

SUPREME COURT OF SOUTH CAROLINA

Rutland v. State

415 S.C. 570 (2016) · No. 2014-000381 · Decided March 30, 2016

SUMMARY

The South Carolina Supreme Court reversed the denial of Fred R. Rutland’s application for post-conviction relief. The court held that trial counsel was ineffective for failing to impeach the State’s key witness with prior inconsistent statements concerning whether the victim was armed, and that the omission prejudiced Rutland because the witness’s credibility was central to his self-defense claim.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Pleicones; Justice Beatty; Justice Few; Justice Hearn; Justice Kittredge
JURISDICTION	South Carolina
DECIDED	March 30, 2016
DOCKET	2014-000381
DISPOSITION	reversed
PROCEDURAL POSTURE	Petition for a writ of certiorari seeking review of an order denying post-conviction relief.
STANDARD OF REVIEW	The court upheld factual findings of the PCR court if supported by any evidence of probative value, but would not uphold findings unsupported by such evidence. The ultimate ineffective-assistance determination applied the Strickland deficient-performance and prejudice standards.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Fred R. Rutland v. State of South Carolina

TOPICS

- state post-conviction relief
- ineffective assistance
- sixth amendment
- impeachment
- appellate procedure

PRACTICE AREAS

- criminal post-conviction relief
- ineffective assistance of counsel
- criminal procedure
- evidence

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to cross-examine the State's key witness regarding her prior inconsistent statements that the victim was armed.
2. Whether trial counsel was ineffective for failing to preserve for appellate review the trial court's refusal to charge the jury on the defense of others.

HOLDINGS

1. Trial counsel's failure to cross-examine the State's only disinterested eyewitness about prior inconsistent statements was deficient and prejudicial under Strickland because there was a reasonable probability that effective impeachment would have changed the outcome of the trial or undermined confidence in the verdict.

KEY QUOTATIONS

“In order to prove trial counsel was ineffective, the PCR applicant must show: (1) counsel's performance was deficient; and (2) there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different.”

“As a result, we find there is a reasonable probability the outcome of the trial would have been different had trial counsel impeached Kestner, as her prior inconsistent statements demonstrate all three witnesses to the incident attested at some juncture the victim was armed at the time of the shooting.”

FACTUAL BACKGROUND

Rutland shot and killed the victim inside a pet-grooming business after an earlier altercation involving the victim and the victim's estranged wife, Sally Peele. Rutland and Peele testified that the victim entered the business, drew and fired a handgun, and that Rutland shot him in self-defense. The State's only disinterested eyewitness, Kimberly Kestner, testified at trial that she never saw the victim with a gun, despite having previously stated in a signed statement to law enforcement and to a newspaper reporter that the victim was armed. Trial counsel knew of those inconsistent statements but failed to use them during cross-examination.

PROCEDURAL HISTORY

Rutland was convicted of murder, possession of a firearm during the commission of a violent crime, and pointing a firearm, and received a sentence of life imprisonment without parole. The Supreme Court of South Carolina affirmed his convictions and sentences on direct appeal. After the PCR judge denied relief, the court granted certiorari on whether trial counsel was ineffective for failing to impeach the State's key witness with prior inconsistent statements and for failing to preserve a jury-instruction issue; the court resolved the first issue and reversed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The PCR judge's order denying post-conviction relief was reversed. The source does not state additional remand instructions.

CASES CITED

- State v. Rutland, Op. No. 95-MO-263 (S.C. Sup. Ct. filed Aug. 25, 1995)
- Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 518 S.E.2d 591 (1999)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Ard v. Catoe, 372 S.C. 318, 642 S.E.2d 590 (2007)
- Webb v. State, 281 S.C. 237, 314 S.E.2d 839 (1984)
- Holland v. State, 322 S.C. 111, 470 S.E.2d 378 (1996)
- Cartrette v. State, 323 S.C. 15, 448 S.E.2d 553 (1994)
- McHam v. State, 404 S.C. 465, 746 S.E.2d 41 (2013)
- Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985)
- Hill v. Lockhart, 474 U.S. 52, 57 (1985)
- Rhodes v. State, 349 S.C. 25, 561 S.E.2d 606 (2002)
- Thomas v. State, 308 S.C. 123, 417 S.E.2d 531 (1992)
- State v. Blassingame, 271 S.C. 44, 244 S.E.2d 528 (1978)

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