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STATE OF SOUTH CAROLINA JAN 24 PM 4:44 COURT OF GENERAL SESSIONS
 COUNTY OF CHARLESTON NINTH JUDICIAL CIRCUIT
 CLERK OF COURT INDICTMENTS: 1993-GS-10-00090
 1993-GS-10-00091
 1993-GS-10-00092

BY MH

State of South Carolina,

vs.

Corey Sparkman,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO RECONSIDER

Presiding Judge:	Hon. Deadra L. Jefferson
State's Attorney:	Charles Condon, Esq.
Defendant's Attorney:	Cameron Blazer, Esq.
Date of Hearing:	November 13, 2017
Court Reporter:	Amanda Haffenden

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SC Court of Appeals

THIS MATTER is before the Court on Defendant's Motion to Reconsider filed on January 8, 2018 and received by the Court on that same date. This case initially came before the Court on November 13, 2017 for a hearing on Defendant's Motion for Resentencing. At that time, Defendant asked the Court to reassess his sentence in light of the South Carolina Supreme Court's decision in Aiken v. Byars. Defendant was given a life sentence by the Honorable Gerald C. Smoak on September 27, 1993 upon pleading guilty to two counts of Murder and one count of Armed Robbery.¹ On December 21, 2017, the Court issued an Order denying Defendant's Motion for Re-sentencing on the basis that the Defendant is an ineligible candidate for re-sentencing under the parameters set forth by the Supreme Court in Aiken v. Byars. Defendant filed the instant Motion to Reconsider on January 8, 2018.² Counsel for the State of South Carolina was given an

¹ Pursuant to the sentencing parameters in place at the time of his guilty plea the Defendant is subject to parole eligibility.

² The Order denying Defendant's Motion for Re-sentencing was filed on December 21, 2017, and received by Defendant via U.S. Mail on December 28, 2017. Defendant's Motion to Reconsider was thus timely filed and served

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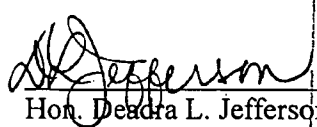
opportunity to respond to Defendant's Motion to Reconsider and indicated that the State stands by the memoranda submitted in opposition to Defendant's Motion for Re-Sentencing as well as the arguments propounded by Counsel at the November 13, 2017 hearing. Having considered the Defendant's Motion to Reconsider as well as the various interests balanced by the Court at the time of the ruling, the Defendant's Motion to Reconsider Sentencing is hereby denied.

This Court stands by its previous ruling that the Defendant is ineligible for re-sentencing under Aiken v. Byars. The Court rendered this decision after careful and deliberate consideration of Aiken v. Byars and its predecessors, Miller v. Alabama and Montgomery v. Alabama. The Defendant's Motion to Reconsider does not raise any issues, nor proffer any argument not considered by the Court at the November 13, 2017 hearing and in its subsequent analysis of the applicable law and facts. To the contrary, Defendant's Motion simply restates previous arguments made by the Defendant and considered by the Court.

Thus, having fully considered the Defendant's Motion to Reconsider, the evidence presented at the hearing as well as having fully reviewed the record and the various interests balanced by the Court at the time of the ruling, the Defendant's Motion for Reconsideration of Sentence is hereby **DENIED** pursuant to Rule 29, SCRCrimP.³

IT IS SO ORDERED.

January 23, 2018
Charleston, South Carolina

BY 
Hon. Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

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upon the Court See Rule 29, SCRCrimP ("Post-trial motions shall be made within ten (10) days after receipt of written notice of the entry or the order or judgment disposing of the appeal.")

³ This motion is disposed of without the necessity of a hearing and decided on the record and briefs and motions submitted by the parties. See Rule 29, SCRCrimP.

