

State of South Carolina.,)
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County of York.)

In the Court of Common
Pleas of York

Case No. 2015-CP-46-03179

City of Rock Hill.,)
)
Plaintiff.,)
)
-vs-)
)
Triando Marquray Stroud.,)
)
Defendant.)

Transcript of Record

November 7, 2016
York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III., judge

A P P E A R A N C E S:

Mrs. Paula Knox Brown
City of Rock Hill
201 E. Main Street
Third Floor
Rock Hill, SC 29730
(803) 329-5641
Attorney for the Plaintiff

Triando Marquray Stroud
Pro Se

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DEC 06 2018

SC Court of Appeals

Wanda S. Nelson, CVR-M
Circuit Court Reporter
To The Honorable Daniel D. Hall
Sixteenth Judicial Circuit
Union and York Counties

I N D E X

E X A M I N A T I O N

WITNESS

BY:

PAGE NO.

No witnesses were called.

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No Exhibits were received into the record.

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1 (COURT IN SESSION MONDAY, NOVEMBER 7, 2016 AT 10:06
2 A.M.)

3 THE COURT: Good morning. Thank you. You may take
4 your seats. Come to order.

5 We got nonjury issues here. This one is City of
6 Rock Hill versus Mr. Stroud.

7 MR. STROUD: Yes, sir.

8 THE COURT: Are you Mr. Shroud? Are you Mr. Stroud?

9 MR. STROUD: Yes, sir.

10 THE COURT: All right. Let me look and see what this
11 is about. Criminal domestic violence, assault.

12 All right. Zach Merritt represented you apparently
13 at a hearing and filed this appeal on your behalf. Let's
14 see. Well actually it looks like you filed it first and
15 then he filed an amended; is that correct?

16 MR. STROUD: Yes, sir.

17 THE COURT: All right. So we're going forward on the
18 amended?

19 MR. STROUD: Yeah. Yes, sir, we're going on with Zach
20 Merritt's.

21 THE COURT: Okay. And Mr. Merritt's not with the
22 Public Defender any more. All right, Mr. Stroud, I'll be
23 glad to hear your arguments in support of your appeal.

24 MR. STROUD: Okay. Here is -- In March of 2000 --
25 March 9th of 2015 me and my child's mother -- my children's

1 mother we normally meet half way from my job in Concord and
2 she got off at nine -- at 10 o'clock that evening.

3 I guess she had a bad day or something. She was
4 upset. She said she couldn't meet me that night and she
5 told me to figure it out. So, I ended up bringing my -- It
6 was a school night for my daughter and my son. He's -- At
7 the time he was two. But my daughter was in the first
8 grade at the time, so I wanted her at home on a school
9 night.

10 So I had -- About the time I got to Rock Hill it
11 might a been about eleven, 11:30. And when I -- When I
12 had knocked on the door I took the kids in and my --
13 my child's mother opened the door and all I ask was why
14 -- why she didn't want to meet me with the kids knowing
15 it was a school night.

16 And I don't if it was the tone of my voice because
17 the mother was like on the couch, so me and my child's
18 mother we -- The reason we wasn't together was because we
19 just don't get along so. And I had my girlfriend at the
20 time, she was in the car aa well. But the mother, from her
21 reaction she might a thought it was gonna be more than what
22 it was so she jumped over the couch as I was asking
23 Shaquita Frazier why we couldn't meet.

24 THE COURT: The mother of your child?

25 MR. STROUD: Yeah, the mother of my child's mother,

1 yeah.

2 THE COURT: Okay. So the children's grandmother?

3 MR. STROUD: Yeah, the children's grandmother.

4 So she got in between of -- and like I -- like really
5 like in my face and I like -- my reaction I just pushed
6 back and when I did that Shaquita struck a punch at me.
7 And that's when the sister Alvania must a heard, you know,
8 all us talking and she ran downstairs. And I was just
9 trying to push 'em back just to get back or whatever.

10 So doing -- during all this Alvania I guess she
11 went back and when she came back outside -- she went back
12 upstairs. She came back outside she called the police.
13 And just doing all -- during that commotion, you know, I
14 ended up leaving. Me, my girlfriend and her son which is
15 at the time, what, seventeen years old, we all ended up
16 leaving.

17 And, I want to say two days later I got a phone call
18 about turning myself in. And I turned myself in. Well I
19 told 'em I would turn myself in in the morning and I did
20 as I was supposed to do. And then when I read my paper
21 work it said I had all these acu -- accusations that I had
22 threatened to kill the family with a gun and which was
23 untrue.

24 You know when we was in court the officer even said
25 it was not no evidence of like -- I think he said like

1 no footprints or no movement and like he didn't see
2 anything in the yard that was unusual. He said he didn't
3 see anything in the house like anything broken or the couch
4 moved out of place.

5 He said it was no physical evidence that it was a big
6 fight. And far as the gun issue I had told the
7 prosecutor that my child's mother we -- we been on and off
8 for years and she knows that I have a gun. She just added
9 -- She just added that in her statement whenever she filed
10 the statement against me.

11 THE COURT: All right. So they charged you with
12 criminal domestic violence and ---

13 MR. STROUD: Yes, sir.

14 THE COURT: --- and assault and battery. Criminal
15 domestic violence as to Shekia, assault and battery for
16 Trisha and Alvania. Right?

17 MR. STROUD: Yes.

18 THE COURT: All right. And that you were tried by a
19 jury or by --

20 MR. STROUD: By a jury of six women. We had a unfair
21 trial. And I think they was confused on the charge. I
22 don't -- And another thing, I think it was in Zach -- Well
23 Zach actually wrote in the appeal that I think when he ask
24 this question I think it was a little confused on the
25 situation on how everybody did their testimony, so I think

1 the ladies was trying to figure out what's the difference
2 on a charge. But here we had six females on a trial on a
3 criminal domestic violence charge.

4 THE COURT: Thank you.

5 MR. STROUD: Okay.

6 THE COURT: Mrs. Knox Brown.

7 MRS. BROWN: Thank you, your Honor, may it please the
8 Court. I do understand that Mr. Stroud can have a totally
9 different version of the story from the prosecution
10 witnesses. I do understand that he believes that based
11 on his understanding, his beliefs as to what transpired
12 on the day in question, he should not have been found
13 guilty.

14 However, a jury, a competent jury of six people from
15 the City of Rock Hill did hear this case and got an
16 opportunity to observe all of the witnesses; they got an
17 opportunity to hear all of the testimony, and in spite of
18 the fact that he disagrees with the officers assessment
19 of primary aggressor, so and so forth, the State done
20 the appeal, the jury found him guilty of criminal domestic
21 violence. Hearing his testimony, hearing the testimony
22 of his witnesses, and hearing the testimony of the
23 prosecution witnesses, they found him guilty.

24 Likewise they found him guilty of assault and battery,
25 two counts of assault and battery. This Court is not in a

1 position to substitute it's view of the facts when the
2 jury's view of the facts, it's view of the facts before the
3 trial court view of the facts. The jury has rendered it's
4 verdict and at this point I really don't hear anything that
5 rises to the level where the trial court's decision should
6 be reversed and we ask you to affirm the trial court.

7 THE COURT: Mr. Stroud, I'll take a look at this
8 and issue an order.

9 MR. STROUD: Okay.

10 THE COURT: Thank you. Not today but I'll issue a
11 written order. We got your address?

12 Apparently we do because you showed up today.

13 MR. STROUD: Yes. Another thing, I wasn't notified
14 about this court date. I had did my own ground work to
15 find out when it was. Just checking my appeal, just
16 checking the status on my appeal. And fortunately I was
17 off today and I came in.

18 THE COURT: All right. Well here's probably what
19 happened and I'll let Ms. Strait help me here.

20 As far as we knew Zach Merritt represented you.

21 MR. STROUD: Yes, sir.

22 THE COURT: And he just, within the last three weeks
23 probably, or at least within the last month, left the
24 Public Defender's Office to go with Mr. Michael Brown.

25 So, I imagine the notice was sent to your attorney

1 which is the usual practice.

2 MR. STROUD: Yeah.

3 THE COURT: And that we at the time the notice was
4 sent did not -- were not aware that he had left the
5 Public Defender's Office. And I'm not even sure we got
6 an address for you, so make sure we get one.

7 What is your address?

8 MR. STROUD: It's 912, 9-1-2 Pebble, P-e-b-b-l-e Road,
9 Rock Hill, South Carolina 29730.

10 THE COURT: Okay.

11 MR. STROUD: I appreciate y'all's time. Y'all have a
12 good day.

13 MS. BROWN: Thank you, your Honor.

14 THE COURT: Okay. Thank you, Mr. Stroud. I'll issue
15 an order and we'll send you a copy now that we got it
16 straight about the addresses.

17 MR. STROUD: All right.

18 -- END OF TRANSCRIPT OF RECORD --

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