

BEFORE THE SUPREME COURT OF APPEALS

OF WEST VIRGINIA

NO. _____

SCA EFiled: Feb 08 2023
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IN RE: C. MICHAEL SPARKS,
a disbarred by consent former member of the West Virginia State Bar,

Petitioner.

**VERIFIED PETITION SEEKING THE REINSTATEMENT
OF THE LAW LICENSE OF C. MICHAEL SPARKS**

I. Introduction

To the Honorable Justices of the

West Virginia Supreme Court:

In 1996, Petitioner C. Michael Sparks became a member of the West Virginia State Bar. From 1996 through 2002, Petitioner was a solo practitioner who also served as a Mingo County Mental Health Commissioner. From 2002 through 2004, Petitioner was employed as a Mingo County Assistant Prosecuting Attorney. From 2005 through 2013, Petitioner served as the thrice-elected Mingo County Prosecuting Attorney. Petitioner's career as a prosecutor and practicing lawyer ended when on October 10, 2013, pursuant to Rule 3.25 of the West Virginia Rules of Lawyer Disciplinary Procedure, Petitioner executed and filed an affidavit consenting to his disbarment.¹ (Tab 2, p. 138). On October 11, 2013, this Court entered an order in *Office of*

¹A number of documents are attached to the Reinstatement Questionnaire filled out by Petitioner. Due to the personal, medical, and financial information included, the Reinstatement Questionnaire and attached exhibits are filed under seal. Reference to the documents attached will be designated by the Tab number and Bates numbered page. The following documents are attached

Disciplinary Counsel v. C. Michael Sparks, No. 13-1009, accepting Petitioner's voluntary consent to disbarment. (Tab 2, p. 123).

Petitioner consented to his disbarment in connection with the information issued in the United States District Court for the Southern District of West Virginia, in which he agreed to enter a guilty plea to the misdemeanor offense of 18 U.S.C. §242, deprivation of rights under color of law. (Tab 1, p. 2). Based upon this criminal conviction, Petitioner was incarcerated for twelve months and on supervised release for one year. (Tab 1, p. 105). At this time, Petitioner has served his sentence, paid the fine imposed, and has complied with all of the terms of his sentence and supervised release.

After consenting to his disbarment and not being employed as a lawyer for nearly ten years, Petitioner very humbly and respectfully seeks to return to the courtroom as a practicing lawyer. In the attached questionnaire, Petitioner explains some of the reasons why he is seeking the reinstatement of his law license:

The practice of law is a platform to better the lives of others. While I have been very appreciative of the opportunity to continue working in the legal profession as a paralegal, I have nevertheless experienced an intense yearning to be back in the courtroom on the front line of the pursuit of justice. I can contribute to the betterment of the Bar and serve the public interest as a licensed attorney by leveraging my experience, knowledge, skillset, and renewed judgment on behalf of future clients. (Questionnaire, p. 26).

to the Reinstatement Questionnaire: **Tab 1:** Documents relating to underlying federal criminal action; **Tab 2:** Documents relating to Petitioner's consent to disbarment; **Tab 3:** Documents relating to ethics complaints filed against Petitioner; **Tab 4:** Documents relating to Petitioner's income tax returns; **Tab 5:** Documents relating to criminal records check of Petitioner and his WVCLE hours earned; and **Tab 6:** Letters in support of Petitioner's motion.

Pursuant to Rule 3.33 of the West Virginia Rules of Lawyer Disciplinary Procedure, Petitioner respectfully files this **VERIFIED PETITION SEEKING THE REINSTATEMENT OF THE LAW LICENSE OF C. MICHAEL SPARKS** along with the attached completed reinstatement questionnaire, filed under seal, which includes the additional records required by the Office of Disciplinary Counsel (ODC) to be produced. Petitioner anticipates providing a sworn statement in the near future to address any questions the ODC has about the substance of the paperwork filed and Petitioner's request to have his law license reinstated.

Through this process and in the event the Court deems the record provided justifies the relief sought, Petitioner respectfully moves this Honorable Court to grant this **VERIFIED PETITION** and to enter an order reinstating Petitioner's license to practice law again in this State.

II. Procedural history

A. The federal prosecution

Prior to the events that resulted in Petitioner admitting his guilt in federal court, Petitioner was proud of his record as a prosecutor. "I obtained unprecedented numbers for felony convictions, murder convictions, and drug convictions. I achieved a one hundred percent trial conviction record in murder and drug cases." (Tab 1, p. 87). However, despite his overall positive record as a prosecutor, Petitioner let down the citizens of Mingo County, who had elected him as prosecutor in three different elections, and ultimately had to admit his own wrongdoing that resulted in his criminal conviction.

On September 19, 2013, an information was issued in the United States District Court for the Southern District of West Virginia against the Honorable Judge Michael Thornsby. (Tab 2, p. 159). The information describes a conspiracy involving Judge Thornsby, Sheriff Eugene Crum,

and others to violate the constitutional rights, including the right to choice of counsel, of an individual identified as G.W. Some of the allegations reference Petitioner. On this same date, the Office of Lawyer Disciplinary Counsel filed a **PETITION SEEKING IMMEDIATE SUSPENSION OF A LAWYER PURSUANT TO RULE 3.27 OF THE RULES OF LAWYER DISCIPLINARY PROCEDURE** in the West Virginia Supreme Court. (Tab 2, p. 148).

On October 8, 2013, Petitioner executed a “Stipulation of Facts, Plea Agreement” admitting his guilt in subjecting George White, willfully, knowingly, and acting under the color of law, to the deprivation of his right to counsel of his choice under the Sixth and Fourteenth Amendments to the United States Constitution and aided and abetted others in doing the same. (Tab 1, p. 4). On October 9, 2013, an information was filed by the United States Attorney in the United States District Court for the Southern District of West Virginia setting forth the facts and legal conclusions contained in the “Stipulation of Facts, Plea Agreement.” On October 10, 2013, Petitioner submitted his **CONSENT TO DISBARMENT**, pursuant to Rule 3.25 of the West Virginia Rules of Lawyer Disciplinary Procedure. (Tab 2, p. 138).

As set out in paragraphs 2 and 3 of the Information issued against Petitioner, in February, 2013, Mr. White was charged in Mingo County with drug-related offenses. In or about March 2013, a Mingo County Commissioner and the Mingo County Sheriff learned that Mr. White, with the assistance of his criminal defense attorney, C.W., was providing information to the news media and possibly to federal law enforcement officials about criminal conduct by this County Commissioner and Sheriff. These two elected officials approached Petitioner and explained they would coerce Mr. White into firing his counsel to preclude any additional information being provided. After Mr. White fired his original lawyer and obtained a new one, Petitioner entered into a more favorable plea

agreement with Mr. White. Petitioner committed these acts knowing that a more favorable plea agreement for Mr. White was a necessary part of the scheme to coerce Mr. White into firing his original lawyer and to protect the Sheriff. (Tab 1, p. 2).

Petitioner pleaded guilty to, under color of law, willfully and knowingly subjecting Mr. White to the deprivation of a constitutional right, that is Mr. White's right to counsel, and did aid and abet others in doing the same, in violation of 18 U.S.C. §§242. (Tab 1, p. 21). Prior to his sentencing hearing, the United States filed **UNITED STATES' MEMORANDUM IN SUPPORT OF MOTION FOR DOWNWARD DEPARTURE FOR SUBSTANTIAL ASSISTANCE**. In this **MOTION**, the United States Attorney made the following arguments describing the substantial assistance Petitioner had provided during the course of the criminal investigation:

Mr. Sparks has provided substantial assistance to the United States in the investigation of public corruption in Mingo County, West Virginia, and, in particular, in the investigation and prosecution of former Mingo County Circuit Judge Michael Thornsby. *See* U.S.S.G. § 5K1.1. **In or around May 2013, Mr. Sparks began providing information and cooperating with federal investigators.** While the investigation had been ongoing for several months prior, Mr. Sparks was the first Mingo County elected official to agree to cooperate with investigators relating to the investigation of public corruption.

Mr. Sparks' assistance was particularly helpful to investigators during the course of the investigation of Mr. Thornsby. At the request of federal investigators, Mr. Sparks voluntarily provided hundreds of pages of documentation relating to the investigation. Mr. Sparks also testified in the grand jury relating to the charges the United States brought against Mr. Thornsby. The United States subsequently confronted Mr. Thornsby with the information provided by Mr. Sparks and others, and advised Mr. Thornsby that Mr. Sparks would testify against him at trial if called to do so. In the judgment of the United States, the prospect of Mr. Sparks' credible testimony against Mr. Thornsby was a key factor in

Mr. Thornsbury's decision to agree to plead guilty to conspiracy against civil rights in violation of 18 U.S.C. § 241. As the Court is aware, Mr. Thornsbury entered his guilty plea on October 2, 2013 and is awaiting sentencing.

In addition to the instrumental role of Mr. Sparks played in bringing Mr. Thornsbury to justice, Mr. Sparks also provided broader assistance to federal investigators. He directed investigators to other witnesses who proved important to the United States' investigation. He also provided extensive background information regarding political organizations and relationships in Mingo—information that greatly aided the federal investigation. (Emphasis added). (Tab 1, pp. 16-17).

Based upon the record presented, the Honorable Judge Thomas E. Johnston sentenced Petitioner to serve twelve months in prison, imposed some assessments and fines, and ordered one year of supervised release. (Tab 1, p. 105). This federal case is Petitioner's only criminal conviction. Petitioner has served his twelve-month sentence, paid all fines and assessments, and met all of his obligations while on supervised release.

B. Petitioner's consent to disbarment

On October 10, 2013, two days after Petitioner had signed a **STIPULATION OF FACTS, PLEA AGREEMENT** and placed his initials on an Information, Petitioner executed an **AFFIDAVIT** in support of his consent to disbarment, pursuant to the procedure outlined in Rule 3.25 of the West Virginia Rules of Disciplinary Procedure. (Tab 2, p. 138). In his **AFFIDAVIT**, Petitioner explained his consent to disbarment as voluntarily and freely given and he had not been subjected to any coercion or duress. (*Id.*). On October 11, 2013, this Court entered an order in *Office of Disciplinary Counsel v. C. Michael Sparks*, No. 13-1009, accepting Petitioner's consent to disbarment. (Tab 2, p. 123).

C. Background information

In 1992, Petitioner received his undergraduate degree in history from the University of Pikeville and in 1996, Petitioner obtained his law degree from the West Virginia University College of Law. Petitioner was admitted to the West Virginia State Bar following his graduation from law school. As noted above, Petitioner's legal career has been devoted to public service, either serving as a Mingo County Mental Hygiene Commissioner, Assistant Prosecuting Attorney, and finally as the elected Mingo County Prosecuting Attorney.

Petitioner has been married to his wife Jennifer for twenty-five years. Jennifer teaches third grade at Williamson PK-8, is a National Board Certified Teacher in Early and Middle Childhood Literacy with more than twenty years experience, and previously was employed as a special education teacher. Petitioner and his wife were blessed with twin daughters, Carly and Jenna, who now are seventeen years old. Carly graduated with honors through the Penn Foster High School online program and will be attending the University of Pikeville next year on a combined academic/dance team scholarship. Jenna is an honors student junior at Mingo Central High School, where she plays on the basketball team, and already has received four scholarships.

D. Petitioner's employment after being released from prison and returning to Williamson, West Virginia

After his release from prison, Petitioner returned to living in his home in Williamson, West Virginia. Petitioner has abided by all laws subsequent to his incarceration and has endeavored to live an exemplary life. To maintain his home and take care of his family, Petitioner has held a variety of jobs, including being employed as the manager of Southside Mall Theatre, a paralegal for Carlton Law Office, and a paralegal for Simpkins Law Office, PLLC, where Petitioner presently is employed.

While working as a paralegal in the Simpkins Law Office, Petitioner has had the opportunity to work with First Amendment lawyers from around the country, assisting Mr. Simpkins and co-counsel from Los Angeles in litigating the defamation action pursued by Don Blankenship. This complex litigation has given Petitioner experience in assisting counsel to file and serve pleadings in federal court and to assist in scheduling and organizing the discovery.

E. Petitioner's remorse and involvement in his community

A critical aspect of Petitioner's life is his faith and his belief in the power of redemption. At his sentencing hearing, Petitioner fully acknowledged his remorse and his failure to live up to his Christian ideals:

I was advised I was too honest to be in Mingo County politics. At the time, I considered such advice to be counterintuitive. Now, with the benefit of experience and hindsight, I realize how perceptive this advice was. Circumstances were essentially that I lacked the necessary skepticism to conceptualize the bigger picture.

As a committed follower of Jesus Christ, I prayed daily that I would glorify God and personify the virtues of christian leadership as Mingo County Prosecuting Attorney.

* * *

My failure to intervene when others convinced Mr. White to change lawyers was a neglect of duty that tarnishes an otherwise positive legacy of christian leadership and, for that, I apologize to Mr. White. (Tab 1, p. 87).

In addition to apologizing to Mr. White, Petitioner paid Mr. White \$5,000 out of his own pocket as part of a civil settlement reached in state court.

In accepting responsibility for his actions, Petitioner acknowledges he failed to abide by his obligations as a prosecutor:

Repentance: Based on my assessment of the evidence, George White was guilty of the crimes charged in the indictment. However, justice is a process, not an outcome. "A prosecutor has the responsibility of a minister of justice and not simply that of an advocate." W. Va. R. Prof. Cond. 3.8 cmt. 1. Commensurate with my duty to seek a conviction was my special obligation to prevent others from violating Mr. White's right to counsel of his choice as guaranteed by the Sixth Amendment to the United States Constitution. I knew that the presiding judge had personal animosity toward Mr. White's attorney. Nevertheless, I did not intervene to prevent a county commissioner from unduly influencing Mr. White to fire his attorney. My failure to act operated as a tacit approval of a wrongdoing that deprived Mr. White of a fundamental constitutional right. Suitably, I accepted responsibility for my misconduct with contrition. (Questionnaire, p. 18).

Prior to his conviction, Petitioner served as a member of the Board of Directors for the West Virginia Association of Counties, Chairman of the Board of Directors for the Southwestern Regional Day Report Center, and as a Deacon and Teacher in his local church. After being released from prison, Petitioner started writing a weekly theology column for a local newspaper and remains active in his church. Petitioner is engaged in his community and seeks to help out others. He has served holiday dinners to residents of a local substance use disorder treatment facility. Petitioner has participated in delivering Christmas presents on behalf of a local charitable organization. Following some flooding in eastern Kentucky, Petitioner assisted in unloading several thousand pounds of water and supplies for the flood victims. At the movie theater where he was employed, Petitioner made arrangements to facilitate the showings of some movies to students in preschool and elementary school as well as for some churches.

F. Continuing Legal Education and Criminal Records Check

Petitioner did not learn until relatively recently that as a disbarred lawyer, he still could attend Continuing Legal Education seminars. During the 2020-2022 reporting period, Petitioner obtained 11.80 total credits, including 2.20 ethics credits. During the 2022-2024 reporting period, Petitioner

already has earned 13.60 total credits. However, the limit for online CLE credits has been reduced to 12, thus his total has been reduced to 12 total credits, including 6.50 ethics credits. (Tab 5, pp. 585-88). Petitioner intends to attend some live CLE events to meet the total for the current reporting period.

As a part of this reinstatement procedure, a criminal records check was conducted on Petitioner. This federal and state records check revealed Petitioner has not been charged with or convicted of any crimes other than the one misdemeanor discussed herein. (Tab 5, pp. 571-84).

G. Public sentiment supports Petitioner's reinstatement to the practice of law

Several individuals who know Petitioner support his request to have his law license reinstated. Here is a sampling of these letters. Jonathan "Duke" Jewell, who presently serves as the Mingo County Prosecuting Attorney, provides the following comments:

I would submit that reinstating Mr. Sparks' license to practice law would not lessen public confidence in attorneys and/or the judicial system. First, it now have been more than nine (9) years since Mr. Sparks voluntarily consented to the annulment of his license.

Second, in and around the small town of Williamson, West Virginia, I have had repeated opportunities to observe Mr. Sparks in a variety of settings. Additionally, for several years, he and I actually have resided on the same street. During that time, he has demonstrated his good moral character and he accordingly has a good reputation in the neighborhood and in the community beyond.

Mr. Sparks has worked a variety of jobs to help support his family financially and he is actively involved as a husband and a father to his children. He undoubtedly erred, for which he and his family have suffered greatly. However, based on my personal observations, since that time, he has demonstrated the characteristics of a person worthy of another chance.

Again, I strongly support the reinstatement of Mr. Sparks' license to practice law. (Tab 6, p. 590).

Robert B. "Rob" Kuenzel, a former State Trooper who has his own law firm Kuenzel Law, PLLC, in Chapmanville, West Virginia, wholeheartedly recommends the reinstatement of Petitioner's law license explaining:

I have known Michael Sparks for over 20 years. In the first decade of my practice, I often was appointed to represent criminal defendants in the Circuit Court of Mingo County, West Virginia, where Michael served as prosecuting attorney. Though we were on opposite sides in these cases, I always found Michael to be well prepared, forthright, professional and a zealous advocate for the State.

* * *

Since his annulment, I have continued to have a relationship with Michael Sparks. I know that Michael has served as a valuable legal assistant to Jeffrey Simpkins over the years. Mr. Simpkins is a very busy practitioner in Williamson, West Virginia. Over the last several years, I have had cases with Mr. Simpkins in which Michael significantly assisted in the preparation of these cases. It is clear, Michael has kept abreast of the law and continues to have a firm grasp of the law today. Simply, Michael is legally competent to restart the practice of law.

Personally, I know Michael to be a man of integrity and moral character. He is active in his church and is a man of great faith. Despite the past and his resultant annulment, he continues to remain active in the community and he strives to be productive within the community. Simply, Michael does not allow his past to define him and, in my opinion, he demonstrates a presence of one who is rehabilitated. (Tab 6, p. 592).

Christian R. Harris, who has a law firm in Williamson, West Virginia, asserts Petitioner would be an asset to our courts and the legal community in Mingo County:

Michael and I were sworn-in to practice law on the same day, in same room by the same Mingo County Judge Elliott "Spike" Maynard in 1996. While our career paths did not bring us together often in the courtroom, as a member of the Mingo County Bar Association, I watched sadly as Michael lost his reputation, career and what I knew to be his lifelong goals. I don't write to make excuses for his mistakes and the circumstances that led to his disbarment, but to make an argument for his redemption and reinstatement as a man deserving of a second chance.

* * *

I treasure my bar memberships in West Virginia and Kentucky and do not believe anyone with a misdirected moral or ethical compass should be permitted to practice law in either state. I believe, however, that Michael has paid his debt to society, shown he has the capacity, if reinstated, to practice law with the integrity, moral character and legal competence that meets and exceeds the high standards we expect from our members in the State of West Virginia. I believe he recognizes and acknowledges his mistakes and has been rehabilitated to the point that they will not be repeated. (Tab 6, p. 594).

Greg “Hootie” Smith, who has his own law firm in Williamson, West Virginia, recommends the reinstatement of Petitioner’s law license without hesitation and explains:

I am well aware that Michael made a terrible mistake that resulted in him losing his license. However, it is the manner in which he accepted responsibility for his actions, that has inspired me to write this letter. Michael could have easily ran from his mistake and relocated to a different community where he would have been unknown, however that is not the path he chose. After serving his sentence, Michael came home and immediately went to work at the local movie theater, to help support his family. This was pre-covid when the movies were a very popular form of entertainment in our area.

It truly impressed me the manner in which he faced the public and humbly accepted any side remarks and criticisms as he did everything from selling tickets, popping popcorn, and cleaning the theaters.

* * *

Therefore, it is my opinion that based upon the remorse and accountability that he has demonstrated that our community as a whole has forgiven Michael and his reinstatement would not lessen public confidence in the judicial system. (Tab 6, p. 596).

Diana L. Maynard, who is the Auditor for the City of Williamson, West Virginia, and who lives in Petitioner’s neighborhood, supports Petitioner’s motion to be reinstated to the practice of law by noting:

The situation that Michael found himself in changed him. I fully believe that he has been rehabilitated. In talking with his former peers and conversations I've had with neighbors and friends in the community, there wasn't one person—NOT ONE—who thought that he should not be reinstated to practice law again. We make mistakes. I would like to see Michael given a second chance to pursue what he loves—Law. (Tab 6, p. 597).

Lonnie Hannah, the Mingo County Circuit Clerk, states that Petitioner has the integrity, moral character, and legal competence to resume the practice of law and further explained:

Former Mingo County Circuit Court Judge Michael Thornbury was a corrupt and vindictive tyrant. Every local lawyer and elected official was aware that Thornbury abused the power of the bench. But it was Michael who came forward and provided the vital information that federal authorities used to indict and convict. It should not be forgotten that Michael paid a heavy price for his cooperation. (Tab 6, p. 599).

Additional letters of support were provided by Jacqueline May, Mitzi Cross, and Stephanie Austin. (Tab 6, pp. 600-02).

III. Legal standard applicable to petition seeking reinstatement of a law license

When a lawyer seeks to have his or her law license reinstated following either a suspension or disbarment, Syllabus Points 1, 3, and 4 relied upon in *In re: Petition for Reinstatement of Keith L. Wheaton*, 245 W.Va. 199, 858 S.E.2d 662 (2021), are applicable:

1. "This Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law." Syllabus Point 3, *Comm. on Legal Ethics v. Blair*, 174 W. Va. 494, 327 S.E.2d 671 (1984).

3. "The general rule for reinstatement is that a disbarred attorney in order to regain admission to the practice of law bears the burden of showing that he presently possesses the integrity, moral character and legal competence to resume the practice of law. To overcome the adverse effect of the previous disbarment[,] he must demonstrate a record of rehabilitation. In addition, the court must conclude that such reinstatement will not have a justifiable and

substantial adverse effect on the public confidence in the administration of justice and in this regard the seriousness of the conduct leading to disbarment is an important consideration." Syllabus Point 1, *In re Brown*, 166 W. Va. 226, 273 S.E.2d 567 (1980).

4. "Rehabilitation is demonstrated by a course of conduct that enables the court to conclude there is little likelihood that[,] after such rehabilitation is completed and the applicant is readmitted to the practice of law[,] he will engage in unprofessional conduct." Syllabus Point 2, *In re Brown*, 166 W. Va. 226, 273 S.E.2d 567 (1980).

Petitioner respectfully submits he has met the standard justifying the reinstatement of his law license.

IV. Record demonstrates Petitioner has established he presently has the integrity, moral character and legal competence to resume the practice of law

Petitioner has "the burden of showing that he presently possesses the integrity, moral character and legal competence to resume the practice of law." For Petitioner to meet this burden, all he can do is explain to the Court his full compliance with the criminal sentence and post conviction requirements, his acceptance of responsibility, his actions to rehabilitate himself, his remorse for his own actions, his efforts to rejoin the work force after being incarcerated to help take care of his family, his keeping abreast of the law by obtaining CLE credits and working actively as a paralegal, his acceptance of his own guilt, and his efforts to prove that he once again would be a valuable asset in his community as a practicing lawyer.

In 2013, when Petitioner approached the United States Attorney's office, he did not have any plea agreement in place. Most federal criminal defendants who cooperate with the United States Attorney's office do so after a plea agreement has been reached. Thus, through his own voluntary actions, Petitioner exposed himself to criminal liability. Without diminishing what he did, objectively Petitioner was convicted of one misdemeanor while many other cases involving disbarred lawyers were public officials convicted of more serious felonies.

In conjunction with the federal investigation, Petitioner provided substantial assistance to the federal government, which prompted former Judge Thornsby to plead guilty and to be removed from the bench. His actions in helping to remove a corrupt judge from the bench should be acknowledged, while at the same time Petitioner's actions caused him to consent to disbarment, to resign as the Mingo County Prosecuting Attorney, and ultimately to be convicted of a misdemeanor in federal court.

Petitioner entered his own plea agreement after accepting full responsibility for his own actions. At around the same time, Petitioner voluntarily consented to his disbarment from the practice of law. By agreeing to the criminal charge as well as his disbarment, Petitioner admitted his own wrongdoing and accepted the full consequences without requiring either the federal government or the Office of Disciplinary Counsel to go through the entire process available to him. His unwavering acceptance of responsibility is another positive fact in favor of Petitioner's actions.

Petitioner did not obtain any personal benefit from the crime committed. In other words, Petitioner did not receive any money in connection with the actions that cause Mr. White to fire his initial defense counsel and to switch to another lawyer. While Petitioner acknowledges that his role in this matter was criminal and a violation of Mr. White's constitutional rights, he personally did not receive any monetary or nonmonetary benefit of any kind. Petitioner has never attempted to have his criminal conviction set aside or otherwise to dispute what he did. Finally, the U. S. Attorney's office noted at the sentencing hearing that throughout the investigation, Petitioner was candid and truthful and never once lied to the federal authorities. (Tab 1, p. 97).

Compare these facts with the facts in *Lawyer Disciplinary Board v. Moore*, 214 W.Va. 780, 591 S.E.2d 338 (2003), where former Governor Arch A. Moore, Jr., sought to have his law license

reinstated after he had been convicted of several felonies. The Hearing Panel in Governor Moore's case made several findings that were accepted by the Court. First, in rejecting his motion for reinstatement, the severity of the felonies committed by Mr. Moore was a factor. Second, while Mr. Moore initially pleaded guilty, he later attempted to withdraw his guilty plea and claimed his innocence before the Hearing Panel and showed no remorse. Thus, he did not accept responsibility for his actions. Third, Mr. Moore had a proven history prior to his criminal conviction of providing knowingly false statements to federal authorities. Finally, Mr. Moore had a repeated pattern of accepting monetary gifts in return for political favors.

After serving his sentence for a misdemeanor and living up to the terms of his supervised release, Petitioner returned home and began working at the local movie theater. Eventually, Petitioner became employed as a paralegal in the Simpkins Law Office, where he has been able to keep up with the law and assist Mr. Simpkins in a wide variety of cases. Petitioner has never attempted to have his guilty plea withdrawn and continues to accept responsibility for his criminal cases. Petitioner has never been accused of providing any false statements to law enforcement.

Finally, although Petitioner had the legal right to petition for the reinstatement of his license five years after he consented to his disbarment, he decided the better approach was for him to wait and develop a better record to demonstrate that he "presently possesses the integrity, moral character and legal competence to resume the practice of law." Petitioner respectfully moves the Court to reinstate his law license so that he can become an asset in his community and help others who need legal assistance.

V. Conclusion

Expulsion from the practice of law for nearly ten years has ignited my passion and commitment to support the Constitution of the

United States and the Constitution of the State of West Virginia; to act with integrity, dignity, and civility in the practice of law; to show respect to the court, lawyers, clients, and others; and to faithfully execute the office of attorney-at-law to the best of my ability. (Questionnaire, p. 26).

By meeting all of the requirements set out by the Court, Petitioner has demonstrated that he presently possesses the integrity, moral character and legal competence to resume the practice of law. Having his law license suspended for nine years has given Petitioner time to realize just how much he values the practice of law and the opportunity to assist people in his community. Petitioner respectfully petitions this Court to reinstate his law license so that he can prove to the Court, the public, his family, his clients, and his friends that he can be entrusted once again with the ability to practice law again.

C. MICHAEL SPARKS, a disbarred by consent
former member of the West Virginia State Bar,
Petitioner,

–By Counsel–

/s/ Lonnie C. Simmons

Lonnie C. Simmons (W.Va. I.D. No. 3406)

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BEFORE THE SUPREME COURT OF APPEALS

OF WEST VIRGINIA

NO. _____

IN RE: C. MICHAEL SPARKS,

a disbarred by consent member of the West Virginia State Bar,

Petitioner.

CERTIFICATE OF SERVICE

I, Lonnie C. Simmons, do hereby certify that a copy of the foregoing **VERIFIED PETITION SEEKING THE REINSTATEMENT OF THE LAW LICENSE OF C. MICHAEL SPARKS** was filed with the Court and served on counsel of record electronically on the 8th day of February, 2023, to the following:

Rachael L. Fletcher Cipoletti
Chief Lawyer Disciplinary Counsel
OFFICE OF LAWYER DISCIPLINARY COUNSEL
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rfcipoletti@wvdc.org

/s/ Lonnie C. Simmons
Lonnie C. Simmons (W.Va. I.D. No. 3406)

VERIFICATION

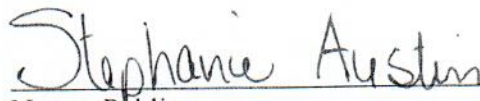
State of West Virginia

County of Mingo, to-wit:

I, C. Michael Sparks, after having been duly sworn under oath, do hereby state that the facts asserted in the foregoing **VERIFIED PETITION SEEKING THE REINSTATEMENT OF THE LAW LICENSE OF C. MICHAEL SPARKS** and in the attached reinstatement questionnaire are true and to the extent any of the responses are based upon information and belief, I believe them to be true.


C. Michael Sparks

Sworn to and executed before me on this 8th day of February, 2023.


Notary Public

My commission expires 10/08/2024.

