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GENERAL & COMPLEX LITIGATION

BUSINESS & CORPORATE LAW

APPELLATE PRACTICE

CRIMINAL DEFENSE

PERSONAL INJURY

January 20, 2021

VIA ELECTRONIC SUBMISSION

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

Jan 20 2021

SC Court of Appeals

Re: *The State v. Devin Zachary Elijah Ruttle*
Appellate Case No.: 2019–001570

Dear Ms. Kitchings:

I hope this correspondence finds you well. I am writing today in response to the Court's letter requesting the status of Appellant Devin Ruttle's Motion for New Trial, which is currently pending before the Honorable Derham J. Cole in the Spartanburg County Court of General Sessions. Let me first apologize for the delay in the submission of this status update, however due to events discussed herein, the status of Mr. Ruttle's Motion was unclear until just a few days ago. As previously noted, the South Carolina Department of Corrections' ("SCDC") moratorium on the transport of inmates for purposes of hearings being held in Circuit Court due to COVID-19 delayed the in-person evidentiary hearing Judge Cole and the parties desire to hold on Mr. Ruttle's Motion for New Trial. Despite this unavoidable delay, as soon as counsel for Mr. Ruttle and the State received notice that SCDC's transport moratorium was lifted, counsel, in coordination with Judge Cole's law clerk, scheduled the hearing on Mr. Ruttle's Motion for New Trial for an in-person hearing on the earliest available date, January 6, 2021.

Unfortunately, on the afternoon of January 5, 2021, Judge Cole's law clerk informed counsel for Mr. Ruttle and the State that Chief Justice Beatty was immediately suspending all trials and in-person hearings to combat the surge in COVID-19 cases. Subsequent to Chief Justice Beatty's suspension of in-person hearings and based on the State's stated opposition to the timeliness of Mr. Ruttle's Motion in the lead up to the January 6, 2021 hearing, Judge Cole inquired whether he could render a decision on the timeliness issue without an in-person hearing. In response to Judge Cole's inquiry, the State conceded that, based on the Court of Appeals Order granting leave for Mr. Ruttle's Motion to proceed before the Circuit Court, it was not contesting the timeliness of Mr. Ruttle's Motion for New Trial at this time. Accordingly, the Motion is positioned and the parties and the Court are prepared to immediately move forward with the in-

The Honorable Jenny Abbott Kitchings

January 20, 2021

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person evidentiary hearing that is necessary for the substantive disposition of Mr. Ruttle's Motion as soon as in-person hearings are allowed to resume.

With kindest regards, I am

Truly yours,

s/Christopher T. Brumback

Christopher T. Brumback, Esq.
Brumback & Langley, LLC

CTB/

cc: Melody Brown, Esq. (via email.)