

**ORIGINAL**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Appeal from Horry County

Honorable Larry B. Hyman, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

OCT 20 2016

THE STATE,

S.C. SUPREME COURT

RESPONDENT,

V.

LUZENSKI ALLEN COTTRELL,

APPELLANT

Appellate Case No. 2015-000731  
\_\_\_\_\_

PETITION FOR EXTENSION TO FILE  
THE REPLY BRIEF TO THE INITIAL BRIEF OF RESPONDENT  
\_\_\_\_\_

The undersigned counsel respectfully requests a ten-day extension in which to file the reply brief to the initial brief of respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

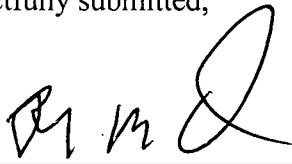
1. The reply to the initial brief of respondent is due to be served and filed today in this case.
2. Keir Weyble of Cornell Law School Death Penalty Project is lead counsel on this case, and he has informed undersigned counsel that, in addition to the present case, he is also working on a case in Mississippi that was vacated and remanded by the United States Supreme Court. The case is Flowers v. Mississippi, 136 S.Ct. 2157 (2016) (Mem.), decided June 20, 2016. The Court granted the petition for certiorari, vacated the Mississippi Supreme Court's

judgment affirming Flowers' convictions and death sentence, and remanded for further consideration in light of Foster v. Chatman, 136 S.Ct. 1737 (2016). Since then, the Mississippi Supreme Court has directed the parties to file supplemental briefs; Keir Weyble's supplemental brief is due November 8, 2016. Today, October 20, 2016, undersigned counsel will the petition for writ of certiorari to the Court of Appeals in the case of State v. James Scott Cross with this Court. On October 14, 2016, counsel filed the initial brief of appellant in the case of State v. August Kreis with this Court. On October 3, 2016, counsel filed the petition for writ of certiorari in the case of Richey Lamont Boyd v. State with this Court. On September 30, 2016, counsel filed the initial brief of appellant in the case of State v. Jeffrey Dana Andrews with the Court of Appeals. Counsel presented at the Public Defender's Conference on Case Law Update and three error preservation exercises on September 26, 2016. On September 8, 2016, counsel had an oral argument in the case of State v. Joshua Griffith before the Court of Appeals. On September 8, 2016, counsel had an oral argument in the case of State v. Shannon Scott before the Court of Appeals. On September 7, 2016, counsel had an oral argument in the case of State v. Raheem D. King before this Court. On September 6, 2016, counsel filed the return to petition for writ of certiorari in the case of Vernell W. Harris v. State with this Court. On August 30, 2016, counsel was second chair on the reply filed in support of the petition for writ of certiorari in the case of Sammie Louis Stokes v. State with the Supreme Court of the United States. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training five less experienced appellate defenders and reading all of their writings.**

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a ten-day extension. Counsel respectfully requests that the time limits for filing the reply to the initial brief of respondent be held in abeyance pending a ruling on this motion.

Respectfully submitted,

By:   
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

Keir Weyble  
Cornell Law School Death Penalty Project

October 20, 2016

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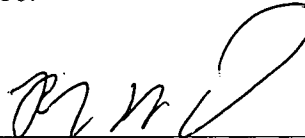
LUZENSKI ALLEN COTTRELL,

APPELLANT

Appellate Case No. 2015-000731

CERTIFICATE OF SERVICE

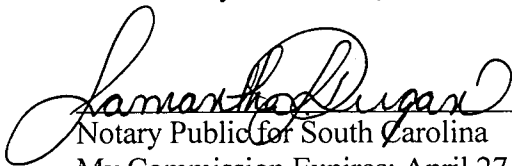
The undersigned attorney hereby certifies that a true copy of the petition for extension to file the reply to the initial brief of respondent in the above referenced case has been served upon Anthony Mabry, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of October, 2016.



Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me  
this 20th day of October, 2016.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: April 27, 2026.