

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK)

SIXTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

- vs -)

NOTICE OF APPEAL

Warrant No.: 2015A4620306235;
2015A4620306236; 2015A4620306237

TRIANDO STROUD,)

Charge: Criminal Domestic Violence 1st;
Assault and Battery 3rd and Assault and Battery 3rd

Defendant.)

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SC Court of Appeals

TO THE CITY OF ROCK HILL AND THE MUNICIPAL COURT

PLEASE TAKE NOTICE that the Defendant herein appeals his conviction on the above captioned warrants that was rendered on March 11, 2015.

The Defendant appeals his conviction and sentence and requests reversal on the following ground objected to during trial:

1. 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.
2. 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.
3. 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 batter 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).

For the reasons stated above, the Defendant requests that his conviction for criminal domestic violence first degree and assault and battery in the third degree be reversed.



Triando Stroud
Appellant
912 Pebble Road
Rock Hill, Sc 29730
(803)524-1770

This 28th day of September
Attorney for Appellant
Rock Hill, South Carolina

FORM 7

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CITY OF ROCK HILL

Court of Common Pleas

V. CLAIRE ALLEN, DEPUTY CLERK

Case No. 2016-002488

Anna Thomas

City Of Rock Hill And The Municipal Court

Respondent

V.

Triando Stroud

Appellant

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September 27th 2017



Triando Stroud

912 Pebble Road

Rock Hill, SC 29730

803-524-1770

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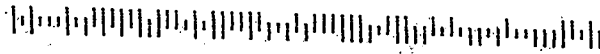


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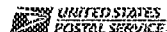
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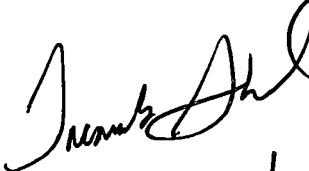
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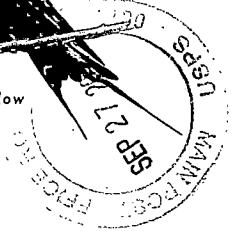
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