

**RECEIVED**

**Aug 24 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
General Sessions Court  
The Honorable J. Derham Cole, Circuit Court Judge

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Appellate Case No. 2019—001570

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State of South Carolina.....Respondent,

vs.

Devin Zachary Elijah Ruttle.....Appellant.

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**MOTION FOR EXTENSION OF TIME TO FILE**

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Appellant hereby moves the Court for a Fifteen (15) day extension of time in which for Appellant to file his Initial Brief and the Designation of Matter to be Included in the Record on Appeal.<sup>1</sup> This Motion is being made in good faith and for good cause based on the extraordinary circumstances surrounding this Appeal and the proper preparation and presentation of all of the dispositive issues raised hereby. Although undersigned counsel has successfully completed the briefing of most of the issues to be presented to the Court since the recent receipt of the transcript of the hearing on Appellant’s Motion for New Trial, in light of the substance of the most recent

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<sup>1</sup> This is the first extension requested by undersigned counsel, however three prior extensions were initially granted to the Appellate Division of the South Carolina Commission on Indigent Defense, who was Appellant’s original appellate counsel. Accordingly, undersigned counsel understands any subsequent extensions would only be available based on extraordinary circumstances pursuant to the South Carolina Supreme Court’s Order regarding Extension Requests in Criminal Direct Appeals.

Order of Judge Cole denying Appellant's Motion for New Trail and undersigned counsel's review and analysis of the Transcript, additional issues have arisen that both required additional information to be obtained from the Spartanburg County Clerk of Court's Office and that have further expanded the breadth of research essential and necessary to the proper presentation of this Appeal and the Record on Appeal to the Court.<sup>2</sup> Undersigned counsel has received the additional information requested from the Spartanburg County Clerk of Court's Office concerning the juror misconduct issue and has completed all necessary research, such that undersigned counsel expects to have the Initial Brief and Designation of Matter to be Included in the Record on Appeal ready for service and filing within the next ten (10) days . Despite the depth and breadth of the issues included in Appellant's Brief, Counsel for Appellant is confident that the extension hereby requested will be sufficient for completion of the drafting process.

This Motion is not interposed for purposes of delay, but is necessary for the appropriate development of the Appeal. Counsel for Appellant has spoken with Assistant Deputy Attorney General Melody Brown who has consented to Appellant's Motion for Extension of Time to File.

Undersigned counsel respectfully requests that the deadline for the filing of Appellant's Initial Brief and the Designation of Matter to be Included in the Record on Appeal be stayed pending a ruling on this Motion.

***[Signature Block on Following Page]***

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<sup>2</sup> The briefing process has been further complicated by the amount of material involved in this appeal, which includes not only the Trail transcript, but also extensive transcripts of the Immunity Hearing and the Motion for New Trail.

I SO MOVE:

s/Christopher T. Brumback

Christopher T. Brumback  
Brumback & Langley, LLC  
531 South Main Street, Suite 307  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)  
chris@brumbacklangley.com

I SO MOVE:

s/Spencer D. Langley

Spencer D. Langley  
Brumback & Langley, LLC  
531 South Main Street, Suite 307  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)  
spencer@brumbacklangley.com

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**PROOF OF SERVICE**

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I certify that I have filed with the Court of Appeals and served Appellant's Motion for Extension of Time to File on Respondent's attorney, Melody J. Brown, by email, mbrown@scag.gov, on August 24, 2022.

Respectfully submitted,

BRUMBACK & LANGLEY, LLC

s/Christopher T. Brumback  
Christopher T. Brumback / S.C. Bar No. 75410  
Spencer D. Langley / S.C. Bar No. 77898  
531 South Main Street, Suite 307  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)