

**RECEIVED**

**Feb 17 2023**

**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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**REQUEST TO FILE OUT OF TIME/MOTION FOR EXTENSION OF TIME TO FILE**

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Appellant hereby moves the Court for permission to file a Reply to Respondent’s Brief (“Reply”) and a Return to Respondent’s Motion to Strike (“Return”) out of time and for a Ten (10) day extension of time in which to file the Reply and Return.<sup>1</sup> This Motion is being made in good faith and for good cause based on the extraordinary circumstances. My wife and I are presently going through In vitro fertilization (IVF) and sadly we found out last week that we lost the pregnancy. This has been an incredibly trying experience and consequently undersigned counsel mistakenly looked at the email from ctappfilings@sccourts.org on February 7, 2023 when calculating the ten day response period instead of Ms. Battenfield’s email from the 6th serving Respondent’s Brief and Motion. Consequently, undersigned counsel respectfully requests

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<sup>1</sup> This is the second extension requested by undersigned counsel since this case was returned from the trial court following denial of Appellant’s Motion for New Trial.

permission to file a Reply and Return out of time. To the extent the Court permits Appellant to file a Reply and Return out of time, undersigned counsel also requests an extension of Ten (10) days to file the Reply and Return.

This Motion is not interposed for purposes of delay, but is necessary and appropriate for the proper presentation of the Appeal to the Court. Counsel for Appellant has spoken with Assistant Deputy Attorney General Julianna E. Battenfield who has graciously consented to Appellant's Request to File Out of Time and Motion for Extension of Time to File.

I SO MOVE:

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s/Christopher T. Brumback  
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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 Request to File Out of Time/Extension of Time to File on Respondent’s attorney, Julianna E. Battenfield, by email, JuliannaBattenfield@scag.gov, on February 17, 2023.

Respectfully submitted,

BRUMBACK & LANGLEY, LLC

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