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Dec 07 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Spartanburg County  
The Honorable J. Derham Cole, Circuit Court Judge

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THE STATE,

Respondent,

v.

DEVIN ZACHARY ELIJAH RUTTLE,

Appellant.

Appellate Case No. 2019-001570

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**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to this request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Monday, December 7, 2022 as per this Court's Order dated November 7, 2022 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since November 7, 2022. Specifically,

1. Counsel filed the *Final Brief of Respondent* in the matter of The State vs. Mark Robert Volstromer, Appellate Case No. 2021-000676, a murder appeal matter now pending before the South Carolina Court of Appeals on November 8, 2022;

2. Counsel prepared for and presented a three-hour CLE Course to the South Carolina Bar on November 10, 2022.

3. Pursuant to the Honorable Kaymani D. West's Order (ECF 34) Counsel prepared and filed a *Status Report* in the matter of Corey L. Rutledge, #246149 v. Warden of Georgetown County Detention Center, Case No. 5:22-cv-1645-BHH-KDW on November 14, 2022;

4. Counsel has been out on extended medical leave;

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Re-Brief of Respondent and Designation of Matter. Opposing Counsel has agreed to all extensions through March 31, 2022. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General


JULIANNA E. BATTENFIELD  
Assistant Attorney General  
Fed. ID No. 13441

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By: s/Julianna E. Battenfield  
Julianna E. Battenfield  
ATTORNEYS FOR RESPONDENT

December 7, 2022.

I support the finding of good cause

By:   
for MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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I, Julianna E. Battenfield, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's third Motion for Extension to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, Christopher T. Brumback, Esq., via email today, December 7, 2022 to [chris@brumbacklangley.com](mailto:chris@brumbacklangley.com), and Spencer Langley, Esq., to [spencer@brumbacklangley.com](mailto:spencer@brumbacklangley.com).

I further certify that all parties required by Rule to be served have been served.

This 7<sup>th</sup> day of December 2022.

*s/Julianna E. Battenfield*  
Julianna E. Battenfield  
Assistant Attorney General  
Fed. ID No. 13441

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Wednesday, December 7, 2022 11:12 AM  
**To:** chris@brumbacklangley.com  
**Cc:** spencer@brumbacklangley.com; Julianna Battenfield  
**Subject:** Devin Zachary Elijah Ruttle - Appellate Case No. 2019-001570 - Third Extension to file Initial Brief and Designation of Matter  
**Attachments:** Third Extension Proof of Service, 12-7-22, Devin Ruttle (03170476xD2C78).pdf  
**Follow Up Flag:** Worldox

Dear Mr. Brumback,

Thank you again for your understanding and consent to a third Motion for Extension to file the Initial Brief and Designation of Matter. Please find attached the Motion, along with the Proof of Service. These documents will be filed with the South Carolina Court of Appeals today, Wednesday, December 7, 2022 along with a copy of this email. We wish for you and yours a Happy Holiday Season.

Sincerely,

Brandy Rankin

Legal Assistant to Julianna E. Battenfield  
Office of the South Carolina Attorney General  
P. O. Box 11549  
Columbia, South Carolina 29211

