

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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SC SUPREME COURT

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

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STATE OF SOUTH CAROLINA,

Respondent,

v.

LUZINSKI ALLEN COTTRELL,

Appellant

Appellate Case No. 2015-000731

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RESPONDENT'S MOTION TO EXTEND TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER

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The Respondent, above-named, hereby make a third motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until July 5, 2016. This is a capital appeal by Mr. Cottrell involving a record of 3243 pages and 73 page Initial Brief of Appellant raising five separate unrelated issues. The Initial Brief of Respondent in the above action is due to be filed June 3, 2016. Assistant Attorney General Anthony Mabry is assisting in this matter. Counsel has contacted the Appellant's counsel, Robert M. Dudek and Keir Weyble, who had advised counsel this date that they has no objections to the third request.

Respondent's below-signed counsel submits that there is good cause for this extension due to below-signed counsel's intervening cases in both state and federal court, including :

1. May 2, 2016 – Andrea Person v. Warden - Federal Habeas corpus- court ordered response.

2. May 3, 2016 – Charles Williams v. Warden - Death Penalty – Response to Motion to Stay Execution and Appointment of Counsel – filed.
3. May 11, 2016 - Cardelle Washington v. Warden - Federal habeas brief and return - filed.
4. May 12, 2016 - Randy Elders v. Warden - Federal habeas – court-ordered Response to motion to alter.- filed
5. May 12, 2016 – Freddie Owens v. Warden – Response to death penalty motion to stay – filed .
6. May 15, 2016 – Freddie Owens v. Warden - federal habeas – response to motion to recuse Judge Wooten –filed .
7. May 16, 2016 – Joseph Urato v. Warden - federal habeas – court-ordered response to reply – filed .
8. May 17, 2016 – Stephen C. Bryant v. Warden – response to motion to stay – filed .
9. May 19, 2016 – Pamela Teal v. Warden – reply to response in opposition for summary judgement (court ordered) – filed
10. May 20, 2016 – Joshua Jeter v. Warden - federal habeas – court ordered status report concerning Aiken v. Byars issue in state court – filed .
11. May 20, 2016 – State v. Mandy Smith – South Carolina Supreme Court certiorari petition filed .
12. May 20, 2016 - David Parker v. Warden - federal habeas corpus – reply to response (court-ordered) – filed .
13. May 26, 2016 – Herman Bolton v. Warden – response in opposition to motion to alter – court-ordered – filed May 19.
14. May 27, 2016 – William Dickerson v. State – death panlty PCR hearing Judge Cooper – Richland County.
15. June 3, 2016 - State v. Luzinski COTTRELL - IBOR (Due June 3, 2016) –working on it with Anthony Mabry – due .
16. June 6, 2016 - John James BELL v. State - Brief of Respondent - DNA APPEAL - per court order – preparing brief initially due May 5, 2016).
17. June 8, 2016 - Roderick English v. Warden -Return due
18. June 13, 2016 – Rikan Dozier v. Warden – FHC Return Due
19. June 15, 2016 - Rusty Dunbar v. Warden - FHC Return Due
20. June 15, 2016 - Sammie Stokes v. State – death penalty PCR – US Supreme Court – Certiorari Brief in Opposition Due.
21. June 16, 2016 – Berry Bolin v. Warden - federal habeas – response to opposition .
22. June 21, 2016 – State v. Ryan Deleston - SC SCt – Retrun to COA certiorari.
23. June 27, 2016 – Stephen C. Bryant v. Warden - Return to death penalty habeas petition due – court ordered.
24. John Wood v. State – preparing proposed order for Judge Mark Hayes on successive PCR application granting state summary judgment.

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III.

Wherefore Respondents respectfully request an extension of a period of thirty (30) days up to and including July 5, 2016 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,

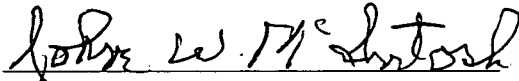


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Attorney for Respondent

I concur that good cause has been shown



John W. McIntosh

Chief Deputy Attorney General

June 3, 2016

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**CERTIFICATE OF SERVICE**

I, **Donald J. Zelenka**, hereby certify that two copies of the Third Motion to Extend time to file the Initial Brief of Respondent and Designation of Matter in the above referenced case has been served upon counsel for Appellant by depositing one copy of same in the U.S. Mail, postage-prepaid and addressed as follows:

KEIR M. WEYBLE  
Cornell Law School  
Myron Taylor Hall  
Ithaca, NY 14853  
607 255 3805

ROBERT M. DUDEK  
Chief Appellate Defender  
South Carolina Office of  
Appellate Defense  
P.O. Box 11589  
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This 3<sup>rd</sup> day of June, 2016.



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