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Jan 06 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRITTANY NICOLE RUTLAND,

APPELLANT

APPELLATE CASE NO. 2024-002204

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in allowing the state to enter an officer's body camera video without audio, over defense counsel's objection under the rule of completeness, where the audio was necessary and relevant to give context to the incident which resulted in Appellant's arrest?

STATEMENT OF THE CASE

Appellant was indicted during the February 2024 term of the Pickens County grand jury for trafficking methamphetamine 28-100 grams. R. (Indictment). The state, represented by Morgan Cancel and Jake Lampke, called the case to trial on December 9, 2024, before the Honorable Alex Kinlaw, Jr., and a jury. Tr. 1. Appellant was represented by Catherine Wyse and Jessica DeShon. Tr. 1. On December 11, 2024, Appellant was found guilty as indicted and sentenced to seven years' imprisonment. Tr. 330, ll. 5-11.

STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only. State v. Butler, 353 S.C. 383, 388, 577 S.E.2d 498, 500 (Ct. App. 2003). The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion. State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002). An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law. State v. McDonald, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000).

ARGUMENT

The trial court erred in allowing the state to enter an officer's body camera video with the audio fully redacted over defense counsel's objection under the rule of completeness where the audio was necessary and relevant to give context to the incident which resulted in Appellant's arrest.

Relevant Facts

During the morning hours of November 19, 2022, Brittany Rutland (Appellant) stopped at a gas station to fill up her car. She had just gotten off the third shift at Waffle House, having worked a fourteen-hour shift, and was still in her uniform. Appellant paid for and pumped her gas. She sat back down in her car, placed the keys in the ignition, and fell asleep. Pickens County Sheriff's Office received a request for a general welfare check on an individual passed out in the driver's seat of a car parked at a gas pump at the Spinx gas station. Deputy Justin Wade responded to the call. He encountered Appellant sitting up with her head tilted back asleep in the driver's seat. After looking through the vehicle's windows, Wade rapped on the driver's window awaking Appellant. Tr. 99, l. 4 – 100, l. 11; Tr. 102, ll. 1-10; Tr. 216, l. 20 – 219, l. 6

As Appellant began to roll down her window, Wade opened the driver's door and smelled marijuana. Wade informed Appellant that he was going to search the car based on the odor of marijuana and asked whether Appellant had anything illegal in the car or on her person. Appellant admitted to a "meth pipe" on her person. Deputy Thomas Camp arrived on scene to assist in the search of Appellant's vehicle. During the search of the vehicle, officers located a jar containing marijuana, a small amount of methamphetamine in Appellant's wallet, and a large quantity of methamphetamine underneath a sock at the bottom of a cracked, red solo cup in the

cupholder. Appellant accepted ownership of the marijuana, the methamphetamine in the wallet, and the pipe. She denied having any knowledge of the larger quantity of methamphetamine that was found in the red solo cup. Tr. 102, l. 13 – 103, l. 8; Tr. 106, l. 9 – 113, l. 8; Tr. 125, ll. 2-6.

During trial, the state called Deputy Wade who testified about his encounter with Appellant. He explained that his body camera was accidentally muted, hence there was no audio on his body camera. He discussed his encounter with Appellant, including at least one statement she made. Tr. 101, l. 19 – 105, l. 12. The state then moved to enter the body camera video of Deputy Camp¹ edited to remove the accompanying audio. Counsel Wyse objected to the redacted video and requested that the state enter the body camera video with audio under the rule of completeness. The state primarily argued that the audio had been removed to take out Appellant's self-serving statements that the methamphetamine in the cup was not hers and that the rule of completeness did not apply. The state further argued that the audio could only come in if Appellant testified and was subject to cross-examination. Counsel Wyse argued that she was not trying to admit Appellant's statements, but that under the rule of completeness, Appellant was entitled to have the evidence presented in full which "would be more effective not only for the jury to understand exactly what happened, but it, also, gives a bigger, clearer picture and more transparent." Counsel Wyse even conceded that Appellant's "self-serving" statements could be redacted but that the remainder of the audio should be played. Tr. 135, l. 17 – 142, l. 6.

The trial court focused on whether Appellant was going to testify and repeatedly suggested that Counsel Wyse "put her up" so that the audio could be played, noting that having Appellant testify "cured" a lot of the issues with the body camera audio. Tr. 138, l. 2-144, l. 2. Ultimately, the trial court allowed the state to enter the officer's body camera with the audio

¹ State's Exhibit 18 – Camp BWC (on file with this Court).

redacted stating, “I agree with the State’s position. I think the State’s going to be at a disadvantage only from the standpoint not being able to cross-examine her if she doesn’t take the stand. If she takes the witness stand, play the whole thing.” Tr. 144, ll. 5-18. He continued, “as far as me ruling on what you ask, I agree with the State’s position that I’m not going to allow that portion to come in, particularly if the State doesn’t have an opportunity to cross-examine. Put your – if your client decides to testify, video comes in, fine.” Tr. 146, ll. 11-16. The trial court did not address Counsel Wyse’s argument on the rule of completeness. The video was entered over objection. Tr. 147, l. 17 – 148, l. 3. Appellant testified in her own defense, and the complete body camera video with audio was eventually admitted into evidence. Tr. 223, ll. 1-24; Defendant’s Exhibit 1 – Tommy Camp BC (on file with this Court).

Discussion

Rule 106 of the South Carolina Rules of Evidence states, “[w]hen a writing, or recorded statement, or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.” Rule 106, SCRE, like its federal counterpart, “is based on the rule of completeness and seeks to avoid the unfairness inherent in the misleading impression created by taking matters out of context.” State v. Patterson, 367 S.C. 219, 227, 625 S.E.2d 239, 243 (Ct. App. 2006). “The common law of this state extends the rule of completeness to oral communications.” State v. Cabrera-Pena, 361 S.C. 372, 380, 605 S.E.2d 522, 526 (2004); see also State v. Jackson, 265 S.C. 278, 217 S.E.2d 794 (1975). The rule is “primarily designed to affect the order of proof” which means that the “adverse part need not wait until cross-examination or rebuttal” for the evidence to be presented in full. Cabrera-Pena, 361 S.C. 372, 379, 605 S.E.2d 522, 525 (2004). “As such, the Rule reduces the risk that a

writing or recording will be taken out of context and that an initial misleading impression will take hold in the mind of the jury.” Id.

In State v. Jackson, 265 S.C. 278, 284, 217 S.E.2d 794, 797 (1975), our Supreme Court held:

When part of a conversation is put into evidence, an adverse party is entitled to prove the remainder of the conversation, so long as it is relevant, particularly when it explains or gives new meaning to the part initially recited. All statements made in a conversation, in relation to the same subject or matter, are to be supposed to have been intended to explain or qualify each other, and therefore the plainest principles of justice requires that if one of the statements is to be used against the party, all of the other statements tending to explain it or to qualify this use should be shown and considered in connection with it.


During trial, the state elicited at least one statement made by Appellant during the incident – that she had a “meth pipe” on her person. The state put a part of Appellant’s conversation with the arresting officers into evidence. Under the rule of completeness, Appellant was entitled to have the full conversation that was recorded on Deputy Camp’s body camera played for the jury when the state entered the evidence during its case in chief. The rule of completeness was designed to impact the order of proof, so that an adverse party did not have to wait until cross-examination or rebuttal to have the full evidence entered before the jury. The state elected to question the officers regarding at least one statement Appellant made, thus Appellant was entitled to have the full of the conversation presented to the jury. The trial court erred when it did not require the state to enter the video with the audio in full.

The trial court further erred when it ruled that the audio would not be admitted unless Appellant testified. Appellant’s testimony was not necessary to enter the audio under the rule of completeness. The state had already elicited a portion of her conversation, thus she was entitled to have the full audio played for the jury when the state entered the body camera video. By tying

the admission of the audio to the testimony of Appellant, the court interjected an improper factor into Appellant's consideration of whether to testify. The trial court made it impossible for Appellant to enter audio of the body camera unless she testified. Thus, her waiver of that constitutionally protected right was made, at least in part, under coercive circumstances. Although the jury eventually heard the audio in full, it was only after Appellant had waived her constitutionally protected right to remain silent based on improper considerations. The trial court's ruling was in error and it prejudiced Appellant.

CONCLUSION

Based on the foregoing arguments, Appellant respectfully requests this Court reverse her conviction and sentence and remand for a new trial.



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ATTORNEY FOR APPELLANT

This 6th day of January, 2026.