

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LUZENSKI ALLEN COTTRELL,

APPELLANT

APPELLATE CASE NO 2015-000731

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FEB 06 2017

SUPPLEMENTAL RECORD ON APPEAL

S.C. SUPREME COURT

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ATTORNEYS FOR APPELLANT

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1000 Assembly Street, Room 519
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Conway, SC 29526

ATTORNEYS FOR RESPONDENT

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DEFENSE MOTION TO PROTECT THE RECORD ON DEFENDANT'S
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STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	INDICTMENT # 2003-GS-26-0020

STATE OF SOUTH CAROLINA)	DEFENSE MOTION #73
)	
vs.)	MOTION TO PROTECT THE RECORD ON
)	THE DEFENDANT'S PRO SE MOTION
LUZENSKI ALLEN COTTRELL,)	OBJECTING TO REMOVAL OF
)	PRIOR COUNSEL (AXELROD)
Defendant)	
)	

The undersigned counsel are informed and believe that Mr. Cottrell objected contemporaneously to the removal of prior counsel, Stuart Axelrod. Counsel have not, however, been provided with a transcript of that hearing and the defendant's pro se objections do not appear in the Horry County Clerk of Court's file. Mr. Cottrell did, however, file a pro se motion in the South Carolina Supreme Court, which was served upon the Solicitor.

Therefore, in order to ensure that Mr. Cottrell's pro se objections are properly preserved and available in the court's record, counsel requests that Mr. Cottrell's pro se motion be file-stamped *nunc pro tunc* as if filed with the Horry County Clerk of Court on March 14, 2012. Additionally, counsel request an order from this Court that Mr. Cottrell's pro se motion is preserved for appellate review without requiring him to continue to assert this objection in this proceedings.

Respectfully Submitted,

William McGuire
 SCCID – Capital Trial Division
 1330 Lady St., Suite 401
 Columbia, SC 29201
 (803) 734-7818

Teresa L. Norris

Blume Norris & Franklin Best LLC
900 Elmwood Ave Ste 101
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(803) 765-1044

By:



Counsel for Mr. Cottrell

4/11/14

The Supreme Court of South Carolina
Attn: Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, S.C. 29211

2012-13-U-188
2012-219728

Re: State v. Luzenski Allen Cottrell
2003-GS-26-0020

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MAR 18 2012
S.C. SUPREME COURT

Honorable Clerk of Court,

Enclosed please find the original of my PRO SE MOTION
TO MAINTAIN PRESENT LEAD COUNSEL in the above-
referenced case in Horry County. This MOTION is being
filed subsequent to the hearing held in Horry County
on Thursday, March 8, 2012.

By copy of this letter, I am informing this Court that I
have forwarded copies of same to all parties:

Stuart AXELROD, Attorney for Defendant
Lisa Armstrong, Attorney
Horry County Solicitor, Mr. Hembree

Please file this original with the Court, and I, very respectfully,
ask that you return a copy to me clock-stamped for my
files.

Respectfully... I am,

Luzenski Allen Cottrell, Defendant - Pro Se
Luzenski Allen Cottrell #6020
Lieber C.I. (RB#219)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

DEATH PENALTY CASE, Horry County
Larry B. Hyman, Circuit Court Judge

STATE OF SOUTH CAROLINA,

VS.

LUZENSKI ALLEN COTTRELL,
DEFENDANT

Indictment No. 2003-GS-26-0020

PRO SE

MOTION TO MAINTAIN LEAD COUNSEL IN DEATH
PENALTY CASE

COMES NOW, Luzenski Allen Cottrell, Defendant in the above-captioned and referenced case, acting Pro Se, who moves this Most Honorable Court to Maintain Present Lead Counsel, Stuart Axelrod, in said case.

In the hearing convened on Thursday, March 8, 2012, Mr. Axelrod and 2nd Counsel, Lisa Armstrong, were removed as Appointed Counsel. The Defendant, acting Pro Se, herein moves this Court to MAINTAIN Mr. Axelrod as LEAD COUNSEL. In support thereof, the Defendant would show the following:

(1) With trial less than two(2) weeks away, a hearing for preliminary matters was convened before the Honorable Judge Hyman, Circuit Court Judge, on Thursday, March 8, 2012;

(2) During said hearing, Lisa Armstrong, Attorney for the Defendant, made all parties in the Court aware of the fact that she had prior conversations with the Office of the Solicitor, unknown to the Defendant, Lead Counsel and/or the Court;

(3) Attorney Armstrong made further statements insinuating and/or alleging her own personal feelings and beliefs that LEAD COUNSEL Stuart Axelrod had acted unethically in this case;

(4) As a result of statements made by Attorney Armstrong, Judge Hyman removed both Attorneys for the Defense, Axelrod and Armstrong, from the case and continued the case until new counsel could be appointed on the Defendant's behalf;

(5) The Defendant, *HEREIN PRO SE*, now states that Attorney Armstrong has not acted with his best interest in mind. She knowingly and willingly spoke to the Office of the Solicitor outside of both his and LEAD COUNSEL's knowledge, understanding and approval. Attorney Armstrong further expressed views and opinions contradictory to that of the Defendant and had never discussed any of such prior to her statements before the Court; and

(6) The Pro Se Defendant herein states that Attorney Stuart Axelrod, to the best of Defendant's present knowledge and understanding, has prepared a viable defense and case on the Defendant's behalf to argue and rebut the charges filed by the State. The PRO SE Defendant presently believes that Attorney Axelrod has prepared a Defense based on the facts and evidence in his possession and has NOT acted contrary to any judicial ethics or standards.

THESE STATEMENTS MADE, the presently PRO SE Defendant, Luzenski Allen Cottrell, HEREW REQUESTS that Attorney Stuart Axelrod remain as LEAD COUNSEL in the above-captioned and referenced case.

The PRO SE Defendant further requests that This Most Honorable Court remove Attorney Lisa Armstrong from the case.

IT IS SO MOTIONED AND REQUESTED.

Respectfully submitted,

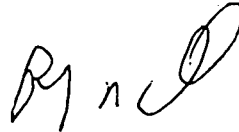
Luzenski Allen Cottrell #6020
 Luzenski Allen Cottrell, Pro Se Defendant
 Lieber C.I. (RB#219)
 P.O. BOX 205
 RIDGEVILLE, S.C. 29472

Dated: March 14, 2012
 RIDGEVILLE, S.C.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 6th day of February, 2017.

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STATE OF SOUTH CAROLINA
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THE STATE,

RESPONDENT,

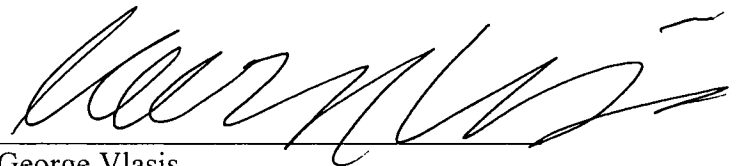
V.

LUZENSKI ALLEN COTTRELL,

APPELLANT

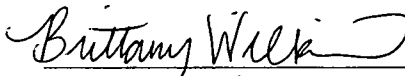
CERTIFICATE OF SERVICE

I certify that a copy of the Supplemental Record on Appeal 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.



George Vlasis
Administrative Specialist

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.

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S.C. SUPREME COURT