

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE,

v.

CORY SPARKMAN,

Respondent,

**RECEIVED**  
MAR 11 2019  
SC Court of Appeals  
Appellant.

Appellate Case No. 2018-000172

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

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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, Monday, March 11, 2019 as per this Court's Order dated February 12, 2019 granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 7, 2019. Specifically,

1. 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;
2. Counsel filed the Final 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 before the South Carolina Court of Appeals on February 13, 2019;
3. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Joshua K. Cramer, a York County murder appeal matter also pending in the South Carolina Court of Appeals on February 19, 2019;
- 4.. Counsel filed the Respondent's Response to Motion for Discovery and Production of Documents [ECF #22] in the matter of George Williams v. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on February 20, 2019;
5. Counsel also filed Respondent's Response to Motion to Amend [ECF #21] in the matter of George Williams v. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on February 20, 2019;
6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Anthony Tyre, #343149 vs. Scott Lewis, Warden, C/A No. 4:19-23-TMC-TER on February 28, 2019;
7. Counsel also prepared for and attended a status conference in the matter of Bobby Wayne Stone vs. State of South Carolina, C/A No. 2018-CP-43-1025, a capital Sumter County capital matter on February 28, 2019 before the Honorable Michael Gary Nettles in York County, and prepared for a second telephone status conference in the same matter on March 6, 2019 before Judge Nettles; and

8. Counsel has also done a substantial amount of work researching and preparing the Proposed Order in the matter of Andrew E. Torrence, Jr. vs. State of South Carolina, 2015-CP-32-01993, a Lexington County post-conviction relief matter which is currently due on Friday, March 15, 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  
Assistant Attorney General  
No. 101477

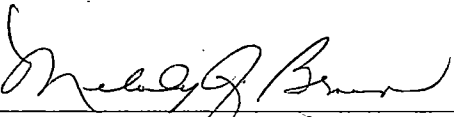
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By: 

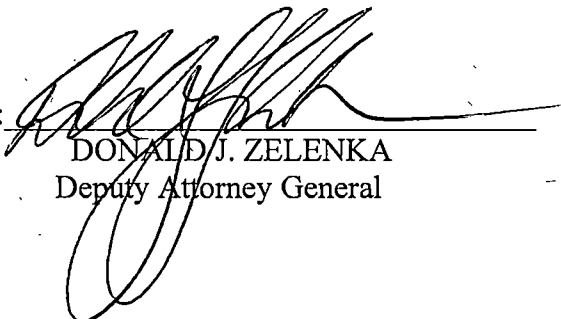
\_\_\_\_\_  
SHERRIE A. BUTTERBAUGH  
ATTORNEYS FOR RESPONDENT

March 11, 2019.

I support the finding of good cause.

By:   
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

I also support the finding of good cause

By:   
DONALD J. ZELENKA  
Deputy Attorney General

STATE OF SOUTH CAROLINA  
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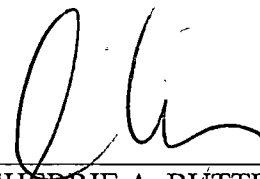
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**PROOF OF SERVICE**

I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a fourth 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 11<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
SHERRIE A. BUTTERBAUGH  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305



ALAN WILSON  
ATTORNEY GENERAL

March 11, 2019

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

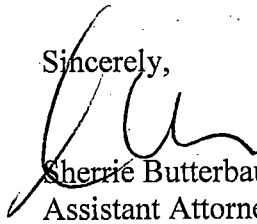
Re: *The State v. Cory Lamont Sparkman*  
Appeal from Charleston County  
Appellate Case No. 2018-000172

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth 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

**RECEIVED**  
MAR 11 2019  
SC Court of Appeals

SB:dmd

Enclosures

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