

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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

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DEC 18 2015

SC SUPREME COURT

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

LUZENSKI ALLEN COTTRELL,

APPELLANT

Appellate Case No. 2015-000731

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

Counsel for Luzenski Allen Cottrell respectfully requests a **thirty (30) day extension, until January 18, 2016**, 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 third 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 filed with the Court today. The Court has granted counsel two previous extensions. This is a death penalty case involving lengthy transcripts.
2. Counsel for Mr. 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. Counsel Weyble is working on preparations for post-remand proceedings in the trial court in People v. Rachael Casey (Steuben County, NY), and on preparing a resentencing motion in Vang v. South Carolina (Aiken County, SC). Counsel Weyble is also working on processing a semester's worth of performance evaluations and scores and calculating grades for his Trial Advocacy course. Counsel Weyble then needs to begin preparations for his next semester's Capital Punishment Law course and two additional clinical courses he will be teaching.

4. On December 14, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in the case of Anthony Edwards v. The State of South Carolina with this Court. On December 14, 2015, counsel also filed a petition for writ of certiorari and accompanying appendix in the case of Andrew S. Plummer v. The State of South Carolina with this Court. On December 7, 2015, counsel had an oral argument in the case of The State v. Bradley Gerald Mullins before the Court of Appeals. On December 2, 2015, counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Calvin Jermaine Pompey with this Court. On December 1, 2015, counsel had an oral argument in the case of The State v. Tawanda Allen with this Court. On November 24, 2015, counsel participated in the Public Defender 101 Training where he presented on Preserving the Record and Post-Conviction Relief. On November 20, 2015, Counsel filed an amended initial brief in the case of The State v. Bryan Rearick with this Court. Counsel, along with co-counsel Lara M. Caudy, filed a petition for rehearing in the case of The State v. Don-Survi Chisolm on November 12, 2015 with the Court of Appeals. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jalann Williams with

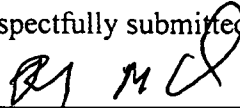
the Court of Appeals on November 10, 2015. Counsel filed a return to petition for writ of certiorari in the case of Marshall H. Collins v. State of South Carolina on October 30, 2015 with this Court. Counsel filed an initial brief of appellant and designation of matter in State v. Jason Kinloch with the Court of Appeals on October 16, 2015. Counsel participated in an oral argument before the Court of Appeals in the case of State v. Nathaniel Witherspoon on October 14, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings**

5. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than two extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

6. Counsel for the Attorney General's office consents to this request as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until January 18, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.


Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant.





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

This 18<sup>th</sup> day of December, 2015.

I consent:

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Donald J. Zelenka, Esquire