

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Horry County

Larry B. Hyman, Circuit Court Judge

---

RECEIVED

FEB 06 2017

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

LUZENSKI ALLEN COTTRELL,

APPELLANT

APPELLATE CASE NO. 2015-000731

---

MOTION TO AMEND THE DESIGNATION OF MATTER  
AND FILE SUPPLEMENTAL RECORD ON APPEAL

---

Counsel for Luzenski Allen Cottrell respectfully requests the Court's permission to amend the designation of matter to be included in the record on appeal and to file a supplemental record on appeal in this case. In support of this motion counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in the above-entitled case were filed with the Court on February 18, 2016.
2. Copies of the Record on Appeal in this case were filed with the Court on January 11, 2017.
3. While preparing the Final Brief of Appellant, counsel discovered that a document, Defense Motion to Protect the Record on Defendant's *Pro Se* Motion, that was cited in the initial

brief of appellant, was inadvertently left out of the designation of matter to be included in the record on appeal.

4. Counsel respectfully moves this Court to allow him to amend the designation of matter and supplement the record on appeal to include the missing document.

5. As indicated below, Donald J. Zelenka, Esquire, of the South Carolina Attorney General's Office has kindly consented to this request.

6. This Motion is being filed simultaneously with the Supplemental Record on Appeal and Amended Designation of Matter.

7. Counsel makes this request in good faith and not for purposes of delay.

WHEREFORE, the undersigned counsel respectfully requests this Court grant the motion to amend the designation of matter to be included in the record on appeal and to file a supplemental record on appeal in this case.



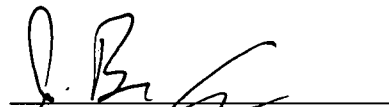
---

Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

February 6, 2017

I consent:

---

Donald J. Zelenka, Esquire

Don

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Horry County

Larry B. Hyman, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

LUZENSKI ALLEN COTTRELL,

APPELLANT

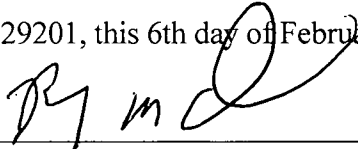
APPELLATE CASE NO. 2015-000731

---

CERTIFICATE OF SERVICE


---

The undersigned attorney hereby certifies that a true copy of the Motion to Amend the Designation of Matter and File Supplemental Record on Appeal, together with the Supplemental Record on Appeal and Amended Designation of Matter, in the above referenced case has been served upon Donald J. Zelenka, Esquire, and Anthony Mabry, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 6th day of February, 2017.

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

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 6th day of February, 2017.

 \_\_\_\_\_ (L.S.)

Notary Public for South Carolina  
My Commission Expires: November 3, 2026.