132</sup> S.Ct. 1376 (2012), the United States Supreme Court held that defendants have a Sixth Amendment right to effective assistance of counsel that extends to the

plea bargaining process, and that defendants are entitled to the effective assistance of counsel even during plea negotiations. In Lafler v. Cooper, *supra*, the Court held that counsel was ineffective in advising the defendant to reject a plea offer. Lafler was charged under Michigan law with assault with intent to murder and three other offenses and the prosecution offered to dismiss two of the charges, and to recommend a 51-to-85-month sentence on the other two, in exchange for a guilty plea, and Lafler expressed a willingness to accept the offer, but he rejected the offer per his attorney's advice on the ground that the prosecution would be unable to establish intent to murder because the victim had been shot below the waist. Lafler was convicted on all counts at trial and received a mandatory minimum 185-to-360-month sentence. Note also Missouri v. Frye, 132 S.Ct. 1399 (2012), where the court held that counsel was ineffective in allowing a plea offer to a defendant to lapse, which resulted in nonacceptance of the offer and "further proceedings led to a less favorable outcome" for the defendant.

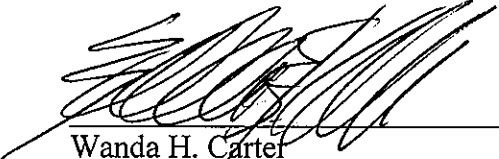
In Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996), the South Carolina Supreme Court held that the Sixth Amendment protects criminal defendants against ineffective assistance of counsel during the plea bargaining process, and further found that ineffective assistance of counsel would occur if counsel advised a defendant to reject a plea offer without evaluating the "merits of the case and of the risks borne by the defendant," and went on to refer to the case of Turner v. Tennessee, 664 F. Supp. 1113 (M.D. Tenn. 1987), where counsel was found ineffective in advising the defendant to reject the offer of a guilty plea to a felony with a two-year sentence, in order to avoid what would certainly have been lengthy sentences on charges of first murder and two counts of aggravated kidnapping. Note the State v. Judge was overruled on other grounds by Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000), to the extent that the complainant's statement that he was prejudiced by counsel's deficient performance at the plea

bargaining process can satisfy the prejudice prong of the two-pronged test to be met in ineffective assistance of counsel cases. In Jackson, supra, counsel was found ineffective in failing to advise the defendant that the crime he was pleading to was a felony because but for that omission, the defendant would not have pled guilty in the case.

In the case at bar, counsel's reasoning, i.e. "not a firm negotiated sixty years," used to advise petitioner to reject the plea bargain was not legally sound reasoning; and ultimately, petitioner was prejudiced because the receipt of LWOP imprisonment resulted in a greater rather than lesser punishment in the case. Thus, counsel's advice to petitioner in this regard constituted deficient legal representation in violation of the Sixth Amendment. Hill v. Lockhart, 472 U.S. 52 1985.

### CONCLUSION

Based on the foregoing argument, counsel for petitioner would request that this petition be granted and full briefing allowed on the above-raised issue.



Wanda H. Cartel  
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 12th day of May, 2026.

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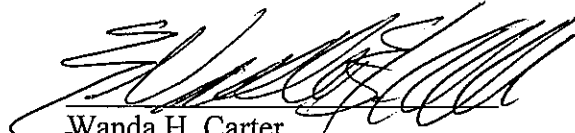
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PETITION TO BE RELIEVED AS COUNSEL  
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Counsel for Jordan Marie Hodge states:

1. She is Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's post-conviction relief hearing before Judge Frank R. Addy, which was held on July 16, 2025, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Jordan Marie Hodge.

Respectfully Submitted,



Wanda H. Carter  
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 12th day of May, 2026.

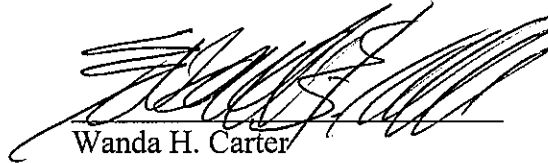
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**CERTIFICATE OF COUNSEL**

**S.C. SUPREME COURT**

The undersigned certifies that to the best of her ability this Johnson Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



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This 12th day of May, 2026.