

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

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JUL 05 2016

SC SUPREME COURT

STATE OF SOUTH CAROLINA,

Respondent,

v.

LUZINSKI ALLEN COTTRELL,

Appellant

Appellate Case No. 2015-000731

**MOTION FOR FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter up to and including August 5, 2016. This is Respondent's fourth request for an extension of time in which to file the brief. Appellant's counsel Robert Dudek and Keir Weyble have both indicated in an email that they have no objection to my request. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent completed the following work within the past thirty (30) days:
 - a. Brief of Respondent in State v. John James Bell on June 6, 2016;
 - b. response to Court order – Michael McKnight v. Warden on June 8;
 - c. federal habeas return and memorandum in Roderick English v. Warden on June 8;

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- d. Reply to response in federal habeas action in Frank Tolen v Warden on June 10;
 - e. reply to response in David Cash v. Warden on June 10;
 - f. federal habeas return and memorandum in Rikam Dozier v. Warden on June 13;
 - g. federal habeas return and memorandum in Rusty Dunbar v. Warden on June 15;
 - h. reply to response in Berry Bolin v. Warden on June 16;
 - i. court ordered response in Sammie Stokes v. Warden death penalty federal habeas action on June 20;
 - j. motion hearing preparation and travel to Manning in Stephen Bryant v. State death penalty post-conviction matter (argued by Melody Brown);
 - k. return to certiorari in Ryan Deleston v. State on June 29;
 - l. reply to objection in federal habeas matter of Mathew Jamison v. Warden on June 23, 2016;
 - m. reply to objections in Robert Isom v. Warden on June 27;
 - n. status conference call with Magistrate Judge Hodges in Sammie Stokes v. Warden habeas matter on June 29, 2016;
 - o. reply to response in opposition to summary judgment in Cardelle Washington v. Warden on July 5, 2016.

2. Respondent's counsel have the following matters scheduled for the next thirty days:

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- a. Cardell Washington v. Warden - court-ordered response to motion to stay;
court ordered response to motion to amend – July 11;
 - b. Final Brief of Respondent – State v. Kevin Choice – July 14;
 - c. Sammie Stokes v. State – U.S. Supreme Court - Brief in Opposition to
Petition for Writ of Certiorari – July 15;
 - d. Willie Gilmore v. Warden - court ordered response by Judge Gergel.
 - e. Michael McKnight v. Warden - response to objections.
 - f. Ron Finklea v. State – status conference – Judge Keesley – July 21;
 - g. **State v Luzinski Cottrell – August 5, 2016 (projected)**
 - h. Jerry Inman v. State – PCR Hearing – Judge Macaulay – August 22-26.

2. Due to his heavy case load, undersigned counsel for Respondent has not been able to complete the initial brief in this appeal. Below-signed counsel has Anthony Mabry assisting with him in this matter and drafts of some of the issues have been completed. This is done to attempt to insure no further extensions.

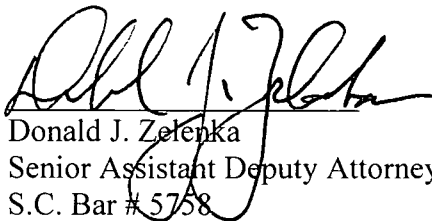
3. This is the fourth request for an extension of time in which to file a response. Counsel is cognizant of this fact and will continue to work diligently to complete the brief.

4. Respondent has consulted with opposing counsel, Mr. Dudek and Mr. Weyble by email who advised undersigned counsel each has no objection to this request by email this date.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the initial brief of respondent and designation of matter.

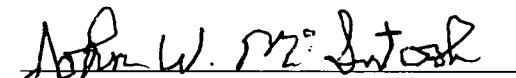
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Respectfully submitted,



Donald J. Zelenka
Senior Assistant Deputy Attorney General
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Attorney for Respondent

I concur that extraordinary circumstances have been shown



John W. McIntosh
Chief Deputy Attorney General

July 5, 2016

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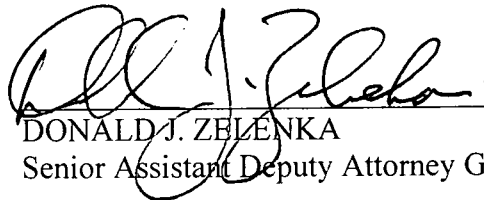
CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, hereby certify that two copies of the Fourth 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
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Myron Taylor Hall
Ithaca, NY 14853
607 255 3805

ROBERT M. DUDEK
Chief Appellate Defender
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803 734 1330

This 5th day of July, 2016.



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ATTORNEY FOR RESPONDENT