

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Horry County

Honorable Larry B. Hyman, Circuit Court Judge

THE STATE,

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 (10) day extension until November 10, 2016**, in which to file the reply brief to the initial brief of respondent in the above-referenced case. **Lead counsel will make every attempt to file this reply brief early before the ten day extension deadline although this is the busiest time of the semester at Cornell Law School.** 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

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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.

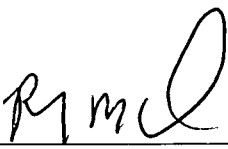
Today, October 31, 2016, undersigned counsel will file the initial brief of appellant in The State v. Joseph Bowers with the Court of Appeals. On October 21, 2016, counsel filed the initial brief of appellant in the case of State v. Marquise Green with the Court of Appeals. On October 21, 2016, counsel filed the initial brief of appellant in the case of State v. James Chadwick Lyda with the Court of Appeals. On October 20, 2016, counsel filed 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 the Court of Appeals. 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 four 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.

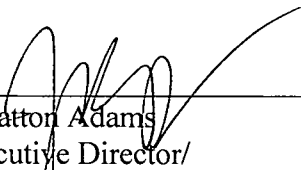
WHEREFORE, the undersigned counsel would respectfully request a **ten-day extension until November 10, 2016. Lead counsel will make every attempt to file this reply brief before the ten day extension deadline.** Counsel respectfully requests that the time limits for filing the reply to the initial brief 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



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

This 31st day of October, 2016.

I consent:



Anthony Mabry, Esquire

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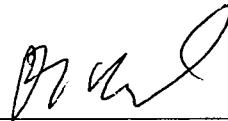
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CERTIFICATE OF SERVICE

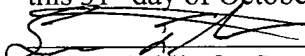
The undersigned attorney hereby certifies that a true copy of the petition for extension to file the reply to the initial brief of respondent in the above referenced case has been served upon Anthony Mabry, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 31st day of October, 2016.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me
this 31st day of October, 2016.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.