

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Charleston County
The Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

v.

CORY SPARKMAN,

RECEIVED
JAN 09 2019
SC Court of Appeals
Respondent

Appellant.

Appellate Case No. 2018-000172

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, January 9, 2019 as per this Court's Order dated December 12, 2018 granting Respondent's first extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 10, 2018. Specifically,

1. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #25] in the matter of Vashaun Ravenel, a/k/a Vashawn Ravenel vs.

Charles Williams, C/A No. 9:18-2112-TLW-BM on December 10, 2018;

2. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #30] in the matter of Frederick Van Anderson, #344239 vs. Warden Scott Lewis, C/A No. 5:18-00682-JMC-KDW, also on December 10, 2018;

3. Counsel filed the Respondent's Reply to Motion for Access to Law Library and Other Grievances, and Motion for Copies in the matter of Marshall Dewitt McGaha, #155836, a/k/a Marshall D. McGaha, Jr., a/k/a Marshall McGaha, #250923 vs. Bryan P. Stirling, C/A No. 6:18-1736-RMG-KFM on December 12, 2018;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Sammy K. Cowan, #214656 vs. Bryan Stirling, et al., C/A No. 6:18-02827-TLW-KFM, also on December 12, 2018;

5. Counsel filed Respondent's Motion to Conform Deadlines in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC-MGB on December 17, 2018;

6. Counsel filed the Final Brief of Respondent in the matter of The State vs. Jon Paul Smart, Appellate Case No. 2017-001754, a Clarendon county murder appeal matter now pending in the South Carolina Court of Appeals on December 20, 2018;

7. Counsel filed the Respondent's Replies to Opposition to Motion to Dismiss; Motion to Amend; and Motion to Stay in Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC-MGB on December 20, 2018;

8. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Louis Sanders, #164301 vs. Warden, Perry Correctional Institution, C/A No. 9:18-2783-MGL-BM on December 21, 2018;

9. Counsel spent a substantial amount of time researching legal issues in advance of a motions hearing in the matter of Stephen Corey Bryant, #5252 v. State of South Carolina, 2016-CP-43-828, a capital post-conviction relief case, which took place in Horry County before the Honorable William H. Seals, Jr. on December 21, 2018;

10. Counsel filed the Respondent's Reply to Return to Dismiss Appeal as Interlocutory in the matter of The State vs. Miguel A. Cano, Appellate Case No. 2018-002077, a Greenville County murder appeal matter now pending in the South Carolina Court of Appeals on December 27, 2018;

11. Counsel filed the Respondent's Response to Objections to Report and Recommendation [ECF #40] in the matter of Nathaniel Murray, #313891 vs. Warden Stephan, C/A No. 0-18-960-TLW, also on December 27, 2018;

12. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Robert Lee Miller, III, Appellate Case No. 2017-001347, an Allendale County murder appeal matter now pending in the South Carolina Court of Appeals on January 2, 2019;

13. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Gregory Fitzgerald Young, #362732 vs. Scott Lewis, C/A No. 5:18-3046-RMG-KDW on January 3, 2019;

14. Counsel filed the Respondent's Reply to Motion to Stay [ECF #19] in the matter of Ronald Lance, #310167 vs. Aaron Joyner, C/A No. 9:18-2500-HMH-BM, also on January 3, 2019;

15. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #33] in the matter of Ravell McLaughlin, #356142 v. Aaron S. Joyner, Warden of Lee Correctional Institution, C/A No. 2:18-184-RBH on January 4, 2019; and

16. Counsel spent a substantial amount of time preparing the Joint Status report in the capital Federal Habeas matter of Bobby Wayne Stone vs. Stirling, et al., C/A No. 2:17-01221-MGL-MGB on January 7, 2019.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

SHERRIE A. BUTTERBAUGH
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By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

January 9, 2019.

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PROOF OF SERVICE

I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a third extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Susan B. Hackett Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 9th day of January, 2019.



SHERRIE A. BUTTERBAUGH
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Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

January 9, 2019

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

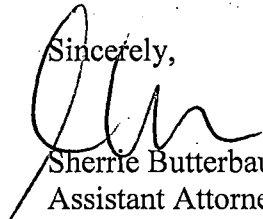
Re: *The State v. Cory Lamont Sparkman*
Appeal from Charleston County
Appellate Case No. 2018-000172

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,


Sherrie Butterbaugh
Assistant Attorney General

SB:dmd
Enclosures
cc: Susan B. Hackett, Esq. (w/two copies of encls.)