

**RECEIVED**

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**S.C. Supreme Court**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Horry County  
Larry B. Hyman Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

LUZENSKI ALLEN COTTRELL,

APPELLANT

APPELLATE CASE NO. 2015-000731

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MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF  
APPELLANT AND DESIGNATION OF MATTER

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Counsel for Luzenski Allen Cottrell respectfully requests an extension of thirty (30) days in which to file the initial brief of appellant and designation of matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be served and filed with the Court today, November 18, 2015.
2. Counsel for Luzenski Allen Cottrell respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. The Cornell Law School Death Penalty Clinic is serving as lead counsel in this case. Keir Weyble has clinic, teaching and other out-of-class responsibilities at the Cornell Law School that constitute a full time job. Counsel Weyble also appears as counsel or co-counsel in

other cases. He recently argued the case of People v. Rachael Casey, before the New York Supreme Court, Appellate Division, Fourth Department on October 21, 2015. Undersigned co-counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jalann Williams with the Court of Appeals on November 10, 2015. Counsel filed a return to petition for writ of certiorari in the case of Marshall H. Collins v. State of South Carolina on October 30, 2015 with this Court. Counsel filed an initial brief of appellant and designation of matter in State v. Jason Kinloch with the Court of Appeals on October 16, 2015. Counsel had an oral argument before the Court of Appeals in the case of State v. Nathaniel Witherspoon on October 14, 2015. Counsel had an oral argument before the Court of Appeals in the case of James Clayton Helms v. State on October 13, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Tre'Vaughn Jackson with the Court of Appeals on September 18, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative oversight of his support staff for the Appellate Project, and, training three new appellate defenders and reading all of their writings prior to filing.**

4. Counsel makes this request in good faith and not for purpose of delay.

5. Counsel for the Attorney General's office has been informed of this request.

Opposing counsel Donald J. Zelenka has informed undersigned counsel that he does not object to this request.

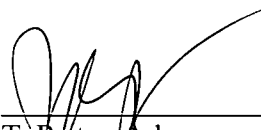
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file initial brief of appellant in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

November 18, 2015

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Horry County  
Larry B. Hyman, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

LUZENSKI ALLEN COTTRELL,

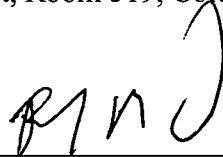
APPELLANT

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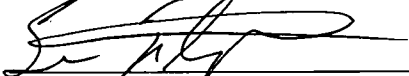
CERTIFICATE OF SERVICE

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I certify that a true copy of the motion for an extension of time in which to file the initial brief of appellant and designation of matter in the above case has been served upon Donald J. Zelenka, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 18<sup>th</sup> day of November, 2015.

  
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Robert M. Dudek  
Chief Appellate Defender

SWORN TO BEFORE ME this 18th day  
of November, 2015.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.