

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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

Appellate Case No. 2025—000404

State of South Carolina.....Respondent,

vs.

Devin Zachary Elijah Ruttle.....Petitioner.

MOTION TO FILE OUT OF TIME

Appellant hereby moves the Court for permission to file a Petitioner's Petition for Writ of Certiorari ("Petition"), which is being submitted to the Court contemporaneously with this Motion, out of time. This Motion is being made in good faith and for good cause and is in the interest of justice. As mentioned in undersigned counsel's June 24 request for extension, in addition to unexpectedly taking on for the foreseeable future many of the responsibilities of my paralegal who retired on May 30, 2025, I have been overwhelmed with assisting in the response to an emergency that transpired at one of my new employer's production facilities. At the time of my June 24 request for extension, I did not feel at liberty to share the specifics of the event due to it having just transpired. Subsequently the incident has been reported on in the news, and, accordingly, I can now share that the emergency in question was an accident that resulted in the death of one of our employees. Understanding the additional time required to assist in the response to the tragic loss of our employee, above and beyond the other additional responsibilities that I have recently taken on following my paralegal's retirement, was the reason that I requested a full 30 days to complete the Petition. Since receiving the shorter extension, I have been feverishly working on the Petition in an effort to complete

it by the shorter deadline. Unfortunately, and despite my best efforts, I was unable to do so. However, after working through the night until 5:30 a.m. yesterday and until 4:00 a.m. today, July 19, 2025 I have completed and submitted the Petition for the Court's consideration. Since leaving my firm, I have continued working on this appeal in a pro bono capacity simply out of a desire to provide a continuity of representation to Mr. Ruttle and to avoid a substitution of counsel that would undoubtedly further delay resolution of this appeal as new counsel worked to get up to speed with the voluminous record and complex and multifaceted nature of the issues presented by this case. In doing so, I have been trying to do justice to both my current job and the recent emergency that arose and to Mr. Ruttle's appeal and, despite my diligent and best efforts, there have simply not been enough hours in the day. My sincerest apologies and I beg the Court's forgiveness for requiring additional time to complete and submit the Petition. Should further action be required on this appeal, undersigned counsel is exploring partnering with another appellate attorney to ensure no further delays are experienced.

Respectfully submitted,

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