

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
Case No. 2015-CP-46-03179

JOHN C. HAYES, III, Circuit Court Judge

Appellate Case No. 2016-002488

City of Rock Hill,

Respondent,

v.

Triando M. Stroud,

Appellant.

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SC Court of Appeals

RESPONDENT'S REPLY TO APPELLANT'S MOTION TO REINSTATE THE APPEAL

Now comes the City of Rock Hill, by and through the undersigned counsel, who respectfully requests and moves this Court to deny Appellant's Motion to Reinstate.

On February 2, 2108 this Court granted Respondent's Motion to Dismiss finding that the Appellant had failed to provide proof that he ordered the transcript from the court reporter as required by the Court's earlier order.

Rule 221(a) SCACR requires that petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment or decree of the court. Appellant filed a Motion of Extension Time with this Court on February 20, 2018 eighteen (18) days after the order dismissing the case and three (3) days past the deadline imposed by Rule 221(a). This motion along with numerous others was never properly served on the Respondent, as Appellant continues to serve copies of his documents on the Municipal Court

versus the Solicitors Office in spite of the fact that Respondent's address has been provided to the Appellant.

On February 22, 2018 this Court sent Appellant a notice of deficiency letter that proof of service of his motion had not been provided and that he needed to correct this deficiency within ten (10) days of the date of the notice.

On February 26, 2018 Appellant filed a duplicate copy of the Motion of Extension Time. No proof of service was attached with this document.

On March 12, 2018 Appellant filed proof of service of the Motion of Extension Time eighteen (18) days after the notice of deficiency and eight (8) days after the deadline to file the proof of service. Again the Respondent was not properly served with this document as the Appellant served the document on the Municipal Court.

On March 22, 2018 this Court issued an order granting Appellant's request for an extension of time to serve and file the motion to reinstate until April 6, 2018. The motion and proof of service were to be filed within fifteen (15) days of the date of the order or no later than April 6, 2018. On April 9, 2018 Appellant filed the Motion to Reinstate three (3) days after the filing deadline and as of April 20, 2018 Respondent has not been served with a copy of this motion nor has Appellant filed proof of service as required by the Court's order of March 22, 2018.

Appellant has failed to comply in a timely fashion with this Court's orders of December 28, 2017, February 2, 2018 and March 22, 2018. Appellant has been repeatedly warned in the orders that failure to comply will result in your appeal being dismissed or the remittitur being sent.

Appellant filed the appeal over sixteen months ago and as of the date this reply is signed the transcript has yet to be produced. Appellant has repeatedly failed to comply with filing deadlines and has repeatedly failed to properly serve the Respondent with documents filed by Appellant. Respondent requests that this Court deny Appellant's Motion to Reinstate and that the remittitur be issued.

April 20, 2018



Christopher E. A. Barton
201 E. Main St., 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
SC Bar No: 65261
Attorney for Respondent

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Respondent's Reply to Appellant's Motion to Reinstate the Appeal has been served upon the Appellant by mailing a copy via regular U.S. Mail to him on the 20 day of April, 2017, to Triando M. Stroud 912 Pebble Road, Rock Hill, SC 29730 and Triando M. Stroud 235 E. Main Street, Suite 130-B Rock Hill, SC 29730.



Christopher E. A. Barton
201 E Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
SC Bar No: 65261
ATTORNEY FOR RESPONDENT



20 April 2018

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SC Court of Appeals

Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: City of Rock Hill, Respondent v. Triando M. Stroud, Appellant
Case No. 2016-002488

Dear Ms Kitchings:

Enclosed for filing is the original and one (1) copy of our Respondant's Reply to Appellant's Motion to Reinstate the Appeal and Certificate of Service in regards to the above-reference case. Please return a clocked copy for our files.

Truly Yours,

Christopher E.A. Barton
201 E Main St, 3rd Floor
Rock Hill, SC 29730
(803) 329-5692
SC Bar No: 65261
Attorney for Appellant

cc: Triando M. Stroud
912 Pebble Rd
Rock Hill, SC 29730

Triando M. Stroud
235 E Main St, Ste 130-B
Rock Hill, SC 29730

CITY OF ROCK HILL SOLICITOR'S OFFICE

201 E. MAIN STREET, 3RD FLOOR, ROCK HILL, SOUTH CAROLINA 29730
OFFICE 803/329-5619 FACSIMILE 803/326-3865

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ROCK HILL, SC 29730



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South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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