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Jun 24 2025

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In the Supreme Court

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

Appellate Case No. 2025-000404

State of South Carolina.....Respondent,

vs.

Devin Zachary Elijah Ruttle.....Appellant.

MOTION FOR EXTENSION OF TIME TO FILE

Petitioner hereby moves the Court for a Thirty (30) day extension of time in which for Petitioner to file his Petition for Certiorari and Appendix. This Motion is being made in good faith and for exceptional cause due to 1) an unexpected staffing change at undersigned counsel’s current employer during the last Thirty (30) days, and 2) an emergent and unforeseeable event that transpired in my area of responsibility in the last week that has required undivided and immediate attention.¹ As previously noted, this appeal raises novel issues of law in light of the Supreme Court’s recent decision in State v. Rowell, 444 S.C. 109, 906 S.E.2d 554 (2024) and

¹ As previously indicated, undersigned counsel is no longer in private practice and has taken an in-house counsel role with a Greenville-based international company. Accordingly, undersigned counsel does not have control over staffing decisions. Undersigned counsel’s employer is still supportive of counsel’s continuation of this representation, however the recent and unexpected events identified herein have certainly resulted in an unavoidable change in circumstances over which counsel had no control.

clear errors of law in light of State v. Andrews, 427 S.C. 178, 181, 830 S.E.2d 12, 13 (2019) which undersigned counsel has continued to diligently research, work on, and incorporate into the presentation of this appeal. However, after submitting on March 24, 2025 Petitioner's Motion to Suspend Appeal and Remand for Proceedings Consistent with State v. Rowell, or, Alternatively, for Extension of Time to File, and expecting it to be sufficient to complete and file Petitioner's Petition for Certiorari and Appendix, my longtime and sole paralegal retired on May 30, 2025. As a result of this unexpected and extraordinary development, I not only no longer had the assistance of my paralegal on all matters for which I am responsible, but also I was inundated with taking over, getting up to speed on, and performing any immediately necessary action items for many of the responsibilities with which my paralegal was charged. In addition to the unexpected retirement of my paralegal, which was announced only shortly before taking effect, there has been an unforeseen emergency within my area of responsibility that has required immediate and undivided attention, in the absence of which significant detriment would result and be experienced. Had the deadline for submission of Petitioner's Petition for Certiorari and Appendix preceded these unforeseeable events, undersigned counsel fully believes that the requested extension would not have been necessary. However, due to the occurrence of these exceptional and unforeseen events occurring contemporaneously with the Court's recent decision on Petitioner's Motion to Suspend Appeal and Remand for Proceedings Consistent with State v. Rowell, or, Alternatively, for Extension of Time to File, undersigned counsel respectfully requires the requested extension to finish the drafting process, to properly present to the Court the issues of law that are central to this appeal, and to ensure the administration of justice. State v. Thompson, 122 S.C. 407, 115 S.E. 326, 335 (1922) (granting relief to criminal defendant

where the “issue to the defendant [was] life and death” and the “defendant was induced by reliance on [a subsequently overturned decision]” and to deny the defendant relief would be contrary to “in favored vitae,” and the “administration of justice”). This Motion is not interposed for purposes of delay, but is the result of the unforeseen, unexpected, and emergent events and is necessary for the appropriate development of the appeal.

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