

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.

**RECEIVED**  
SEP 07 2018  
SC Court of Appeals

---

RESPONDENT'S REPLY TO APPELLANT'S PETITION 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 Petition to Reinstate.

This is Appellant's second petition to reinstate his appeal. The previous petition was granted by order of this Court on June 1, 2018 and Appellant was instructed to file his initial brief and designation of matter within thirty day of the order. Appellant responded to this Court's most recent order by filing nothing. Once again Appellant has failed to comply with an order of this Court by failing to file any his initial brief and designation of matter. Respondent attaches and incorporates as part of this reply its previous reply to Appellant's first motion to reinstate his appeal.

Appellant filed this appeal on December 13, 2016. In the months since then Appellant has yet to file any substantive document related to his appeal other than requests for extension.

Appellant continues his practice of not properly serving Respondent with the documents he files with this Court by failing to properly serve Respondent with a copy of his most recent petition to reinstate in spite of the fact that Respondent has provided the Appellant with the proper address to send mail to the Respondent. 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 second petition to reinstate and that the remittitur be issued.

September 4, 2018

A handwritten signature in black ink, appearing to read 'C. E. A. Barton', written over a horizontal line.

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

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.

**RECEIVED**

SEP 07 2018

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of Respondent's Reply to Appellant's Petition to Reinstate the Appeal has been served upon the Appellant by mailing a copy via regular U.S. Mail to him on the 4<sup>th</sup> day of September, 2017, to Triando M. Stroud 912 Pebble Road, Rock Hill, SC 29730, Triando Stroud 4715 Forest Ridge Commons Drive Charlotte, NC 28269 and Triando M. Stroud 235 E. Main Street, Suite 130-B Rock Hill, SC 29730.



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

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.

**RECEIVED**  
APR 23 2018  
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., 3<sup>rd</sup> Floor  
Rock Hill, South Carolina 29730  
(803) 329-5692  
SC Bar No: 65261  
Attorney for Respondent



September 4, 2018

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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

Dear Ms. Kitchings:

Enclosed please find for filing the original and one (1) copy of the Respondant's Reply to Appellant's Petition to Reinstate the Appeal and our Certificate of Service in regards to the above-referenced case. Please return a clocked copy for our file.

With kindest regards,

Christopher E. A. Barton

cc: Triando Stroud  
912 Pebble Road  
Rock Hill, SC 29730

Triando Stroud  
4715 Forest Ridge Commons Drive  
Charlotte, NC 28269

Triando Stroud  
235 E. Main Street, 130-B  
Rock Hill, SC 29730

**RECEIVED**

SEP 07 2018

SC Court of Appeals

---

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