RECEIVED

NOV 09 2026

S.C. SUPREME COURT

Appellate Case No. 2026-001986

Lower Court Case No. 2024-CP-35-00085

Josh R. Grizzard v. State of South CarolinaOn August 24, 2026, the Honorable Frank R. Addy, Jr., Circuit Court Judge, conducted a hearing on Petitioner's request to file an application for post-conviction relief. Petitioner appeared pro se.Petitioner asserted that his conviction was sustained by the Circuit Court on a factual theory—specifically, that he engaged in "repeated yelling" of profanities—that was never charged, never argued by the State, and is directly contradicted by the arrest video and the arresting officer's own statements and trial testimony. Petitioner further contended that upholding a conviction upon a factual basis never charged and affirmatively refuted by the physical record constitutes a violation of the Due Process Clause of the Fourteenth Amendment as articulated in Cole v. Arkansas, 333 U.S. 196 (1948).When Petitioner specifically raised this material variance at the hearing, the Circuit Court offered no substantive response to the absence of any charge or evidence of "yelling" and instead dismissed the request on procedural grounds: that the claims were successive, that a pro se defendant may not maintain a post-conviction relief action "against himself," and that the conviction had become the law of the case.Petitioner respectfully submits that the Circuit Court's ruling fails to address the structural due-process error arising from the material variance between the factual theory employed to affirm the conviction and the undisputed evidentiary record.Respectfully submitted,Josh R. Grizzard

Petitioner, Pro Se

148 Wilkie Road

Plum Branch, SC 29845

(864) 378-1621

Date: 11-3-26

Ms. Janice Grizzard
PO Box 28
Plum Branch, SC 29845-0028

FIRST-CLASS

US POSTAGE

$ 001.80

NOV 5 2026

RECEIVED
NOV 09 2026
S.C. SUPREME COURT

Clerk of the Supreme Court
P.O. Box 11330
Columbia, SC 29211

RECEIVED
NOV
S.C. SU