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Jan 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

DEVIN ZACHARY ELIJAH RUTTLE,

Appellant.

Appellate Case No. 2019-001570

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. Opposing counsel has been contacted about this extension 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, Friday, January 6, 2023, as per this Court's Order dated December 9, 2022, granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 9, 2022. Specifically:

1. Counsel filed the *Response in Opposition to Motion for Bond* in the matter of Carnie Norris v. Charles Williams, Warden, C/A No. 8:21-cv-3353-MGL-JDA, on December 12, 2022, a federal habeas matter pending in the District Court;
2. Counsel filed the *Motion to Dismiss* with attachments in the matter of Carnie Norris v. Charles Williams Warden, on December 21, 2022, C/A No. 8:21-cv-03353-MGL-JDA, a federal habeas matter pending in the District Court;
3. Counsel has been out on extended medical leave;
4. Counsel has been working to complete and file the *Initial Brief and Designation of Matter* in the matter of The State v. Tiesh Rhue a case pending in this Court and which is on fourth extension.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. 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
S.C. Bar No. 14244

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

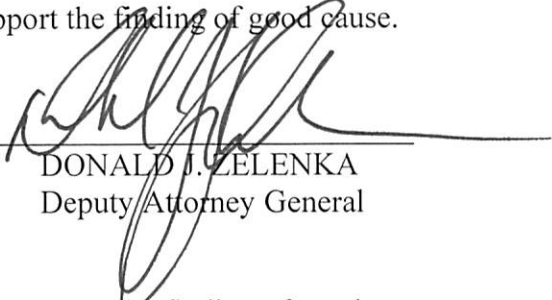
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: s/Julianna E. Battenfield
Julianna E. Battenfield

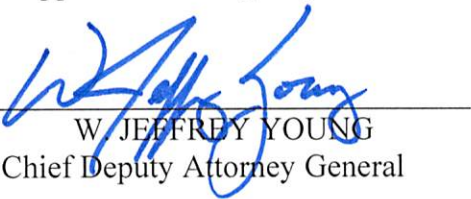
ATTORNEYS FOR RESPONDENT

January 6, 2023
Columbia, South Carolina

I support the finding of good cause.

By: 
DONALD J. ZELENSKA
Deputy Attorney General

I too support the finding of good cause.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

DEVIN ZACHARY ELIJAH RUTTLE,

Appellant.

Appellate Case No. 2021-001570

PROOF OF SERVICE

I, Julianna E. Battenfield, as counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the fourth extension of time to file 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, January 6, 2023 to chris@brumbacklangley.com, and Spencer Langley, Esq., to spencer@brumbacklangley.com.

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

This 6th day of January 2023.

s/Julianna E. Battenfield
Julianna E. Battenfield
Assistant Attorney General

Brandy Rankin

From: Brandy Rankin
Sent: Friday, January 6, 2023 8:33 AM
To: chris@brumbacklangley.com
Cc: Julianna Battenfield; spencer@brumbacklangley.com
Subject: Fourth Extension - Devin Zachary Elijah Ruttle - Appellate Case No. 2019-001570
Attachments: Signed - Fourth Motion for Extension to file IBOR DOM, 1-6-23, Devin Ruttle (03188674xD2C78).pdf

Follow Up Flag: Worldox

Dear Mr. Brumback,

Happy New Year! Please find attached the Respondent's Fourth Motion for Extension in the above captioned case. This document will be filed today, Friday, January 6, 2023 with the South Carolina Court of Appeals along with a copy of this email.

Sincerely,

Brandy Rankin

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





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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 6, 2023

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State v. Devin Zachary Elijah Ruttle*
Appeal from Spartanburg County
Appellate Case No. 2019-001570

Dear Ms. Kitchings:

Enclosed for filing please find attached the Fourth Extension Request to file the Initial Brief of Respondent, Designation of Matter, together with Proof of Service in the above-referenced case. Also enclosed is the Email Proof of Service. If you should have any questions, please feel free to contact me.

Sincerely,

s/Julianna E. Battenfield
Julianna E. Battenfield
Assistant Attorney General

JEB/bbr
Enclosures

cc: Christopher T. Brumback, Esquire (via email only)
Spencer Langley, Esquire (via email only)