

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KURT KALANI SPARKS,

APPELLANT

APPELLATE CASE NO. 2012-211956

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

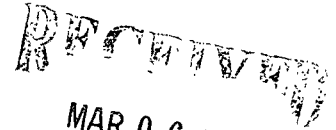
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Attorney General

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 ORIGINAL

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SC COURT OF APPEALS

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1 STATE OF SOUTH CAROLINA) GENERAL SESSIONS
) Violation Hearing
 2 COUNTY OF GREENVILLE)
)
 3)
)
 4 State of South Carolina) TRANSCRIPT OF RECORD
)
 5)
)
 6 -vs-)
)
 7 Kurt Sparks)

8 February 17, 2012
 9 Greenville, South Carolina

10 B E F O R E:

11 THE HONORABLE EDWARD MILLER, Judge.

12 A P P E A R A N C E S

13 MIRANDA WARE, Probation Agent

14 SUSANNAH ROSS, Esquire
 15 Attorney for Defendant

16 CAROLINE HISKELL
 17 Thirteenth Circuit Court Reporter

I N D E X

(There were no exhibits or witnesses presented).

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State versus Kurt Sparks

1 THE COURT: Who is this?

2 MS. ROSS: This is Larry Cooke, Kurt Sparks.
3 I know he had a long week and gave me the file just now.
4 Mr. Sparks would like a continuance and I don't know what
5 issues are there are not. He called our investigator
6 yesterday.

7 Mr. Cooke handed me this file and I said,
8 sure, but upon taking to Mr. Sparks he has a complicated
9 case. There are issues in the case that he would like to
10 discuss with his lawyer and that's fair enough.

11 MS. WARE: There's no complications. He just
12 didn't report and that's all it is.

13 DEFENDANT SPARKS: There is evidence that I
14 would like to admit and there is also witnesses and
15 documentary evidence that needs to be obtained by my
16 attorney. And I have documentary evidence on me now that
17 I'd like to present at this time whenever this case is
18 heard.

19 THE COURT: Well, we're hearing it. Raise
20 your right hand.

21 KURT SPARKS, having been duly sworn,
22 testified as follows:

23 Have you had an opportunity to review this
24 violation report?

25 DEFENDANT SPARKS: Not in full, Your Honor,

State versus Kurt Sparks

1 no.

2 THE COURT: Well, we'll just go through the
3 violations. They allege that after you failed to report
4 after being released from the South Department of
5 Corrections on September 14, 2010 or any time thereafter
6 thereby absconding supervision. Do you admit that?

7 DEFENDANT SPARKS: Can I confer with my
8 attorney before I answer that question, Your Honor?

9 THE COURT: I'll allow you to do that.

10 DEFENDANT SPARKS: Thank you, Your Honor.

11 (Defendant confers with counsel.)

12 MS. ROSS: Judge, what he's saying is that he
13 had been diagnosed with PTSD and went into psychiatric
14 emergency care after he was released from SCDC. We don't
15 have any of those records, you know. I literally ---

16 MS. WARE: He also went back to writing
17 prescriptions by fraud considering all his pending
18 charges. So I don't know how psychiatric ---

19 THE COURT: Yeah. I'm just going to ask you,
20 do you admit you failed to report after being released
21 from the South Carolina Department of Corrections on
22 September 14, 2010? Have you ever reported to probation?

23 DEFENDANT SPARKS: I do admit that I failed
24 to report, Your Honor.

25 THE COURT: And what is your reason for that?

State versus Kurt Sparks

1 DEFENDANT SPARKS: Can I submit this to you
2 for your consideration? It's a statement that basically
3 states all of the facts that took place, what happened.

4 THE COURT: I'm just asking you to tell me
5 what lawful reason for you not to report.

6 DEFENDANT SPARKS: Your Honor, I can honestly
7 say I do not have the best reason. When I got out of the
8 penitentiary and I had to go to the hospital and it wasn't
9 immediately for psychiatric treatment. I had an
10 esophageal tear that began prior to my departure from the
11 penitentiary. I was treated at Saint Francis Hospital
12 here in Greenville immediately upon leaving even before
13 attempting to obtain housing.

14 At Saint Francis Hospital, the Doctor
15 determine that I needed to be transferred to Greenville
16 Memorial Hospital for psychiatric assessment and treatment
17 there by a physician because of my post-traumatic stress
18 disorder and the fact that I had been off of my
19 medications prior to being released.

20 THE COURT: What trauma in your life has
21 caused you to have psychiatric problems?

22 DEFENDANT SPARKS: I'd ask you to please
23 allow me to present this.

24 THE COURT: Is that your handwritten
25 statement?

State versus Kurt Sparks

1 DEFENDANT SPARKS: It is.

2 THE COURT: I'll take a quick look at it.
3 Fifteen pages, I'm not going to read this whole thing.
4 You want to tell me -- so you get sent to Greenville
5 Memorial.

6 DEFENDANT SPARKS: Yes, Your Honor.

7 THE COURT: They let you out. Did you report
8 to the probation office?

9 DEFENDANT SPARKS: No, I did not, Your Honor.

10 THE COURT: What legal reason is there for
11 you not to have reported?

12 DEFENDANT SPARKS: When they let me out, Your
13 Honor, of Greenville Memorial Hospital, I did not have a
14 place to go. It was during the night. I tried to go to
15 the Salvation Army where it was my intent to report the
16 following day. The Salvation Army would not accept me
17 into their facility. I had to have a homeless letter in
18 order to get in.

19 I told them that I had just been released
20 from the Department of Corrections and my probation and
21 then they said that they were sorry and there was nothing
22 they could do. I ended up finding myself under a bridge
23 under the overpass for 385 and Woodruff Road, Your Honor,
24 and I was there for several days.

25 THE COURT: Let me ask you this, since you

State versus Kurt Sparks

1 got out of SCDC, you were in Anderson County and got
2 convicted last September of a violation of drug
3 distribution law and attempt of conspiracy of drug laws;
4 is that right?

5 DEFENDANT SPARKS: I can not deny that.

6 THE COURT: Prescription by fraud.

7 DEFENDANT SPARKS: I can not deny that I pled
8 guilty to conspiracy to attempt to obtain drugs by fraud.

9 THE COURT: I'm going to find you in willful
10 violation.

11 DEFENDANT SPARKS: Before you sentence me,
12 Your Honor, would you please take into consideration my
13 statement that explains the entirety of my circumstances.

14 THE COURT: I'm just telling you, Mr. Sparks,
15 I'm not going to read that whole thing. You tell me
16 whatever it is that's relevant for me to understand about
17 you before I sentence you.

18 DEFENDANT SPARKS: Your Honor, I'm not
19 denying like a dog returning to his vomit, I fell back
20 into certain ways. Your Honor, I don't find this funny at
21 all.

22 THE COURT: Nobody finds it funny.

23 DEFENDANT SPARKS: Your Honor, when I found
24 myself under that underpass, it was over the weekend and
25 it just got to be so excruciatingly unreal that I was

State versus Kurt Sparks

1 sick. I was having mental health problems. I could not
2 get my medications that -- I came back to Greenville with
3 the intent on doing something different with my life. I
4 knew that I had to change my people, places and things.
5 That's why I came back here. When I was refused at the
6 Salvation Army, I found myself under this bridge. The
7 only thing I knew to do was to return back to the
8 Greenwood area where I knew people and when I went there
9 hoping to get into their Salvation Army to have some
10 associations with at least some people that I knew where I
11 would be able to eat, they're Salvation Army is not even
12 open on the weekends. Friday, Saturday and Sunday,
13 they're not even open.

14 Your Honor, I made some very very poor
15 decisions. I went to Beckman Mental Health in an attempt
16 to try to gain some resources for my life. When I got to
17 Beckman Mental Health, they turned me away saying that my
18 post-traumatic stress disorder was not an issue that would
19 come with birth and said that I need to go see New
20 Horizon's Health Clinic because they weren't going to be
21 able to assist me. I didn't understand that.

22 But in leaving, I was already soiled from
23 having been under a bridge, my clothes. I had not had
24 Proper rest and hadn't eaten in I don't know how long and
25 I ran into a girl. It was a female that I needed to

State versus Kurt Sparks

1 discard from the life so badly, but I ran into her and she
2 took me in and she took clothes on back, gave me a shower
3 and fed me and it was probably the worse decision to
4 involve myself with her.

5 Your Honor, the past 14 months I've been
6 incarcerated, I have worked with everything in me to try
7 to rehabilitate myself including contacting US Department
8 of Health and Human Services and trying to involve myself
9 in some of their program teachings.

10 THE COURT: Okay. I'll tell you what, you're
11 going to have a continued opportunity to do that because
12 I'm going to revoke you. Credit for the time that he's
13 entitled to. Good luck.

14 MS. WARE: Thank you, Your Honor.

15 ---END OF TRANSCRIPT RECORD---

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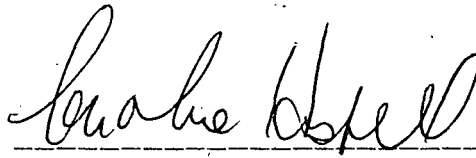
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State versus Kurt Sparks

1 I, the undersigned Caroline Hiskell, Official
2 Court Reporter for the Thirteenth Judicial Circuit of the
3 State of South Carolina, do hereby certify that the
4 foregoing is a true, accurate, and complete transcript of
5 record of all the proceedings had and evidence introduced
6 in the trial of the captioned case, relative to appeal, in
7 the Court of General Sessions, Greenville, South Carolina
8 on the 17th day of February, 2012.

9 I do further certify that I am neither of
10 kin, counsel, nor interest to any party hereto.

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14 Caroline Hiskell
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STATE OF SOUTH CAROLINA

II COURT OF GENERAL SESSIONS

COUNTY OF newberry
STATE VS. Kurt Kalani Sparks
AKA:
Race: W Sex: M Age: 29
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 240 GS36-0572
A/W#: M48005
Date of Offense: 1/30/05
S.C. Code §: 44-53-0390
CDR Code #: 0561

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Obtaining Drugs by Fraud (0-5 years and/or \$0-10,000)

CONVICTED OF or PLEADS

in violation of § 44-53-0390 of the S.C. Code of Laws, bearing CDR Code # 0561
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTORNEY: Jackie Harnock 69652 Durant, Chris SC Bar# Defendant
Cheryl Jean Wozz Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of 1 days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3

month/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 209 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$

PTUP days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS Transfer assessments to 2010 GS 36 572

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with columns for statute number, description, and amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, § 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$21.90, TOTAL \$751.90.

Conditional Discharge § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Jackie S. Bowers RJB
Court Reporter: Jay Holston
SCCA/217 (06/2010)

Presiding Judge [Signature]
Judge Code: 2154
Sentence Date: 9-9-10

THE STATE OF SOUTH CAROLINA

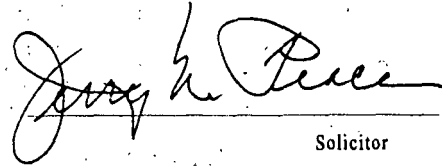
COUNTY OF NEWBERRY

INDICTMENT FOR**Obtaining Drugs by Fraud**
44-53-0390

At a Court of General Sessions, convened on the 3rd day of September, 2010 the Grand Jurors of Newberry County present upon their oath:

That Kurt Kalani Sparks, did in Newberry County, state aforesaid, on or about the 30th day of January, 2010 willfully, unlawfully, knowingly and intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; to wit: that the said defendant did acquire or obtain possession of alprazolam, a Schedule IV Drug, from Wal-Mart, by means of a phoned in prescription using the DEA number of Dr. Raymond E. Lewis, without authorization, in violation of Section 44-53-390 (a) (3) of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



George H. Peeler

Solicitor

WITNESSES

Laurin Patton
S C Department Of Health And
Environment

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

September Term, 2010

Indictment # 10GS36-0572

WARRANT NUMBER

80005

THE STATE

vs.

Kurt Kalani Sparks

Foreman of the Grand Jury

INDICTMENT FOR

Obtaining Drugs by Fraud
44-53-0390

VERDICT

ian

SCANNED

State of South Carolina, County of: **GREENVILLE**
 SID#: **01338576**

Warrant#: **W-23-10-0946**
 Date of Birth:
 SCDC#:

(M480006)

Indictment Numbers:
10-GS-36-00572

M480005

Offense and Offense Code:
561 - Vio. Drug Distribution Law, noncontrolled, imitation controlled substance, Prohibited Acts C

Supervision Program: **Probation** Begin Date: **9/15/2010** End Date: **9/14/2013**
 Supervision Level: **Institutionalized**

Sentencing Judge: **2154 - Griffith, Jr., Eugene** Sentencing County: **NEWBERRY**
 Sentencing Date: **9/9/2010**
 Location (Bold Response): **Jail**

Sentence:

OBTAINING DRUGS BY FRAUD - 5 YEARS PROVIDED UPON THE SERVICE OF 1 YEAR AND 3 YEARS PROBATION. CFTS 209 DAYS. CONCURRENT TO SENTENCE OF 1 YEAR RECEIVED ON 10GS36-573, 10GS30-1429, 10GS24-1070, 1071, 1072, 1073, 1074, & 1075 THIS DATE.

Special Conditions:

Fine - Fine / Fine/Costs and Assessments payable as directed by the Court.

****COSTS AND ASSESSMENTS OF \$236.90 TRANSFERRED FROM IND. 10GS36-573 PER JUDGE** (TOTAL \$988.80) DUE TO NEWBERRY CLERK OF COURT.**

Current Address and Summary of Residence:

Reporting:

MR. SPARKS NEVER REPORTED AFTER HIS RELEASE FROM SCDC.

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
Unemploy	9/1/2009 -		

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DrugTest	\$20.00	\$20.00/M	\$0.00		\$20.00	\$20.00
Regular Supervision	\$1,800.00	\$50.00/M	\$0.00		\$800.00	\$1,800.00
Fines						
Public Defender Fund	\$2,647.10	\$100.00/M	\$0.00		\$1,600.00	\$2,647.10

Prior Violation Dates	Prior Violations	Prior Violation Disposition

violation report

Offender's Name: KURT KALANI SPARKS

--	--	--

Details of the Present Violation:

BY VIOLATING ALL OR PARTS OF CONDITIONS 1, 3, 5, 7, 9, AND 10 OF PROBATION AS ORDERED IN CAUSE 10-G5-36-0572 BY THE NEWBERRY COUNTY COURT OF GENERAL SESSIONS DATED 09/09/10. -

· FAILURE TO REPORT AFTER BEING RELEASED FROM SCDC ON 09/14/10 OR ANYTIME THEREAFTER, THEREBY ABSCONDING SUPERVISION;

· FAILURE TO MAKE SELF AVAILABLE FOR INITIAL DRUG TESTING;

· FAILURE TO WORK DILIGENTLY AT A LAWFUL OCCUPATION OR PROVIDE PROOF THEREOF;

· FAILURE TO PAY SUPERVISION FEE BY BEING \$100 IN ARREARS;

· FAILURE TO PAY DRUG TEST FEE OWING A BALANCE OF \$20;

· FAILURE TO PAY COURT FINES OWING A BALANCE OF \$2647.10, HAVING NEVER MADE A PAYMENT;

· FAILURE TO FOLLOW THE ADVICE AND INSTRUCTIONS OF THE SUPERVISING AGENT

Agent's Recommendation:

FULL REVOCATION

Agent's Justification:

MR. SPARKS WAS SENTENCED ON 09/09/2010 TO ONE YEAR IN SCDC AND THEN THREE YEARS PROBATION. HE FAILED TO REPORT AFTER HIS RELEASE FROM SCDC. AFTER HIS RELEASE HE WENT RIGHT BACK TO HIS OLD WAYS. HE HAS SINCE BEEN CONVICTED IN ANDERSON COUNTY OF OBTAINING PRESCRIPTION BY FRAUD, VIOLATION OF DRUG DISTRIBUTION LAW AND ATTEMPT/ CONSPIRACY OF DRUG LAWS ON 09/15/2011 RECEIVED A SENTENCE OF 282 DAYS CREDIT TIME SERVED. HE WAS THEN SENT TO LAURENS COUNTY JAIL WHERE HE IS FACING YET ANOTHER OBTAINING PRESCRIPTION BY FRAUD CHARGE. HE ALSO HAS A HOLD OUT OF GREENWOOD COUNTY FOR THE SAME THING. MR. SPARKS HAS BEEN CHASED ALL OVER THIS STATE BY DEHEC AND CONTINUED TO BREAK THE LAW. HE CAME OUT OF SCDC AND WENT BACK TO THE EXACT SAME THING HE WAS RELEASED FOR. MR. SPARKS HAD NO INTENTION OF EVER COMPLETING HIS SUPERVISION. HE IS NO LONGER A CANDIDATE FOR SUPERVISION AND SHOULD NOT BE CONSIDERED FOR CONTINUATION. HE HAS PROVEN WITH HIS ACTIONS THAT HE HAS NOT CHANGED, IS NOT WILLING TO CHANGE, OR HAD AN INTENTION OF DOING SO.

PENDING CHARGES: OBTAINING PRESCRIPTIONS UNDER FALSE PRETENSES AND HOLD FROM GREENWOOD COUNTY

PRIOR CONVICTIONS:

- | | |
|------------------------------|-------------------------------|
| 03- CONTRIB: TO DEL OF MINOR | 03- SIMPLE ASSUALT |
| 03- OPEN CONTAINER | 03- FRAUD CHECK |
| 04- SIMPLE ASSUALT | 04- PROB REVOCATION |
| 04- ABHÂN | 04- FORGERY |
| 06- UNINSURED VEHICLE | 08- FTA X2 |
| 08- CDV | 08- POSS OF CONT SUB X2 |
| 09- DUS | 09- OBTAINING PRESC. BY FRAUD |
| 09- FTSBL | 09- MALICIOUS INJURY |
| 10- OBT PRESC BY FRAUD X7 | 10- VIOL OF DRUG DIST: LAW |

SUBJ CURRENTLY HAS WARRANTS OUT OF FLORIDA FOR ASSUALT BUT WILL NOT EXTRADITE.

MIRANDA WARE

AGENT

Date:

Supervisor's Signature

Nanyanka S Beumon

Date:

2/14/12

STATE OF SOUTH CAROLINA

County of Greenville
STATE VS.

Indictment Number: 10-GS-36-00572
Probation C/W #: W23 10 0946

AKA: Kurt Sparks
Race: W Sex: M
DOB: _____
SSN: _____
SID#: 1338576

Name of Original Offense: Obt. Drugs By Fraud
Original A/W #: N480005
Date of Original Offense: 1-30-08
Conviction S.C. Code §: 44-53-0390
Conviction CDR Code #: 0151611
Original Sentence: 5 yrs w/pcnl yr. susp
ORDER 3 yrs Prob

The above named defendant has been charged with violating the conditions of probation ordered on 9/9/10 in the Court of General Sessions of Newberry County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached ~~warrant(s)~~ or citation(s) dated 11/9/10. After hearing the evidence and being duly advised, in the ~~presence~~ absence of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 3, 5, 7, 9, + 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 4 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

Financial Obligations: Order satisfies: Department fees (arrearage) Fines and other fees (arrearage/balance) Restitution (and 20%) (arrearage/balance)

Additional Conditions ordered by the Court:
- terminate probation
- CTS since 1-30-12

Civil judgment: Department fees Fines and other fees Restitution (and 20%)

JACQUE S. BERRY
CLERK OF COURT
2012 APR 19 8:10:24
NEWBERRY COUNTY

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 1 months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 17 day of Feb, 2012, at Greenville, SC

Edward W Miller
Presiding Judge
13th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____ Witnessed by _____

Signed this _____ day of _____, at _____ SC

MW

M 480005
10-36-05

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
KURT KALANI SPARKS,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment Nos.: 23100946

MOTION TO RECONSIDER

COMES NOW the defendant, **Kurt Kalani Sparks**, by and through his undersigned counsel, and, pursuant to Rule 29 of the S.C. Rules of Criminal Procedure, respectfully moves this Honorable Court to Reconsider the Order of February 17, 2012.

DENIED
W.M.R.
2/17/12

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: *Larry Cooke*
Larry Cooke, Esq.
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Date: February 17, 2012

FILED
NEWBERRY COUNTY
2012 MAR 22 A 10:16
KIRIE S. BOWERS
CLERK OF COURT

SCANNED

10-36-0572

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

Warrant/Indictment No. 23100946

State of South Carolina,)
)
vs.)
)
Kurt Kalani Sparks,)
)
Defendant.)

**ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER**

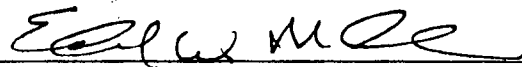
FILED
CLERK OF COURT
2012 APR 19 PM 1:18

THIS MATTER is before the Court on the Defendant's Motion to Reconsider Order of February 17, 2012, by defense counsel pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure.

After careful consideration the Motion is denied and the Court's Order dated February 17, 2012, is reaffirmed.

THEREFORE, it is ORDERED ADJUDGED AND DECREED that the Defendant's Motion to Reconsider is DENIED.

IT IS SO ORDERED.


The Honorable Edward W. Miller
Judge, Thirteenth Judicial Circuit


Dated: 4/12/12
Greenville, South Carolina

FILED
NEWBERRY COUNTY
2012 APR 19 A 10:24
JACQUE S. POWERS
CLERK OF COURT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

March 6th, 2013

A handwritten signature in black ink, appearing to read "David Alexander", written over a horizontal line.

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Newberry County

Edward W. Miller, Circuit Court Judge

RECEIVED

MAR 06 2013

THE STATE,

SC Court of Appeals
RESPONDENT,

V.

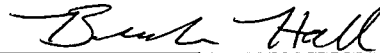
KURT KALANI SPARKS,

APPELLANT

APPELLATE CASE NO. 2012-211956

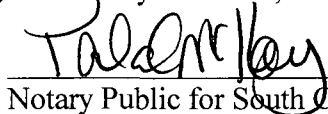
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Tommy Evans, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 6th day of March, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 6th day of March, 2013.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: July 24, 2022