

THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM THE CITY OF ROCK HILL

V. CLAIRE ALLEN DEPUTY CLERK

APPELLATE CASE No. 2016-002488

City of Rock Hill, Respondent

v.

Triando Stroud Appellant.

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SC Court of Appeals

Triando Stroud

912 Pebble Road

Rock Hill, Sc 29730

Ann Thomas

120 E. Black St.

Rock Hill, Sc 29730

Anna.thomas@cityofrockhill.com

V.Claire Allen Deputy Clerk

Post Office Box 11629

Columbia, South Carolina 29211

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Cases: State v. Smith 304 S.C. 129, 132, 403 S.E. 2d 162, 164 (Ct. App. 1991).

STATEMENTS OF ISSUES ON APPEAL

- I. The court erred by denying the defendant's motion to dismiss the charge of criminal domestic violence pursuant to S.C. Code Ann § 16-25-70 because the officer failed to follow the required procedure to determine the primary aggressor when the defendant testified that the victim attacked him first and the officer testified that the victim exhibited no physical signs of injury in either the initial investigation or subsequent meetings, The officer never spoke with the defendant about any of the factors stated in § 16-25-70(D), the defendant turned himself in upon hearing the arrest warrant was issued, and the victim and defendant did not reside together during, after or recently before the incident.
- II. The court erred by failing to disqualify a juror who, during qualification, stated that she and a close family member had been a victim of domestic violence.
- III. The court erred by failing to narrowly tailor its response to a jury question by responding affirmatively to the question of whether assault and battery in the third degree proscribed essentially the same conduct as assault and battery in the first degree other than the relationship between the defendant and victim. See State v. Smith 304 S.C. 129, 132,403 S.E. 2d 162, 164, (Ct. App. 1991).

STATEMENTS OF THE CASE

- I. Defendant has a copy of the report Officer Matthew Beach stating he could not find no visible manifestation of injury or dirt or mud stains from being thrown to the ground on any of the victims. They both checked by EMS, but refused to be transported to the hospital. EMS did not find any physical manifestation of injury either.

ARGUMENT

- I. Defendant charged for Assault and Battery 3rd Degree, Assault and Battery 3rd Degree, Assault and Battery 3rd Degree, Criminal Domestic Violence 1st
- II. Did Defendant hit the three victims
- III. Why did defendant drop children off at 11pm
- IV. Why gun was taken after court
- V. Why prosecutor never questioned was it a handgun or rifle
- VI. Why prosecutor never asked what color the gun was

CONCLUSION

Defendant had his children over the weekend and Sunday March, 8th 2015 Shaquita Frazier (victim) and Triando Stroud(defendant) had an agreement to meet on Brookshire Blvd at a store since Shaquita worked off Tyvola Rd. Shaquita worked 2nd shift and got off at 9pm and wanted to meet at Mcdonald's off Tyvola Rd. in Charlotte, Nc. Triando and Shaquita met at that location numerous of times since Triando lived in Concord Nc as a half way meeting destination. The agreement failed because Shaquita said if Triando can't meet her on Tyvola to figure it out. Sunday March 8th 2015 around 10pm Triando decided to take the kids home because Kirstin Stroud at age 6 had school the next morning and Kamerin Frazier at the time was 1 years old. Triando headed to South Carolina from North Carolina with his 2 children, his girlfriend Nakiesha Barnette, and her son Jakobe McCall. At arrival Triando took the kids to the door and Shaquita came to the door. Triando went back to the car and got the bags out the car and when Triando asked Shaquita why we couldn't meet in Charlotte, Nc knowing Kirstin had school the mom Patricia Brown (victim) jumped off the couch assuming it was more than what it was and got between Triando and Shaquita in Triando face giving Triando no option but to move her away from him and as soon as that happen Shaquita struck Triando outside because Patricia, Shaquita, and Triando was at the doorstep and Shaquita was trying to fight Triando and Nakiesha and her son Jakobe got out the car to break everything up and Alvania (victim) came outside stating she about to call the police not knowing what just happened . Triando, Nakiesha, and Jakobe went back to Concord, Nc. A few days later Triando received a phone call Thursday March 12, 2015 from officer saying he need to turn himself in because he has a warrant and Triando Stroud turned himself in the next day March 13th 2015 early in the-morning.

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