

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Pickens County

Honorable Alex Kinlaw Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRITTANY NICOLE RUTLAND,

APPELLANT

APPELLATE CASE NO. 2024-002204

RECORD ON APPEAL

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 18 (CD); DEFENSE EXHIBIT NO. 1 (CD)]**

STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	) 2024GS3900458
COUNTY OF PICKENS	)
	)
	)
	)
STATE OF SOUTH CAROLINA	)
	) PLAINTIFF)
vs.	) TRANSCRIPT OF RECORD
	)
BRITTANY NICOLE RUTLAND	)
	) DEFENDANT)

December 9-11, 2024
Pickens, South Carolina

B E F O R E:

THE HONORABLE ALEX KINLAW, JR., Judge; and a
jury.

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

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Attorneys for The State

CATHERINE WYSE, ESQ,
JESSICA DESHON, ESQ.
Attorneys for The Defendant

APRIL HERRON
Official Court Reporter

1 December 10, 2024

2 (WHEREUPON, State's Exhibits Nos. 1-17 were
3 marked for identification only.)

4 THE COURT: Any preliminary matters before we
5 bring the jury out?

6 MRS. CANCEL: Nothing from The State.

7 MRS. WYSE: Nothing from The Defense at this
8 time, Judge.

9 THE COURT: All right, bring them out.

10 I'll have a chat with them and then we'll jump
11 right into it.

12 (WHEREUPON, the jury entered open court at
13 approximately 10:48 a.m.)

14 THE BAILIFF: Jury is present, Your Honor.

15 THE COURT: Good morning, everyone. Everyone
16 doing good? All right. Well, I tell you what, we're
17 going to go ahead -- we're on the record, we're going
18 to go ahead and get started.

19 Mr. Foreman, you're good?

20 MR. FOREMAN: Yes, sir.

21 THE COURT: Okay. All right. You're an
22 important man today, I've got to make sure you're
23 with me.

24 MR. FOREMAN: I'm here.

25 THE COURT: All right.

1 Ladies and gentlemen of the jury, I am going to
2 say a few things to you before we get started. Just
3 sort of to tell you how this thing is going to go,
4 some preliminary remarks. I always tell jurors
5 everywhere I go, and I've been a lot of places, that
6 there are two judges in the courtroom. There's the
7 judge of the law and judge of the facts. And people
8 look at me and say what are you talking about? Well,
9 I'm the judge of the law. The State of South
10 Carolina told me that you are the judge of the law.
11 You don't have anything to do with the facts of any
12 case. And I get that. What that tells me is that I
13 don't have an opinion regarding this case. As a
14 matter of fact, oftentimes, I don't know what the
15 case is about until I get here. And that's purposely
16 because I don't have an opinion.

17 So during the course of this trial, some jurors
18 have a tendency to sneak a peek at the Judge's facial
19 expression to see what my reaction may or may not be
20 to any testimony or evidence. Don't pay any
21 attention to me because I just have some expressions
22 that have nothing to do with this case. Don't make
23 your decision based upon what you think I'm thinking.

24 But who are the judges of the facts? All of
25 you. And you remember early on during

1 qualifications, I may have used the word that you all
2 are conscientious and use your common sense. There's
3 two things you brought with you today and yesterday.
4 Two things I know for sure. You brought your car
5 keys because you couldn't get back in that vehicle
6 without them. And the second thing that you always
7 travel with, believe it or not, is your common sense.
8 And as you grow older, your life experiences grow.
9 You come into situations where you have to make
10 decisions about credibility of things, what's
11 truthful, what's not truthful. You do that all the
12 time. That's why they gave you the title of being
13 the judge of the facts. That's why they said that
14 you're the judge of the facts.

15 Now, you're going to hear what is called -- we
16 call evidence. And when I say evidence, there's
17 going to be some witnesses that's going to testify
18 from this witness stand, live witnesses. You may see
19 a sketch, I don't know if you will or will not. Keep
20 in mind, I don't know anything about the case. You
21 may see a sketch, you may see a picture, you may see
22 a drawing. Then you ask yourself, what am I supposed
23 to do with that? Well, because you're the judge of
24 the facts, you're, also, the judge of credibility of
25 the witnesses and believability of the witnesses.

1 So what does that mean? The witness could sit
2 in the witness box and you could believe everything
3 that witness says or you could believe none of what
4 the witness says, half of what the witness says.
5 That's all up to you, you and your own individual
6 analysis of what's being presented to you. Now, if
7 there are any sketches or videos or anything like
8 that, you apply the same test that you would to that
9 document or video that you would to a live witness.
10 Once you look at the picture or document, I believe
11 some of it, I believe all of it, I believe none of
12 it. It's all up to you.

13 I don't know if there will be any expert
14 witnesses in this case, but if there is an expert
15 witness, somebody that's expressing an opinion that
16 they have particular expertise in, you don't treat
17 that witness any different than you treat a lay
18 witness, somebody that comes in here and testifies.
19 You can believe everything the expert is saying or
20 none of what the expert says. Now, if there's an
21 expert witness, of course, I'll give you a charge of
22 that at the end of the case.

23 Now, in a criminal case -- and I might have said
24 this earlier, the burden is not on The Defendant,
25 Ms. Rutland, the burden is on The State. The State

1 of South Carolina says The State has the burden of
2 proving any defendant who is charged with a criminal
3 offense guilty beyond a reasonable doubt. Now, you
4 will hear that word reasonable doubt said again by
5 these two fine lawyers over here at some point,
6 you'll hear them say that. But they, also, have the
7 burden of proving all the elements of the offense
8 upon which The Defendant is charged. When I give you
9 the law, and the law says that in this particular
10 offense that The State has to prove A, B, C, D and E,
11 in your role as a conscientious juror, you've got to
12 make sure that The State proved that and they must do
13 it beyond a reasonable doubt. And there will be a
14 definition of reasonable doubt given to you by me as
15 well as these lawyers at the end.

16 Now, in a few minutes, these lawyers are going
17 to give you what is called an opening statement. Let
18 me tell you how I describe opening statement. You
19 know, first of all, anything these lawyers say in
20 terms of an opening statement, and I'll even say it
21 at the end during closing statements, it's not
22 evidence. It's just like this indictment that I got,
23 that piece of paper that gets the matter into court,
24 it's not evidence.

25 So the lawyers give you an opening statement,

1 it's their opinion. You know, there's several ways
2 to get to New York. You can either go that way, you
3 can go that way, but at the end of day, you'll be in
4 New York. So the best way to think about what the
5 lawyers are getting ready to do, they're trying to
6 get to New York and they're trying to tell you in
7 their opinion what's the best way to get there.
8 That's a simplistic way of saying it's their opinion.
9 After hearing all the evidence, they're going to tell
10 you once you look at all the evidence, this is what
11 it's going to show to you from The Defense side and
12 from the prosecutorial side.

13 Now, when we get to the end of the case, they're
14 going to do something what's called closing
15 arguments. Well, at that point, all of you who are
16 the triers of fact have seen all of the evidence.
17 You've heard it. You've made an assumption about it
18 and everything. Then they're going to tell you what
19 they think it shows. Even at that point, what they
20 say is not evidence, so just keep that in mind.

21 From time to time, I will send you -- and I'm
22 going to try to keep this as low to a minimum as I
23 possibly can. But sometimes the lawyers will make an
24 objection that has to do with a legal matter and I
25 can't discuss that in front you, so I may have to

1 send you to your jury room. Then when you go to your
2 jury room, the foreman is going to make sure that
3 y'all just sit quietly looking at each other until I
4 bring you back out and make sure that nothing happens
5 because that's his job. And he knows he's going to
6 do a very good job, I can look at him and tell. So
7 anyway, that's what we may do from to time to time.
8 Hopefully, it won't be a lot of times.

9 If any of you have any needs at all while you're
10 sitting up here, I don't care whether it's go to the
11 bathroom, whatever you got to do, we're here and
12 these bailiffs are here to accommodate you, so we're
13 going to take care of you during the period of time
14 that you're here. So do not hesitate to let me know
15 what's going on.

16 Now, I'm asking all witnesses in here because,
17 obviously, when I've been here before, the mics
18 sometimes work, sometimes it doesn't. So what I need
19 all witnesses and lawyers to do is I need you to use
20 your Clemson or USC cheering voice so people can hear
21 you. Because it's important that that last juror on
22 the end can hear you. Sometimes when you sit here
23 and don't speak loud enough, even if you're speaking
24 in the mic, they don't hear you.

25 So those are some of the administrative things

1 or housekeeping things I wanted to go over with you.

2 So The State's ready to proceed?

3 MRS. CANCEL: Yes, Your Honor.

4 THE COURT: Defense ready to proceed?

5 MRS. WYSE: Yes, Your Honor.

6 THE COURT: All right.

7 MRS. CANCEL: May it please the Court?

8 THE COURT: Yes, ma'am.

9 OPENING STATEMENT

10 MRS. CANCEL: Good morning. My name is Morgan
11 Cancel. Once again, I'm the assistant solicitor for
12 the 13th Circuit. Here with me is my cocounsel, Jake
13 Lampke. As you heard yesterday, you are here because
14 The Defendant is charged with trafficking
15 methamphetamine 28 to 100 grams. So as the Judge has
16 told you, this is not evidence. What I'm going to do
17 right now is kind of give you a road map, set some
18 expectations for you as to what we're going to talk
19 today about today and what to look for.

20 What I want to first talk about is the statute
21 and the label trafficking. I want to set your
22 expectations to understand that the allegation in
23 this case is that she was in possession of over
24 28-grams of methamphetamine. This is not going to
25 maybe be as exciting as you would think as you left

1 yesterday. This is not going to be an episode of
2 Ozark or one of those other cartel drug shows. That
3 is not the allegation.

4 Our legislature in South Carolina has framed our
5 laws in a way that includes possessions of larger
6 weight under the statutes of trafficking. So if you
7 were to be caught with less than one gram of
8 methamphetamine, you would be under the statute of
9 possession of meth, just a simple possession. When
10 you go over a gram, but under 10 grams, you're
11 automatically in possession with intent to distribute
12 because there becomes an inference made from the
13 weight of the drugs. Once you're over 10 grams,
14 you're now in trafficking land. So when someone is
15 caught with 10 grams to 28 grams, you're in
16 trafficking. Then you move up to the next level, 28
17 to 100 grams is the next level of trafficking. When
18 you get over a 100 to 200, then the next level is 200
19 to 400, then the last level is 400 and greater.

20 So what The State has alleged in this case is
21 that this Defendant, Brittany Rutland, was in
22 possession of over 28 grams of methamphetamine. So I
23 don't want you to get caught up on that language of
24 trafficking and think you're going to see, you know,
25 85 moving drugs to different states. That's not the

1 allegation here today. The allegation is that she
2 was in possession of this weight of methamphetamine.

3 So as we move forward today, we're only probably
4 going to have four witnesses from The State.
5 Hopefully, it will be relatively painless for you
6 all. We can keep your attention. It's not the most
7 exciting, but, hopefully, we'll be able to prove to
8 you through those four witnesses, which are officers
9 from Pickens County that arrived on scene. It's
10 going to be Deputy Camp and Deputy Wade. They will
11 talk to you about what happened when they got there,
12 why they came there and what they found.

13 Then you're going to hear from someone from the
14 forensics that keeps property and evidence at Pickens
15 County about the process of collecting this evidence
16 and how he gets it to SLED. Then you will hear from
17 the SLED analyst, who test the drugs, who can tell
18 you from a scientist point of view that that is what
19 this is. That he proved that this was
20 methamphetamine and the actual weight. And that
21 particular witness, you will see over webcam because
22 he has some health issues that he'll talk to you
23 about, so he couldn't be here in person today.

24 So after you hear all of this, it is The State's
25 burden to prove beyond a reasonable doubt. Now, that

1 standard, we'll talk to you more about later, also,
2 does not mean without any doubt. There are few
3 things in the world that you can prove without some
4 realm of possibility of something else happening. It
5 is without a doubt that a reasonable person would
6 make. And The Judge will give you more instruction
7 on that as well. But I am confident that at the end
8 of this, you will see that this Defendant was, in
9 fact, possessing over 28 grams, but less than 100
10 grams of methamphetamine. Therefore, at the end of
11 this, we'll come back and ask you to find her guilty
12 of trafficking methamphetamine 28 to 100 grams.

13 Thank you.

14 THE COURT: Thank you, Ms. Cancel.

15 Yes, ma'am.

16 OPENING STATEMENT

17 MRS. WYSE: Thank you, Your Honor. May it
18 please the Court.

19 THE COURT: Okay.

20 MRS. WYSE: Ladies and gentlemen of the jury,
21 Ms. Cancel, Mr. Lampke.

22 Good morning, my name is Catherine Wyse. This
23 is the first opportunity I've had to speak to you.
24 Yesterday, you met my partner, Jessica DeShon. She
25 practices primarily in family law. I had to be in

1 court in another place yesterday morning, so she
2 picked her first jury here with you ladies and
3 gentlemen of the jury.

4 Ladies and gentlemen, you have heard from
5 Ms. Cancel about her opening statement. Now, we live
6 in the United States and we enjoy certain rights
7 here. We enjoy the right to bear arms to protect
8 ourselves. We enjoy the right to vote. We enjoy the
9 right to do a lot of things that other countries wish
10 they could. And we take it for granted. One of the
11 most important rights that we have is right to a jury
12 trial. We do have the best system in the world, even
13 if it's the worst system. And we find it to be both.
14 Yet, no other system works as well as our does in
15 pursuit of justice.

16 Now, Ms. Rutland has the right to ask for a jury
17 trial. She has the right to ask to confront her
18 witnesses, to see the evidence against her. She has
19 the right to go through this, as does The State. And
20 that is a right that most people take for granted
21 until they need it themselves.

22 I prosecuted cases for over 17 years before I
23 switched sides and became a defense attorney. And I
24 thought I had a clear understanding of right and
25 wrong. But as I prosecuted more and more cases and

1 as I became familiar with more and more people and I
2 saw what addiction is, I realized it's not as black
3 and white as I thought it was. It's a lot more gray.
4 I wish it were black and white. Because that would
5 be really easy. But when you go through something
6 like addiction, something that eats a person whole
7 from the inside out, it has become a lot grayer.

8 Now, throughout the course of this trial, you're
9 going to hear a lot of information. You're going to
10 see a lot of information. You're going to watch
11 people testify. And I want you to pay very close
12 attention to what you hear and to what you see. But
13 I want you to pay even more attention to the things
14 that you don't hear and the things that you don't
15 see.

16 Thank you for your time. We appreciate you.

17 THE COURT: All right. State ready to call its
18 first witness?

19 MRS. CANCEL: State would call Deputy Wade to
20 the stand.

21 THE CLERK: Please raise your right hand.

22 JUSTIN WADE, after being duly sworn,
23 testified as follows:

24 THE CLERK: Thank you. Please have a seat and
25 state your name for the record.

1 THE WITNESS: My name is Deputy Justin Wade.

2 DIRECT EXAMINATION

3 BY MRS. CANCEL:

4 Q Deputy Wade, how long have you been employed
5 with Pickens County Sheriff's Office?

6 A Almost nine years now.

7 Q All right. What is your current title and
8 position?

9 A Deputy first class.

10 Q Was that your title and position on
11 November 19th, 2022?

12 A Yes, ma'am.

13 Q All right. And on that date, did you have the
14 opportunity to come in contact with Brittany Rutland?

15 A I did.

16 Q Is she in the courtroom here today?

17 A She is.

18 Q Where is she at?

19 A She's sitting right there.

20 Q And do you remember the location that you came
21 into contact with her at?

22 A I do. It's the Spinx on Calhoun Memorial
23 Highway.

24 Q Is that located at 4283 Calhoun Memorial
25 Highway?

1 A Yes, ma'am.

2 Q Is that within Pickens County?

3 A It is.

4 Q All right. And tell me how you got involved
5 with that.

6 A So received a -- around 9:00 or 10:00 that
7 morning, received a general welfare check on a person that
8 was passed out behind the wheel at a gas pump with the car
9 running. So arrived on scene, saw the car sitting at the
10 gas pump running, approached the vehicle and found
11 Ms. Rutland passed out behind the wheel.

12 Q Were you wearing a body worn camera at the time
13 of this?

14 A I was, yes, ma'am.

15 Q I'm going to approach you with what's been
16 previously been marked as State's Exhibit No. 1. Do you
17 recognize this?

18 A I do.

19 Q How do you recognize it?

20 A So it's the CD that was burned just a while ago
21 with my initials on it.

22 Q What is on that disk?

23 A It should be my body camera footage approaching
24 the vehicle and the incident from that day.

25 MRS. CANCEL: Okay. At this time, The State

1 would ask to move State's Exhibit No. 1 into evidence
2 and publish portions to the jury.

3 THE COURT: Any objection?

4 MRS. WYSE: Well, Your Honor, I think a little
5 bit better foundation needs to be laid.

6 THE COURT: All right. Is that the nature of
7 the objection, just the foundation?

8 MRS. WYSE: Yes, Your Honor.

9 THE COURT: Are you able to give a little more
10 information?

11 MRS. CANCEL: Your Honor, he has identified this
12 as the body-worn camera. Other than to ask has this
13 been edited in any way?

14 THE WITNESS: Not to my knowledge, no.

15 MRS. CANCEL: Is that sufficient?

16 MRS. WYSE: That's sufficient at this time,
17 Judge. Thank you.

18 THE COURT: All right. Thank you.

19 (WHEREUPON, State's Exhibit No. 1 was admitted
20 into evidence.)

21 BY MRS. CANCEL:

22 Q So when you arrived on scene, you said that she
23 was -- appeared to be unconscious?

24 A Yes, ma'am.

25 Q What did you do next?

1 A So when I approached the vehicle initially, I
2 walked around the vehicle, checked all the windows.
3 Because, usually, when someone is unconscious behind the
4 wheel, you never know how they're going to react when you
5 wake them up. So what I like to do is check each window,
6 make sure there's no firearms or anything like that. So I
7 approached the driver's side, see that she's still
8 unconscious after I've made full circle around the car.
9 Tap on the glass, she is awakened. At that time, I open
10 the car door to make contact with Ms. Rutland.

11 Q Okay. What happened when you opened the car
12 door?

13 A So as soon as I opened the car door, she was
14 simultaneously trying to roll down the window. As I
15 opened up the vehicle, I could smell an odor of marijuana
16 emitting from the vehicle inside.

17 Q What did you do next?

18 A So at that point, I had Ms. Rutland step out of
19 the vehicle.

20 Q Once she stepped out of the vehicle, did you
21 search her person or anything?

22 A So I advised her that due to the odor of
23 marijuana, I was going to search the vehicle. I asked if
24 she had anything else illegal on her person or inside the
25 vehicle. She said she did have a meth pipe on her.

1 Q Okay. Did you locate that meth pipe?

2 A I did, yes, ma'am.

3 Q Okay. And then after this, did you, in fact,
4 search the vehicle?

5 A Correct, yes, ma'am.

6 Q Okay. Upon search of the vehicle, can you tell
7 me what you located?

8 A Yes, ma'am. We located a jar of marijuana,
9 digital scale and methamphetamine inside the vehicle.

10 Q Okay. At this time, I'm going to play some
11 portions from your body camera, No. 1.

12 (WHEREUPON, State's Exhibit No. 1 was
13 published.)

14 BY MRS. CANCEL:

15 Q Now, Deputy Wade, is this where your body camera
16 begins when you arrive on scene?

17 A Yes, ma'am.

18 Q And I'm going to go ahead and pause this and ask
19 you, was there sound to this video?

20 A So, unfortunately, no, ma'am. My body cam was
21 muted during this interaction.

22 Q Was that intentional?

23 A No, ma'am.

24 Q Tell me a little bit about how that works on the
25 body camera.

1 A So on these body cameras, it's -- they're
2 digital ali [ph], so to mute and unmute, this is just,
3 basically, the switch. And when you have the body camera
4 on and it is muted, there's no indication that it is
5 muted. There's no light, there's no vibration, nothing.

6 Q So you were unaware that the sound was not on?

7 A Correct.

8 Q So that's why this has been edited to remove
9 sound. There was no sound to begin with, correct?

10 A Correct.

11 Q Okay.

12 Get this to play smoothly.

13 (WHEREUPON, State's Exhibit No. 1 was continued
14 to be published.)

15 MRS. CANCEL: I think we have a little lag here,
16 it will catch up.

17 (WHEREUPON, State's Exhibit No. 1 was continued
18 to be published.)

19 BY MRS. CANCEL:

20 Q So tell me what you're doing right here.

21 A So right here, like I said to the jury, I
22 searched the vehicle. I look in there to make sure
23 there's no firearms readily available for her to grab if
24 she is suddenly awoken.

25 Q All right. Now, you can see her in the vehicle

1 at that point; correct?

2 A Yes, ma'am.

3 Q Okay. At this point, what are you doing?

4 A Just asking her, you know, general questions,
5 are you okay? What's going on? Why are you passed out
6 behind the wheel?

7 Q If I can get this to work properly, we will move
8 forward. Okay. Can you tell me what you're doing at this
9 point?

10 A So at this point, she's in investigative
11 detention and I'm searching her person. And right here is
12 where I retrieved the meth pipe.

13 Q Okay. All right, we're going to jump to the
14 second half. After retrieving the meth pipe, did anyone
15 else arrive on scene to assist or did they get there
16 before that?

17 A Yes, ma'am. Deputy Camp arrived on scene to
18 assist me.

19 Q Okay. And once he is on scene, is that when you
20 proceeded to search the vehicle?

21 A Correct, yes, ma'am.

22 Q Do you recall seeing this blue bag in the
23 vehicle?

24 A Yes, ma'am.

25 Q And what are you looking through there?

1 A So I'm looking for more places that people would
2 typically hide narcotics.

3 Q The bag that's in your hand, what would you
4 consider that to be? Can you see it?

5 A I don't see a bag in my hand, not at this point.

6 Q And when arrived on scene, was there anyone else
7 in the vehicle with her?

8 A No, ma'am.

9 Q What is this bag right here?

10 A So this was like, I would say, a purse, wallet
11 that females usually carry. It did have narcotics in it,
12 methamphetamine.

13 Q And what is that in your hand?

14 A That is the methamphetamine that I retrieved
15 from the wallet.

16 Q Okay. Deputy Wade, can you tell me what that
17 was that you're pulling out in this video?

18 A Right there, that is Ms. Rutland's personal
19 driver's license.

20 Q That was located within that bag?

21 A Yes, ma'am.

22 Q Okay. We'll give it one more second. That red
23 Solo cup right there, was that in the vehicle when you got
24 there?

25 A Yes, ma'am.

1 Q What did you find of significance -- you
2 personally find of significance with that red Solo cup?

3 MRS. WYSE: Objection, leading the witness.

4 THE COURT: Sustained.

5 Rephrase your question.

6 BY MRS. CANCEL:

7 Q What did you find of significance personally
8 within -- or around that red Solo cup?

9 A So sitting on the red Solo cup itself, there was
10 a purple jar that contained marijuana.

11 Q Okay. Okay. I'm going to approach you, Deputy
12 Wade, with what's previously been marked as State's
13 Exhibits 2, 3 and 4, do you recognize these?

14 A I do.

15 Q Okay. Are those still shots from your body-worn
16 camera?

17 A Yes, they are.

18 Q Have they been altered in any way?

19 A No, ma'am.

20 MRS. CANCEL: At this time, The State would ask
21 to admit State's Exhibit 2, 3 and 4 into evidence and
22 publish to the jury.

23 THE COURT: Any objection?

24 MRS. WYSE: No objection, Your Honor.

25 THE COURT: Without objection.

1 (WHEREUPON, State's Exhibits Nos. 2-4 were
2 admitted into evidence.)

3 MRS. CANCEL: Permission to publish to the jury,
4 Your Honor.

5 THE COURT: Any objection?

6 MRS. WYSE: No, Your Honor.

7 THE COURT: All right.

8 BY MRS. CANCEL:

9 Q All right. I know this is probably difficult to
10 see, but this initial capture, from what vantage point was
11 this captured?

12 A So this was from the passenger side of the
13 vehicle.

14 Q Were you inside or outside of the car?

15 A Outside of the vehicle.

16 Q Okay. And within this photograph, are you able
17 to see the red Solo cup that we spoke about in that car?

18 A Correct.

19 Q I'm going to show you what's marked as State's
20 Exhibit No. 3, was this how The Defendant appeared when
21 you walked around to the driver's side window?

22 A It was, yes, ma'am.

23 Q Did that cause any concern for you?

24 A It did.

25 Q Okay. And kind of tell me why that was

1 concerning.

2 A So for one, you know, someone who's passed out
3 behind the wheel, of course, with the car running, be
4 mindful of that, that's abnormal. You know, it could be
5 under the influence of alcohol or drugs. Usually, if
6 someone is going to sleep at a gas station or sleep in
7 their vehicle, they're not going to be at a pump with the
8 vehicle running. They're going to be on the side of the
9 gas station or behind it in a parking spot itself. So
10 that threw a red flag as indicating maybe a narcotic was
11 present.

12 Q Were you concerned for The Defendant's health at
13 all?

14 A I was.

15 Q Now, I'm going to show you what's been marked
16 and admitted as State's Exhibit No. 4, what does that
17 appear to be?

18 A So that is the methamphetamine pipe that I
19 retrieved from Ms. Rutland, her person.

20 Q Deputy Wade, I'm going to show you what has
21 previously been marked as State's Exhibit No. 5, do you
22 know what this document is?

23 A I do.

24 Q What is that?

25 A So this is a title and registration for the

1 vehicle during that encounter.

2 Q Is that a certified title?

3 A It is.

4 Q And who is that car -- first, tell me what the
5 car is.

6 A So the vehicle itself is a 2006 Nissan Altima.
7 It is registered to The Defendant, Brittany Nicole
8 Rutland.

9 Q What was the date of purchase of that vehicle?

10 A So the date of purchase was 6/15/2022.

11 Q Is that the vehicle that you found The Defendant
12 in on November 19th of 2022?

13 A It was, yes, ma'am.

14 MRS. CANCEL: At this time, The State would move
15 to admit State's Exhibit No. 5 into evidence.

16 THE COURT: Any objection?

17 MRS. WYSE: No objection, Your Honor.

18 THE COURT: All right, so entered without
19 objection.

20 (WHEREUPON, State's Exhibit No. 5 was admitted
21 into evidence.)

22 BY MRS. CANCEL:

23 Q All right. I'm now approaching you with what's
24 been previously marked as State's Exhibit Nos. 7 through
25 11. Can you take a look at those and tell me what those

1 are?

2 A Yes, ma'am. So these are all more still shots
3 of my body camera footage while I'm searching the vehicle.

4 Q Have they been altered in any way?

5 A No, ma'am.

6 MRS. CANCEL: At this time, The State would ask
7 to move State's Exhibit Nos. 7 through 11 into
8 evidence and publish to the jury.

9 MRS. WYSE: Without objection, Your Honor.

10 THE COURT: So entered without objection.

11 (WHEREUPON, State's Exhibits Nos. 7-11 were
12 admitted into evidence.)

13 BY MRS. CANCEL:

14 Q First, I'm going to show you --

15 I'm sorry, I need to ask to publish these
16 to the jury, Your Honor, 7 through 11.

17 MRS. WYSE: That's fine, Your Honor.

18 THE COURT: All right.

19 BY MRS. CANCEL:

20 Q I'm showing you what's been admitted as State's
21 Exhibit No. 7, can you tell me what we're looking at in
22 this picture?

23 A Yes, ma'am. So on the right-hand corner, that
24 is the baggy of methamphetamine that I retrieved from the
25 wallet.

1 Q Okay. Now, State's Exhibit No. 8, the
2 significance of this -- let me get the lighting better.
3 Tell me what we're looking at in State Exhibit 8.

4 A Sure. So from the same bag that the
5 methamphetamine was retrieved from was, also,
6 Ms. Rutland's driver's license.

7 Q I'm going to show you State's Exhibit No. 9.
8 Can you tell me exactly what we're looking at in State's
9 Exhibit No. 9?

10 A So that right there is a digital scale.

11 Q Where was that located?

12 A That was located, I believe, within the bag
13 itself or in the passenger seat.

14 Q Can you tell me the significance of a digital
15 scale?

16 A Sure. So usually, a digital scale is around
17 drugs and narcotics as well. It indicates a type of a
18 sale where they'll weigh it out and sell it.

19 Q Now, I'm going to show you what's been marked as
20 State's Exhibit No. 10. I'm going to turn this brightness
21 back up. All right. Can you explain to us what we're
22 looking at in State's Exhibit No. 10?

23 A Sure. So the main focus, I believe, in this
24 picture is the red Solo cup with the purple jar that
25 contained the marijuana itself.

1 Q Okay. Did you remove that jar from the red Solo
2 cup?

3 A I did, yes, ma'am.

4 Q All right. Now, looking at State's Exhibit No.
5 11, what are we looking at here?

6 A So once I removed the jar from the Solo cup,
7 there's a blue sock that was underneath the jar that still
8 was sitting in the red Solo cup.

9 Q And did you then look further into that Solo cup
10 yourself?

11 A No.

12 Q While on scene, at any point, did you read The
13 Defendant her Miranda warnings?

14 A I did, yes, ma'am.

15 Q I'm now going to show you what has been marked
16 as State's Exhibit 12, can you tell me what we're looking
17 at?

18 A Sure. So what this is, this is the total
19 methamphetamine that I seized after the whole stop of the
20 vehicle. And this is the SLED drug analysis kit that
21 we -- every deputy or officer fills out once the narcotics
22 are found. We send it to SLED for further analysis of the
23 drugs.

24 Q In State's Exhibit No. 12, do those appear to be
25 the drugs that you took related to this case?

1 A Yes, ma'am.

2 Q Okay.

3 MRS. CANCEL: Beg the Court's indulgence.

4 BY MRS. CANCEL:

5 Q After you took the methamphetamine on scene and
6 they had been placed in the bag, can you tell me a little
7 bit about the chain and what you did next and how that
8 works?

9 A Sure. As far as a deputy's standpoint, we
10 submit this into our evidence locker -- once this is all
11 sealed and signed, signature, we submit it to our evidence
12 locker. Then our forensics department, they receive it
13 and they send it -- they send it down to SLED itself for
14 the SLED officers to test it. Then once they test it,
15 they go pick it up and retrieve it and put it back into
16 our evidence for further -- until the trial date.

17 Q And are you the person that puts a case number
18 on it or does someone else do that?

19 A So on the SLED form, the BEST Pack form, I do
20 myself put a case number on it, yes, ma'am.

21 Q Do you drop it somewhere or do you hand it off
22 to someone?

23 A No, it goes into a -- once I fill this out and
24 seal it, I put it in a secured locker with a lock.

25 Q Did you do that in this case?

1 A Yes, ma'am.

2 Q Okay. I want to talk to you a little bit about
3 the meth pipe you found. I'll just put this over here.
4 Can you explain, to your knowledge and your experience in
5 law enforcement, what the use of that is, how is this
6 methamphetamine consumed?

7 MRS. WYSE: Judge, she's leading the witness
8 again.

9 MRS. CANCEL: Your Honor, I do not believe I am.
10 I'm asking him to explain how something correlates.

11 THE COURT: I'll overrule the objection.
12 Continue.

13 THE WITNESS: Question one more time.

14 BY MRS. CANCEL:

15 Q In regards to the meth pipe and methamphetamine,
16 can you explain your experience as law enforcement how
17 those things correlate as far as how that methamphetamine
18 is consumed?

19 A Sure. So, typically -- there's multiple ways to
20 consume methamphetamine. One of the most common is the
21 smoking of the methamphetamine, which, obviously, we
22 retrieved from Ms. Rutland. But you can shoot -- with a
23 needle, you can shoot it up or you can even eat it.

24 Q Okay. And the pipe that you found, is that
25 commonly used?

JUSTIN WADE-CROSS BY MRS. WYSE

1 A Yes, ma'am.

2 Q For smoking meth. As far as the amount of meth
3 that you located in this case, I'm not going to ask you as
4 far as the exact weights because that's something we'll
5 ask the analyst later. But in your nine years of law
6 enforcement, have you ever personally come across an
7 amount of meth this much?

8 A So that much was actually the most meth that I
9 have ever charged.

10 Q How about the size of those methamphetamine
11 rocks?

12 A So the size of those rocks itself are fairly
13 large and the largest that I've seen personally of that
14 size.

15 MRS. CANCEL: Please answer any questions that
16 The Defense has.

17 THE COURT: Cross-examination?

18 MRS. WYSE: Thank you, Your Honor. May it
19 please the Court.

20 THE COURT: All right.

21 CROSS-EXAMINATION

22 BY MRS. WYSE:

23 Q Deputy Wade, how long have you been working with
24 Pickens County Sheriff's Office?

25 A Almost nine years now.

JUSTIN WADE-CROSS BY MRS. WYSE

1 Q Do you have any previous law enforcement
2 experience?

3 A No, ma'am.

4 Q Okay. I know you gave a brief overview of what
5 you were doing and what you've done prior, can you just
6 explain that really fast for the jury?

7 A What I've done prior?

8 Q Like, since you started. You started at the
9 detention center?

10 A Yeah, I originally started at the detention
11 center at the sheriff's office, where I worked three years
12 inside there and was promoted to the uniform patrol
13 division, where I have since worked on the Bravo team for
14 five years now on the road.

15 Q What do you do on the Bravo team?

16 A Answer calls for service, drug enforcement,
17 locating wanted subjects that may have warrants, welfare
18 checks, business checks, pretty much all the above.

19 Q What types of training have you had, in
20 particular, as far as drugs are concerned?

21 A So I have had international drug class, seizure
22 class that I took down in Columbia.

23 Q Anything else?

24 A No, ma'am.

25 Q All right. Have you testified prior to this day

JUSTIN WADE-CROSS BY MRS. WYSE

1 in court under oath regarding this case?

2 A This case, no, ma'am. Well, yesterday.

3 Q All right. And what time did you arrive on the
4 scene?

5 A I believe it was 8:00, 9:00.

6 Q Do you remember yesterday testifying that it was
7 10:00 when you arrived?

8 A I believe I could have said 9:00 or 10:00, yes,
9 ma'am. Morning time.

10 Q Okay. And have you had a chance to review your
11 report?

12 A I did, yes, ma'am.

13 Q What time did you note on your report that you
14 arrived?

15 A I don't know if I put a time on the report. I
16 usually just put the date.

17 Q Okay.

18 MRS. WYSE: May I approach the witness?

19 THE COURT: Yes, ma'am.

20 BY MRS. WYSE:

21 Q Is that your report that you drafted for this?

22 A Yes, ma'am, that is my report.

23 Q And did you put a time on it?

24 A Yes, there is a time indicated as 10:00.

25 Q Thank you. And is this your complete summary of

JUSTIN WADE-CROSS BY MRS. WYSE

1 the case?

2 A My summary -- that is my narrative, yes, ma'am,
3 but that is not the complete thing. If we could pull up
4 the whole thing, there is a call for service log about
5 when the call was generated. It would -- because,
6 usually, what that is is an indication of the time I
7 arrived or time the call received and the time that arrest
8 was made or when she was booked into the jail.

9 Q All right. But that's what you wrote?

10 A Sure. That's my narrative, yes, ma'am.

11 Q Your record of events as you remember them?

12 A Sure, yes, ma'am.

13 Q And in here, it states that you walked around
14 the car and she rolled down the window; correct?

15 A Sure.

16 Q And then this morning, you testified that she
17 was midway rolling down her window when you opened the
18 door?

19 A Sure. As we -- the jury saw, I mean, the window
20 was, basically, that much.

21 Q And yesterday, you testified that she didn't
22 respond, that you just opened the door; correct?

23 A Correct.

24 Q Now, you stated that you placed her under
25 Miranda?

JUSTIN WADE-CROSS BY MRS. WYSE

1 A Yes, ma'am.

2 Q When did you do that?

3 A Due to my body camera being muted, I would not
4 know. But in the report itself, I put that I Mirandized
5 her, I believe, I want to say once either I found the
6 quantity of the methamphetamine or Deputy Camp found the
7 methamphetamine. I believe she was Mirandized at that
8 point.

9 Q Did you ever sign anything?

10 A Sign anything?

11 Q Yes, sir.

12 A Not to my knowledge.

13 Q Are you familiar with the Miranda forms?

14 A Yes, ma'am. I have one actually on me. The
15 Miranda forms or card?

16 Q Yes, when they just, basically, initial and sign
17 at the bottom?

18 A No, ma'am, I'm not familiar with that.

19 Q You've never seen one of those Miranda forms
20 where it says you have the right to remain silent and they
21 initial?

22 A No, that's usually on other stuff, I believe,
23 but not from the field.

24 Q All right. Now, you testified just a few
25 minutes ago that this was the biggest methamphetamine bust

JUSTIN WADE-CROSS BY MRS. WYSE

1 you've made?

2 A Yes, ma'am.

3 Q In the whole nine years that you've worked with
4 Pickens County?

5 A Yes, ma'am.

6 Q How many people were out there with you, other
7 officers?

8 A Total, it was Deputy Camp and Corporal Crowe.

9 Q Okay. And about how long did this encounter
10 last?

11 A From the time of me being there to placing her
12 under arrest, 30 minutes, maybe 45.

13 Q Did you call anybody else out there to help you?

14 A No. Once I placed Ms. Rutland in investigative
15 detention, I believe that's when I advised I needed
16 another unit to help search the vehicle.

17 Q So was Ms. Rutland cooperative?

18 A She was.

19 Q Was she combative?

20 A No, ma'am.

21 Q Did she wake up and try to attack you or act
22 crazy?

23 A No, ma'am.

24 Q And did you wait for backup to get there before
25 you opened the door?

JUSTIN WADE-CROSS BY MRS. WYSE

1 A No.

2 Q Okay. Why did you open the door at the same
3 time she was rolling down the window?

4 A So I guess the two actions occurred at the same
5 time.

6 Q She woke up and she was rolling down her window?

7 A Simultaneously as I opened the door.

8 Q Are you sure the car was running?

9 A 100 percent. She turns it off in the body
10 camera.

11 Q Are you certain that she just doesn't take her
12 keys out of the ignition?

13 A We can play it back and watch her turn it off.

14 Q Okay. So you said that the purse was hers, the
15 picture of the purse that The State has already placed
16 into evidence?

17 A The black wallet?

18 Q Yes.

19 A Yes.

20 Q I'm looking at what's State's Exhibit No. 8,
21 what is this blue and green bag?

22 A So that is a book bag.

23 Q Okay. In that bag is where you found the
24 wallet?

25 A In that book bag, yes, ma'am, the wallet was

JUSTIN WADE-CROSS BY MRS. WYSE

1 found.

2 Q And then inside that black wallet, you said that
3 her driver's license was located in it?

4 A It was in the bag itself, the book bag, yes,
5 ma'am.

6 Q All right. And when you noticed the smell of
7 marijuana, did you ask Ms. Rutland about that?

8 A I believe I did.

9 Q And did she tell you there was marijuana in the
10 car?

11 A I believe my narrative she did state that there
12 was marijuana.

13 Q And when you ask her if there was anything
14 illegal on her person, what did she tell you?

15 A She had a meth pipe.

16 Q And did she tell you where it was on her person?

17 A Her right pocket.

18 Q Okay. And as far as other statements --

19 MRS. CANCEL: Objection, Your Honor. At this
20 time, I'm going to object to counsel trying to elicit
21 her own client's statements through this witness.
22 It's improper at this time. If her statements come
23 in, then she needs to testify.

24 THE COURT: I'm going to allow it subject to
25 your objection.

JUSTIN WADE-CROSS BY MRS. WYSE

1 Go ahead.

2 MRS. WYSE: Thank you, Judge.

3 BY MRS. WYSE:

4 Q Did Ms. Rutland try to hide anything from you
5 that you could tell?

6 A Not that I could tell, no, ma'am.

7 Q Did she tell you where she had been working?

8 A She did.

9 Q Where was that?

10 A Waffle House, I believe.

11 Q Did she tell you what shift she'd been working?

12 A Night shift.

13 Q So she had just gotten off work; correct?

14 A I don't know her hours.

15 Q Okay. But she was still in her uniform?

16 A Correct.

17 Q And she still had her apron on even?

18 A Correct.

19 Q And her name tag?

20 A (The witness nods.)

21 Q All right. So she'd just gotten off work,
22 presumably, at Waffle House. And she puts gas in her car
23 and you arrive on the scene?

24 A We don't know if she put gas in her car.

25 Q You don't?

JUSTIN WADE-CROSS BY MRS. WYSE

1 A No.

2 Q Okay. Now, when you found the methamphetamine
3 in her black wallet, did she tell you that was hers?

4 A She did.

5 Q Did she tell you that the marijuana was there?

6 A She did.

7 Q Did she tell you where the marijuana was?

8 A I don't recall that. She possibly could have,
9 but I do not recall.

10 Q But she wasn't combative? She was cooperative?

11 A (No verbal response.)

12 Q Now, was she taken into custody once she left
13 the Spinx?

14 A Once she left?

15 Q When you arrested --

16 A She was placed under arrest, yes, ma'am.

17 Q Now, you said that was the biggest
18 methamphetamine arrest you've had in the nine years that
19 you've been here; right?

20 A Correct.

21 Q Did you get a warrant to search her house?

22 A No, ma'am.

23 Q You said those were the biggest rocks of
24 methamphetamine that you'd ever seen?

25 A They were.

JUSTIN WADE-CROSS BY MRS. WYSE

1 Q Did you find any plastic bags in the car?

2 A Not that I recall.

3 Q And did you find or do any investigation into
4 any other drugs that she might have been involved in after
5 you had this incident with her?

6 A No, ma'am.

7 Q Did anybody else ask you about it?

8 A The drug bust, not that I recall, no.

9 Q Did Ms. Rutland tell you that the drugs in the
10 red Solo cup belonged to somebody else?

11 MRS. CANCEL: Objection.

12 THE COURT: Sustained.

13 MRS. WYSE: Withdrawn.

14 THE COURT: All right.

15 BY MRS. WYSE:

16 Q And as far as the investigation into
17 Ms. Rutland, it ended on that date?

18 A Yes, ma'am.

19 Q Okay. Nothing further was done?

20 A (No verbal response.)

21 Q Do you remember off the top of your head if
22 Ms. Rutland knew what was in the red Solo cup?

23 MRS. CANCEL: Objection, Your Honor.

24 THE COURT: Sustained.

25

JUSTIN WADE-REDIRECT BY MRS. CANCEL

1 BY MRS. WYSE:

2 Q And you said that she was cooperative for the
3 most part and not combative to you in any way, shape or
4 form?

5 A No, ma'am.

6 MRS. WYSE: I beg the Court's indulgence.

7 BY MRS. WYSE:

8 Q What else did you take into evidence that day,
9 if anything?

10 A I believe the marijuana was placed into evidence
11 for destruction and I believe a rock substance, if I'm not
12 mistaken.

13 Q That was it?

14 A As far as my knowledge, yes, ma'am.

15 MRS. WYSE: I have no further questions, Judge.

16 THE COURT: Redirect?

17 MRS. CANCEL: Quick redirect.

18 THE COURT: Yes, please.

19 REDIRECT EXAMINATION

20 BY MRS. CANCEL:

21 Q Deputy, how many calls would you say you've been
22 on since November of 2022?

23 A Hundreds.

24 Q An average day for you, how many calls?

25 A Oh, average day. I generate a lot of my calls.

JUSTIN WADE-REDIRECT BY MRS. CANCEL

1 So I'd say, at least, ten a day, maybe. If not, doing
2 followups and talking to people.

3 Q And this incident was over two years ago;
4 correct?

5 A Correct.

6 Q The Defense asked you a couple of questions
7 about discrepancy in time that you may have testified.
8 After reviewing your body camera, are you more
9 knowledgeable of what time you arrived on scene than prior
10 to reviewing your body camera?

11 A Correct. I believe, you know, eight to
12 nine o'clock. I mean, the body cam indicates what time it
13 is.

14 Q And she asked you about the Miranda forms, would
15 that surprise you to know those are typically used by
16 investigators?

17 A Yes, ma'am, that's it.

18 Q Are you an investigator?

19 A No, ma'am.

20 Q And as a road patrol deputy and not an
21 investigator, is getting search warrants for homes and
22 things something, that's part of your job duties?

23 A No, ma'am.

24 Q Now, Defense counsel, also, talked to you about
25 how cooperative this Defendant was, that she admitted to

JUSTIN WADE-RECROSS BY MRS. WYSE

1 the marijuana in the car. Now, prior to finding the
2 methamphetamine, did she admit to the methamphetamine
3 being in the car?

4 A Huh-uh.

5 Q But I believe counsel asked you that after you
6 found it, she did admit that what was in the purse was
7 hers?

8 A Right.

9 MRS. CANCEL: Nothing further from The State.

10 THE COURT: Any recross?

11 MRS. WYSE: Briefly, Your Honor.

12 RECROSS-EXAMINATION

13 BY MRS. WYSE:

14 Q How long have you known about this trial?

15 A About this trial?

16 Q Yes, sir.

17 A Two months ago.

18 Q Okay. Last question, you mentioned more than
19 once this was the biggest methamphetamine find that you
20 have experienced since you were on duty at the Pickens
21 County Sheriff's Office. And you're telling me and this
22 Court today that nobody from investigations was interested
23 in this case?

24 A So it might not be the biggest other deputies
25 have found, but it's the biggest that I have found. Now,

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 you have deputies finding over 100 grams. But,
2 personally, this was the biggest that I have gotten,
3 seized.

4 MRS. WYSE: No further questions.

5 THE COURT: All right, Officer you can step
6 down. Thank you so much.

7 State ready to call its next witness?

8 MRS. CANCEL: Yes, Your Honor. The State calls
9 Deputy Camp to the stand.

10 THOMAS CAMP, after being duly sworn,
11 testified as follows:

12 THE CLERK: Thank you. Please have a seat.
13 State your name for the record.

14 THE WITNESS: Thomas Camp.

15 DIRECT EXAMINATION

16 BY MRS. CANCEL:

17 Q Deputy Camp, where do you work currently?

18 A Pickens County Sheriff's Office, ma'am.

19 Q How long have you been working there?

20 A Since 2011, 13, almost 14 years.

21 Q Were you in law enforcement before?

22 A I was not, no, ma'am.

23 Q Okay. What's your current title or position?

24 A Road supervisor, sergeant with the Charlie team.

25 Q Tell me a little bit about what that means, what

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 your job duties are.

2 A Currently, it's supervise deputies, review
3 reports, answer calls, also, just lean on my experience
4 from prior to help make the team run smoothly.

5 Q Was that your title in November of 2022 when
6 this incident happened?

7 A It was not. At that time, I was deputy first
8 class.

9 Q What did that entail?

10 A Typically, we are assigned areas or zones that
11 we patrol in. And at that time, I was assigned to a zone
12 in the eastern part of the county. We answer calls and
13 back each other up, answer calls for service best we can.

14 Q On November 19th of 2022, did you have the
15 opportunity to encounter this Defendant, Brittany Rutland?

16 A I did.

17 Q Can you tell me how you got involved?

18 A Deputy Wade was the initial contact on this case
19 and it was a call for service for a person passed out at a
20 gas pump. And I went to back him up just in case there
21 was the need for another deputy.

22 Q What did you do when you arrived on scene?

23 A I ascertained the situation and asked Deputy
24 Wade if he needed any assistance in doing whatever,
25 waiting on the tow truck, search the vehicle, whatever he

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 needs us to do.

2 Q Do you remember if Deputy Wade had already found
3 anything at that point when you got on scene?

4 A He had. He had searched The Defendant and found
5 the meth pipe and he found the container of marijuana and
6 some personal use meth that was in her pocketbook.

7 Q Did you, also, participate in searching the
8 vehicle?

9 A I did, while he was speaking with Ms. Rutland.

10 Q Can you tell me what you located?

11 A Yes, ma'am. His initial search was from the
12 passenger side, so I approached from the driver's side
13 door and began there. It was a four-door vehicle, so I
14 started in the front. I located a red Solo cup with a
15 sock in the cup holder near the center console. Removed
16 the sock and found a large quantity of what I believed to
17 be methamphetamine.

18 Q I'm going to be approaching you with what has
19 previously been marked for identification purposes only as
20 State's Exhibit 12. Can you tell me what you're looking
21 at here?

22 A Yes, ma'am. These are large shards of rocks, of
23 crystal-like substance that appeared to be
24 methamphetamine.

25 Q Do those appear to be the ones that you located,

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 also?

2 A It does, yes, ma'am.

3 Q What did you do with those when you located
4 them?

5 A I showed them to Corporal Crow and -- inside the
6 cup, then I turned them over to Deputy Wade.

7 Q Did you have any further contact with them after
8 that point as far as the methamphetamine goes?

9 A No, ma'am. I just continued my search of the
10 vehicle.

11 Q Okay. And in searching the vehicle, did you
12 find any identifying documents or anything for this
13 Defendant?

14 A I did. In the driver's side door compartment, I
15 believe I located her social security card.

16 Q Did you find any identifying documents for
17 anyone other than this Defendant?

18 A Not that I remember.

19 Q And Deputy Camp, were you wearing a body-worn
20 camera that was activated during this stop?

21 A I was. Prior to my search of the vehicle, I
22 initiated my body cam.

23 Q All right. I'm going to approach you with
24 what's been previously marked as State's Exhibit 13, can
25 you tell me what this is?

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 A I believe this is CD of my body cam.

2 Q How do you know that to be what it is?

3 A I reviewed it and initialed the disk.

4 Q Have there been edits or alterations made to
5 this body-worn camera?

6 A No, ma'am.

7 Q Are you sure about that?

8 A To my knowledge, no, ma'am.

9 Q Has there been anything removed from your body
10 camera?

11 A On that particular body cam?

12 Q On this one?

13 A No, ma'am.

14 Q Did you have your sound on on your body-worn
15 camera?

16 A Yes, ma'am.

17 Q Is there sound on this disk?

18 A Can I see it again?

19 Q Yes.

20 A Yes, ma'am.

21 Q You believe there is sound on this disk?

22 A Yes, ma'am.

23 MRS. CANCEL: I beg the Court's indulgence.

24 THE COURT: All right.

25 (WHEREUPON, State's Exhibit No. 18 was marked

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 for identification only.)

2 BY MRS. CANCEL:

3 Q We're going to try this again.

4 A Okay.

5 Q I apologize. I'm now going to show you what's
6 been marked as State's Exhibit 18. Can you identify that
7 disk for me?

8 A Yes, ma'am. This is the body-worn camera clip
9 of the incident.

10 Q Does it include two separate videos?

11 A As far as I know, this is the total clip of my
12 body cam without sound.

13 Q All right. So the edit that has been made on
14 this video is that the sound has been removed; correct?

15 A That's correct, yes, ma'am.

16 Q All right.

17 MRS. CANCEL: At this point, The State would ask
18 to move State's Exhibit No. 18 into evidence and
19 publish to the jury?

20 THE COURT: Any objection?

21 MRS. WYSE: Judge, The Defense would ask that it
22 be submitted in it completeness and have the sound
23 accompanying it. We object to that, but we,
24 certainly, understand the reason why it is the way it
25 is.

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 MRS. CANCEL: Your Honor, at this time, we ask
2 to have a discussion outside the presence of the
3 jury.

4 THE COURT: All right.

5 Ladies and gentlemen of the jury, I'm going to
6 send you to your jury room for just a couple minutes
7 to talk to the lawyers about a legal matter. Please,
8 ma'am, please, sir, do not talk about the case to
9 each other. This would be a perfect time to take a
10 bathroom break, not a smoke break, a bathroom break.

11 (WHEREUPON, the jury left open court at
12 approximately 11:58 a.m.)

13 THE COURT: All right. Ms. Wyse, you had an
14 objection?

15 MRS. WYSE: Yes, Your Honor. Again, I made this
16 motion on behalf of my client that since there is
17 audio available on this deputy's body camera, that it
18 should be made available for the jury.

19 THE COURT: All right.

20 MRS. CANCEL: Your Honor, what Ms. Wyse is
21 trying to do is circumvent the rules of evidence here
22 and get her client's self-serving statement in that
23 these drugs belong to a random person, who she does
24 not name, who was not with her. Under the rules of
25 evidence, if she wants to elicit her client's

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 statement, her client needs to take the stand so we
2 have the opportunity to cross-examine her. This is a
3 self-serving statement at this point. It is
4 inadmissible. We have no intentions of admitting it,
5 therefore, The Defense cannot.

6 MRS. WYSE: That's actually not the reason why
7 we are making the objection that we are. And my
8 client and I have spoke at great length about her
9 testifying. However, Judge, I am making the motion
10 on behalf of my client that she deserves to have the
11 audio played in full for the rule of completeness as
12 far as the complete piece of evidence that they have.
13 We think that would be more effective not only for
14 the jury to understand exactly what happened, but it,
15 also, gives a bigger, clearer picture and more
16 transparent.

17 THE COURT: Let me ask you a question, what's
18 wrong with playing the whole thing and letting the
19 jury attach whatever significance to what they saw
20 themselves?

21 MRS. CANCEL: Your Honor, we need to be able to
22 cross-examine her on the fact that she's throwing
23 this phantom person that these drugs belong to that
24 are in the red Solo cup. The rule of completeness
25 does not apply here. We are putting the whole video

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 in, it is without the sound.

2 THE COURT: But y'all haven't made the decision
3 whether she's going to testify or not?

4 MRS. WYSE: That's correct, Your Honor, but this
5 isn't the first time a defendant all over the state
6 has said the drugs aren't mine. And juries have
7 heard it plenty of times. I mean, these are my
8 pants, Judge, that seems to be the common argument.

9 THE COURT: You've anticipated that's going to
10 be The Defense's position?

11 MRS. CANCEL: Absolutely, the position is going
12 to be these drugs -- the ones in the red Solo cup
13 belong to someone else. And we don't even have a
14 name for the person. And they're going to get their
15 version of events out without having The Defendant
16 testify. That's not what the rules of evidence say.

17 THE COURT: I'm not sure she can argue that in
18 closing argument unless The Defendant testifies.

19 MRS. CANCEL: I'm afraid she will be if this
20 video gets played with the version of events.

21 THE COURT: She's not going to be able to do
22 that. Even if the video is played in its entirety,
23 unless -- because I agree that she -- The State has
24 the right to cross-examine on that point, I agree
25 with you on that particular point.

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 But counsel on the other side, you're not going
2 to be able to get up and argue that in closing
3 arguments if you haven't put her up.

4 MRS. WYSE: I understand that, Judge.

5 THE COURT: So the critical decision now is how
6 would that benefit your side, how would that benefit?

7 MRS. WYSE: She makes a lot of -- she cooperates
8 on this video for most part.

9 THE COURT: Do you know whether or not she's
10 going to testify?

11 MRS. WYSE: I mean --

12 THE COURT: You mean what?

13 MRS. WYSE: We're pretty close, Judge, we're
14 pretty close to her testifying. I just don't want to
15 lock anybody into that before she fully understands,
16 we go through the NCIC and you give her all the
17 warnings and we've completed The State's case.

18 THE COURT: How does that come up on this video,
19 that statement? How does it come up?

20 MRS. CANCEL: The statements about the red cup
21 is when they find it in the red cup and they approach
22 her with it, she said, I don't know what that is. I
23 don't know what it was. When they show it to her,
24 she then begins saying -- they ask her if this is her
25 meth. She says that the person I dropped off from

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 work had the cup, I don't know. I didn't think
2 anything about it. What's in the cup? I don't know
3 nothing about that. I thought that was trash they
4 left in my car. You didn't know nothing about this
5 cup? No. But you knew about the marijuana? Yes.
6 Do you know how much marijuana? So she continues to
7 say that that meth wasn't hers, that she gave someone
8 a ride, when they find it. You know, she didn't even
9 know it was there.

10 So again, if we were to admit this prior to
11 her -- if she takes the stand and then The Defense
12 wants to play it, I would not object to it coming in,
13 at that point. I would not put an objection as far
14 as foundation goes to the officer, as far as
15 recalling the officer goes. But it's real
16 problematic to have it come in prior. I don't think
17 for appellate reasons, we can lock her into
18 testifying.

19 So I think that if this were to come in with
20 sound, it needs to come in with sound when she's on
21 the stand. So that it comes in with the appropriate
22 legal way for us to cross-examine the statements.

23 THE COURT: It does put The State at a
24 disadvantage if The Court allows it and they don't
25 get an opportunity to cross-examine her at all.

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 MRS. WYSE: Correct.

2 THE COURT: Because from a strategic standpoint,
3 if The Court allows that to come in, even though
4 you're telling me that you're so close to whether
5 she's going to testify or not, if The Court allows
6 that to come in, you're not putting her up.

7 MRS. WYSE: I can't tell you for certain.
8 However, Judge --

9 THE COURT: You've prosecuted cases before?

10 MRS. WYSE: Of course I have.

11 THE COURT: Seventeen years.

12 MRS. WYSE: Yes, sir.

13 THE COURT: You know the answer to my question.
14 You're dancing around. You know exactly --

15 MRS. WYSE: I can't tie her into a yes or a no.

16 THE COURT: But being a former prosecutor, you
17 see her point?

18 MRS. WYSE: Oh, absolutely, Judge.

19 THE COURT: You'd made the same point, wouldn't
20 you?

21 MRS. WYSE: Of course, I would. But let me
22 answer this with two things.

23 THE COURT: Uh-huh.

24 MRS. WYSE: First of all, Mrs. Cancel may have
25 opened the door when she asked the officer if there

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 was any other identification in the car. But if she
2 didn't, then I would suggest that the stuff about the
3 red Solo cup be muted and allow her to talk about the
4 other things that she said. If she takes the stand,
5 then I can play that stuff in there about the red
6 Solo cup belonging to somebody else.

7 THE COURT: So you're asking that The State
8 delete or mute anything about her saying it was
9 somebody else?

10 MRS. WYSE: Yes, sir.

11 MRS. CANCEL: Again, Your Honor, the officers
12 have testified she's been compliant and noncombative,
13 which you can see visually without sound. I don't
14 think that it is necessary to have sound for the
15 whole video just to show that her client was not
16 uncooperative. It's still statements that she uses
17 to bolster, sounds like the morals of her client, how
18 polite and kind her client was.

19 THE COURT: So if the officer admits that she
20 was cooperative and we agree to mute everything
21 regarding the red cup, what would be purpose of
22 playing the video?

23 MRS. WYSE: Well, Judge, it's just like I can
24 tell you how beautiful something is, but until you
25 see it for yourself, it's hard to just take into

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 consideration and paint the picture in your mind. A
2 picture is worth a thousands word.

3 THE COURT: So you're looking at me, right?

4 MRS. WYSE: Of course, I am, Judge. You are
5 exceptionally beautiful today, as is your lovely
6 clerk.

7 MRS. CANCEL: I'd ask you not consider the
8 compliments in your ruling, Judge.

9 MRS. WYSE: But Judge, hearing that she was
10 cooperative, hearing that she told them where the
11 marijuana was is very different from hearing her say
12 it in the video. When you see, yeah, she's tired.
13 She wakes up. You know, she's a little bit
14 disoriented.

15 THE COURT: This officer testifying that she's
16 cooperative is going to have a different impact on
17 the jury than her saying it?

18 MRS. WYSE: I think hearing the officer say it
19 as well watching her do it.

20 THE COURT: Put her up.

21 MRS. WYSE: Right now?

22 THE COURT: No, I'm saying put her up when it's
23 her turn.

24 MRS. WYSE: All right.

25 THE COURT: I'm not telling you to do that, I'm

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 just saying you can cure a lot of the things you're
2 saying by putting your client up.

3 MRS. WYSE: I understand that, Judge. That has
4 to be her decision, it can't be mine.

5 THE COURT: I understand that. But as it
6 relates to what's before The Court, I agree with The
7 State's position. I think The State's going to be at
8 a disadvantage only from the standpoint not being
9 able to cross-examine her if she doesn't take the
10 witness stand. If she takes witness stand, play the
11 whole thing. The State has the opportunity to come
12 back and ask her any questions they want to, but I
13 think the scales would not be even -- the playing
14 field would not be even if -- just like The State has
15 to have the opportunity to cross-examine your
16 witnesses, you want the opportunity to cross-examine
17 any witness The State puts up. So I think that's
18 just fair.

19 So this where we are. I'm not going to allow
20 you to do that. And the officer is testifying she
21 was cooperative. What's the purpose of moving
22 forward with the video? Because what she's asking is
23 just play the video and leave out the other portion.

24 MRS. CANCEL: Which I would again not be in
25 agreement with because I think that there's no

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 purpose. It's still her client's statements that
2 she's trying to really be a character witness for her
3 client through. It's statements that she is polite.
4 I think that's testimony through the officers. Also,
5 think that we don't have a disk ready for just that
6 portion muted. We have muted the entire disk. I
7 don't know that there's any legal argument she has to
8 admit any of her client's statements without her
9 taking the stand.

10 MRS. WYSE: I apologize, Judge. I thought you
11 were asking what's the purpose of The State playing
12 this video. I am so sorry. You were asking me that?
13 I apologize.

14 THE COURT: I was just asking.

15 MRS. WYSE: Okay, yeah.

16 THE COURT: Let me interject this. The
17 statement I made earlier regarding the intellect of
18 the Pickens County jury pool, let's go back to that.
19 I don't know who it hurts. If you start redacting a
20 video and there's a certain portion of it that you
21 redact, particularly midstream, then you've got a
22 jury over here sitting here saying well, wonder what
23 that said? Or then they'll send me a note. This
24 ain't my first rodeo. Send me a note, can we hear
25 the entire -- you know that's coming, can we hear the

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 entire thing?

2 MRS. CANCEL: It's already coming because of
3 this, I'm sure, but I think it would be worst the
4 other way.

5 THE COURT: So if just gets in there the portion
6 about the cup and the only portion that says she's
7 being cooperative, and that's all they hear, the jury
8 may be inquisitive about the other. So I don't know
9 if that helps you. I'm just -- you know, I'm just
10 the Judge. I'm just saying.

11 But as far as me ruling on what you ask, I agree
12 with The State's position that I'm not going to allow
13 that portion to come in, particularly if The State
14 doesn't have an opportunity to cross-examine. Put
15 your -- if your client decides to testify, video
16 comes in, fine. You can ask her any questions about
17 it. Matter of fact, you can put the video up and ask
18 your client any questions, were you cooperative, what
19 did you do here, what did you do there? Then the
20 other side would have the opportunity to
21 cross-examine. That's the only way we're going to
22 move forward on it.

23 MRS. WYSE: I understand The Court's ruling,
24 Judge.

25 THE COURT: All right. So we're not going

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 forward with this video?

2 MRS. CANCEL: I'm asking to go forward with the
3 muted video. Still going to ask that be admitted
4 into evidence.

5 THE COURT: That's fine.

6 MRS. WYSE: Judge, can we --

7 THE COURT: Subject to your objection.

8 MRS. WYSE: -- take a tiny break?

9 THE COURT: We'll take about a ten-minute break,
10 maybe 12 minutes, I don't know.

11 (WHEREUPON, a short break was taken.)

12 THE COURT: All right. Bring the jury back.

13 (WHEREUPON, the jury entered the courtroom at
14 approximately 12:22 p.m.)

15 THE BAILIFF: The jury is present, Your Honor.

16 THE COURT: All right.

17 MRS. CANCEL: May it please the Court. At this
18 time, The State asks to admit State's Exhibit No. 18
19 into evidence and publish to the jury?

20 THE COURT: All right, subject to your
21 objection.

22 MRS. WYSE: No objection.

23 THE COURT: All right. No objection.

24 MRS. WYSE: Other than -- yes, I'm sorry.

25 THE COURT: Subject to your objection.

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 MRS. WYSE: Yes, sir. Thank you.

2 (WHEREUPON, State's Exhibit No. 18 was admitted
3 into evidence.)

4 BY MRS. CANCEL:

5 Q Okay. I'm going to play just some portions of
6 this for judicial economy, however, this is your entire
7 body-worn camera; correct?

8 A As far as to my knowledge, yes, ma'am.

9 Q All right. And where this begins, is that when
10 you first put your body camera on?

11 A Yes, ma'am.

12 Q Okay.

13 A Prior to entering the vehicle.

14 (WHEREUPON, State's Exhibit No. 18 was
15 published.)

16 BY MRS. CANCEL:

17 Q What area of the car are you searching right
18 here?

19 A It's the driver's side seat.

20 Q Can you tell me what you just located?

21 A I located the red Solo cup with a lady's,
22 female, sock on top of it.

23 Q And when you removed that sock, what did you
24 see?

25 A Large quantity of what I believed to be

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 methamphetamine, at that time.

2 Q Did you continue searching the vehicle after you
3 found that?

4 A At that time, I showed the methamphetamine to
5 Corporal Crowe, then I continued my search, yes, ma'am.

6 Q Now, you previously testified you had found some
7 identification of The Defendant. I'm going to show a clip
8 right here.

9 A Okay.

10 Q What was that you just located in the driver's
11 side panel?

12 A That is what I believed to be the social
13 security card of The Defendant.

14 Q Deputy Camp, I'm approaching you with what has
15 previously been marked as State's Exhibits 14, 15, 16 and
16 17. Can you tell me what those are?

17 A These are what appear to be still shots of my
18 body cam.

19 Q Have those been altered in any way?

20 A No, ma'am.

21 MRS. CANCEL: At this time, The State would ask
22 to admit State's Exhibit Nos. 14 through 17 into
23 evidence and publish to the jury.

24 MRS. WYSE: No objection, Your Honor.

25 THE COURT: Without objection.

THOMAS CAMP-DIRECT BY MRS. CANCEL

1 (WHEREUPON, State's Exhibits Nos. 14-17 were
2 admitted into evidence.)

3 BY MRS. CANCEL:

4 Q Just so we can get a closer look with that video
5 lagging. First, showing you what's been marked as State's
6 Exhibit No. 14. Can you tell me what we're looking at in
7 this photograph?

8 A Yes, ma'am, that's a social security card in my
9 left hand.

10 Q Is that The Defendant's social security card?

11 A Yes, ma'am.

12 Q Next, I'm going to show you what's marked as
13 State's Exhibit No. 15. What are we looking at in this
14 picture?

15 A That's -- when I begin my initial search, that's
16 the picture of the red Solo cup with the sock on top of
17 it.

18 Q At this point, have you touched that red Solo
19 cup yet?

20 A I had not, that's prior.

21 Q And now I'm going to show you what's marked as
22 State's Exhibit No. 16. What are we looking at in this
23 photograph?

24 A That's where I removed the female sock and laid
25 it on the seat and had the red Solo cup in my right hand.

THOMAS CAMP-CROSS BY MRS. WYSE

1 Q And what's admitted in as State's Exhibit 17,
2 what are we looking at here in this photograph over here?

3 A That's the sock itself.

4 Q Was there anything inside the sock at all or
5 just the sock?

6 A It was just the sock.

7 Q Okay. All right. Deputy Camp, as far as -- was
8 there anything special or different to you about the meth
9 that you found?

10 A Just the overall size of the shards or rocks,
11 they were fairly large.

12 Q Were they unusual in size to you in your
13 experience?

14 A Yes, ma'am.

15 MRS. CANCEL: Please answer any questions The
16 Defense had.

17 THE COURT: Cross-examination.

18 MRS. WYSE: Thank you, Judge. May it please the
19 Court.

20 CROSS-EXAMINATION

21 BY MRS. WYSE:

22 Q Deputy, I know you said you have been employed
23 with Pickens County since 2011; right?

24 A That's correct.

25 Q Did you have any previous law enforcement

THOMAS CAMP-CROSS BY MRS. WYSE

1 experience?

2 A I did not.

3 Q What various roles have you had?

4 A I initially started in the detention center,
5 also, then was promoted to road patrol officer, worked the
6 road on the Bravo team for a number of years. I was
7 promoted to the DFC, Deputy First Class. Then promoted to
8 corporal over the Bravo team, then promoted as sergeant
9 over Charlie team.

10 Q Have you testified under oath regarding this
11 case before today?

12 A Yesterday, yes, ma'am.

13 Q All right. And did you write a supplemental
14 report?

15 A I do not recall doing such, no, ma'am.

16 Q And do you remember that you answered a little
17 bit differently yesterday?

18 A Don't remember what I said exactly, but upon
19 review, I did not do a supplement report.

20 Q So you remember now that yesterday you said that
21 you probably did?

22 A That was my statement yesterday, but I -- in a
23 12-month period of time, I answered 1600 calls for
24 service, so it's hard to remember all those facts. I'm
25 sorry.

THOMAS CAMP-CROSS BY MRS. WYSE

1 Q I understand. How long have you known about
2 this trial?

3 A Approximately the same as Deputy Wade,
4 approximately two months.

5 Q Okay. Now, yesterday, you, also, testified that
6 you didn't remember finding any identifying information
7 about Ms. Rutland, do you remember that?

8 A Other than the social security card, is that
9 your question, ma'am?

10 Q I think you said you didn't find any identifying
11 information, do you remember that?

12 A No.

13 MRS. CANCEL: I would object to that, Your
14 Honor. I think that's a mischaracterization of
15 yesterday's testimony.

16 THE COURT: All right, rephrase your question
17 BY MRS. WYSE:

18 Q What do you remember saying about finding any of
19 Ms. Rutland's identification yesterday on the stand?

20 A I don't remember yesterday's testimony. You can
21 play back if you need to.

22 Q Okay. And did you search inside the black
23 wallet?

24 A Not to my recall, no, ma'am. That was done by
25 Deputy Wade.

THOMAS CAMP-CROSS BY MRS. WYSE

1 Q Okay. All right. And did you speak to
2 Ms. Rutland at all?

3 A I had a brief conversation with her, ma'am, but
4 it was just general conversation, no questions.

5 Q Did you talk about any of the conversation that
6 you had yesterday with Ms. Rutland when I questioned you
7 about it?

8 A I don't understand your question, ma'am.

9 Q Do you remember telling me that you couldn't
10 remember talking to Ms. Rutland yesterday?

11 A If I had conversation with her, it was just
12 briefly, ma'am. I do not have total recall of my
13 conversation with her.

14 Q All right. Now, yesterday, you, also, testified
15 about how two officers respond to a call for service like
16 this because of several different reasons. One could be
17 danger to the officer. One could be a danger to The
18 Defendant. Can you please go into those explanations for
19 us today?

20 A I'll do my best. When someone -- when the call
21 for service comes in similar to this where someone is
22 passed out, the vehicle could still be in drive. You
23 never know the officer's safety there. When they wake up,
24 they could mash the gas or they may become violent when
25 they wake up from an overdose or we may have to administer

THOMAS CAMP-CROSS BY MRS. WYSE

1 Narcan.

2 Q Okay.

3 A If it is, in fact, and OD.

4 Q All right. And do you remember testifying
5 yesterday that that's why two officers always respond to
6 the safety of the other officer?

7 A I don't believe I said always. Depending on
8 calls for service, sometimes we don't have someone
9 available to go back up another unit, but we try to.

10 Q Okay. Did you get there in time to see
11 Ms. Rutland exit the car on this date and time?

12 A She was already out of the car when I arrived.

13 Q All right. As far as you could tell, was she
14 combative?

15 A Not at my time that I was there.

16 Q All right. Was she cooperative?

17 A To my knowledge, yes.

18 Q I'm having trouble hearing you, can you get that
19 microphone a little bit closer to you? Thank you so much.
20 Now, did the car smell like marijuana when you got there?

21 A I -- this thing does work.

22 Q It's a miracle.

23 A As you saw on my body cam, all the doors were
24 opened. So the odor of marijuana was not present that I
25 remember.

THOMAS CAMP-CROSS BY MRS. WYSE

1 Q It's pretty pungent, isn't it?

2 A It can be, yes, ma'am, depending on the car.

3 Q And do you recall how much marijuana was in the
4 car?

5 A I did not weigh it.

6 Q Okay. Do you recall if anybody did weigh it?

7 A I do not know that.

8 Q Okay. And did you look over the entire report
9 when you were preparing for trial today?

10 A I briefly summarized it, yes, ma'am.

11 Q And you, also, said that the methamphetamine
12 that you found, think you found, allegedly found, was
13 unusual in the way it looked?

14 A The overall size of each chard appeared to be
15 larger than what we typically see.

16 Q How much drug training have you had as a road
17 patrol deputy?

18 A From experience-wise or overall?

19 Q Just overall.

20 A Well, made several cases for trafficking, have
21 taken a few classes on interactions, searches and
22 seizures.

23 Q Okay. So what about the size of the
24 methamphetamine was so remarkable? Because I don't
25 understand, I want you to tell me.

THOMAS CAMP-CROSS BY MRS. WYSE

1 A Just the overall size of the chunks being -- the
2 ability to be able to break those down and sell those to
3 other parties. Overall, other than the size, that was
4 all, could be broken down further, but I don't recall
5 other than that.

6 Q You mentioned today several times that the sock
7 was a female sock?

8 A It appeared that way, yes, ma'am.

9 Q But you don't prepare a supplemental report;
10 correct?

11 A No, ma'am.

12 Q All right. And did you take that sock into
13 evidence?

14 A I did not.

15 Q Do you know whether anybody did?

16 A I turned it all over to Deputy Wade.

17 Q Did you -- were you able to confirm in some way
18 that it was a female sock?

19 A Other than the size and color, no, ma'am. I'm
20 not a professional on that.

21 Q It was blue, right?

22 A Blue-green.

23 Q Color?

24 A Yeah, not a white sock.

25 MRS. WYSE: Beg the Court's indulgence for just

THOMAS CAMP-CROSS BY MRS. WYSE

1 one minute.

2 BY MRS. WYSE:

3 Q Deputy, Ms. Cancel asked you an interesting
4 question earlier. She asked you if you found anybody
5 else's identification in the car; correct?

6 A That was her question, I believe, yes, ma'am.

7 Q Did you find anybody else's identification in
8 the car?

9 A Not that I remember.

10 Q Were you looking for someone else's
11 identification in the car?

12 A Not specifically, no.

13 Q Did you go through every inch and square inch of
14 the car to look?

15 A I'm sure I might have missed a square inch.

16 Q Okay.

17 A I did my best.

18 Q Of course, of course. How long do you think you
19 were there?

20 A Overall from my arrival to my departure, 30
21 minutes, 25, 30 minutes, somewhere in that neighborhood.
22 Thirty minutes is a fair estimate.

23 Q Okay. Thank you very much for answering. Were
24 you aware of any investigation that took place after this?

25 A Typically, road patrol is not privy -- if the

THOMAS CAMP-REDIRECT BY MRS. CANCEL

1 narcotics team wants to take up an investigation into
2 something further, we wouldn't have knowledge of that.
3 They may ask us to review it with them, but they don't
4 always when they take up a case.

5 Q Are you familiar with the Miranda forms that I
6 asked Deputy Wade about and Ms. Cancel asked about
7 earlier?

8 A I have seen those in the past, but as they
9 mentioned in testimony, those are, typically, done by
10 detectives and investigators, not usually used by road
11 patrol.

12 Q Were you present when Deputy Wade Mirandized
13 Ms. Rutland?

14 A I was not, that I remember.

15 MRS. WYSE: I have no further questions.

16 THE COURT: Redirect?

17 MRS. CANCEL: Quick redirect, Your Honor.

18 THE COURT: All right.

19 REDIRECT EXAMINATION

20 BY MRS. CANCEL:

21 Q Ms. Wyse asked you a question about your
22 testimony yesterday regarding finding the social security
23 card. Was it possible that neither side asked you about
24 that yesterday?

25 A That is possible.

THOMAS CAMP-REDIRECT BY MRS. CANCEL

1 Q Okay. Now, there was a little bit of discussion
2 about the marijuana and what the weight was. Why didn't
3 you weigh the marijuana?

4 A Typically, the lead investigating officer may if
5 he's going to do a charge. But I don't believe she was
6 charged with that in this case.

7 Q Did you all choose not to charge for the
8 marijuana in this case?

9 A That would be Deputy Wade's decision, not mine.

10 Q Okay. But to your knowledge, was The Defendant
11 charged with the marijuana?

12 A No, ma'am, not to my knowledge.

13 Q As far as the location of that meth in the cup,
14 was it inside any container or was it open in the air?

15 A I believe it to be just in --

16 Q Was it in a bag?

17 A I believe it was in a ziplock bag, yes, ma'am,
18 small baggy. I don't remember to be honest with you.

19 Q You're not sure?

20 A I'm not sure of that answer, no.

21 Q And lastly, there's been a lot of talk about the
22 size of these rocks. And in your experience, when you
23 find personal use meth, what size are we talking of these
24 shards would you typical find?

25 A Typical, very small granular shards.

THOMAS CAMP-REDIRECT BY MRS. CANCEL

1 Q Would you be able to smoke this big chard as is?

2 A No, you would have to break it down.

3 MRS. CANCEL: Okay.

4 Nothing further from The State.

5 THE COURT: Any on recross?

6 MRS. WYSE: No, Your Honor.

7 THE COURT: All right. Thank you, Officer.

8 Can these officers be excused?

9 MRS. CANCEL: Yes, Your Honor.

10 THE COURT: Any objection to both of them being
11 excused?

12 MRS. WYSE: No, Your Honor.

13 THE COURT: Y'all free to go, take care of
14 yourself.

15 All right. Ladies and gentlemen of the jury,
16 what we're going to do right now, it's about quarter
17 till 1:00. We're going to take just a little lunch
18 break and come back at 2:00. I think we're moving
19 fairly quickly, so come back at 2:00 and then we'll
20 get started back again. And then we'll probably go.
21 But I will tell you this, I won't keep you past 5:00,
22 so don't worry about that. So please, ma'am, please,
23 sir, don't talk about the case with each other and
24 I'll see you back here about 2:00. Okay.

25 (WHEREUPON, the jury left open court at

BRITTANY RUTLAND-EXAMINATION BY THE COURT

1 approximately 12:42 p.m.)

2 THE COURT: Anything before we break?

3 MRS. CANCEL: Nothing from The State, Your
4 Honor.

5 MRS. WYSE: Nothing from The Defense, Your
6 Honor.

7 THE COURT: See you back around 2:00.

8 (WHEREUPON, a lunch break was taken.)

9 THE COURT: It's my understanding, Ms. Wyse,
10 after having spoken with her during the lunch break,
11 that it is her decision to testify; is that correct?

12 MRS. WYSE: Yes, Your Honor, it is.

13 THE COURT: All right. Let me just ask her a
14 question.

15 Ma'am, would you stand up?

16 BRITTANY RUTLAND, after being duly
17 sworn, testified as follows:

18 EXAMINATION

19 BY THE COURT:

20 Q All right. The only reason I'm having you do
21 this is because I want to make sure that your decision to
22 testify, that's your decision; is that correct?

23 A Yes, sir.

24 Q Even though you consulted with your lawyer,
25 ultimately, at the end of the day, the decision to testify

1 MRS. WYSE: We are, Your Honor.

2 THE COURT: All right, call your first witness.

3 MRS. WYSE: Thank you, Your Honor. The Defense
4 would call Ms. Brittany Rutland.

5 THE COURT: Ms. Rutland, come around.

6 THE CLERK: Please raise your right hand.

7 BRITTANY RUTLAND, after being duly
8 sworn, testified as follows:

9 THE CLERK: Thank you, please have a seat.
10 State your name for the record.

11 THE WITNESS: Brittany Rutland.

12 THE COURT: If you'll scoot the seat up as far
13 as you can and speak directly into that mic. There
14 you go.

15 DIRECT EXAMINATION

16 BY MRS. WYSE:

17 Q I'm going to -- can you please sit really close
18 to that microphone? Thank you. Can you please tell us
19 your name for the record?

20 A Brittany Rutland.

21 Q How old are you, Ms. Rutland?

22 A I'll be 33 on the [REDACTED]th of this month.

23 Q Where do you live?

24 A Right --

25 Q You don't have to give me your address, just

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 tell me what county it's in.

2 A In Easley.

3 Q Okay. All right. And where were you working in
4 November of 2022?

5 A At Waffle House in Cherrydale.

6 Q Do you remember this incident that we have
7 talked about all day today?

8 A I do.

9 Q And can you tell me about your night? The night
10 before?

11 A It was a long night. It was me and two other
12 people working, and then they were working a double.

13 Q Back up, where were you working?

14 A I was working at the Waffle House as a server.
15 I was serving tables as well as another server. They were
16 working a double, her and the cook. So they were working
17 a double. I let them go sleep in my car so that I could
18 have extra tables to make extra money. Then it was just a
19 really long night, I was the only server there. I was
20 just really busy all night.

21 Q Okay. And did you cook as well?

22 A I have, but not that night.

23 Q Okay. Did you make money?

24 A Uh-huh.

25 Q How long was your -- oh, and, please, you got to

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 make like --

2 A Yes, ma'am.

3 Q There you go. Thank you. Do you remember how
4 long your shift was?

5 A It was supposed to be 10 hours. It was from
6 7:00 to 7:00, but I didn't get off till like 9:00, or
7 close to 9:00.

8 Q So it was supposed to be 12 hours, then you got
9 an extra two?

10 A Yes, yes, ma'am.

11 Q All right. Then what did you do?

12 A I got off work, dropped a friend off, then I
13 went to the gas station.

14 Q Where did you pick up that friend?

15 A He was at my job waiting for me to get off.

16 Q Why?

17 A So I could give him a ride home.

18 Q And you took that friend home, then what?

19 A Then I went to the Spinx to get gas.

20 Q Okay. Did you put gas in your car?

21 A I did.

22 Q Did you pay for it?

23 A I did.

24 Q Was your car on or off when the deputies got
25 there?

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 A I'm -- I have -- my car was off. My keys were
2 in the switch, but my car was off.

3 Q Okay. Why did you fall asleep?

4 A I was exhausted.

5 Q You were sitting at the pump?

6 A I was.

7 Q Okay. And had you -- had you been drinking that
8 night?

9 A No, ma'am.

10 Q Okay. And did you do any kind of drugs that
11 night?

12 A No, ma'am.

13 Q Do you do drugs? Have you done drugs?

14 A Yes, ma'am, I have.

15 Q When did you start doing drugs?

16 A It was before my mother passed away when I was
17 15. But, I mean, they've always been around. Like, my
18 uncles, they've always been in my area.

19 Q Okay. Did you finish high school?

20 A I got my GED.

21 Q Okay. And what was the first drug you used?

22 A Marijuana.

23 Q Did you ever graduate beyond marijuana?

24 A Yes, ma'am.

25 Q To what?

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 A Meth.

2 Q And how long have you been using meth?

3 A Ever since.

4 Q Okay. How much do you use in any given week?

5 A No more than a couple grams.

6 Q Okay. Can you be more specific than that?

7 A Like, maybe a couple bowl packs a day. I don't
8 know, though. I don't know how to specify that.

9 Q It's okay. I don't understand what you're
10 describing to me and that's fine. Have you sought
11 treatment?

12 MR. LAMPKE: Objection, Your Honor. Your Honor,
13 any treatment that she's received is irrelevant to
14 any material fact issue in this case.

15 THE COURT: All right, I will sustain the
16 objection.

17 MRS. WYSE: Okay. Thank you, Your Honor.

18 BY MRS. WYSE:

19 Q Now, Ms. Rutland, you said that a couple of
20 grams or few bowl packs a day. And did you have people
21 that you bought drugs from, methamphetamine from?

22 A I mean, I have.

23 Q And did you sell?

24 A No, ma'am.

25 Q Did you ever sell?

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 A No, ma'am.

2 Q Did you ever sell any drugs?

3 A No, ma'am.

4 Q Okay. On the morning in question, did you
5 cooperate with the police?

6 A I did.

7 Q You did?

8 A I did.

9 Q Okay. And did you tell them to the best of your
10 knowledge at the time what was in your car?

11 A Yes, ma'am.

12 Q And did they find anything else?

13 A I believe so. They said they found marijuana.
14 I don't know how much it was. But there was something
15 they said that it was white -- he said it looked like
16 crack, but I didn't never see it, so I don't know what it
17 was. It wasn't in evidence, so I really don't know.

18 Q Okay. Was there methamphetamine found in the
19 car?

20 A Yes, ma'am.

21 Q Was any of it yours?

22 A Just what was in my purse.

23 Q Okay. I don't expect you to remember exactly
24 how much was in your purse, so I'm not going to, you know,
25 hold you to it, but what did you tell the officer that

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 morning was in your wallet, in your purse? If you can't
2 remember, that's fine.

3 A I know I told him there was marijuana, but I
4 don't remember how it was said or -- like, I don't
5 remember how I worded it, but I did tell him.

6 Q That's good enough. And I appreciate you
7 telling me that. Did you admit that there was any
8 methamphetamine found in your black wallet?

9 A Yes, ma'am.

10 Q Okay. Did they question you about any other
11 substances found in the car?

12 A He didn't question me.

13 Q Did he alert you that there was more in your
14 car?

15 A The one officer alerted the other officer, but
16 not me directly.

17 Q Okay. All right. Now, do you remember being on
18 body cam?

19 A No, ma'am.

20 Q All right. But you remember sitting here today
21 in the courtroom and watching the body cam footage?

22 A Yes, ma'am.

23 Q You agree that was you?

24 A Yes, ma'am.

25 Q That was the morning of this event?

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 A Yes, ma'am.

2 MRS. WYSE: Now, at this point in time, I'd like
3 to play the body cam footage that actually has audio
4 that goes along with it so that we can hear about
5 this other substance.

6 MRS. CANCEL: This was previously marked, Your
7 Honor, as State's Exhibit 13. Can we make this a
8 Defense Exhibit since it was not admitted under the
9 State's?

10 THE COURT: I think that would be appropriate.

11 THE BAILIFF: Your Honor, the jurors cannot
12 hear.

13 They cannot hear you.

14 MRS. WYSE: Your Honor, at this point in time,
15 we would like to enter this into evidence as
16 Defendant's Exhibit No. 1.

17 MRS. CANCEL: Without objection.

18 THE COURT: All right. So entered without
19 objection.

20 (WHEREUPON, Defendant's Exhibit No. 1 was marked
21 for identification and received into evidence.)

22 MRS. WYSE: If we can get the lights, please.

23 (WHEREUPON, Defendant's Exhibit No. 1 was
24 published.)

25

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 BY MRS. WYSE:

2 Q Do you remember them showing you the contents of
3 that cup?

4 A He held it up and -- I remember hearing it. But
5 then he never showed it to me. I remember hearing him
6 jingle the cup and he showed it to the other officer.

7 Q Okay.

8 (WHEREUPON, Defendant's Exhibit No. 1 was
9 continued to be published.)

10 BY MRS. WYSE:

11 Q Did you spend a lot of time in your car?

12 A I did.

13 Q How far away was where you worked from where you
14 lived?

15 A A few miles.

16 THE COURT: Keep your voice up.

17 THE WITNESS: A few miles. I worked at
18 Cherrydale and at the time I lived in Montague in
19 Greenville.

20 BY MRS. WYSE:

21 Q Okay. Did you happen to notice that your window
22 was rolled down a little bit?

23 A I'm not sure.

24 Q You can see it in the frames.

25 A My front window?

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 Q Uh-huh.

2 A Yes, ma'am. I rolled it down.

3 Q To the best of your ability to remember, did you
4 answer their questions that morning?

5 A I did.

6 Q And to the best of your ability to remember, did
7 you do your best to cooperate?

8 A Yes, ma'am.

9 Q And to the best of your ability to remember,
10 were you polite?

11 A I was.

12 Q And did they allow you to smoke a cigarette?

13 A I'm not even sure if I asked.

14 Q Would you be surprised if I told you they did
15 let you smoke one?

16 A I'm not sure. I mean, probably.

17 (WHEREUPON, Defendant's Exhibit No. 1 was
18 continued to be published.)

19 BY MRS. WYSE:

20 Q Did you have money on your person?

21 A Yes, ma'am.

22 Q Do you remember how much it was?

23 A I keep wanting to say 97 or 197 or something
24 like that, but I can't recall.

25 Q Where did that money come from?

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 A I was serving that night at the Waffle House.

2 Q And you still had on your apron; correct?

3 A Yes, ma'am.

4 Q So was the money in your apron?

5 A Yes, ma'am.

6 (WHEREUPON, Defendant's Exhibit No. 1 was
7 continued to be published.)

8 BY MRS. WYSE:

9 Q You heard that officer state they found two
10 separate amounts of methamphetamine; correct?

11 A Yes, ma'am.

12 Q And you told the officers what about one of
13 those?

14 A That it was mine.

15 Q Which one was that?

16 A The one they found in the wallet.

17 Q Okay. And you heard the officers testify that
18 they found another source of methamphetamine?

19 A Yes, ma'am.

20 Q In fact, that's why we're here right now;
21 correct?

22 A Yes, ma'am.

23 Q Do you know who put that methamphetamine there?

24 A No, ma'am.

25 Q Did you do it?

BRITTANY RUTLAND-DIRECT BY MRS. WYSE

1 A No, ma'am.

2 Q Did you allow people to sleep in your car that
3 night?

4 A Yes, ma'am.

5 Q Did you give them your keys?

6 A I did.

7 Q Did you -- and you said you took somebody else
8 home?

9 A I did.

10 Q What did you think this Solo cup was?

11 A It was cracked. I mean, I didn't pay no
12 attention. I thought it was trash. You seen car my car,
13 I had trash everywhere.

14 Q And did anybody else use your car during that
15 period of time?

16 A Just those three people were the only people
17 that were in there that I know of. Like I said, I was
18 busy.

19 Q How often do you work at the Waffle House?

20 A Every day.

21 Q How long was your shift?

22 A At least, 12 hours because I worked third.

23 Q Okay.

24 A And my hours -- I'm sorry, my hours -- it was 10
25 hours because it was from 9:00 to 7:00, supposed to be.

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 Q Thank you for clarifying that.

2 A Yes, ma'am.

3 MRS. WYSE: I have no further questions, Your
4 Honor.

5 THE COURT: Cross-examination.

6 MR. LAMPKE: Your Honor, could I have a brief
7 moment to set up the courtroom technology?

8 (WHEREUPON, there was a brief pause in the
9 record.)

10 MR. LAMPKE: Your Honor, may it please the
11 Court?

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. LAMPKE:

15 Q Now, Ms. Rutland, you admitted just a moment ago
16 to Ms. Wyse that the methamphetamine that was in your
17 purse was yours; right?

18 A Yes.

19 Q You admit that it was, in fact, methamphetamine?

20 A I mean, no, I'm not sure of that. I was told
21 that. That's what it was supposed to be.

22 Q You purchased it as methamphetamine; correct?

23 A Yes.

24 Q And you said when you were talking to the
25 officers that's my meth; is that correct?

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 A Yes.

2 Q Okay. So just at a bare minimum, not talking
3 about the other drugs, at a bare minimum, you would agree
4 that you are, in fact, guilty of possessing
5 methamphetamine; correct?

6 A Yes.

7 Q Okay. So you said that the drugs that were in
8 the cup, they weren't yours; right?

9 A No.

10 Q They belonged to somebody else?

11 A Yes.

12 Q You talked to Ms. Wyse about the people you
13 interacted with that night, the people you had in your
14 car; right?

15 A Right.

16 Q They didn't belong to you; correct?

17 A Correct.

18 Q You didn't say the name of the person they do
19 belong to, did you?

20 A I'm not sure who they belong to other than not
21 myself.

22 Q So the story you told Ms. Wyse, the story you
23 told this jury is that you were working the night prior;
24 right?

25 A Correct.

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 Q You said that you worked out in Cherrydale; is
2 that right?

3 A Uh-huh.

4 Q That's in Greenville County?

5 A It is.

6 Q Where were you living at that time?

7 A In Greenville.

8 Q Okay. How far away from your work to your home,
9 at that point?

10 A Like I said, I dropped my friend off so that's
11 why I was in Easley.

12 Q That's exactly what I'm getting at. But first,
13 from your home to the Waffle House, how far was that?

14 A No more than a six-minute drive.

15 Q From the Waffle House all the way over here in
16 Pickens County, how far of a drive is that?

17 A About a 15-minute drive, including traffic.

18 Q Now, you said that you were working at Waffle
19 House that night with two other people, right?

20 A Yes.

21 Q So you're saying there were three people in the
22 Waffle House that night?

23 A There was supposed to be three other, me, them
24 two people and the cook.

25 Q Precisely. But you're saying that it was you

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 and two other people. There were only three people at the
2 Waffle House while you were working; right?

3 A No, there were two people actively working. And
4 then those two were supposed to be working, but they
5 weren't. There was supposed to be four total.

6 Q Okay. So let me get this straight, there was
7 you serving tables; right? And there were two other
8 people that were there; correct?

9 A There was supposed to be another cook and
10 another server, then the other cook. So four total.

11 Q So at that point, it was just you and the cook
12 is what you're saying?

13 A Yeah.

14 Q Now, you said that you made \$197 that night,
15 right?

16 A I'm not sure. I can say roughly. I'm not sure
17 of the exact amount.

18 Q Okay. You were fine with those other two people
19 sleeping in your car because you wanted to make extra
20 money; right?

21 A Right.

22 Q Those people weren't interested in making any
23 money?

24 A They were. They just trying to be helpful with
25 the manager to work the extra shift.

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 Q But they didn't want any of the tip money?

2 A I mean, she asked me if I could --

3 MRS. WYSE: Objection. There's no way she could
4 know.

5 THE COURT: I'm going to sustain the objection.
6 Rephrase your question. Move on.

7 MR. LAMPKE: Okay.

8 BY MR. LAMPKE:

9 Q Let's see. So you said that they went and slept
10 in your car; right?

11 A Correct.

12 Q Did they not have cars of their own to go sleep
13 in?

14 A No.

15 Q You would agree that your car had a lot stuff in
16 it; right?

17 A Right.

18 Q It was kind of messy. Would you agree that the
19 back seat particular is pretty messy?

20 A I mean, I don't know if they were in the back,
21 but, yes, it was.

22 Q Okay. There was, also, a lot of items in the
23 front seat as well; right?

24 A I guess.

25 Q Okay. Now, you said that you're not sure who it

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 was that put that cup in your car; right?

2 A Right.

3 Q But it was put in your car in that time;
4 correct?

5 A I mean, I don't know when it was put in there, I
6 really don't. I can't remember when. I don't know when
7 it was there. I just know I seen it when the cops pulled
8 it out.

9 Q Okay. So you're in a position where you can say
10 for sure it's not yours, but you don't know who's it
11 actually was?

12 A Yes, sir.

13 Q Now, you said that there were the two people
14 that were in your car sleeping while you were working and
15 there was, also, a different person, a third person that
16 you took home; right?

17 A Yes.

18 Q Now, you said that that person met you at the
19 Waffle House; right?

20 A He was there when I clocked out. Like, waiting
21 on me.

22 Q Did he work at the Waffle House?

23 A No.

24 Q So he just kind of came there?

25 A Yes, sir.

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 Q How do you know that person?

2 A I just know him through other friends. I've
3 known him a couple of years.

4 Q How did you decide to give him a ride home?

5 A Because he had asked me earlier in the night
6 during my shift if I could give him a ride and then he
7 came back. I don't know if he ever left, I just know that
8 he came in.

9 Q Why did you give him a ride?

10 A Because he's a friend that needed ride, just be
11 nice to people.

12 Q Now, this cup, you said that you did recognize
13 this cup; right? And I'm going to publish Exhibit 11.
14 You said you did notice that cup; right?

15 A When the officer pulled it out.

16 Q Well, you said that you identified it as trash;
17 right?

18 A I mean, it looked like it.

19 Q So you saw it before the officer showed it to
20 you?

21 A I didn't really focus on the cup. I seen the
22 trash, I figured it was -- I didn't know if it was empty.
23 I mean, it didn't have drink in it, I didn't know.

24 Q To be clear with that, you noticed it before the
25 officer showed it to you? You noticed it when you were in

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 the car?

2 A I don't know.

3 Q Okay. Now, that cup, you can see right here
4 that that cup is cracked; isn't it?

5 A It appears to be, yeah.

6 Q So it would be odd for somebody to have a drink
7 in a cracked cup, wouldn't it?

8 A Yeah.

9 Q Now, it, also, this cup --

10 MR. LAMPKE: I'm going to publish, just a
11 moment, Your Honor, State's Exhibit 16.

12 BY MR. LAMPKE:

13 Q Now, that blue shape right there, you'd agree
14 that's a pair of socks; right?

15 A That's what he said. I don't recall. I don't
16 know.

17 Q And again, showing State's Exhibit 11, it's
18 those socks that are in that cup; right? That blue
19 object?

20 A I guess so.

21 Q Now, that right there, that's a Waffle House
22 cup; right? That's your Waffle House cup?

23 A I can't recall. I'm not sure. It could be.
24 I work there, but they, also, work there.

25 Q I mean, it's your car; right?

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 A My cup, their cup. We all work at the Waffle
2 House.

3 Q Now, is it your testimony today that those
4 socks, they're not your socks?

5 A I mean, no, they're not. I don't guess. I
6 can't say that they are.

7 Q So you're telling me that it's possible that
8 some random person had a pair of socks, possibly dirty
9 socks that you just left sitting in the cup holder in your
10 car?

11 A No. It wasn't random -- if it was a person --
12 if they did bring it into my car, it was one of the three
13 people.

14 Q But those people, they would still have dirty
15 socks just sitting in your car?

16 A I didn't really focus on it. I was ready to go.
17 It was a very, very hard night.

18 Q Ms. Rutland, you would agree that that cup
19 holder, it's right to your right thigh when you're driving
20 that car; right?

21 A Right.

22 Q Right there in front of you. I'd say it's
23 probably designed to be easily accessible to the driver;
24 correct?

25 A Correct.

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 Q Okay. You had a beverage sitting right there;
2 right?

3 A I don't know if I did, but there was a beverage
4 there, yes.

5 Q You just had those possibly dirty socks there
6 out in the open and you didn't think to do anything with
7 them?

8 A I got in my car and I left.

9 Q Okay.

10 MR. LAMPKE: Court's indulgence for just a
11 minute, Your Honor.

12 THE COURT: All right.

13 BY MR. LAMPKE:

14 Q Now, Ms. Rutland, it's kind of hard to see.

15 I'll actually approach the witness if I
16 may, Your Honor?

17 THE COURT: All right.

18 BY MR. LAMPKE:

19 Q With State's Exhibit 10. What is that sitting
20 on top of the cup right there?

21 A Looks like a purple jar.

22 Q That's a purple jar that was filled with
23 marijuana; correct?

24 A Correct.

25 Q Your marijuana; correct?

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 A Correct.

2 Q In fact, that jar, essentially, says something
3 albeit crass in that regard, doesn't it?

4 A I'm not sure. I'm not sure what you're asking
5 me.

6 Q So that marijuana was your marijuana and it was
7 sitting on top of the socks on top of the cup; isn't that
8 right?

9 A I mean, it looks like, but I don't really know
10 where it was sitting. Obviously, it was right there.

11 Q Okay.

12 A I'm not being smart.

13 Q No, no, you're fine. Now, is it your testimony
14 today that you did not tell the police officers -- and I'm
15 going to be real particular with this, that you did not
16 tell the police officers that someone walked out of the
17 Waffle House with that cup?

18 A I'm sorry?

19 Q Did you tell the officers when you spoke to them
20 on scene that day, that someone walked out -- actually,
21 let me ask you a direct quote. Did you tell the officers
22 that day, That's what they brought whenever they came out
23 of the Waffle House?

24 A I'm not sure.

25 Q You don't recall telling the officers that you

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 saw them come out with that from the Waffle House, that
2 you were taking them home?

3 A No, I don't. I don't recall.

4 MR. LAMPKE: Your Honor, may we approach?

5 (WHEREUPON, an off-the-record bench conference was
6 held in the presence of the jury but out of the
7 hearing of the jury.)

8 BY MR. LAMPKE:

9 Q Ms. Rutland, you said that you didn't recall
10 what it was that you spoke to the officers about. Would
11 it refresh your recollection to see that conversation via
12 one of the officer's body cameras?

13 THE WITNESS: I guess so.

14 (WHEREUPON, the witness listened to audio via
15 headphones.)

16 BY MR. LAMPKE:

17 Q Ms. Rutland, did that refresh your recollection?

18 A Yes, it did.

19 Q So did you tell the police officers that day on
20 the scene that that's what they brought whenever they came
21 out of the Waffle House? Is that you told them?

22 A Yes.

23 Q So --

24 THE COURT: Is that a yes?

25 THE WITNESS: Yes, sir.

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 BY MR. LAMPKE:

2 Q So on the scene that day, you told the officers
3 that you saw the person walking out of the Waffle House
4 towards your car with that cup; right?

5 A That may be my words, but I was meaning that's
6 what they came to my car. I'm not saying, specifically,
7 they came out of the Waffle House with it, but they came
8 into my car with it.

9 Q Ms. Rutland, just a moment ago, did you not say
10 that you had no idea how that cup got in your car in the
11 first place?

12 A I did. I did.

13 Q You told the police officers the person I
14 dropped off from work, they had the cup; correct?

15 A Yes, sir.

16 Q Again, that's not the story you told me just a
17 moment ago; correct?

18 A I wasn't -- well, I wasn't remembering, but like
19 you said, that refreshed my memory.

20 Q And that's not the story that you told Ms. Wyse
21 and the jury on direct examination, was it?

22 A I'm not sure. I mean, I guess. I'm not sure.

23 MR. LAMPKE: Court's indulgence just for a
24 moment, Your Honor.

25 THE COURT: All right.

BRITTANY RUTLAND-DIRECT BY MR. LAMPKE

1 BY MR. LAMPKE:

2 Q Now, Ms. Rutland, you never told the police
3 about the two people that slept in your car that night,
4 did you?

5 A I don't remember.

6 Q Okay. And at no point did you ever give either
7 this jury or the police that day any of the names of the
8 people that that cup could have belonged to?

9 A I mean, I haven't, but I can.

10 Q Well, you didn't when asked, did you?

11 A I don't recall.

12 MRS. WYSE: Objection, we don't know that she
13 was asked.

14 THE COURT: I'm going --

15 MRS. WYSE: The live camera wasn't working.

16 THE COURT: Okay. I'm going to allow the
17 question. Go ahead.

18 BY MR. LAMPKE:

19 Q So you didn't provide any of those names when
20 the police asked you who that cup belonged to if it wasn't
21 you, did you?

22 A He didn't ask me who it belonged to, I don't
23 believe.

24 Q You did tell the police officer that it was
25 somebody that was coming out of the Waffle House that had

BRITTANY RUTLAND-REDIRECT BY MRS. WYSE

1 that cup, right?

2 A Correct.

3 Q And today is the first time that you said that
4 you had no idea where that cup came from; isn't that
5 right?

6 A I'm not sure.

7 MR. LAMPKE: No further questions, Your Honor.

8 THE COURT: All right. Redirect?

9 MRS. WYSE: Just briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MRS. WYSE:

12 Q Give us a name.

13 A Justin. It could have been Justin or -- Justin
14 was my friend. It could have been Scottie Brandon or his
15 girlfriend, Bunny, which were the two people I let sleep
16 in my car.

17 THE COURT: They can't hear you, ma'am. Slow
18 that down a little bit.

19 THE WITNESS: Brandon and Bunny are the two that
20 worked with me and were sleeping in my car. And
21 Justin was the one that I gave a ride home to.

22 BY MRS. WYSE:

23 Q Have you tried to contact any of them?

24 A I have.

25 Q Are they taking your calls?

BRITTANY RUTLAND-REDIRECT BY MRS. WYSE

1 A No. Brandon and Bunny don't work at the Waffle
2 House anymore. Justin, I haven't been able to get in
3 touch with him.

4 Q Okay. All right. Did anybody ever contact you
5 about this incident to ask you any names?

6 A No.

7 MRS. WYSE: I have no further questions, Your
8 Honor.

9 THE COURT: Anything on recross?

10 MR. LAMPKE: Nothing further, Your Honor.

11 THE COURT: All right, ma'am, you can step down.

12 All right, any other witnesses for The Defense?

13 MRS. WYSE: No, Your Honor.

14 THE COURT: Defense rest?

15 MRS. WYSE: We do, Your Honor.

16 THE COURT: Okay. All right. Ladies and
17 gentlemen of the jury, what we're going to do is
18 we're going to conclude this on tomorrow morning.
19 Tomorrow, I will -- the lawyers will give what is
20 called closing statements. So I won't have to repeat
21 this tomorrow morning, might as well do it now.

22 You've heard all the testimony that you're going
23 to hear in this case. You've seen all the evidence
24 that's going to be presented. All of the tangible
25 evidence in terms of pictures or anything that was

1 marked as an exhibit, all of you will have it in your
2 jury room whenever this concludes. So you'll be able
3 to see these again. If there was any body cam
4 footage that any of you needed to see again, you will
5 have the opportunity to see that again if you wanted
6 to. Only thing I want you to do, if there's anything
7 like that you want to see, just make sure that you
8 let the foreman know and then the foreman will give a
9 note to the bailiff, then they'll let me know.

10 Tomorrow morning, I will probably say to you
11 that closing statements of the lawyers is not
12 evidence. That's just their opinion as to what they
13 think the evidence showed. And I use the analogy
14 about New York. So that's what they're going to do
15 tomorrow. So what they say is not evidence, it's
16 their opinion. Now that you've seen all the evidence
17 that's been presented, they're going to tell you on
18 both sides what they think the evidence shows.

19 So tomorrow morning, I'm not going to go into
20 that colloquy, so when you come in, the only thing
21 I'm going to say to you is probably good morning.
22 And I'm going to look at these lawyers and say are
23 you ready to present closing arguments, then we're
24 going to go straight into that. Then after that,
25 we'll go directly into my charge on the law. And

1 I'll say a few other things to you.

2 So that's the way we will be proceeding
3 tomorrow. It's Wednesday, I think it is. I think
4 it's Wednesday. So we'll start tomorrow at 10:00.
5 Let's do 10:00.

6 Oh, yeah, I am so sorry. I'm glad you told me
7 that. I'll tell you why I can't do 10:00, I'm going
8 to tell you. My grandson is in a Christmas program
9 at 9:20 and if I don't show up, I just could not do
10 that. So anyway, I apologize. I tell you why I'm
11 telling you I can't be here.

12 So what we're going to do is, I should be able
13 to -- you're going to be able to get a late breakfast
14 tomorrow morning. I'll be here at 11:30. My
15 apologies. I'm glad that she -- I told her that
16 earlier and it just slipped my mind. So 11:30, we'll
17 be here sharply, then we can move this. I do not see
18 this matter going beyond tomorrow.

19 So I appreciate your attentiveness. I'll see
20 you tomorrow morning at 11:30. Please, ma'am,
21 please, sir, don't talk about the case. Thank you.

22 (WHEREUPON, the jury left open court at
23 approximately 4:16 p.m.)

24 THE COURT: All right, see you in the morning.
25

(WHEREUPON, the proceedings were concluded for
the day to be reconvened on December 11, 2024.)

December 11, 2024

(WHEREUPON, the jury entered open court at
approximately 12:01 p.m.)

THE COURT: Good morning.

THE JURORS: Good morning.

THE COURT: All right. It's a beautiful day, no
rain, the sun's out. Can't do better than that.

Okay, as I indicated to you yesterday before you
left, all the testimony has been heard, we're ready
for the lawyers to go now into closing arguments. I
explained to you yesterday the difference between a
closing argument and opening statement and they're
not considered evidence. So we're going to move
directly into that.

State ready to proceed?

MRS. WYSE: Yes, sir.

THE COURT: Is The Defendant ready to proceed?

MRS. WYSE: Yes, Your Honor.

MR. LAMPKE: Your Honor, may it please the
Court?

THE COURT: Yes, sir.

CLOSING STATEMENT

MR. LAMPKE: It was The Defendant's car, The
Defendant's bag, her ID, her social security card, it
was The Defendant's drugs. Members of the jury, I'm

1 sure that when you came in here for court, there are
2 a lot of things that kind of fit your expectations
3 and there are some things that didn't really line up
4 with your expectations. When you walk in, you think
5 this is exactly what I expected a courtroom to be.
6 You know, you've got the jury box, you've got the
7 fancy high ceilings. But there might be other
8 aspects, like some of the technical issues that we
9 had at trial. You might have thought, this isn't
10 exactly what it seems like when I see it on TV, on
11 the news, whatever it may be. Sometimes what we
12 except to see isn't exactly what it turns out to be,
13 but that doesn't make it any less real. It doesn't
14 make it any less of a real courtroom here today if it
15 doesn't fit all those particular expectations that
16 you have.

17 And the reason I mentioned that is that I think
18 that you might have some confusion with that with the
19 charge of trafficking. Because sometimes when you
20 think of trafficking, you might think of Pablo
21 Escobar or, you know, all these different TV shows
22 they have, Narcos, Breaking Bad, all that sort of
23 stuff. Just massive, massive quantities of drugs.
24 And sometimes that is trafficking cases that we get.
25 But in the same way that the expectations you have

1 for court might not be exactly the ones that you
2 actually saw, the same goes for drug trafficking.
3 Because what The Defendant did, having that amount of
4 drugs itself is drug trafficking.

5 In a moment, I'll talk to you through the law
6 and explain to you exactly why that's the case. But
7 let me give you another analysis. Imagine that there
8 is a dog, a big dog, a Mastiff or Great Dane,
9 something like that. So big, old dog. Maybe a
10 working dog, you know, works on a farm, work for the
11 police, something like that. Now, those dogs exist,
12 but my brother owns a little dog. It looks like kind
13 of a race dog it's so skinny. This dog, if it's less
14 than 65 degrees, that dog has to wear a sweater.
15 It's hilarious. It's constantly under blankets.
16 That's still a dog. It might not be the image that
17 you have when you think of big, helpful, working
18 dogs, but it's a dog nonetheless. If that dog has
19 three legs, two legs, one leg or zero and it has to
20 roll around, it's still a dog. The same thing goes
21 with methamphetamine trafficking.

22 So let me talk you through the statute. And
23 I'll do it in the way of the indictment that The
24 Judge read to you at the beginning of the trial. The
25 indictment states that Brittany Nicole Rutland did in

1 Pickens County on or about November 19, 2022,
2 knowingly sell, manufacture, deliver or, that's the
3 important part here, or bring into the State of South
4 Carolina or did knowingly provide financial
5 assistance or otherwise aid, abet, attempt to
6 conspire to sell, manufacture, deliver, bring into
7 the state or was knowingly in actual or constructive
8 possession of more than 28 grams, but less than 100
9 grams of methamphetamine.

10 The key there is the ors. When The Judge
11 instructs you on the law, I want you to pay close
12 attention. You'll hear him say it, too. That there
13 are different ways that we can prove trafficking in
14 the State of South Carolina.

15 One of those is simply that they were in
16 possession of 28 to 100 grams. What all that means
17 is that in the State of South Carolina, all that we
18 have to prove is possession and intent, knowledge,
19 essentially. We don't have to prove to you where the
20 drugs were going, where they came from, what that
21 person intended to do with them. In the State of
22 South Carolina, drug trafficking is simply possession
23 and a particular amount of weight. And that's is
24 exactly what is happening in this circumstance.

25 And the reason being kind of makes sense.

1 Because the nature of these interactions, these types
2 of crimes, is that a lot of times, it's hard to
3 figure out exactly what the person was intending to
4 do with it. Who it was going to, where it was coming
5 from, how much they paid for it, so on and so forth.
6 And because that the legislature when writing these
7 laws, they determined that we can prove trafficking
8 again just from possession and weight.

9 So when you're back there in the deliberation
10 room, the theory that The State is prosecuting this
11 case under is that statement right there. That last
12 or. Remember, there are four or five ors. That's
13 the way that we're proving it. The Defendant,
14 Brittany Nicole Rutland, in Pickens County on or
15 about November 19th, 2022, was knowingly in actual or
16 constructive possession of more than 28 grams, but
17 less than 100 grams of methamphetamine. That's the
18 key question here today.

19 Now, what I would like to do because us lawyers
20 are real famous for our two-dollar words and we've
21 got to sometimes get paid by the words and make
22 things complex. I actually asked a professor in law
23 school once, why is it so hard? And he said, Well,
24 if it wasn't difficult, no one would pay us to do it.
25 He was actually truthful with that.

1 Let me put this in a more digestible form for
2 you. There are, essentially, four questions that we
3 have to answer. One, was the substance
4 methamphetamine? Two, did it weigh over 28 grams?
5 Three, was it in or on The Defendant's property? And
6 four, did The Defendant know that the methamphetamine
7 was there? The reason that third part gets a little
8 confusing -- and The Judge will instruct you on
9 something called constructive possession. He will
10 tell you that in South Carolina possession can either
11 be either actual or constructive.

12 Actual possession is when drugs are found
13 physically on someone's person, in your suit pocket
14 or your pants pocket, in your hand, that's actual
15 possession. Constructive possession, as The Judge
16 will instruct you on, is when a person has dominion
17 or control or the right to exercise dominion or
18 control over either the object or the premises upon
19 which the object is located. Again, a lot of
20 two-dollar lawyer words, right? Basically, what
21 constructive possession means is that the drugs were
22 in or on The Defendant's property and she knew that
23 they were there. So that's what those four questions
24 are, was it meth, was it over 28 grams, was in or on
25 her property and did she know it was there?

1 So what I'm going to do over the next few
2 minutes is I'm going to talk to you about The State's
3 case in chief, the witnesses we put on the stand, the
4 evidence that we put into evidence. And I'm going to
5 explain to you how the things that we put up, our
6 case, shows that we answered all those questions
7 beyond a reasonable doubt. Then after that, The
8 Defense will have an opportunity to come up and give
9 their closing argument. And then I'll have an
10 opportunity to speak to you one last time to address
11 the arguments that they make and further bolster our
12 case.

13 So let's look at that first question, was the
14 substance methamphetamine? So the person that told
15 you that this substance was methamphetamine was
16 Willie Smith, that SLED agent who testified via the
17 Webex, via virtual courtroom. Willie told you about
18 all his experience, that he worked with the South
19 Carolina Law Enforcement Division for 23 years. It's
20 kind of a tragic story with Willie having to retire
21 because of his medical issues. You can kind of see
22 the little shimmer in his eyes when he talks about
23 all the chemistry and whatnot, that he's real jazzed
24 about it.

25 I had him kind of explain it to y'all a little

1 bit because I know for me, it's somewhat hard to
2 understand all the science of it. But he told you
3 about what he did with this substance. That he did
4 an initial test, a chemical test. That he put a
5 chemical on it that reacts when something is a
6 particular substance and it changes a particular
7 color. He told you that he put the chemical that
8 aligns with methamphetamine and it gave him the
9 results that he expected.

10 He said that he then did another test, a
11 confirmatory test with an instrument. He actually
12 explained it really well saying that the South
13 Carolina Law Enforcement Division, they kind of have
14 a phone book, a Rolodex of what different chemicals
15 look like under the microscope. They have a
16 fingerprint of methamphetamine. That he tested this
17 substance and just like that first test, the
18 fingerprint was exactly the same. He got up there on
19 the stand and he said based on all my training and
20 experience, the two degrees I got, all the school I
21 went to, all the classes I've taken, my 23 years of
22 doing thousands and thousands of tests, it is my
23 expert opinion that this is, in fact,
24 methamphetamine.

25 Now, we, also, talked to you about the chain of

1 custody in order to show that it was methamphetamine.
2 That will be State's Exhibit 19 and State's Exhibit 6
3 when you go back there into the deliberation room.
4 The reason that we talked about that -- and I know,
5 oftentimes, that is a portion of the case that's not
6 as exciting as the other ones. But the reason that I
7 took so much time with it when we were talking about
8 it is I wanted to make sure that y'all were confident
9 that the same substance that was in that cup, the
10 same substance that was in her purse, it went from
11 there to the sheriff's office to SLED and back, and
12 that you're confident that the same substance that's
13 in that bag is what was on the scene that day.
14 That's why I spent so much time there. If you'd like
15 to when you're back in the deliberation room, you can
16 see it being checked out from place to place, where
17 it was going. We put that in so that y'all are
18 confident that that's the same sample they saw that
19 day.

20 So based on Willie Smith's testimony, and not to
21 get ahead of myself, but, partially, because of the
22 Defendant's admission, we know the answer to that
23 first question is yes. We proved beyond a reasonable
24 doubt that that substance was, in fact,
25 methamphetamine.

1 The next question is whether it weighed between
2 28 and 100 grams. And from that, you can look at
3 State's Exhibit 20, that's the SLED report that
4 Mr. Smith prepared in this case. You can see that he
5 discusses both a little bit of his background, his
6 classes he took, all that, how many times he's
7 testified so you know you can believe him, but he,
8 also, puts here what the weight is and what the
9 results of those tests that he conducted were.
10 You'll see this in State's Exhibit 20 when you go
11 back there. You'll see that the net weight was 32.17
12 grams with a margin of error of only 0.1 grams. So
13 32, obviously, is more than 28.

14 The only thing really to note in that regard is,
15 remember what Willie Smith told you about how they go
16 about weighing that substance. That they make sure
17 to take it out of the bag. They level off the scale
18 and they put only the substance onto the scale when
19 they get that weight. So that's not including any
20 packaging, anything else that would kind of put the
21 thumb on the scale. That 32 grams is for the
22 methamphetamine and the methamphetamine alone.

23 So when you go to that second question, the
24 answer is similarly yes. The drugs that they got
25 that day was methamphetamine and it did weigh more

1 than 28 grams.

2 So the next question is was the methamphetamine
3 in or on The Defendant's property? Now, the way that
4 we answered that question is by certified
5 registration that you'll have in evidence as well as
6 some of the items that you saw were pulled out of
7 that car. So one of things you saw and we put a
8 picture in from a screen shot from the body camera so
9 that y'all could see it for yourselves, is that
10 Deputy Camp testified that hey, I pulled out her
11 social security card from that car. People don't
12 leave their social security cards where they're not
13 going to frequent. So her social security card is in
14 that car. And, also, her driver's license. Not only
15 is it in the car, but it's in the book bag, which is
16 the same place where the drugs were found.

17 I'll talk about what that means more in a
18 second. But all that said, she's got two documents
19 that are very important to her in that car. Most
20 importantly, you'll have the certified registration
21 back there. And, also, you had officers testifying
22 about her possession of the car, but you'll have
23 State's Exhibit 5 back there, which is the Department
24 of Motor Vehicle registration. It's the document
25 that the DMV has which says that that car was, in

1 fact, owned by Ms. Rutland, by The Defendant, and she
2 owned it before this accident happened. And remember
3 that the officer testified that's the same car that
4 he pulled over.

5 So from all of that, from the documents she had
6 inside of it and from the DMV record showing that it
7 was, in fact, hers, she had it registered to her, we
8 know that the methamphetamine was in or on The
9 Defendant's property. All of the methamphetamine was
10 in her car, some of it was in that center console,
11 some of it was in the bag.

12 So that brings us to question four, whether The
13 Defendant knew that the methamphetamine was there.
14 Now, again, not to get ahead of myself, but the
15 methamphetamine in the bag, she did admit that that
16 was her methamphetamine. But besides that, you,
17 also, have her ID that was in that same bag. Having
18 the ID there shows that that's the bag she goes into
19 frequently. She has to get her ID, other documents.
20 It would make sense that she's aware of, also, the
21 methamphetamine's presence inside of there.

22 Now, the other question is the methamphetamine
23 that was in that cup. And that's really where a lot
24 of the evidence and testimony that we got out goes
25 forward. And again, I'll supplement this as well

1 when I talk about The Defense's case that they put up
2 after they do their closing argument. But we know
3 from a few things based on what the officers told us
4 that she did know that the meth was there, that she
5 was aware that the methamphetamine was in her car.

6 So firstly -- and I know it's somewhat difficult
7 to tell with the light, but you'll have the pictures
8 back there in your deliberation room. But you can
9 see the way she's passed out. And, also, remember
10 the testimony and, also, you can look on the body cam
11 from the officers that she was passed out not at a
12 parking spot, but she was passed out at the gas
13 station pump.

14 Now, they testified and I'm sure you're thinking
15 the same thing, that seems like an odd place for
16 somebody to fall asleep. If somebody is intending to
17 fall asleep, they're going to pull over to a parking
18 spot. The officers told you that they were concerned
19 that that would indicate drug use, that she passed
20 out at that particular area at that particular time
21 during the day. I want you to think if she was using
22 drugs, what's more likely? Is it more likely that
23 she used the drugs that were in a bag inside of
24 another bag inside of another bag in the purse that's
25 to her side or the drugs that are just sitting there

1 right there in the center console? Makes more sense
2 that she was using those drugs.

3 Now, the next thing I want you to keep in mind
4 is where that cup was. Again, it's kind of hard to
5 see because of the lighting and the photo there, but
6 you'll see this photo back in evidence that you can
7 see the outline of the red Solo cup in this
8 photograph. Let me point it out to you. It's right
9 here, that red Solo cup.

10 Now, part of the reason we put that picture in
11 is that I wanted to be able in the same way showing
12 y'all the chain earlier, you can see from the photo
13 that it's there when the officers arrive. But
14 secondly, I want you to think of where that is in the
15 car. It's in the center console cup holder. Members
16 of the jury, that is probably the place that is
17 literally the best designed to be easily accessible
18 to the driver of a vehicle. If you're driving a
19 vehicle and you have a cup in your cup holder, you
20 want it to be easily accessible. When she's sitting
21 in the car, you can see her body there. That cup is
22 certainly less than a foot, maybe six to eight inches
23 away from her. It makes sense that she was aware
24 that it was right there.

25 Now, the other thing I want you to focus on is

1 the proximity of that cup. You've learned that she
2 worked at Waffle House. She's got a Waffle House cup
3 right there. And in front of it, you have the cup
4 that first had the jar of marijuana on top of it.
5 But, secondly, that had what everybody testified to
6 as some socks, possibly, some dirty socks sitting
7 there in the car, in the cup. Does it make sense
8 that someone would have, apparently, somebody else's
9 dirty socks sitting in a cup in their cup holder six
10 to eight inches away from their leg and they're not
11 aware of it whatsoever? They have no idea that it's
12 there. That just doesn't make sense. Having it that
13 close to you in your car, let alone to your drink
14 that you're drinking, that just doesn't make sense.

15 And then what you, also, saw is that jar. It
16 was sitting right there with those words written on
17 it on top of that cup. Again, I'll address the
18 Defense's argument after they get up and do their
19 closing. That jar right there is very, very
20 important. What it shows, members of the jury, it
21 was right next to her. She had to have known it was
22 there. She did know it was there based on all the
23 evidence and testimony that you saw today.

24 Again, based off what I told you now and what
25 I'll tell you in a moment in response to their case,

1 I believe that we've proven beyond a reasonable doubt
2 that The Defendant, also, knew that those drugs were
3 there, both in the bag and in the cup.

4 But I want to talk to you for a second what
5 beyond a reasonable doubt means. Now, reasonable,
6 that's the hard part. As The Judge will tell you,
7 there are few things in this world we know with
8 absolute certainty. I can't sit here and tell you I
9 know beyond all doubt whatsoever that all of us are
10 going to wake up tomorrow morning. It's possible
11 that an astroid right now is traveling millions of
12 miles an hour coming right toward this planet and we
13 have no idea and just none of us are going to wake
14 up. There's some doubt in all things.

15 Because of that, The State isn't held to that
16 massive burden. We don't have to prove our case
17 beyond any possible doubt or any doubt whatsoever.
18 Instead, we just have to prove our case beyond a
19 reasonable doubt. That's just enough evidence and
20 testimony that you are firmly convinced as to The
21 Defendant's guilt.

22 So when you're back there in the deliberation
23 room, I want you to remember all the testimony that
24 those officers gave you, what they told you of their
25 accounts of the day. And then, also, look at all the

1 exhibits that we have put into evidence. And I think
2 when you do that, you'll see that we have proven our
3 case beyond a reasonable doubt that it was
4 methamphetamine, it was between 28 and 100 grams,
5 that she knew it was there and it was on her
6 property.

7 Now, The Judge will instruct you on the
8 trafficking methamphetamine, as well as something
9 called lesser-included offenses. Possession,
10 possession with intent to distribute and a lower
11 level of trafficking. Members of the jury, our case,
12 what we proved is that she is guilty not of any of
13 the lesser-included offenses, but of the greater
14 offense, that's trafficking 28 to 100 grams of
15 methamphetamine.

16 I'll have an opportunity to speak to you here
17 again in a moment. But as Ms. Wyse gives you her
18 closing argument, I want you to pay close attention
19 not to what arguments she makes about -- let me see
20 how to phrase this. I want you to pay close
21 attention to what she says about the law specifically
22 and how you wholly, calmly with no friends to reward
23 and no enemies to punish, how you apply the facts
24 that you saw today to the law and true verdict.
25 Thank you.

1 THE COURT: Thank you.

2 Yes, ma'am.

3 CLOSING STATEMENT

4 MRS. WYSE: Thank you, Your Honor. May it
5 please the Court?

6 THE COURT: Yes, ma'am.

7 MRS. WYSE: Ladies and gentlemen of the jury,
8 Assistant Solicitor Cancel, Assistant Solicitor
9 Lampke, I only get to address you once today and
10 that's because we put evidence in, so I only get to
11 talk to you one time. And I'm going to try to make
12 it as short as I can because y'all have been patient
13 and I know you want to get out of here or to work.

14 First of all, I want you to know something, I am
15 a private defense attorney and I do have a law
16 partner and she is here with me, however, Ms. Rutland
17 did not hire me. I have had a contract with the
18 Pickens Public Defender's Office. And she was
19 appointed a public defender, that is how I got this
20 contract. I don't want you to think that she paid me
21 as a private attorney. And I did not have the
22 opportunity to tell you that --

23 THE COURT: Just keep your voice up, Counsel, so
24 the court reporter can hear you.

25 MRS. WYSE: So, ladies and gentlemen of the

1 jury, Assistant Solicitor Lampke got up here and told
2 you the things that we knew about the case, right?
3 So one of the first things he said was the car was
4 hers, the identity was hers, the social card was
5 hers, so, therefore, those were her drugs. And this
6 I think all turns on the word knowingly.

7 So this is what we do know. We know that
8 Brittany worked a long shift at Waffle House. That
9 is very evident. She was still in her uniform. She
10 still had her apron on. And we, also, heard her tell
11 that from the witness stand as well as it comes out
12 in testimony through the officers and it's apparent
13 on the body cam that you saw. We know that she was
14 driving her car. We don't object to the fact that
15 it's her car. It's her car. We have no objection to
16 that evidence coming in. We know that because she --
17 we know that there was methamphetamine in the car.
18 We know there was marijuana in the car. She admitted
19 that there was a methamphetamine pipe in her right
20 pocket and she admitted that there was marijuana in
21 the car. And yeah, she was exhausted based upon that
22 picture. Sitting there with her head fully back. I
23 mean, she was out of it.

24 Now, ladies and gentlemen of the jury, I want
25 you to use your common sense here for just a minute.

1 She was exhausted from working all night at the
2 Waffle House. Methamphetamine is not a downer. It
3 is what we call an upper. You don't go to sleep
4 right after you take methamphetamine. I want you to
5 remember that later.

6 We know that she admitted to having the meth
7 pipe in her pocket. We know that she admitted there
8 was marijuana in the car. We, also, can use common
9 sense as well as the deputies can use common sense,
10 you don't use a meth pipe to smoke marijuana or, at
11 least, I don't think you do. It is logical to
12 assume, based upon the fact that she says I have a
13 meth pipe in my pocket, that she's a methamphetamine
14 addict. She is exhausted. She worked a long night.
15 We know that because she fell asleep, if we know
16 nothing else.

17 She admits to exactly what she remembers off the
18 top of her head. She doesn't sit there and like runs
19 a category through her mind, like, oh, what's in my
20 car? A social security card, some trash that I left
21 in here the last time, you know, trash from other
22 people. She doesn't go through a mental list of what
23 she had. She admits to the officers what she
24 remembers right the second that she wakes up.

25 We know through her testimony yesterday that she

1 said it was a couple of grams of methamphetamine. We
2 know that. We know that because she said it. It's,
3 also, on the body cam. I know the body cam is awful
4 and I'm sorry. There isn't much we can do about the
5 technology here in Pickens County. I know it was
6 hard to watch. But she did say that to the officers.

7 We, also, know that she was cooperative. We
8 know that she was remorseful and she was truthful
9 about the things that she remembered. Do you
10 remember yesterday she was on this witness stand and
11 they asked her a question, she didn't know the answer
12 to it. Then they showed it to her. She was like,
13 oh, yeah, I forgot about that. It was two years ago.
14 Yes. That's exactly what happened when the police
15 officer questioned her, Hey, is this your
16 methamphetamine? Oh, yeah, I'm sorry, I forgot it
17 was in there.

18 Now, if she had been wide awake and breaking a
19 bunch of traffic laws and was like, oh, I forgot the
20 meth was in my car, then I would absolutely agree
21 that that was a lie. But I think there is a lot of
22 credibility in her statement. She corrected herself
23 twice when she misremembered something.

24 We, also, know that Officer Wade's body camera
25 audio was off. Nine years. Nine years. Biggest

1 meth bust that he's had to date, right? Huge rocks
2 of what appeared to be something, methamphetamine.
3 Body cam -- or the microphone was off. We can't hear
4 anything that was said.

5 What else do we know? We know that he didn't
6 execute a Miranda form. Now, you heard the solicitor
7 get up there and ask him, Are you familiar with
8 Miranda forms? Do you normally do those? And he was
9 like, Oh, yeah, I heard of those. That's what the
10 investigator normally does. We don't ever hear
11 Miranda, ever. We don't hear it on his body camera
12 because it's off. And we don't hear it on anybody
13 else's body cam because they're not there. Nobody
14 gets the Spinx camera. You go to QT, there's cameras
15 everywhere and they let you now that you're being
16 audio and video recorded. There's no camera from
17 Spinx. We don't know if they got it or not. Thirty
18 grams of methamphetamine -- 33, excuse me, biggest
19 bust he's ever had, don't get any cameras from Spinx.

20 We know that despite no such Miranda, that
21 Brittany was incredibly cooperative. She was
22 talking, she was -- I mean, if she got something
23 wrong, they asked her and she's like, oh, yeah, okay.
24 She didn't stop talking. They could have asked her
25 anything and I think she would have kept talking.

1 We know that Officer Camp said in his
2 testimony on the witness stand there were two amounts of
3 methamphetamine found. There was the large, he'd never
4 seen, the rock-like substance in the Solo cup, right? He,
5 also, said there was personal use methamphetamine in a
6 ziplock bag found in her wallet. She, also, admitted to
7 that as well. Brittany said over and over again that she
8 did not know what was in that red Solo cup. She thought
9 it was trash. She thought -- so we have these huge rocks
10 of methamphetamine, big bust, right? There's blue socks
11 and trash on top of it. And then there's a jar of
12 marijuana that she tells them, yes, there's marijuana,
13 it's sitting right there. If she knew what was in that
14 Solo cup, was she going to go oh, yeah, there's my
15 marijuana. Obviously, you saw the colorful jar that she
16 had it in. There has been no denying that -- obviously,
17 she used weed, smoked weed at some point in her life or
18 had a very odd sense of humor for having such a jar in her
19 car.

20 We know that the meth inside the wallet was
21 hers. Her driver's license was right there, right? But
22 we don't know how much it was because it's not mentioned
23 in the report. We don't know how much was in that ziplock
24 bag. Brittany said maybe it was a couple of grams. She
25 doesn't know. Nobody testified to the amount that was in

1 that. But it is later dumped into the exact same bag as
2 the rest of methamphetamine that weighs over 33 grams.
3 But two sets of methamphetamine didn't look anything like
4 the biggest grams of methamphetamine they've ever seen. I
5 did not know methamphetamine looked like until I became a
6 prosecutor and started working on drug cases. I didn't
7 know they could be this big. I had no idea. But I do see
8 other smaller shards in here.

9 You heard her say she used about three and
10 a half grams per week. And that she would just use enough
11 to pack a bowl. I don't pretend to know exactly how you
12 do that. I don't expect any of you to know how to do
13 that. But I can tell you there's a real big difference
14 between the way this big rock looks and this smaller one
15 looks. What I don't know is I don't know how much of the
16 smaller methamphetamine was actually in the bag before it
17 was all lumped together. And I can't ask you to know that
18 because it never came in. It's not mentioned in the
19 police report.

20 And ladies and gentlemen of the jury, my
21 partner, Jessie, questioned her first witness yesterday in
22 general sessions. Of course, she's been in family court,
23 she's never been in general sessions before and she was
24 trying to understand how methamphetamine gets tested.
25 Ladies and gentlemen of the jury, I am not a biologist, I

1 am not a chemist. I am terrible in arithmetic, terrible.
2 I cannot do it. The only thing I can do is percentages
3 because things [indiscernible].

4 Be that as it may, I don't understand the
5 testing, but I know, bless his heart, he gave us a great
6 explanation, but I don't think he could explain it to me
7 for three hours straight that I would really fully
8 understand it. So my partner, Jessie, also, did not
9 understand exactly what he was doing. If you listened to
10 him, he said a couple of times on the stand yesterday --
11 or not on the stand, on video, but he said SLED does not
12 perform purity tests. SLED does not perform percentage
13 purity tests. He never said that it's not possible, that
14 that type of test doesn't exist, he just says that they
15 don't do it.

16 So Jessie made the analogy about the
17 chocolate chip cookie. It kind of fell flat. But, you
18 know, if you're saying that there is chocolate -- that
19 this is a chocolate dessert or a chocolate treat, right,
20 but there's actually no chocolate chip in the cookie, then
21 is it chocolate? Sometimes my kids eat all the chocolate
22 chips before I have a chance to make all the cookies. So
23 there are some cookies that don't have chocolate.

24 Anyway, like I said, I know nothing about
25 biology, I know nothing about chemistry. So I am just

1 telling you from our perspective, we were trying to
2 understand what Mr. Smith was telling you. We were trying
3 to make it so it was something that we can easily
4 understand ourselves and then argue about it now.

5 Nine years. Nine years. No audio from
6 Deputy Wade. Remember the beginning of this trial when I
7 asked you to pay attention to the things that you heard,
8 but, also, the things that you didn't hear? The things
9 that you saw, but, also, the things that you didn't see.
10 The things that exist in evidence, but, also, the things
11 that were never ever gotten. There's, also, no audio from
12 Officer Camp put in by The State. And I understand why
13 they did that. Then I put into evidence Officer Camp's
14 body cam with the audio available to it. There's a
15 possibility that at some point in the deliberations you
16 might want to listen to it. I can't tell you if you're
17 luck playing that body cam is going to be any better than
18 our attempts to play it yesterday where it just kept
19 stopping and starting and pausing forever. That is the
20 technology that we have and there isn't anything that we
21 can do about that.

22 There were mistakes made during the
23 testimony. I know that you were not here for the prior
24 testimony of Officer Wade and Officer Camp. But there
25 were things that they said on Monday that they did not say

1 that they corrected on Tuesday. Yes, it was the timing.
2 Yes, it was about the female socks. All of a sudden, they
3 became female socks. Yes, I asked Officer Camp if he put
4 in a supplemental report. He says did, he did not. If
5 you remembered that the next day.

6 I asked him how long he had known about the
7 trial? Both of them said two months. Now, I'm sure The
8 State is going to come back and say to me, how long did
9 The Defense know about trial? As I stated, that is her
10 right. It's everybody right under -- if you're a United
11 States citizen, you get to ask for a trial. That's your
12 right and no one can take it from you. However, what did
13 Ms. Brittany Rutland tell you over and over again
14 yesterday from the stand? She is an addict. And it is
15 obvious when she walks in here. She is an addict. She
16 told you she was 33 years old. She looks older than me.
17 And I am many years older than Brittany.

18 It was difficult to communicate with her
19 due to the fact that she is an addict. It is difficult
20 for her to remember details from last week. It is
21 difficult for her to remember anything from two years ago.
22 She is an addict. There are brain cells that are gone and
23 they can't come back, right? We know that. But she did
24 the best she could to remember everything. And if she
25 forgot something, she corrected it.

1 Those officers, they make these cases,
2 biggest bust we've had, largest pieces of methamphetamine
3 he'd ever seen. Didn't remember timing, didn't remember
4 if he opened the door, if the window was rolled down. So
5 the only two officers you heard from yesterday -- well,
6 the only two on scene were Camp and Wade. You can tell in
7 the body cameras, you can tell from their testimony, there
8 were other officers present. They did not come, they did
9 not testify. Yes, I could have called them to the stand,
10 but why would I? It is not my case to prove. I don't
11 have to prove anything to you. The State has that burden.

12 The drugs that we know were found were
13 marijuana and methamphetamine. We know that two sets of
14 methamphetamine were found. One, right there in the
15 wallet, right next to her ID. Another one in a torn up
16 red Solo cup that was cracked and had a dirty sock on it.
17 I'd submit to you right now and in rebuttal to what The
18 State said about her using the methamphetamine that was
19 right there next to her don't use methamphetamine and fall
20 asleep unless there's something else in it. Right? What
21 do we know? Only methamphetamine. There's no fentanyl
22 found in here, no heroin. You do not use methamphetamine
23 and fall asleep. You don't.

24 We know she's an addict. She told us she
25 was an addict. There is no hiding her. There's no way

1 you could pass her in the grocery store or at Wal-Mart or
2 see her working at Waffle House and know that she -- at
3 least, not suspect that she is an addict and that she
4 struggles every single day. She started using before she
5 was 15. I'm guessing that means 14. She grew up with it.
6 She saw her dad do it. She saw her uncles do it.

7 I am not excusing that, I am not saying
8 that her being exposed to that as a child makes this okay.
9 What I am saying is that it's obvious she is an addict.
10 Please tell me, what about her looks like somebody who
11 sells methamphetamine? If she had known that red Solo cup
12 was full of that much methamphetamine in her car, I think
13 she would be dead. I think she had absolutely no idea
14 there was these huge rocks of methamphetamine in that Solo
15 cup.

16 If she deals that much methamphetamine, why
17 does she work at Waffle House? If she deals that much
18 methamphetamine, why wasn't her phone taken? Why wasn't
19 it downloaded into evidence? Why didn't they go through
20 all of her text messages? Why didn't they look at every
21 single phone call, GPS location to see to who she was
22 selling and to where? But that didn't happen. It didn't
23 happen. Why? I submit to you because they knew she
24 wasn't a dealer.

25 Brittany was talking to police. We don't

1 know if Miranda was read. We don't. If they wanted to
2 know who she was selling to, where she got those drugs
3 from, where she was taking them, they had no reason to
4 stop. She was talking. This entire investigation took 35
5 minutes, maybe. Biggest bust. Because we hear all the
6 time that methamphetamine is a cancer on our society.
7 It's crumbling our community down, right? All the time.
8 We've never seen methamphetamine like this before.

9 Well, let's go find out some more about it.
10 Where did it come from? Did we go look at the camera
11 footage from Waffle House to see where these people were
12 that were in her car? Or that she took home? Did we
13 check the block camera to see who was in the car, who did
14 she drive home? No. We didn't. At all.

15 Methamphetamine is crumbling our society.
16 It's a poison in our community. We found 30 grams of what
17 we've never seen here. But let's not look at it any
18 further. No one actually looked for Justin. No one
19 checked her phone, her text or phone calls. No one
20 followed up. They found this much meth in her car, they
21 have more than enough probable cause to go get a search
22 warrant to continue looking. They didn't. I submit to
23 you it was because they knew it wasn't hers.

24 They look at her place of business? They
25 go question anybody at Waffle House? No. They knew she

1 wasn't a dealer and they didn't do a thing. This is
2 sloppy, this is careless and this is mediocre. And yes, I
3 live in Pickens County. I want better. If this is a
4 problem that I know it is and been led to believe, I want
5 better.

6 Let's talk about the law. Constructive
7 possession requires her to have ownership over the place
8 where something was found, right? Knew that the substance
9 was meth, that it weighed over 28 grams, and the meth on
10 or about The Defendant's property before knew that it was
11 methamphetamine. That's what The State told you. I'm
12 looking at a Powerpoint, I wrote it down. I don't believe
13 she had any idea there was methamphetamine in that red
14 Solo cup.

15 The Judge is going to read to you the law
16 at the end of our arguments, at the end of us being here.
17 And I want to tell you something really quickly so you
18 hear it more than one time. Mere presence of a person in
19 an area where the object is found is not enough to prove
20 possession. Proof of possession requires more than proof
21 of mere presence at the place where the controlled
22 substance is found. The State must prove that The
23 Defendant had both the power, actual or constructive, and
24 that the intent was there to control its disposition or
25 use. And that's where we don't know. I have no way of

1 knowing that she knew it was there. She admits to the
2 meth that was in her wallet. Yes, absolutely, without a
3 doubt. But they cannot prove to you beyond a reasonable
4 doubt that she knew and had the intent to control its
5 disposition or use. It can't be proved.

6 There were no fingerprints taken off that
7 Solo cup. The Solo cup is not taken into evidence. The
8 bag that the methamphetamine was found in in the wallet, I
9 don't know where it is. Deputy Camp got up there and said
10 he looked in that car. He found things would identify
11 her, right? What did you find anything that would
12 identify anybody else? He was like, well, now, I'm sure I
13 could have missed something. How long were you there?
14 Maybe 25 minutes, maybe.

15 People always say and I used to firmly
16 believe that how do you know an addict is lying? When
17 their mouth is open, when their mouth is moving. There
18 is nothing about this case, there's nothing about her
19 testimony on the stand yesterday that makes me positive
20 that that adage is true about her. I think she is a
21 functioning addict. I think she hangs out with people who
22 work at Waffle House that are not great. You fill in the
23 blanks.

24 I think it's highly possible that somebody
25 who was in her car left that Solo cup. Oh, why would

1 somebody leave their drugs behind? Nobody leaves their
2 drugs behind. Yeah, they do. They absolutely do. One,
3 if they're high, they might leave their drugs behind.
4 They don't know where they are. They don't know what's
5 going on. Another reason, they're hiding them. They know
6 they're being watched. They know they're under suspicion.
7 So let me put it in here where they'll never look and
8 never find it, right? Maybe whoever this was fully
9 intended to get back into her car and get them later.
10 Hey, can I have another ride? I'll see you later at work.
11 Knowing she had no idea. You saw her car. It was
12 disgusting. The fact that she thought this was trash is
13 not a stretch at all.

14 What did you hear and what did you not
15 hear? What do we know and what do we not know? We are
16 never ever going to know exactly how much weight was in
17 that bag that Brittany had in her wallet, never going to
18 know. It wasn't more than 28 grams.

19 She is a user. She is an addict. She uses
20 drugs. The only person that Brittany hurts is Brittany.
21 That lady right there is going to eventually kill herself.
22 Not because she's going to, you know, slit her wrist and
23 bleed out. One day, the effects of methamphetamine are
24 going to end her life. She knows that. 33 grams of
25 methamphetamine did not belong to her. She did not know

1 they were there. If she had, I believe they would have
2 responded to an overdose.

3 Thank you for listening. Everybody always
4 ask me how do I do what I do now knowing what I did then.
5 And that's because when I stand up here and I do this, I'm
6 protecting the Constitution of the United States. And I'm
7 making certain that people have the right to a fair trial.
8 And while I pray and hope that none of you, none of us
9 ever know what that's like, no one ever knows how much
10 their right to a fair trial is until they are on trial.

11 Please use your common sense. Please
12 recognize that she is an addict. Please understand that
13 this woman had no intent to traffick over 33 grams of
14 methamphetamine. She is not what the intention of this
15 law is in my belief. These legislators sit in Columbia
16 and they don't have boots on the ground. They don't know
17 what it's like to be here in this courtroom and to see
18 this day in and day out. And yes, they are attorneys, but
19 they don't do this. And when they wrote those laws, I'm
20 certain that they thought they were protecting the good
21 people of South Carolina. But she is an addict with a
22 problem. Thank you.

23 MR. LAMPKE: Court indulgence just for a moment,
24 Your Honor.

25 THE COURT: All right.

1 MR. LAMPKE: Your Honor, may it please the
2 Court?

3 THE COURT: Yes, sir.

4 CLOSING STATEMENT

5 MR. LAMPKE: All right. Thank you, Your Honor.

6 Members of the jury, I want to take you back to
7 Ms. Wyse's opening statement yesterday. She told you
8 that drug addiction is not black and white. There's
9 gray area. And I agree. With addiction, there is
10 gray area. It is possible to be both an addict and a
11 trafficker. That is perfectly possible. And that's
12 why I said what I did at the end of my first speech.
13 That I wanted you to pay close attention to argument
14 that she makes, but in a context of what the law is
15 that you actually have to apply.

16 So going all the way back to the law of this
17 case, was she knowingly in actual or constructive
18 possession of than 28 grams, but less than 100 grams
19 of methamphetamine? Nothing in there says anything
20 about where it was going, who she got it from, what
21 purpose she had it for. In the State of South
22 Carolina, the legislature decided and the law says
23 that possession is weight and knowledge, possession.
24 It doesn't say anything about where it's going,
25 what's happening with it. Even if you believe that

1 she had -- and I'll get to this in a moment, what she
2 admits is, essentially, four-month supply of
3 methamphetamine. Even if you believe she had that
4 purely and solely for her own purpose, that is still
5 trafficking methamphetamine. That's what the law
6 says. That's what The Judge will instruct you on.

7 But Ms. Wyse doesn't want you to focus on that.
8 Instead, she wants you to focus on things that don't
9 truly matter. The immediate thought that I had while
10 I was thinking about this is that I remember when I
11 was younger, I have an older brother, a year and a
12 half older, that sadly was bigger than me up until I
13 turned like 16 or 17. And it was not cool for me to
14 fight back against him at that point. But I remember
15 I would tell him sometimes oh, my arm hurts and he'd
16 kick me right in the shin. And like, well, your arm
17 doesn't hurt so much anymore, does it? Well, that
18 doesn't really help at all. It doesn't. It's a non
19 sequitur, it doesn't really matter.

20 There are a lot of examples of that. The first
21 one, she talked a lot in closing arguments there and,
22 also, throughout the testimony about Miranda.
23 Whether the person was properly Mirandized and
24 Miranda forms and all that sort of stuff. Now, we
25 mentioned the fact that those Miranda forms are used

1 by investigators in way of interrogation. Somebody
2 sitting down for an interrogation with cameras
3 everywhere. You don't necessarily need a Miranda
4 form. The officers testified that they did, in fact,
5 Mirandize her.

6 But here's the thing, when The Judge instructs
7 you on the law, he'll instruct you a lot on the law,
8 I want you to look out that entire time and hear if
9 he ever says the word Miranda. Says Miranda v.
10 Arizona, he won't talk about the case law because
11 y'all are the judge of the facts and he's the judge
12 of the law. Whether somebody was properly Mirandized
13 is not the question before you. The question before
14 you is whether she is guilty or not guilty.

15 Now, there are a lot of other things that she
16 talked about as well. She and her cocounsel talked
17 to Mr. Smith about the cookie theory, as she was
18 saying just a second ago. And I asked Agent Smith on
19 redirect, I said if you were to test individually
20 every single little piece of methamphetamine, how
21 many tests would you have to do? He said ten
22 thousand to do what The Defense wants him to do. He
23 pointed out that what he did on this case, just like
24 he did for every other case in the last 23 years, is
25 exactly what SLED tells him to do and what the people

1 that accredit SLED tell him to do. But here's my
2 point, members of the jury, if he performed one
3 thousand tests, The Defense would get up here and
4 say, well, what about them other 9,000?

5 Members of the jury, the question here is
6 whether we have enough evidence and testimony that
7 you are firmly convinced that we have proven beyond a
8 reasonable doubt that this Defendant is guilty. It
9 doesn't matter that there are 9,999 other tests that
10 we could have done. It matters that we have enough
11 evidence and testimony that we prove that she is, in
12 fact, guilty.

13 Now, another thing that she talked about is why
14 the police didn't get a warrant to go search her
15 house, search her cell phone, anything like that.
16 Again, the law is weight plus possession. They don't
17 need to do further investigation. But I'll explain
18 to you why they didn't, The Defendant told you that
19 she worked in Greenville and that she lived in
20 Greenville County. Pickens County Sheriff's Office.
21 That's not even their jurisdiction if they were to go
22 and get a search warrant.

23 Regardless, it doesn't matter. They're trying
24 to distract you away from the things that truly do
25 matter. For example, they asked again and again,

1 Ms. Wyse yesterday talking to the officers, you say
2 in your report that you got there at this time and
3 that time. You testified yesterday you got there at
4 this time and that time, so on and so forth. The
5 timestamps are on the body cameras. The timestamps
6 are on the body cameras. We know what time it is.
7 They're bringing up all this stuff to try to distract
8 you away from what truly matters.

9 Now, she, also, said that the officer -- Officer
10 Camp, Deputy Camp testified that that was personal
11 use that was in her purse. That's not what he
12 testified to. Again, y'all are the judges of the
13 facts. It's what y'all's recollection of the
14 testimony is that's what's important. As The Judge
15 said a moment ago, what we say here in closing
16 arguments, that's not evidence. What matters is the
17 evidence and testimony that came here from that
18 witness stand. So my recollection of the testimony
19 is that he did not say that it was for personal use.

20 And she said that it was, essentially, these
21 teeny, tiny little pieces. But you can go and you
22 can look at State's Exhibit 7, which is the body
23 camera photo of the small bag that was pulled from
24 her purse. And you can see there are large shards in
25 there. You can see that those are large shards.

1 And I want you to remember the testimony that
2 both Camp and Wade told you about as to the size of
3 the rocks. Wade told you that was the most meth he's
4 ever seen, the biggest rocks he's ever seen. Camp
5 told you the same thing. And the reason that's
6 important, as Ms. Wyse was just talking about, the
7 way that she consumed this is that she would pack a
8 bowl. The reason that the big rocks are important is
9 that the big rocks show that this isn't for personal
10 use. Because you can't put a big old rock like that
11 in a tiny little pipe.

12 Even if you think it was entirely her own
13 personal use, still qualifies as trafficking. It can
14 be anything you think that she had that for, whether
15 she was -- whether she bought it from somebody else
16 and sells it to somebody else. Whether she was
17 transferring it from one person to another. Even if
18 it was someone that got in her car and said hey, I'm
19 going to leave this here and you watch it for a
20 couple of days, that still is weight plus possession.
21 That, also, qualifies.

22 Now, she, also, mentioned the further
23 investigation, whether she was selling or not
24 whether, whether she was working at Waffle House, if
25 she was selling and so forth. Again, it does not

1 matter whether or not she was selling. All that
2 matter is that it was in her possession and it
3 weighed over 28 grams.

4 Now, I want to turn to The Defendant's
5 testimony, what she testified about yesterday. So
6 first of all, the story that she got up here on the
7 stand and told y'all with Ms. Wyse is wholly
8 different than the story she told the police on scene
9 that day and the story she eventually told me when I
10 asked her under cross-examination. But even the
11 story she told Ms. Wyse doesn't make sense.

12 So first of all, she said oh, I had no idea that
13 was there until the officers told me, until the
14 officers showed me that cup. Thirty-two grams of
15 methamphetamine in the center console of her vehicle,
16 left with an addict, who Ms. Wyse just said a moment
17 ago said there's no way you can walk by her and not
18 see that she's an addict, who leaves 32 grams of
19 methamphetamine, not just in someone else's car, but
20 in an addict's car?

21 Members of the jury, that simply does not make
22 sense. The Judge will instruct you on possession
23 with intent to distribute. Again, that's a
24 lesser-included offense for possession with intent to
25 distribute, the intent to distribute is an element.

1 I want to make perfectly clear, for trafficking, we
2 do not have to prove that she intended to distribute
3 anything.

4 But one point they don't talk about is there's
5 something called a presumptive inference weight.
6 That here in the State of South Carolina, the state
7 legislature decided that if you're in possession of
8 more than one gram of methamphetamine, there is a
9 statutory presumption, and The Judge will tell you
10 exactly what that means, that that person is
11 possessing with intent to distribute. One gram.

12 She had 32 times that sitting in her car. She
13 said that she smoked about a gram or two a week.
14 That means with 32 grams that she had 16 weeks worth
15 of methamphetamine, a four-month supply sitting there
16 in her car. If I had two doughnuts a day, that's 225
17 doughnuts. I don't even know what the math is for
18 how many dozen that is, to have that many stacked up
19 and say oh, yeah, that's just all for my personal
20 use. Or regardless, it doesn't make sense that
21 someone would just leave it there.

22 Now, the other thing is that she said when she
23 was working there at Waffle House that there -- it
24 was her and two other people. But then they went and
25 slept in her car. The car that her own Defense

1 attorney describes as filthy, by the way, that these
2 two people went and slept in. But just think about
3 that for a second. Her story is that two people came
4 to Waffle House to work a night shift, went all the
5 way there, got suited up and all that and said you
6 know what, Ms. Rutland, you go ahead and wait the
7 tables. I don't want to get paid. I'll just go
8 sleep in your car. That just doesn't make sense.
9 The reason it doesn't make sense is she's just trying
10 to manufacture ways that somebody besides her was in
11 that car with access to that center console.

12 Now, finally, with her story, another thing that
13 doesn't make sense, is that she said that she was
14 giving a friend a ride home and that's why she was in
15 Pickens. Her story initially when she told Ms. Wyse
16 was that this friend, I guess, got dropped off or,
17 otherwise, came to the Waffle House for her to then
18 drive all the way out to Pickens. Now, I'm sure
19 y'all have some personal familiarity as to where
20 Cherrydale is and how far that is from Pickens
21 County. That's quite the drive. And it really does
22 not make very much sense at all that for no reason
23 whatsoever after a very long, grueling shift that she
24 talked about, that she's going to drive someone.
25 That just didn't make sense.

1 The issue with her story that she told y'all is
2 that it's not the same story that she told the police
3 and that she told to the -- that she told to the
4 police and to me when I asked her about it on
5 cross-examination.

6 So at first, she said -- and this is both to
7 Ms. Wyse and when I first started asking her
8 questions. She said, I don't know who put the cup in
9 the car. I don't know when the cup was put in the
10 car. And I didn't know that that cup was even there
11 until the deputy showed it to me. That's what she
12 said to Ms. Wyse on direct.

13 Then I asked her on cross-examination, I said,
14 Hey, that's not at all what you told the police that
15 day, right? She didn't remember. I played her the
16 audio. And then she did admit, yeah, that when she
17 originally talked to the police, she said that's what
18 they brought whenever they came out of Waffle House.
19 I was taking them home. I didn't think it was
20 anything, that's why I didn't tell them nothing about
21 it. The person I dropped off from work, they had the
22 cup.

23 So a completely different story than the one
24 that she looked y'all in the eyes and told when she
25 was asked on direct examination. It's only when I

1 confronted her about it, asked questions about her
2 story, what she originally told the police that she
3 then did change her story.

4 I want to remember, I think it was maybe the
5 third or fourth question that I asked when I got up
6 to cross-examine her. I said, you know, can you give
7 me names? And she said, Well, I don't even know
8 where to start. It could have been anybody. I don't
9 know when that cup got there. I have no idea. I
10 asked her, like, well, do you, at least, know it was
11 there that night? No, I have no idea where that cup
12 came from.

13 Then under the test of cross-examination where
14 she doesn't get to just tell her story, but that we
15 get to press up against it and show why it's not
16 true, that's when it changes. She didn't say names
17 at first, but then when her back was pushed up
18 against the wall, when she was called out on how her
19 story made sense, when she was called out on how her
20 story has changed repeatedly, that's when she started
21 saying names. Not full names. Just names. Just
22 general first names.

23 Members of the jury, she is just not telling the
24 truth when she got up on that stand. She's not
25 telling the truth. She changed time and time again.

1 The way that Ms. Wyse describes it is that she
2 corrected herself when she misremembered or that -- I
3 think she said something along the lines that the
4 drugs messed with her brain and changed her ability
5 to recall. Members of the jury, you don't leave your
6 common sense at the door. She changed her story
7 because she knew that me and y'all were not believing
8 it.

9 Those drugs were hers and she knew that they
10 were there. And the reason behind that, members of
11 the jury -- let me pull this down here. The reason
12 behind that is in this jar, I'll put it on the
13 Powerpoint as well. That jar right there. It's in
14 this photo. State's Exhibit 10. Because I asked her
15 on the stand. And she said, Well, I told the police
16 about the marijuana. Which kind of makes sense when
17 you think about it because marijuana has an odor to
18 it. They smell the odor of marijuana. She's like,
19 oh, here's the marijuana right there. No need to
20 look further. But I asked her, That marijuana, that
21 was yours, right? Yes. That container is yours,
22 right? Yes.

23 It was on top of the cup. On top of the socks.
24 So she doesn't know that cup is there, she doesn't
25 know that meth is there, she doesn't know the socks

1 are there, but she put her drugs on top of it. She
2 put the marijuana on top of it. How are you not
3 aware that something is in your car and your drugs
4 are put right on top of it? That does not make
5 sense. That's what I was referring to back when I
6 originally started my closing argument. I mean,
7 that's one of the most key pieces of evidence there
8 is that she admits I put that marijuana jar on top of
9 that cup. Meaning that she knew the cup was there,
10 she put it on top of it.

11 Now, Ms. Wyse spent a lot of time just a moment
12 ago talking about addiction and that her client is an
13 addict. I have a lot sympathy for that. Ms. Wyse
14 and I, we both deal with this constantly. It's an
15 issue in our community. It's horribly, terribly sad.
16 But I want to point out that everything she said in
17 that regard is not germane. It doesn't matter to the
18 question that y'all have to answer, okay. The
19 verdict form that y'all will get will not say was she
20 an addict or a trafficker or whatever. The verdict
21 form will say guilty or not guilty.

22 Ms. Wyse told you at the beginning of this trial
23 that addiction is not black and white, there's a lot
24 of gray area. Members of the jury, you know what is
25 black and white? The law. Guilty or not guilty.

1 The question before you will not be whether she was
2 properly Mirandized, where she was going to sell
3 those drugs or have them for her personal use. The
4 only question before you is, is she guilty or not
5 guilty of trafficking methamphetamine? Did she or
6 did she not have it in her possession and was it over
7 28 grams?

8 Think about it this way, if you're playing
9 basketball, football, soccer or if your family is on
10 Family Feud or Jeopardy, there are referees. They're
11 judges. People that look at the rules and apply what
12 happens in a game, what answer is given to the rules.
13 Would it be fair for a referee to see a play happen
14 and think, well, I'm going change the rule because I
15 think they really deserve it? That wouldn't be fair
16 at all. That wouldn't be fair whatsoever.

17 You, also, took an oath I believe it was Monday
18 afternoon, I think I'm right when y'all were picked
19 on this jury, that y'all would render a fair and
20 impartial verdict. And as The Judge has told you
21 again and again, he is the judge of the law, y'all
22 are the judge of the facts. And it's real important.
23 Because y'all have no friends to reward and no
24 enemies to punish. The only thing that y'all are
25 supposed to consider is whether The Defendant is

1 guilty or not guilty.

2 Members of the jury, she is guilty. We proved
3 that it was methamphetamine. We proved that it
4 weighed over 28 grams. We proved that it was in or
5 on her property based both on the evidence we got out
6 in the State's case in chief, but largely based --
7 not largely, but, also, partially based on The
8 Defendant's own testimony. We knew that she knew it
9 was there. Her story changed repeatedly. Because
10 she knew that y'all weren't buying it.

11 Members of the jury, when you go back there,
12 consider all the evidence, consider all the testimony
13 and consider only the questions which the Judge is
14 about to instruct you, will actually ask you to
15 answer. Is she guilty of being in possession of more
16 than 28 grams of methamphetamine? I think that we've
17 put enough evidence and testimony that we've proven
18 beyond a reasonable doubt that you are firmly
19 convinced that she is, in fact, guilty of that crime.
20 Thank you.

21 JURY CHARGE

22 THE COURT: All right. Thank you, Counsel.

23 Ladies and gentlemen of the jury, I'm going to
24 say a number of things to you, but before I do that,
25 I want to, as I always do everywhere I go, thank the

1 jury for being attentive and for your willingness to
2 serve in this case. You know juries are important to
3 our system. We can't operate without all of you.
4 And I say on behalf of both sides, on behalf of The
5 State as well as The Defense, they're fine lawyers on
6 both sides, that they thank you for your service as
7 well.

8 At the beginning of the trial, I said some
9 things to you. And I think one of the things --
10 first things I said was there were two judges in the
11 courtroom. I told you there was the judge of the
12 facts and the judge of the law. And I, also, told
13 you that I knew nothing about this case when I walked
14 in. And I didn't. I heard about the case the same
15 way you did. So I want to underline the fact that I
16 have no opinion regarding the facts of the case
17 because that's your job.

18 I, also, alluded to the fact that all of you
19 came to court today housed as you did on Monday,
20 Tuesday, Wednesday and today with your common sense
21 and you, also, came housed with your life
22 experiences. But as The State of South Carolina has
23 mandated that I give you the law in the case, you
24 must accept the law as I give it to you, not what you
25 think it should be or what you may want it to be.

1 You must accept it as I give it to you.

2 Now, it becomes my duty as the trial judge under
3 the Constitution of this state -- and let me just say
4 this before I go on. I prepared a number of things
5 that you're going to hear. But I'm going to send
6 everything that I'm getting ready to read to you back
7 to the jury room. So if something you just didn't
8 remember or you need to go back and review, every
9 word that comes out of my mouth from this point on,
10 you will have back in the jury room to look at again.
11 And I will be more than happy to bring you back out
12 if you have a question. That question, obviously,
13 will be facilitated through the jury foreperson.

14 It now becomes my duty as the trial judge under
15 the Constitution of this state to charge and instruct
16 you on the law applicable in this case. It is your
17 duty as jurors to accept and apply the law as The
18 Court will now state it to you. It is your exclusive
19 duty to determine the effect, the value, the weight
20 and the truth of the evidence. Both The State and
21 Brittany Nicole Rutland have a right to expect that
22 you will conscientiously consider and evaluate the
23 evidence and apply the law of the case. And to that
24 end, each side will receive and obtain a fair and
25 impartial trial in this case.

1 When I use the word Defendant throughout this
2 process, I'm talking about Ms. Rutland. Ms. Rutland
3 has been accused of what we call an indictment. And
4 I told you or gave you some explanation of how we
5 utilize the piece paper that's called an indictment
6 in the criminal arena in criminal court. It's a
7 piece of paper in which accusations against
8 Ms. Rutland are placed. It's not an exhibit. It
9 will not be sent back to you to the jury room. The
10 indictment will not be back with you. You will have
11 a number of exhibits in the case that you will see
12 and you will have an opportunity to examine.

13 Now, as to the indictment in this case,
14 Ms. Rutland has entered a plea of not guilty, which
15 she has a right to do. Then that places upon The
16 State the burden of proving beyond a reasonable doubt
17 that Ms. Rutland is guilty of the offense upon which
18 she is charged. Counsel on both sides alluded to
19 what the elements of the offense upon which
20 Ms. Rutland is charged. There are elements of all
21 criminal offenses. And The Defendant -- I mean, The
22 State must prove all of the elements beyond a
23 reasonable doubt.

24 Now, this principle of law is what we call
25 presumption of innocence. Each of you are required

1 under our law and by oath to actively presume that a
2 defendant is not guilty. The presumption of
3 innocence is maintained at all times throughout the
4 trial of this case and is only removed when and if
5 The State brings enough evidence to persuade you
6 beyond a reasonable doubt that The Defendant is
7 guilty.

8 Well, what is reasonable doubt? A reasonable
9 doubt is a doubt which makes an honest, sincere,
10 conscientious juror in search of the truth in a case
11 to hesitate to act. Proof beyond a reasonable doubt
12 is proof that leaves you firmly convinced of The
13 Defendant's guilt.

14 There are few things in this world that we know
15 with absolute certainty. In criminal cases, the law
16 does not require proof that overcomes every possible
17 doubt. If based upon your consideration of the
18 evidence, you are firmly convinced that The Defendant
19 is guilty of the crime charged, you must find her
20 guilty. Therefore, on the other hand, if you think
21 there is a real possibility that she is not guilty,
22 you must give her the benefit of the doubt and find
23 her not guilty.

24 Reasonable doubt may arise from evidence which
25 is in the case or from the lack of evidence in the

1 case. It is up to you, ladies and gentlemen, to
2 determine whether or not a reasonable doubt exists to
3 the guilt of this Defendant, this being Ms. Rutland.
4 I charge you that this Defendant is entitled to every
5 reasonable doubt arising in the whole case. If upon
6 any issue of fact essential to a conviction or any
7 verdict of guilty, you have a reasonable doubt as to
8 how that issue should be resolved, it would be your
9 duty to resolve that issue -- that doubt in favor of
10 The Defendant.

11 Now, ladies and gentlemen of the jury, evidence
12 can be presented to you in a number of ways. And
13 there's direct evidence and indirect evidence. And
14 I'm going to talk about two kinds of evidence.
15 Direct and circumstantial evidence. I'm going to
16 talk about that in a minute. If you remember when I
17 started the case, I told you evidence comes before
18 you in a number of fashions. In this case, evidence
19 has come before you in three different fashions. You
20 heard the testimony of live witnesses, whether that
21 was police officers or whomever on the witness stand.
22 You've, also, heard the testimony of a witness who
23 testified remotely. You should not attach any
24 significance between a witness who testifies in court
25 versus a witness who testifies out of court. And you

1 should evaluate their testimony the same. In other
2 words, you can believe some of what that witness
3 says, none of what that witness says or you can see
4 what -- make a determination in your own mind whether
5 or not that witness had some bias, some reason for
6 the witness testifying the way he or she did.

7 Now, you've, also, had the opportunity to view
8 on the screen certain videos. Now, when I say
9 screen, let me just fast forward just a second. In
10 closing arguments, counsel presented things on the
11 screen, that is not evidence. That is their --
12 counsel using a demonstrative device to express an
13 opinion. So when I use the word screen, I'm talking
14 about body cam that you have seen or anything of that
15 nature that was produced by a witness on the witness
16 stand. Not produced by the lawyers, that's not
17 evidence. Just because it's on the screen and the
18 lawyers produced it, do not attach that being
19 evidence because it is not.

20 The other form of evidence that you may see is
21 pictures. Or you may have some evidence in terms of
22 packages that contain evidence that was derived from
23 the scene. And since this is a drug case, obviously,
24 that will include drugs. All of these things are
25 going to be sent back to you to your jury room. You

1 can attach whatever degree of credibility,
2 believability you want to as to that evidence.

3 Now, there is a -- and before I get into finding
4 circumstantial versus direct evidence, I want to talk
5 a little bit about expert witnesses. We have -- in
6 this case, there was testimony of an expert witness.
7 And you may ask a question, so if I've got an expert
8 witness, how should I view that expert witness? I
9 know I've got witnesses who testified here. But if I
10 hear from an expert witness, how should I view his or
11 her testimony?

12 Well, the rules of evidence that we follow
13 ordinarily do not permit witnesses to testify about
14 their opinion or conclusion. An exception to this
15 rule exists for witnesses we call expert witnesses.
16 A witness who by virtue of their education and
17 experience has become an expert in some art, science
18 profession or calling may state their opinion as to
19 relevant and material matters which the witness
20 claims to be a expert. And may, also, state the
21 reasons for their opinion. You should consider any
22 expert opinion received in evidence in this case and
23 like any other evidence give it the weight that you
24 think it deserves.

25 If you decide the opinion of the expert witness

1 is not based on sufficient education and experience,
2 or if you conclude that the reasons given in support
3 of the opinion are not sound or that the opinion is
4 outweighed by other evidence, you may disregard the
5 opinion entirely. An expert witness's opinion is to
6 be given no greater weight by you, the jury, than any
7 other witness that testified. Further, you are not
8 required to accept the expert's opinion, even though
9 that opinion is not contradicted. So that's how you
10 would handle an expert witness.

11 Now, I'm going to define to you what is called
12 direct and indirect evidence, which is the evidence
13 you received, and tell you the difference. There are
14 two types of evidence generally presented in a trial,
15 that whether it's in a criminal trial or a civil
16 trial. There's direct evidence and circumstantial
17 evidence.

18 Direct evidence is testimony of a person who
19 claims to have actual knowledge of a fact, such as an
20 eyewitness. And this is evidence which immediately
21 establishes the main fact to be proven.

22 Circumstantial evidence is a little different.

23 Circumstantial evidence is proof of a chain of facts
24 and circumstances which indicate the existence of a
25 fact.

1 Now, I know I've said a mouthful. Let me kind
2 of tell you what I always use as a simplistic example
3 of that. Well, when y'all came to court today around
4 11:30, the sun was out and everything was nice. Now,
5 when you leave here and you go outside and you see
6 some snow on your car, you didn't see it snow, you
7 were in here with me, but you would assume that when
8 I was in the courthouse, it snowed because snow is on
9 my car. That's a simplistic example of
10 circumstantial evidence. Because of the
11 circumstances existed, a fact came about.

12 So let me read that sentence again, then it will
13 all tie up. Circumstantial evidence is proof of a
14 chain of facts which would indicate the existence of
15 a fact. This evidence, which immediately establishes
16 collateral facts which a main fact exist.
17 Circumstantial evidence is based on inference and not
18 on personal knowledge or observation. The law
19 absolutely makes no distinction between the weight or
20 value to be given to either direct or circumstantial
21 evidence. Nor is a greater degree of certainty
22 required for circumstantial evidence than direct.
23 You should weigh all the evidence in this case. And
24 after weighing all the testimony, if you are not
25 convinced of The Defendant's guilt beyond a

1 reasonable doubt, you must find for The Defendant.

2 Now, the law makes absolutely no distinction
3 between the weight to be given to direct or
4 circumstantial evidence. Nor is a greater weight
5 required of circumstantial evidence than direct
6 evidence. That is not sufficient to sustain a
7 conviction because the proof offered by The State has
8 to be more than suspicion. It has to be more than
9 someone being probably guilty. In other words, it
10 has to be proof that satisfies you beyond a
11 reasonable doubt.

12 Now, I've already told you about the evidence
13 that you're to consider, which is the witnesses'
14 testimony and the things that were presented. Now,
15 if from time to time you've seen me have to address
16 certain objections that were made by the lawyers,
17 that has absolutely nothing to do with what you're
18 doing. The reason I had to do that is because I'm
19 the judge of the law and I must address these
20 objections if they're based on the law. Sometimes I
21 did that with you being present and sometimes I sent
22 you back out. That should have nothing to do with
23 your review of the case.

24 Now, how do you decide the facts of this case?
25 You do it through the exercise of your good judgment

1 and the application of your common sense. Your sense
2 of logic and reason and your experience in life that
3 you came to the courthouse with, believe it or not,
4 you still have. You know everything in life, you
5 judge credibility. In your mind, you make decisions
6 whether something is believable or not believable.
7 That's what you do every day when you wake up. You
8 do the same thing as a juror, that doesn't change.

9 In deciding believability, you may consider what
10 was the manner or appearance of the witness who
11 testified? Was the witness straightforward or
12 hesitant in answering the questions? How did the
13 witness come to know the facts that he or she
14 testified to? What was his or her ability to know
15 these facts? Is there some reason the witness would
16 want to give testimony which would help or hurt one
17 side or the other? In determining the credibility or
18 believability of a witness, you may believe one
19 witness over several or several over the other or
20 believe part of the testimony or none of the other as
21 I told you earlier.

22 Now, as I told you, I gave you wide latitude
23 regarding determining believability in determining
24 the facts as we call them in this case. But when it
25 comes to the law, as I said to you earlier, you must

1 accept the law as I give it to you. You must accept
2 the law as I read it to you. If you have any opinion
3 regarding what you think the law should be, then you
4 should disregard that opinion.

5 Now, ladies and gentlemen of the jury, you're
6 not partisans or advocates for the State of South
7 Carolina or this Defendant. You do not serve as
8 jurors to award friends or punish enemies. You have
9 been selected by both The State and The Defendant to
10 be fair and impartial, which is what your oath
11 dictates. Then to that, determine the facts which
12 you determine to be true. You must apply the law as
13 given to you and arrive at a verdict. And we'll talk
14 about that in a little bit.

15 Now, those are some of the preliminary remarks I
16 wanted to talk to you about. But let's talk about
17 intent. Intent. No matter where a case falls, if
18 it's in criminal court, whether it's the Court of
19 General Sessions, Magistrate's court, if it's a
20 criminal case, the burden is upon The State to prove
21 The Defendant guilty beyond a reasonable doubt and
22 prove the elements of the offense, all the evidence,
23 not just some of it upon which The Defendant is
24 charged. But in order to do that, The State, also,
25 has to show intent.

1 Let me read to you, in order to establish
2 criminal liability, criminal intent is required. For
3 example, the mental state required to be proven by
4 The State for a particular crime might be purpose,
5 intent, knowledge, recklessness or criminal
6 negligence? Criminal intent must be proved by The
7 State beyond a reasonable doubt. Criminal intent is
8 always a matter that must be determined by you, the
9 jury, from the circumstances shown to have existed.

10 There is no way to prove to a mathematical -- no
11 way to prove intent to a mathematical certainty.
12 There is no way medical science can dissect a
13 person's brain to determine what the person had in
14 mind. So the law says that criminal intent may be
15 inferred from the circumstances shown to have
16 existed. This is how you make that determination of
17 whether or not the element requiring intent is
18 present. It is not necessary to establish intent by
19 direct and positive evidence, but intent may be
20 established by inference in the same way as any other
21 fact taking into consideration the acts of the
22 parties and all the facts and circumstances of the
23 case.

24 Criminal intent is a mental state, a conscious
25 wrongdoing. It is up to you, the jury, to determine

1 what The Defendant in this instance intended to do
2 based upon the circumstances shown to have existed at
3 the time. Criminal intent can arise from action or
4 failure to act. It may arise from negligence,
5 recklessness or inference to duty or consequences
6 that is considered by law to be the equivalent of
7 criminal intent.

8 Now, those are some of the things that I wanted
9 to tell you that you should be thinking about as you
10 move into deliberating in this case, which I'll
11 instruct you in just a minute.

12 All right. Now, in this case, in this
13 indictment, Ms. Rutland has been charged with
14 trafficking methamphetamine 28 to 100 grams. I'm
15 going to read the law as it relates to that, but I'm,
16 also, going to read you what is called some
17 lesser-included charges. In other words, what I'm
18 getting ready to do is read you the law on that
19 offense. Then I'm going to read you the
20 lesser-included offenses under that. So then you'll
21 have an idea. But here again, all this will be sent
22 back to your jury room and you'll have an opportunity
23 to see it.

24 Let's go with the offense upon which she is
25 currently charged in the indictment that I referenced

1 to you earlier. Here again, the indictment is not
2 evidence of any guilt. This is just a piece of paper
3 right here. And in this indictment, she is charged
4 under code section 44-53-0375 with trafficking
5 methamphetamine. This is what the law says. This
6 Defendant, Ms. Rutland, is charged with trafficking
7 methamphetamine. The State must prove beyond a
8 reasonable doubt that The Defendant knowingly sold,
9 manufactured, cultivated, delivered, purchased,
10 brought into this state, provided financial
11 assistance or otherwise aided, abetted, attempted or
12 conspired to sell, manufacture, deliver, purchase or
13 bring into this state, or who is knowingly in actual
14 or constructive possession or who knowingly attempts
15 to become in actual or constructive possession of
16 methamphetamine.

17 And as you note, this indictment, it talks about
18 -- I'm going to read the indictment. It says that
19 Brittany Nicole Rutland did in Pickens County on or
20 about the 19th day of April 2020 knowingly sell,
21 manufacture, deliver or bring into the State of South
22 Carolina or did knowingly provide financial
23 assistance, aid, abet or attempt to conspire or sell,
24 manufacture, deliver or bring into the state or
25 knowingly in actual or constructive possession of

1 more than 28 grams, but less than 100 grams of
2 methamphetamine. That is the trafficking statute
3 upon which Ms. Rutland is charged.

4 Now, there is -- I will send that back with you.
5 There is a trafficking statute that talks about the
6 weight is different. The first one I just gave you
7 is 28 to 100 grams. This one is trafficking
8 methamphetamine 10 grams to 28 grams. This is what
9 it says. The Defendant is charged with trafficking
10 in methamphetamine. The State must prove beyond a
11 reasonable doubt that The Defendant knowingly sold,
12 manufactured, cultivated, delivered, purchased,
13 brought into the state, provided financial assistance
14 or otherwise aided, abetted or attempted to conspire
15 to sell, manufacture, cultivate, deliver, purchase or
16 bring into the state, was knowingly in actual or
17 constructive possession or knowingly attempted to
18 become in actual or constructive possession of more
19 than 10 grams of methamphetamine.

20 You may say well, this is just what I just read
21 to you. Well, language in the statute doesn't
22 change. The language remains the same. The amount
23 changes. In other words, the first one I read to you
24 with that language, we're talking about 28 grams, but
25 less than 100 grams. This one I just read to you is

1 10 to 28 grams. The amount changes, the language
2 remains the same.

3 All right. Now, I'll still -- I'm up here and
4 I'm doing the lesser-included, the third one I'm
5 getting ready to go do. It's called possession with
6 intent to distribute methamphetamine. If you
7 determine that The State has not proven trafficking
8 methamphetamine beyond a reasonable doubt, you should
9 then consider whether The State has proven beyond a
10 reasonable doubt that The Defendant is guilty of
11 possession with intent to distribute methamphetamine.
12 Possession with intent to distribute contains all of
13 the elements of trafficking, except the amount of the
14 methamphetamine. In addition, The State must prove
15 beyond a reasonable doubt that The Defendant had the
16 intent to distribute the methamphetamine. Intent may
17 be shown by acts and conduct of The Defendant and
18 other circumstances which you may naturally infer
19 intent.

20 In determining whether The Defendant had the
21 intent to distribute the methamphetamine, you may
22 consider the circumstances surrounding The
23 Defendant's alleged possession. You may consider the
24 amount of the substance alleged to have been
25 possessed. You can consider the manner in which it

1 was allegedly possessed. You can consider the place
2 where it was allegedly possessed and other factors
3 which you consider to be important. You must find
4 that The Defendant did not intend to have the
5 methamphetamine solely for his or her own use.
6 Possession of one or more grams of methamphetamine
7 creates an inference that The Defendant possessed the
8 methamphetamine with intent to distribute.

9 This inference does not relieve The State from
10 proving beyond a reasonable doubt that The Defendant
11 had the intent to distribute. It is simply an
12 evidentiary fact to be taken into consideration by
13 you along with other evidence in this case and to be
14 given whatever weight you decide it should have.

15 Now, I'm still operating under the
16 lesser-included. But you will have an opportunity to
17 read all this again. Here's the fourth
18 lesser-included. So where are we? We started with
19 trafficking 28 to less than 100 grams. Next, we went
20 to trafficking 10 to 28 grams. Same language in the
21 statute for both of those. Then I went to possession
22 with intent to distribute, which has its own
23 requirements, which I read that to you.

24 Now, we go to what's called just possession,
25 possession of meth. If you find that The State has

1 failed to prove beyond a reasonable doubt that The
2 Defendant is guilty of possession with intent to
3 distribute methamphetamine and you find that The
4 State has not proven the other thing that I just
5 mentioned beyond a reasonable doubt, you may consider
6 whether The State has proved beyond a reasonable
7 doubt that The Defendant is guilty of simple
8 possession of methamphetamine. Simple possession
9 does not require an intent to distribute the
10 methamphetamine. So that's -- so it's just simple
11 possession, having it in your possession.

12 I'm going to read that again to make sure we're
13 clear. If you find The State has failed to prove
14 beyond a reasonable doubt that The Defendant is
15 guilty of possession with intent to distribute
16 methamphetamine or is not guilty of trafficking
17 either 28 grams to 100 grams or 10 to 28 grams, you
18 may find -- may consider whether The State has proved
19 beyond a reasonable doubt whether The Defendant is
20 guilty of simple possession of methamphetamine.
21 Simple possession does not require intent to
22 distribute the methamphetamine.

23 Now, those are the indictments upon which
24 Ms. Rutland is charged. I read to you the law that
25 refers to what's in the indictment. I've, also,

1 given you the law on the lesser-included offenses
2 under that particular code section. You heard some
3 language about constructive versus actual possession.
4 Let me just tell you what the law says about that.
5 There are two kinds of possession recognized in this
6 state, actual possession and constructive possession.
7 Actual possession occurs when the controlled
8 substance is found to be in actual physical custody
9 of the person charged with possession. Constructive
10 possession is when a person has dominion or control
11 or the right to exercise dominion or control over
12 either the object of the premises or upon which the
13 object is located.

14 Let me read that again. Constructive possession
15 is when a person has dominion or control or the right
16 to exercise dominion or control over either the
17 object or the premises upon which object was located.
18 Mere presence of a person in the area where the
19 object is found is not enough in and of itself to
20 prove possession. Proof of possession requires more
21 than proof of mere presence at the place where the
22 controlled substance is found. The State must prove
23 that both the power, that is the actual or
24 constructive control, and the intent to control
25 disposition or use was present.

1 Actual control occurs when the controlled
2 substance is found to be in actual physical custody
3 of the person charged. Constructive control occurs
4 when the person charged with possession has dominion
5 and control over either the controlled substance or
6 the premises upon which the controlled substance is
7 found.

8 Constructive control may be established by
9 circumstantial evidence as well as by direct
10 evidence, which we talked about earlier.

11 Constructive control may be jointly shared by two or
12 more individuals. The mere presence of The Defendant
13 where the controlled substance is found or the mere
14 association by The Defendant with people who possess
15 the controlled substance is insufficient proof that
16 The Defendant himself possessed and controlled the
17 substance. Possession requires more than just
18 presence. All right. I realize that I've said a lot
19 of things.

20 And Mr. Foreman, I will give you all of these
21 documents that I read. All of them will be sent back
22 to you, everything that just came out of my mouth.
23 Mr. foreman, you will be presiding over the
24 deliberations of the jury, which means that you will
25 be in charge. I'm going to -- you will be given the

1 verdict form. And this verdict form says State of
2 South Carolina, County of Pickens, State of South
3 Carolina vs. Brittany Nicole Rutland. Indictment
4 number 2024-GS-39-0457. And it says verdict form.
5 Pay no particular attention how the word guilty or
6 not guilty is put on the paper. I had to put it in
7 some order. So pay no attention to that.

8 This is a form that has a lot of stuff on it,
9 but it's really simple. I'm going to read it to you.
10 It says -- keep in mind, The Defendant is charged
11 under this particular statute right here. So this is
12 the first thing we're going to address. It says, We
13 the jury, as to the Indictment 2024-GS-39-0458, for
14 trafficking methamphetamine, 28 to 100 grams, we
15 unanimously find The Defendant, there will be a line
16 that says guilty or not guilty.

17 Now, if you find The Defendant not guilty of
18 trafficking methamphetamine 28 to 100 grams, then you
19 must consider the lesser-included offense. Now, if
20 you find The Defendant guilty of trafficking
21 methamphetamine 28 to 100 grams, then you just stop
22 there on the first one. But if you find the
23 Defendant not guilty of trafficking methamphetamine
24 28 to 100 grams, then you must consider the
25 lesser-included offense of trafficking

1 methamphetamine 10 to 28 grams. However, if you find
2 The Defendant guilty, then you need not to consider
3 that if you find the first one. If you find The
4 Defendant guilty of trafficking the lesser-included
5 charge of trafficking methamphetamine 10 to 28 grams,
6 there is a line that says guilty or not guilty. If
7 you check one of those, then you stop.

8 If you do not find The Defendant -- if you find
9 The Defendant not guilty of trafficking
10 methamphetamine 28 to 100 grams and you find her not
11 guilty of trafficking methamphetamine 10 to 28 grams,
12 then you must consider the lesser-included offense of
13 possession with intent to distribute methamphetamine.
14 All right. If you find The Defendant guilty of
15 possession with intent to distribute methamphetamine,
16 then you stop. If you don't, then you go to the --
17 if you find The Defendant not guilty of trafficking
18 methamphetamine 20 to 100 grams, you find her not
19 guilty of trafficking methamphetamine 10 to 28 grams,
20 you find her not guilty of possession with intent to
21 distribute methamphetamine, then you go to that last
22 prong, possession of methamphetamine. If you find
23 The Defendant guilty of possession of
24 methamphetamine, you can find her either guilty or
25 not guilty on that offense.

1 So you can, theoretically, go through this
2 entire verdict form and find The Defendant not guilty
3 of anything. However, I went through the
4 lesser-includes. So even though I said a lot, I
5 think this is going to become a lot clearer to you
6 once you take a look at it, put in front of you what
7 I just read, you'll see because it breaks it down.
8 It's really not as complicated as it may appear to
9 be.

10 Then Mr. Foreman, once you and the jury decide
11 -- or reach a verdict, and your verdict must be
12 unanimous, then you will sign the last line that says
13 jury foreperson. It's already dated today,
14 December 11th. Then you will let the bailiffs know
15 that the jury has reached a verdict. And your
16 verdict has to be unanimous. But all you're entitled
17 to is your own individual opinions because you were
18 chosen do that. You have no friends to reward,
19 anything of that nature. No enemies to punish.

20 So I have to confer with the attorneys for just
21 a second before I instruct you when to deliberate.
22 The good news is we will have lunch. You will be
23 deliberating over lunch. I don't know where lunch is
24 coming from. Obviously, something you can eat while
25 deliberating over lunch.

1 So I will give -- the bailiff will give you some
2 instructions when to start your deliberations. Like
3 I said, everything that I just said will be sent back
4 to you along with all those exhibits. If there's
5 anything shown by way of video or whatever that you
6 need to see, Madam Clerk will make it possible for
7 that to happen.

8 Now, if you have any questions once you get back
9 there, you can't send me questions individually,
10 you've got to give it to the foreman. He'll get the
11 question, he'll give it to the bailiff and he will
12 present it to me, then I'll address it. If you have
13 any questions, you may not have any questions. All
14 right.

15 And even though I've got two alternates, I'm
16 going to send you back with the jury for just a
17 second. I may be asking you to come back in just a
18 minute when he comes back. All right. So please,
19 ma'am, please, sir, don't talk about the case to each
20 other. Don't start beginning any deliberations at
21 all. Just go back until I send you some
22 instructions, okay. All right. Be with you shortly.

23
24 (WHEREUPON, the jury left open court at
25 approximately 1:53 p.m.)

1 THE COURT: Okay. All right. Any exception to
2 the charge from The State?

3 MRS. CANCEL: I don't believe so, Your Honor.

4 THE COURT: Any exception to the charge from The
5 Defendant?

6 MRS. WYSE: No, Your Honor.

7 THE COURT: All right. Y'all want to go through
8 --

9 MRS. CANCEL: There's a mistake on the one I
10 sent your law clerk --

11 You fixed it, okay.

12 I had a fixed version in case. There was a
13 mistake on number four.

14 THE LAW CLERK: I switched it.

15 THE COURT: Okay. So what I'm going to do is --
16 y'all want to see what exhibits go back?

17 (WHEREUPON, there was a brief pause in the
18 record as the attorneys reviewed the
19 exhibits.)

20 THE COURT: Let's go back on the record. I
21 don't know the number of this juror, but she says
22 that -- this is what the note says. It was given to
23 me by the foreman -- well, the bailiff gave it to me
24 from the foreman.

25 Carla Cannon needs to get migraine medicine from

1 her car.

2 Y'all good with that?

3 THE BAILIFF: 12312.

4 MRS. CANCEL: Yes, Your Honor.

5 MRS. WYSE: Yes, Your Honor.

6 THE COURT: Can somebody walk her down there?

7 Got anybody that can go down there with her?

8 THE BAILIFF: Yes, Your Honor.

9 THE COURT: All right.

10 Just go ahead and mark this just for the record.

11 (WHEREUPON, Court's Exhibit No. 2 was marked for
12 identification only.)

13 (WHEREUPON, deliberations began at approximately
14 2:03 p.m. and court was in recess awaiting a
15 verdict.)

16 THE COURT: Go back on the record. The State
17 ready?

18 MRS. CANCEL: State's ready, Your Honor.

19 THE COURT: Defendant ready?

20 MRS. WYSE: Yes, sir, we are.

21 THE COURT: All right. Bring them out.

22 (WHEREUPON, the jury entered open court at
23 approximately 3:51 p.m.)

24 THE COURT: All right. Mr. Foreman, our bailiff
25 has informed me that the jury has reached a verdict;

1 is that correct?

2 VERDICT

3 MR. FOREMAN: Yes, sir, we have.

4 THE COURT: All right, if you'll pass the
5 verdict form to the bailiff.

6 THE CLERK: The State of South Carolina vs.
7 Brittany Nicole Rutland, as to the Indictment
8 2024-GS-39-0458 -- we, the jury, as to the Indictment
9 2024-GS-39-0458 for trafficking methamphetamine 28 to
10 100 grams unanimously find The Defendant guilty.

11 Ladies and gentlemen of the jury, is this your
12 verdict and is still your verdict, so say you all by
13 raising your right hand.

14 (WHEREUPON, all members of the jury raised their
15 right hand.)

16 THE COURT: All right, ladies and gentlemen of
17 the jury, I want to thank for your service this week.
18 You've been very attentive. I believe I speak on
19 behalf of both sides that we appreciate your service.
20 And I hope if you ever get an opportunity to serve as
21 a juror again that you jump at the opportunity. Even
22 though our paths may not cross again, I wish all of
23 you a happy holidays and God bless.

24 You can just follow the bailiff and they will
25 let you out. We do not have another trial this week,

1 so your jury service this week has been completed.

2 All right, thank you.

3 (WHEREUPON, the jury left open court at
4 approximately 3:53 p.m.)

5 SENTENCING

6 THE COURT: All right, anything from The State
7 or Defense before sentencing?

8 MRS. CANCEL: Not at this time, Your Honor.

9 MRS. WYSE: Nothing from The Defense, Your
10 Honor.

11 THE COURT: All right. Would you bring
12 Ms. Rutland, approach?

13 MRS. CANCEL: Your Honor, we do have the
14 certified prior conviction if you want to make that a
15 Court's Exhibit.

16 THE COURT: Yeah, let's do that.

17 (WHEREUPON, Court's Exhibit No. 3 was marked for
18 identification only.)

19 THE COURT: Okay. I'll hear from you.

20 MRS. CANCEL: Your Honor, at this time, we would
21 leave mainly in the Court's discretion. However, The
22 State would ask for maximum time.

23 MRS. WYSE: Thank you, Your Honor. May it
24 please The Court. As you heard from The Defendant on
25 the witness stand, she is 33 years old. She did get

1 a GED. She does have a prior conviction for
2 possession of methamphetamine, that is why this is a
3 trafficking methamphetamine second.

4 Judge, she has not gotten into trouble since
5 this event occurred in 2022. She asked me if she
6 could go to rehab. When she told me that it was out
7 of state, I told her that she would not be allowed to
8 leave the state. This information was given to me
9 after she last rejected her plea offer. And I told
10 her that I knew she was going to be placed on the
11 trial docket soon.

12 And, Judge, prior to the possession of
13 methamphetamine conviction, she had, I think, two
14 prior convictions for possession of marijuana. But
15 those were back, like, 2010, perhaps, 2012. So as
16 far as a drug history is concerned, it is very, very
17 light.

18 As stated, she has not been in trouble since
19 this occurred. She did cooperate with law
20 enforcement. She certainly didn't make any outburst
21 during this court proceeding. She did show up as
22 well, Your Honor, she conducted yourself in a very
23 professional manner.

24 Judge, I ask that you take mercy on her. She's
25 an addict. At the end of the day, she is an addict.

1 And I would ask that you take that into
2 consideration, particularly, since she's so young.
3 And she started doing drugs when she was 14. And
4 that you would take that into consideration. I ask
5 that you would just give her the minimum amount of
6 time. I would ask that you, also, put ATU on the
7 sentencing sheet as part of her sentence at SCDC.
8 Judge, she needs help and she acknowledges that.

9 THE COURT: All right.

10 MRS. CANCEL: Prior record, Your Honor?

11 THE COURT: Yeah.

12 MRS. CANCEL: Yes, Your Honor, this Defendant
13 does have a significant history of arrests. A lot of
14 them were nonconvictions. However, her convictions
15 date back to 2009 for shoplifting; 2010, two counts
16 of shoplifting, public disorderly conduct; 2011,
17 public disorderly conduct; 2014, possession of drug
18 paraphernalia, possession of marijuana; 2015,
19 possession of marijuana, public disorderly conduct;
20 2019, unlawful conduct toward a child, which was in
21 relation to a child testing positive for
22 methamphetamine. Her child, Your Honor. In 2022,
23 possession of methamphetamine, that conviction was
24 from November 7th, just a short period of time prior
25 to this arrest.

1 THE COURT: All right.

2 MRS. WYSE: Judge, if I may in my response to
3 the unlawful conduct towards a child, we did speak
4 about that. And, Your Honor, I know that you were
5 formally a Family Court Judge. She did not -- she
6 recognized that she was not a fit mother and her
7 sister adopted the child. She did not try to act as
8 if she could get her life together or string her
9 daughter through a long lengthy DSS or Family Court
10 process. She did quickly give her up for adoption to
11 her sister.

12 THE COURT: Uh-huh.

13 What jail credits does she have?

14 MRS. CANCEL: Your Honor, I don't think she has
15 much. It's nine days.

16 THE COURT: Do you disagree with that?

17 MRS. WYSE: No, that's correct, Your Honor.

18 THE COURT: Ms. Rutland, anything you want to
19 tell me?

20 MS. RUTLAND: Please have mercy on me. I am an
21 addict, I do want to get help. I understand that --
22 I didn't mean to take it to trial, but it's done now.
23 I just really don't know what to say. I want to get
24 my life together. Now, I'm going to get my life
25 together. I just beg that you please have mercy on

1 me.

2 THE COURT: What happened with the 2022?

3 MRS. CANCEL: She had gotten three years
4 suspended to 18 months probation.

5 THE COURT: That's what you gave me?

6 MRS. CANCEL: That's the conviction that we gave
7 you. That was the three years suspended to 18 months
8 probation that she had been on for merely days prior
9 to this arrest.

10 THE COURT: Okay. Anything further from anyone?

11 MRS. WYSE: No, Your Honor.

12 MRS. CANCEL: That was a reduction, Your Honor,
13 that plea, from a PWID.

14 THE COURT: Uh-huh.

15 All right. Ms. Rutland, of course, I want to
16 say you have fine lawyers, you, Ms. Wyse. One of the
17 things that I said when I took this job almost 17
18 years ago, I said it 17 and a half years ago and I
19 say it again and I've stood by that. And I don't
20 waiver no matter how much the wind blows or where I
21 go, I always thought and still do think that The
22 Court needs to consider three things when they
23 sentence an individual, irregardless of what the
24 criminal offense is. One is the nature of the
25 offense. And in parentheses, what that is is danger

1 to community, danger to one's self. That's the
2 nature of the offense, that's number one. Number two
3 is I always think that The Court needs to look at and
4 see whether the offense upon which The Defendant is
5 charged, whether's rehabilitative proof at all. And
6 thirdly, I think The Court, also, needs to give some
7 deference, some consideration to recidivism. I make
8 no apologies during the 17 and a half years that I've
9 done this.

10 You know, I'm not a storage box Judge. A
11 storage box Judge is a Judge who just issues time and
12 don't think about any of those three things. I think
13 there's some redemptive quality -- drug addiction is
14 real, it's real. And 17 and a half years that I've
15 been sitting up here on both courts and presiding
16 over juvenile drug court for 13 years, I know
17 addiction is real. I know that people go through
18 stuff. And it's a tough road.

19 And I think when you told that jury, Counsel,
20 that if Ms. Rutland doesn't do better over the years,
21 she won't be standing before me or anybody because
22 that's not the road that she's going to travel. But
23 I firmly believe that she is -- has an addiction
24 problem that I hope that she, for her own safety,
25 gets ahold of.

1 So madam solicitor, I'm not inclined to give
2 this young lady the maximum sentence. And I
3 appreciate you asking me, but I'm not going to do
4 that.

5 On Indictment ending in 0045 emanating out of
6 Pickens County, the sentence of The Court is that
7 you, Ms. Brittany Nichole Rutland, be sentenced to
8 the minimum sentence I can give you under the
9 statute. The minimum sentence that I can give you is
10 seven years. I don't have a choice based on -- the
11 statute ties my hands. But it does allow me to give
12 the minimum sentence, which I'm going to do, which is
13 the minimum sentence I can give you.

14 Now, what am I doing? I'm giving you a chance.
15 I wrote ATU on the sentencing sheet. That way when
16 you go through the department of corrections, there
17 will be a program you can afford yourself in. You're
18 a very young lady. You're only 32 years of age. You
19 need to get this together, but it's going to be up to
20 you. It's going to be up to you. Our paths may
21 never cross again, you may never see me again, but if
22 you don't remember anything that I've told you is
23 that where you go from here when you get out of
24 prison is going to be left up to you. And if don't
25 get it together, then maybe -- I hope that you don't

1 wind up like counsel said. But you can't continue to
2 do this.

3 Let me tell you what happens. When you continue
4 to climb the drug ladder, the way our statutes are
5 constructed, the way our legislators have constructed
6 the laws, you could wind up with life in prison with
7 no possibility of parole. And there's going to be
8 some judge sitting up here that's going to give you
9 that because their hands are tied. They would have
10 no discretion, none, if you continue to do or get
11 involved in these kinds of things.

12 I hope I reached home. I hope I hit a nerve. I
13 don't always hit a nerve, but hope I did. But
14 anyway, that's what I'm going to do. And I wish you
15 well.

16 MRS. CANCEL: Your Honor, if we may, can we put
17 on the record and the \$50,000 fine? I think that
18 that's mandated and we would have to bring her back
19 otherwise.

20 THE COURT: Yeah, yeah, yeah, you're right. I
21 got to do that. She won't --

22 MRS. CANCEL: I understand the complications to
23 it.

24 THE COURT: You know, what the problem is -- you
25 know, I'm going to do that, but the problem I have

1 with that is I have not yet seen a defendant who was
2 given a mandatory minimum and you stack a fine like
3 that -- when you get out, The Defendant's not going
4 have \$50,000, they don't have that. So you bring
5 them back before The Court for somebody to deal with
6 that. But you know what, I don't make the laws.
7 They tell me all I got to do is sit up here.

8 So I've got to give you a \$50,000 fine, ma'am.
9 My hands are tied as well. So seven years and --

10 What's the fine?

11 MRS. CANCEL: \$50,000, Your Honor.

12 THE COURT: And the payment of \$50,000 fine. I
13 don't have any control over that part of it. But I
14 wish you well.

15 Okay, anything else?

16 MRS. CANCEL: Nothing from The State. Thank
17 you, Judge.

18 MRS. WYSE: Thank you, Your Honor.

19 THE COURT: Okay, here you go.

20 (WHEREUPON, the proceedings were concluded.)
21
22
23
24
25

WITNESSES

Pickens County Sheriff's Office

11/19/2022

Presenting Officer K. Clout

Date: 2-27-24

ARREST WARRANT NUMBER

2022A3910101146

ACTION OF GRAND JURY

TRUE BILL

Date 127 FEB 2024

Bena Holcombe
Foreperson of Grand Jury

VERDICT

Guilty

Ellen M. Hoffard
Foreperson of Petit Jury

Date: 12/11/2024

DOCKET NO. 2024-GS-39-SSO

0458

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

FEB 27 2024

TERM 2024

THE STATE

vs.

BRITTANY NICOLE RUTLAND

Indictment for

0389

TRAFFICKING METHAMPHETAMINE

VIOLATION § 44-53-0375

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
TRAFFICKING METHAMPHETAMINE

At a Court of General Sessions, convened on

FEB 27 2024 the Grand Jurors of Pickens

County present upon their oath:

That BRITTANY NICOLE RUTLAND did in Pickens County, on or about the November 19th, 2022, knowingly sell, manufacture, deliver or bring into the State of South Carolina or did knowingly provide financial assistance or otherwise aid, abet, attempt or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than over 28 grams but less than 100 grams grams of Methamphetamine. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

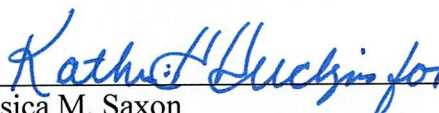
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Shirley S. Odom
SOLICITOR BAR # 77891

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

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This 22nd day of June, 2026.

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