

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Brett Gard
Age: 19
City and State of residence: Canton, SD
Criminal File Number: 14-015
Convicted of: Ingestion (M1) 22-42-15 and Possession of Drug Paraphernalia (M2) 22-42A-3
Date of Sentence: May 30, 2014
Arresting Officer: Trooper Matthew Niles, South Dakota Highway Patrol

Case Synopsis:

On the night of November 26, 2013 Trooper Matthew Niles observed a gray Volkswagen, and he noticed the noise coming from the vehicle's exhaust was much louder than that of normal vehicles in traffic. Trooper Niles pulled the car over, and observed three men in the car, one of whom was Brett Gard. While Trooper Niles was waiting for the driver to produce his driver's license and proof of insurance he noticed a strong odor of cologne and air freshener coming from the vehicle. Trooper Niles asked the driver of the car to accompany him in the patrol car. While Trooper Niles was talking to the driver he noticed the driver's eyes were red, his pupils were dilated, and his actions and speech were somewhat slow. Furthermore, Trooper Niles could smell the odor of marijuana coming from the driver's person. Trooper Niles asked the driver if there was marijuana in the car twice. The driver answered no both times, but he did admit that he had smoked marijuana twenty minutes earlier. Trooper Niles then spoke to Brett Gard and the other occupant of the vehicle. Trooper Niles asked Gard and the other occupant if there was anything in the car. They both answered no, but they also admitted to smoking marijuana earlier that night. When Trooper Niles asked them if they had anything in the car the second time Gard said they did have stuff in the back seat; Gard then handed Trooper Niles a pipe, lighter, vaporizer, and a small amount of marijuana. Trooper Niles placed all three men under arrest, completed an inventory check of the car, and found another pipe along with a small amount of marijuana in a Tupperware container under the driver's seat.

Sentencing Synopsis:

On the charge of Ingestion Brett Gard was sentenced to pay, among other costs, a \$300.00 fine.

On the charge of Possession of Drug Paraphernalia Brett Gard was sentenced to pay court costs.

Criminal History:

These are Brett Gard's second and third career misdemeanors resulting from drug use.