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May 02 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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

Appellate Case No. 2019—001570

State of South Carolina.....Respondent,

vs.

Devin Zachary Elijah Ruttle.....Appellant.

**MOTION TO REVISE APPELLANT’S BRIEF IN LIGHT ORDER GRANTING  
MOTION TO STRIKE MATERIAL FROM THE RECORD ON APPEAL AND TO FILE  
AND SERVE AN AMENDED INITIAL BRIEF**

Appellant hereby moves the Court to permit Appellant to revise his Initial Brief of Appellant that was filed and served on September 5, 2022 in light of the Court’s recent Order granting Respondent’s Motion to strike material from the Record on Appeal. After filing an amended Designation of Matter to be included in the Record on Appeal and commencing work on compiling the Record on Appeal pursuant to Rule 210, SCACR, and initial work on finalization of Appellant’s Brief pursuant to Rule 211, SCACR, undersigned counsel determined that the Court’s grant of Respondent’s Motion to Strike necessitates revisions to the portions of Appellant’s Brief that reference and are supported by the documentation that has now been removed from the Record on Appeal. The purpose of Appellant’s request for leave to revise his

Initial Brief and file an Amended Initial Brief is to ensure that Appellant's Brief complies with the Appellate Court Rules, properly presents Appellant's arguments and positions, and is properly supported by the Record on Appeal to ensure that this Honorable Court can efficiently, effectively, and meaningfully review this appeal. Undersigned counsel does not expect substantial substantive changes to Appellant's Brief or the arguments contained therein. However, the removal of particular documentation from the Record on Appeal dictates that the facts supported by those documents must be approached and presented to the Court in a different manner to ensure that all facts that support Appellant's position are properly before this Court and may be appropriately considered in the review of this appeal. Undersigned counsel affirmatively believes that making the necessary changes to Appellant's Brief, filing an Amended Initial Brief with the Court, and serving the same upon Respondent's Counsel can be accomplished in a minimal amount of time. Accordingly, if the Court grants this Motion, undersigned counsel requests that Appellant be granted seven (7) days from receipt of the Court's Order to revise, file, and serve an Amended Initial Brief. This Motion is made in good faith and for good cause to ensure that Appellant's appeal is properly presented to the Court and complies with the South Carolina Appellate Court Rules in substance and in form. Given the impact this Motion potentially has on upcoming deadlines in this case, Appellant respectfully requests that any filing deadlines be held in abeyance pending resolution of this Motion.

Undersigned counsel has conferred with Respondent's counsel, Julianna Battenfield, and Ms. Battenfield has graciously consented to Appellant's request to file and serve an Amended Initial Brief revising those portions of Appellant's Brief that are impacted by the Order striking certain materials from the Record.

I SO MOVE:

BRUMBACK & LANGLEY, LLC

s/Christopher T. Brumback

Christopher T. Brumback/S.C. Bar No. 75410

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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 to Revise Appellant’s Initial Brief and to file and serve an Amended Initial Brief on Respondent’s attorney, Julianna E. Battenfield, by email, JuliannaBattenfield@scag.gov, on May 2, 2023.

Respectfully submitted,

BRUMBACK & LANGLEY, LLC

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