

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM AIKEN COUNTY

Common Pleas Court

The Honorable Doyet A. Early, III, Circuit Court Judge

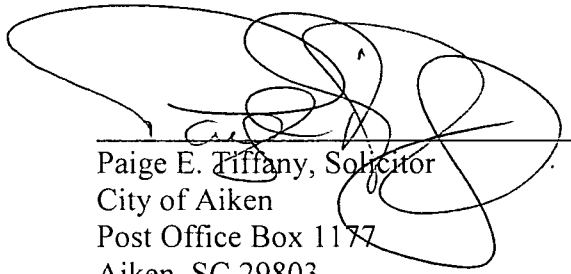
Appellate Case No. 2013-002188

The City of Aiken ..... Respondent,

v.

Larry D. Smith ..... Appellant.

APPENDIX TO THE RECORD ON APPEAL



Paige E. Tiffany, Solicitor  
City of Aiken  
Post Office Box 1177  
Aiken, SC 29803  
(803) 642-7658  
SC BAR ID 5916  
Attorney for Respondent

**RECEIVED**

MAR 17 2014

**S.C. SUPREME COURT**

APPENDIX

JURY TRIAL TRANSCRIPT.....A-1

1 started backing up at the same pace he was. At that point Cpl.  
2  
3 ~~Griswold realizes we have a problem. I think he overheard may have~~  
4  
5 overheard what I told Mr. Smith. I don't know though. At that point  
6  
7 Cpl. Griswold it's called a front thrust kick is what it is. All it is is  
8  
9 he puts the foot or the sole of his foot in the back of his knee to try to  
10  
11 push his knee forward so he'd lose his balance and go down. It  
12  
13 worked about half way. At that point Mr. Smith turned and his  
14  
15 attention went toward Cpl. Griswold. Cpl. Griswold started backing  
16  
17 up. At this point, you know, he's approaching me in an aggressive  
18  
19 manner now he's turned around and he's approaching Cpl. Griswold  
20  
21 in an aggressive manner. It was pretty obvious we have a problem  
22  
23 out in the street. I think at this point any reasonable person would  
24  
25 have done exactly what we were telling them to do. At this point  
26  
27 to...

28  
29 Were you still telling him giving him orders at that point?

31 A: I gave him one order and that was when he came...this all  
32  
33 happened quickly. This happened you know between me giving  
34  
35 him the order, his response, Cpl. Griswold using the front thrust  
36  
37 kick, and him turning around and going toward Cpl. Griswold  
38  
39 probably took four seconds.

41 Q: Wow.

43 A: So at that point I had to make a decision how we were going to  
44  
45 de-escalate this. Um...we try to avoid physical confrontations  
46

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM AIKEN COUNTY

Common Pleas Court

The Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2013-002188

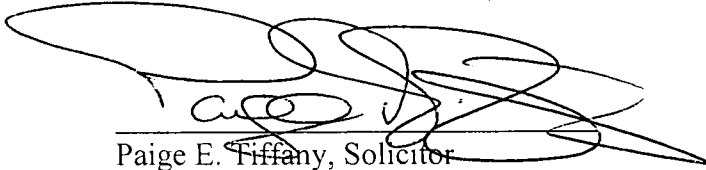
The City of Aiken .....Respondent,

v.

Larry D. Smith .....Appellant.

PROOF OF SERVICE

I hereby certify that I have served the Appendix to the Record on Appeal on the Appellant Larry D. Smith, addressed to his attorney of record, Suzanne Higgins Hayes, P.O. Box 2247, Aiken, SC 29802, via United States Mail, postage prepaid, on this 16<sup>th</sup> day of July, 2014.



Paige E. Tiffany, Solicitor  
City of Aiken  
Post Office Box 1177  
Aiken, SC 29803  
(803) 642-7658  
SC BAR ID 5916  
Attorney for Respondent