

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

The State,

v.

Devin Zachary Elijah Ruttle,  
Defendant.

IN THE COURT OF GENERAL SESSIONS  
SEVENTH JUDICIAL CIRCUIT

Indictment Nos.: 2017-GS-42-05449 &  
2018-GS-42-04411

**MOTION FOR NEW TRIAL ON GROUNDS  
OF JUROR DISQUALIFICATION**

COMES NOW Defendant, Devin Zachary Elijah Ruttle (hereinafter “Devin”), by and through his undersigned counsel, who hereby, with permission of the Court of Appeals, moves this Court to grant Devin a new trial due to a juror’s intentional concealment of material information plainly and specifically requested during voir dire.

This Motion is based on the grounds that subsequent to Devin’s trial and sentencing, Devin, with the assistance of his family, discovered that Juror 92 failed to respond to multiple clear and unambiguous questions regarding school and church connections Juror 92 had to Devin. Juror 92’s non-disclosure was intentional, i.e., unjustified, and it wrongfully denied 1) the trial court the ability to determine whether a for cause ground existed to strike Juror 92, and 2) Devin and his counsel the right to intelligently exercise Devin’s right to peremptory challenges. State v. Woods, 345 S.C. 583, 590-91, 550 S.E.2d 282, 285 (2001) (holding defendant was entitled to new trial “[b]ecause Juror B failed to respond to questions on voir dire which clearly applied to her, and because her concealment deprived [defendant] of information material to his intelligent use of peremptory challenges”). Consequently, Juror 92’s unjustified concealment of material information during voir dire wrongfully denied Devin his inviolate

Constitutional right to a trial by an impartial jury, and as such is anathema to justice and requires Devin be granted a new trial. State v. Coaxum, 410 S.C. 320, 328, 764 S.E.2d 242, 245-46 (2014) (holding that “[i]n the face of a juror’s intentional nondisclosure of pertinent information during voir dire...the party need not show prejudice, as the bias against the moving party is inferred and prejudice from the moving party’s inability to strike the juror is apparent”).

WHEREFORE, DEFENDANT RESPECTFULLY REQUESTS that his prior convictions be vacated and that he be granted a new trial in the above-captioned case. Defendant will further offer in support of this Motion a memorandum of law which is submitted herewith, arguments of counsel, supporting affidavits that undersigned counsel is working with affiants to safely execute and will submit to the Court as soon as the affidavits are executed and received, and such other materials as may be properly submitted in support of Defendant’s motion. Defendant further requests that a hearing be held to fully develop the record concerning Juror 92’s misconduct during voir dire. McCoy v. State, 401 S.C. 363, 371, 737 S.E.2d 623, 627 (2013) (“[E]valuating the merits of a juror misconduct claim is a fact-intensive inquiry, which is most appropriately conducted after a hearing.”)

I SO MOVE:

s/Christopher T. Brumback  
Christopher T. Brumback  
Spencer D. Langley  
Brumback & Langley, LLC  
531 South Main Street, Suite 307  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)  
chris@brumbacklangley.com  
spencer@brumbacklangley.com

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

The State,

v.

Devin Zachary Elijah Ruttle,  
Defendant.

IN THE COURT OF GENERAL SESSIONS  
SEVENTH JUDICIAL CIRCUIT

Indictment Nos.: 2017-GS-42-05449 &  
2018-GS-42-04411

**CERTIFICATE OF SERVICE**

I certify that I have filed with the Spartanburg County Court of General Sessions Defendant Devin Zachary Elijah Ruttle's Motion for New Trial and Memorandum in support thereof by way of electronic mail to [tlcamp@spartanburgcounty.org](mailto:tlcamp@spartanburgcounty.org) on June 25, 2020.

Respectfully submitted,

BRUMBACK & LANGLEY, LLC

s/Christopher T. Brumback  
Christopher T. Brumback / S.C. Bar No. 75410  
Spencer D. Langley / S.C. Bar No. 77898  
531 South Main Street, Suite 307  
Greenville, SC 29601  
(864) 414-9097  
(866) 728-1205 (Fax)