

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
 The STATE of South Carolina,)
 Prosecutor,)
 -vs-)
 Devin Zachary Elijah RUTTLE,)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS

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SEP 16 2019

ORDER

Indictment(s) No(s): 2017-GS-42-0449
 2018-GS-42-0441

SC Court of Appeals

This matter came before this Court on motion of the defendant by and through his trial counsel, **Richard W. Vieth, Esq.** pursuant to Rule 29, SCRCrimP seeking reconsideration of the sentence imposed by the Court.

Salient Facts

The defendant appeared before this Court on September 13, 2018 for trial on the above-referenced indictments charging him with Murder and Unlawful Carrying of a Pistol. The State was represented by **Derrick B. Balsa** of the Circuit Solicitor's office. The defendant was convicted by a jury and sentenced to life imprisonment for murder and one year concurrent for the unlawful carry charge.

The defendant is now seeking a reconsideration and imposition of a lesser sentence than that imposed by the Court. At a hearing held in this matter the defendant appeared with counsel and the State was represented by Mr. Balsa. Mr. Vieth argued mitigation on behalf of the defendant as he had ably done at the time sentence was imposed. The State argued for a denial of the motion.

Applicable Law


Rule 29, SCRCrimP, provides that "... post-trial motions shall be made within ten (10) days after the imposition of sentence."

Conclusion

The defendant's motion is timely made. This Court carefully considered the matter and all relevant material in aggravation and in mitigation of punishment at the time the sentence was imposed. No reason has been given or is apparent that would justify an alteration of it.

The defendant's Rule 29 **MOTION** should be and **IS** therefore **DENIED**.

September 10, 2019


 J. DERHAM COLE, Presiding Judge
 The Seventh Judicial Circuit Court

FILED
 2019 SEP 10 PM 4:15
 CLERK OF COURT
 SPARTANBURG COUNTY
 ARMY ST. SC