

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Newberry County

Edward W. Miller, Circuit Court Judge

RECEIVED  
FEB 04 2013  
COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

KURT KALANI SPARKS,

APPELLANT

Appellate Case Number 2012-211956

PETITION FOR EXTENSION TO FILE  
THE INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER

The undersigned counsel would respectfully request a third thirty-day extension, until March 5<sup>th</sup> 2013, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today, having been extended by two prior orders of this Court.
2. Counsel is currently working on a **death penalty case** in Marion Bowman v. State. Counsel is also working on the petition for writ of certiorari in Brenda Gail Cutro v. State which has an appendix of over **4,700 pages**. On Thursday January 31,

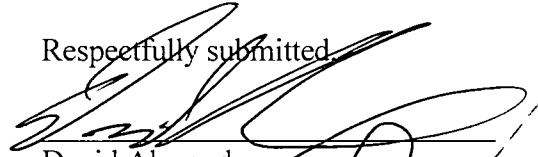
2013, counsel filed the petition for writ of certiorari in Antonio Williams v. State in the Supreme Court. On Friday, January 25, 2013, counsel filed the initial brief of appellant and designation of matter in State v. Julian Deandre Battle in this Court. Counsel filed the petition for writ of certiorari in Sterling Green v. State in the Supreme Court on Monday, January 21, 2013. On Monday, January 14, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Heyward Robinson v. State with the Supreme Court and the Anders brief of appellant and Record on Appeal in State v. Alfred Jackson in this Court. Counsel had an oral argument in this Court in the case of State v. Robert Jolly on January 10, 2013. Counsel filed the initial brief of appellant and designation of matter with this court in State v. Henry Lee Felder and the petition for rehearing with the Supreme Court in State v. Danny Cortez Brown on January 3, 2013. Counsel filed the brief of petitioner in State v. James Miller with the Supreme Court on December 28, 2012. The initial brief of appellant and designation of matter in State v. Kevin Bennett were filed in this court on December 28, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Ronald Jeffery Shows in this court on December 19, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Dayvonn A. Valentine v. State in the Supreme Court on December 17, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Alexander v. State with the Supreme Court on December 12, 2012.

3. This request is made in good faith, and not for purposes of delay.


4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request third thirty-day extension, until March 5th, 2013, in which to file the initial brief of appellant and designation of matter in this case. Counsel requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



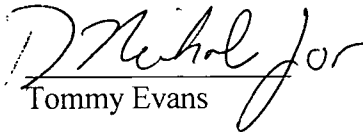
David Alexander  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

February 4, 2013

I DO NOT OPPOSE:



Tommy Evans