

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,

Respondent,

RECEIVED

FEB 08 2019

SC Court of Appeals

Appellant.

Appellate Case No. 2018-000172

**MOTION FOR THIRD 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. Opposing counsel has graciously consented to the request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, February 8, 2019 as per this Court's Order dated January 10, 2019 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 9, 2019. Specifically,

1. 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.

2. Counsel filed the Respondent's Reply to "Response to Motion of Summary Judgment and Return" in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC-MGB on January 11, 2019;

3. Counsel prepared and sent to the Honorable Alex Kinlaw, Jr., on January 14, 2019, a proposed Order of Dismissal in the matter of Jerald D. Gaskins, Jr., #362923, vs. State of South Carolina, 2017-CP-23-5901, a post-conviction relief case currently pending in Greenville County;

4. Counsel filed the Respondent's Reply to Motion for Subpoena to Order Production of Pictures and Other Evidence 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 January 16, 2019;

5. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment in the matter of Sammy K. Cowan vs. Bryan Stirling, et al., C/A No. 6:18-02827-TLW-KFM on January 23, 2019;

6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of George Williams vs. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on January 24, 2019;

7. Counsel prepared for an researched legal issues in advance of a motions hearing in the matter of Bobby Wayne Stone, #5051 v. State of South Carolina, 2018-CP-43-1025, a capital post-conviction relief case, which took place in Lexington County before the Honorable Michael G. Nettles on January 25, 2019;

8. Counsel filed the Respondent's Response to Petitioner's Rule 59 (e) motion in the matter of Frederick Van Anderson, #344239 vs. Warden Scott Lewis, C/A No. 5:18-00682-JMC-KDW on January 28, 2019;

9. Counsel filed the Respondent's Response to Motion to Amend in the matter of Louis Sanders, #164301 vs. Warden, Perry Corr. Inst., C/A No. 9:18-2783-MGL-BM on February 1, 2019;

10. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Curtis Brent Gorny vs. Randall Williams, Warden of Lieber Correctional Institution, C/A No. 9:18-3444-RMG-BM on February 7, 2019; and

11. Counsel has also done a substantial amount of work preparing the Initial Brief in this matter, as well in the matter of The State vs. Joshua K. Cramer, Appellate Case No. 2017-002471, a York County murder appeal matter.

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

Assistant Attorney General
No. 101477

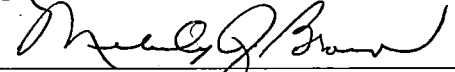
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

February 8, 2019.

I support the finding of good cause.

By: 

Melody J. Brown,
Senior Assistant Deputy Attorney General

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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 8th day of February, 2019.



SHERRIE A. BUTTERBAUGH
Office of the Attorney General
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Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

February 8, 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

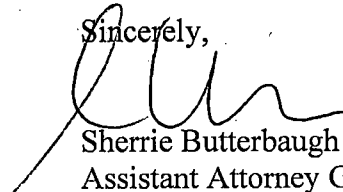
Re: *The State v. Cory Lamont Sparkman*
Appeal from Charleston County
Appellate Case No. 2018-000172

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Third Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Counsel for Appellant has graciously consented to this request.

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.)