STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF MCCORMICK	)	
Josh R. Grizzard, Plaintiff,	)	
v.	)	2024-CP-35-00085 TRANSCRIPT OF RECORD
McCormick County Magistrate, Defendant.	)	

August 24, 2026
McCormick, South Carolina

BEFORE:

The Honorable Frank R. Addy, Jr., Judge

APPEARANCES:

PLAINTIFF APPEARED PRO SE

Tara T. Scott, CVR
Official Court Reporter

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(NO EXHIBITS INTRODUCED DURING THIS HEARING)

THE COURT: The next one I've got is Grizzard v McCormick County Magistrate. The case is 2024-CP-35-85. This involves Mr. Grizzard, who was charged with yelling profanities inside of the McCormick Town Hall. Mr. Grizzard proceeded pro se at trial and pled not guilty, and argued his First Amendment rights had been violated. The magistrate found him guilty of disorderly conduct. The appeal was filed with the Circuit Court. Judge McLeod affirmed that back on May 9, 2025. The Plaintiff essentially argued in Circuit Court the Cohen case, C-o-h-e-n, should apply to protect his free speech rights. Judge McLeod found that case inapplicable. My understanding, Mr. Grizzard, is that -- and I think we've exchanged perhaps some correspondence on this, or something like that. I recall that -- my understanding is that you are now seeking to file a post-conviction relief application, and essentially my understanding is that you did appeal, and the appeal was dismissed and it was remanded back. Is that procedurally where we are?

MR. GRIZZARD: So I did proceed to appeal with the Appellate Court and then the Supreme Court, the state Supreme Court. They dismissed it because when I was filing, although I went around and -- my understanding was that they told me I needed to inform everyone involved of this filing, and I did that, but I was unaware that I needed to get the

prosecutor this, like -- I filed with this Court. I filed a motion at the police department. I even went and gave the same motion to the Magistrate Court across the street. So, I was thinking that I had covered it and I didn't get that filing in time. They told me that I was still missing a filing. I proceeded to file that filing, and then it was dismissed because I had not met the filing date for that one thing. Even though, in good conscience, I tried to contact everybody that was involved.

THE COURT: All right. To the point though that I made with you, I think, previously, Mr. Grizzard, I know you essentially raised the same argument in your recent filing that you had a First Amendment right to say what you did, where you did, and when you did. First of all, that could have been addressed on direct appeal, and for whatever reason your appeal was dismissed. That was an oversight on your part, or what have you. I've got no control over that. Obviously, Judge McLeod felt differently. You're seeking to basically collaterally challenge that conviction by filing a post-conviction relief action against yourself when you chose to proceed pro se.

MR. GRIZZARD: Well, no, sir. What I'm actually trying to file on is that the fact that they particularly, the Circuit Court Judge, he particularly entered that I was yelling profanities in the Town Hall, which is what they

said I was convicted for. That that was the disturbing the peace. Well, there was no yelling. This Court has reviewed the video of me getting arrested, and there was no yelling. I definitely wasn't yelling profanities. I did say profanities, but I wasn't yelling. There's no evidence of that. When I went to the bench trial at the magistrate court, the officer reiterated, after saying on the arrest record -- or on the arrest video -- that I have right here -- that he arrested me for using vulgar language. He then admitted to that when I questioned him in the bench trial. He said, "Yes, I arrested you for using vulgar language". I also have the recording of the bench trial right here. So, there was no evidence, whatsoever, presented that I was yelling anywhere. Nobody ever made that argument. So, I'm not sure where the Circuit Court Judge gets this decision that I was yelling. The records, the arrest record and the court record, says otherwise.

THE COURT: I understand that, Mr. Grizzard. Your remedy would then have been to properly appeal that decision to Judge McLeod. My point to you is very simple. You're trying to re-litigate, in a separate action, exactly what you've already argued. You could have pursued that on appeal. The very idea that you can file a post-conviction relief action against yourself when you chose to represent yourself; that's out there. Okay? And, more to the point,

like you said, I've reviewed the video. It looks like there is evidence. Even if you can assume for a moment that I can take a second look at what Judge McLeod ruled, which I really can't, because that's the law of the case. You were convicted of it and it was affirmed by Judge McLeod, and it was affirmed on appeal. But even, assuming at the moment, I take a second look at it and second guess Judge McLeod or the magistrate, my review of the video -- you were acting disorderly. And it was within the provenance of the magistrate. It was within his power and his call to find you guilty of that charge. You can't go back and contest, at this point in time, by trying to file a PCR, is what I'm saying.

MR. GRIZZARD: Well, according to Cole v. Arkansas, another Supreme Court ruling, it says that you can't convict me on something that I've never been charged with, and there was never any argument of, and there's no evidence filed of such.

THE COURT: You could've handled that on direct appeal, sir. You could've handled that on direct appeal.

MR. GRIZZARD: And I tried. I literally sent out things that I didn't even have to send out to different departments to try and get the appeal.

THE COURT: I'm sorry, Mr. Grizzard. You probably would have been well served by hiring a lawyer to handle

that appeal for you. Hindsight is 20/20.

MR. GRIZZARD: Well, that would be great if I could. Unfortunately, I can't afford one, and the State of South Carolina sees it fit to deny you a lawyer if you're there and a fine is attached to the thing. So yeah, it's a little bit of a crooked system.

THE COURT: All right. I appreciate your perspective on that. Certainly, that's one man's opinion and you're entitled to it. Mr. Grizzard, you can't challenge that conviction, okay? You can't challenge it by way of a PCR. It's water under the bridge. It's the law of the case. It's over. It's done. Time to move forward and focus on the future. All right, sir?

MR. GRIZZARD: All right. Well, I appreciate your help. I'll just have to go see somebody about getting the judge in trouble that did it.

THE COURT: Perfectly fine.

MR. GRIZZARD: You have a good day, sir. Thanks for your time.

END OF REQUESTED TRANSCRIPT OF RECORD)

Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of Common Pleas for McCormick County, South Carolina, on the 24th day of August, 2026.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Tara T. Scott, CVR

Official Court Reporter (Retired)

October 30, 2026