



State of South Carolina  
The Circuit Court of the Fifteenth Judicial Circuit

Larry B. Hyman, Jr.  
Judge

Horry County Judicial Center  
1301 Second Avenue, Suite 3B71  
Conway, SC 29526  
Phone (843) 915-6711  
Fax (843) 915-6073  
lhymanj@sccourts.org

December 1, 2014

Daniel E. Shearouse  
Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211


**RE: Death Penalty Sentencing Report – State v. Luzenski Cottrell**

Dear Mr. Shearouse,

Enclosed you should find the completed Death Penalty Sentencing Report for the above mentioned case. Should you need anything else from me regarding this matter, please do not hesitate to contact me.

With kind regards, I remain,

Very truly yours,

  
Larry B. Hyman, Jr.

LBJr/ap  
Enclosure

**RECEIVED**

DEC 03 2014

**S.C. SUPREME COURT**

REPORT OF THE TRIAL JUDGE  
IN THE COURT OF GENERAL SESSIONS  
HORRY COUNTY, SOUTH CAROLINA

The State  
vs.  
Luzenski Allen Cottrell  
Case No. 2003-GS-26-00020

A. Data Concerning The Defendant

1. Name Luzenski Allen Cottrell
2. Date of Birth November 10 1977  
Month Day Year
3. Social Security Number \_\_\_\_\_ [ ] Unknown
4. Sex: Male  Female [ ]
5. Race: White [ ] Black  Other [ ]
6. Education - Highest Grade Completed:  
1 2 3 4 5 6 7 8 9 10  11 12 13 14 15 16  unknown  
(Circle One) (College)
7. Do you have an opinion as to the Defendant's intelligence level?  
Yes  No [ ]  
If so, is it  
a. Below Average [ ]  
b. Average    
c. Above Average [ ]
8. Was a psychiatric evaluation performed? Yes [ ] No 
  - a. If performed, by whom? I have funded both psychiatric and psychological experts for defense. This was not an issue at trial.
  - b. If performed, is defendant
    1. Able to distinguish right from wrong? Yes [ ] No [ ]
    2. Able to cooperate intelligently in his own defense? Yes [ ] No [ ]

RECEIVED

DEC 03 2014

**Appendix F - 8**

---

- c. If performed, were character or behavior disorders found? Yes [ ] No [ ]  
(If yes, please elaborate)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Does the Defendant have a record of prior convictions? Yes  No [ ]

- a. If so, either attach hereto a record manifesting such prior convictions(s) or list the offenses(s), the date(s) of such offense(s) and the sentence(s) imposed:

	<u>Offense</u>	<u>Date of Offense</u>	<u>Sentence imposed</u>
1.	Murder	12-29-2002	Death (overturned - this was retrial)
2.	ABWIK	12-29-2002	10 years
3.	Grand Larceny	12-29-2002	10 years
4.	Resisting arrest with deadly weapon	12-29-2002	10 years
5.	Murder	12-25-2002	Life w/o parole
6.	**NCIC attached for other convictions. Please note that the NCIC fails to show the 12-25-02 murder in Marion County.**		

10. Was the defendant a resident or non-resident of the county in which the trial was held? Resident  Non-Resident [ ]

**B. Data Concerning Pre-trial Matters**

1. The defendant was arrested on December 29, 2002
2. Was a preliminary hearing requested? Yes [ ] No
3. Was a preliminary hearing conducted? Yes [ ] No
4. The defendant was indicted at the October 9, 2003 term of the Court of General Sessions for Horry County, South Carolina.
5. List each charge alleged in the indictment.
- a. Murder
- b. ABWIK

- c. Resisting arrest with deadly weapon
- d. Grand Larceny
- e. \_\_\_\_\_
- f. \_\_\_\_\_
6. The defendant was arraigned on March 11, 2005 / September 11, 2014
- a. If not arraigned, did the defendant waive arraignment?  
Yes  No  N/A
7. Was the defendant provided with a true copy of the whole indictment at least three days prior to his trial thereupon?  
Yes  No
- a. If not, did the defendant waive this right to a three-day sight of the indictment?  
Yes  No  N/A
8. Did the solicitor notify the defendant at least thirty days before trial that the State would seek imposition of the death penalty upon the defendant?  
Yes  No
9. Did the solicitor make known to the defendant in writing prior to trial the evidence in aggravation of punishment thereafter introduced by the State during the trial or during the sentencing proceeding?  
Yes  No
10. Did the defendant move for a change of venue?  
Yes  No
- a. If so, was the venue changed?  
Yes  No  N/A
- (1) If so, designate County. N/A

**C. Data Concerning The Trial**

1. The defendant was brought to trial in the Court of General Sessions for Horry County, South Carolina on 9-15-2014, during the Regular term of that Court.
2. How did the defendant plead? Guilty   
Not Guilty

**Appendix F - 8**

---

3. List each offense of which the defendant was convicted and each offense of which the defendant was acquitted:
- a. The offense(s) of which the defendant was convicted:
1. Murder
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_
- b. The offense(s) of which the defendant was acquitted:
1. N/A
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_
4. On what date and at what time did the conviction(s) occur?  
September 24, 20014, at 4:10 o'clock P.M.

**D. Data Relating to Sentencing Proceeding**

1. Before whom was the defendant's sentencing proceeding conducted?
- the trial jury       the trial judge   
a new jury       a new trial judge
- a. If conducted before the trial jury,
1. On what date and at what time was the sentencing proceeding held?  
September 26, 20014 at 9:30 o'clock A.M.
  - a. If such proceeding was conducted less than twenty four hours after the defendant's conviction, did the defendant waive the twenty-four hour waiting period?  
Yes       No       N/A

b. If conducted before the trial judge or a new trial judge,

1. And if the defendant was convicted by a jury,

a. Did the defendant and the State waive having the trial jury recommend sentence ?

Yes [ ] No

If not, was the sentencing proceeding conducted by the trial judge because the case, due to nonprejudicial error, had been remanded to the trial court for resentencing based upon the record and argument of counsel?

Yes [ ] No

b. On what date and what time was the sentencing proceeding held?

September 26, 20014 at 9:30 o'clock A. M.

If such proceeding was conducted less than twenty four hours after the defendant's conviction, did the defendant waive the twenty four hour waiting period?

Yes [ ] No

And if the defendant was convicted upon a plea of guilty, on what date was the sentencing proceeding held?

N/A, 200    

c. If conducted before a new jury,

1. On what date was the sentencing proceeding held?

N/A, 200    

2. Was such a proceeding conducted by the same judge who presided over the defendant's trial?

Yes [ ] N/A No [ ]

2. Which of following statutory aggravating circumstances were instructed, if the sentencing proceeding was conducted before a jury, and which of those circumstances were found irrespective of whether or not that proceeding was conducted before a jury or a trial judge?

A. Murder was committed while in the commission of	<u>Instructed</u>		<u>Found</u>
--	-------------------	--	--------------

1. Criminal sexual conduct, <u>                    </u> degree,	[ ]		[ ]
N/A			

**Appendix F - 8**

---

2.	Kidnapping	N/A	<input type="checkbox"/>	<input type="checkbox"/>
3.	Burglary, _____ degree	N/A	<input type="checkbox"/>	<input type="checkbox"/>
4.	Robbery while armed with a deadly weapon.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
5.	Larceny with use of a deadly weapon.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
6.	Killing by poison	N/A	<input type="checkbox"/>	<input type="checkbox"/>
7.	Physical torture	N/A	<input type="checkbox"/>	<input type="checkbox"/>
B.	Murder was committed by a person with a prior record of conviction for murder.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
C.	The offender by his act of murder knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
D.	The offender committed the offense of murder for himself or another for the purpose of receiving money or any other thing of monetary value.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
E.	The murder of a judicial officer, former judicial officer, solicitor, former solicitor, or other officer of the court during or because of the exercise of his official duty.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
F.	The offender caused or directed another to commit murder or committed murder as an agent or employee of another person.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
G.	The offense of murder was committed against any peace officer, corrections employee or fireman while engaged in the performance of his official duties.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
H.	Murder wherein two or more persons are murdered by the defendant by one act or pursuant to one scheme or course of conduct.	N/A	<input type="checkbox"/>	<input type="checkbox"/>

- I. The murder of a child eleven years of age or under. N/A
- J. The murder of a witness or potential witness committed at any time during the criminal process for the purpose of impeding or deterring prosecution of any crime. N/A
- K. The murder was committed by a person deemed a sexually violent predator pursuant to the provisions of Chapter 48, Title 44, or a person deemed a sexually violent predator who is released pursuant to § 44-48-120. N/A

3. Was (were) the aggravating circumstance(s) found supported by the evidence?  
 Yes  No

4. Was there evidence of mitigating circumstances found supported by the evidence?  
 Yes  No

5. If so, which of the following mitigating circumstances was in evidence?

1. The defendant has no significant history of prior criminal conviction involving the use of violence against another person.
2. The murder was committed while the defendant was under the influence of mental or emotional disturbance.
3. The victim was a participant in the defendant's conduct or consented to the act.
4. The defendant was an accomplice in the murder committed by another person and his participation was relatively minor.
5. The defendant acted under duress or under the domination of another person.
6. The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.
7. The age or mentality of the defendant at the time of the crime(s).
8. The defendant was provoked by the victim into committing murder.

**Appendix F - 8**

---

- 9. The defendant was below the age of eighteen at the time of the crime(s).
- 10. The defendant had mental retardation at the time of the crime. "Mental retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.
- 11. Other. Please explain if 10 is checked.

---

---

---

6. If tried with a jury, was the jury instructed to consider the circumstances in number 5 as mitigating circumstances?

Yes  No

7. Was the jury provided in writing for its deliberation the statutory instructions as to aggravating and mitigating circumstances?

Yes  No

8. As a trial judge, did you, prior to imposing the sentence of death upon the defendant, find as an affirmative fact that the death penalty was warranted under the evidence of the case and was not a result of prejudice, passion or any other arbitrary factor?

Yes  No

**E. Data Relating to Offense(s)**

1. Was there evidence that the defendant, at the time the offense(s) was (were) committed, was

a. Under the influence of alcohol? Yes  No

b. Under the influence of narcotics or other dangerous drugs? Yes  No

2. Was (were) any weapon(s) used in the commission of the crime of murder? Yes  No

a. If so, check each weapon used

1. Poison

2. Pistol

3. Rifle

- 4. Shotgun
  - 5. Blunt instrument   
Describe - \_\_\_\_\_
  - 6. Sharp instrument   
Describe - \_\_\_\_\_
  - 7. Motor vehicle
  - 8. Other   
Describe - \_\_\_\_\_
3. Cause of death.  
Gunshot to the head  
\_\_\_\_\_
4. County in which the body was found. Horry
5. County in which the murder occurred if different from county in which the body was found. Horry

**F. Data Relating to Victim**

- 1. What was the victim's age? 32
  - 2. Was the victim related by blood or marriage to the defendant?  
Yes  No
  - a. If so, what was the relationship? \_\_\_\_\_
  - 3. Was the victim the same race as the defendant? Yes  No
  - 4. Was the victim the same sex as the defendant? Yes  No
  - 5. Was the victim physically harmed or tortured? Yes  No
- If yes, state nature of harm or extent of torture.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Appendix F - 8**

---

**G. Data Concerning Defense Counsel**

1. Who was (were) the defendant's attorney(s) and what was (were) his (their) mailing address(es)?

	<u>Name</u>	<u>Mailing Address</u>
a.	<u>William S. McGuire</u>	<u>1330 Lady Street - Suite 401, Columbia, SC 29201</u>
b.	<u>Teresa L. Norris</u>	<u>900 Elmwood Ave. - Suite 101, Columbia, SC 29201</u>
c.	_____	_____
d.	_____	_____

2. Did the defendant retain his own counsel or did the court appoint defense counsel?

Retained by Defendant

Appointed by Court

- a. Specify for each such counsel, the date retained or appointed, the number of years as a licensed attorney and the number of years of actual felony trial experience.

	<u>Name</u>	<u>Date retained or appointed</u>	<u>Years experience as attorney</u>	<u>Years felony trial experience</u>
1.	<u>*William S. McGuire</u>	<u>3-15-02</u>	<u>19</u>	<u>17</u>
2.	<u>*Teresa L. Norris</u>	<u>3-15-02</u>	<u>24</u>	<u>20</u>
3.	<u>*See attached Order Appointing Counsel</u>			
4.	_____			

3. Identify by name each attorney who, at the time of his appointment, was employed by the Public Defender's Office.

William S. McGuire  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Did each counsel serve throughout the trial?

Yes  No

a. If not, explain in detail. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**H. General Considerations**

1. Was race raised by the defense as an issue in the trial? Yes  No
2. Did race otherwise appear as an issue in the trial? Yes  No
3. Were members of the Defendant's race represented on the petit jury? Yes  No
4. Were members of the Defendant's race represented on the jury venire? Yes  No
5. Was there any evidence that members of the Defendant's race were systematically excluded from the jury? Yes  No
6. Was the jury instructed to exclude race as an issue? Yes  No
7. Was there extensive publicity in the community concerning this case? Yes  No
8. Was the jury instructed to disregard such publicity? Yes  No
9. Was the jury sequestered? Yes  No
10. Was the jury instructed to avoid any influence of passion, prejudice or any other arbitrary factor when recommending sentence? Yes  No
11. Your general comments concerning the appropriateness of the sentence imposed in this case.

The evidence indicates that this defendant personally committed 3 very brutal murders in a period of 33 days. He participated in an attempted fourth murder by arson in the same period. I believe that the sentence recommended by the jury is appropriate.

12. If the Defendant is a female, is she currently pregnant? Yes  No  N/A
  - a. If so, the anticipated delivery date is \_\_\_\_\_.

**Appendix F - 8**

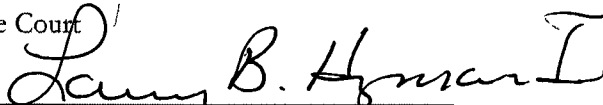
---

13. This report was submitted to the Defendant's counsel for such comments as he (they) desired to make concerning the factual accuracy of the report and
- a. His (their) comments are attached
  - b. He (they) stated he (they) had no comments
  - c. He has (they have) not responded

**I. Chronology of Case**

		<u>Elapsed Days</u>
1. Date of offense	<u>12-29-2002</u>	_____
2. Date of arrest	<u>12-29-2002</u>	_____
3. Date trial began	<u>9-15-2014</u>	_____
4. Date sentence imposed	<u>9-27-2014</u>	_____
5. Date post-trial motions ruled on	<u>11-10-2014</u>	_____
6. Date trial judge's report completed	<u>11-12-2014</u>	_____
7. *Date received by Supreme Court	_____	_____
8. *Date sentence review completed	_____	_____
9. *Total elapsed days	_____	_____

\*To be completed by Supreme Court



Larry B. Hyman, Jr., Presiding Judge

Date: 12-1-14

See also SCCA Form 225 -  
Death Penalty Sentencing Report



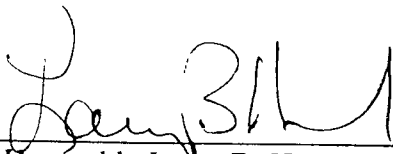
Mr. McGuire is the Chief Attorney of the Capital Trial Division of the South Carolina Commission on Indigent Defense. Mr. McGuire has fifteen (15) years of experience as a criminal defense trial lawyer. Mr. McGuire also has approximately ten (10) years of experience representing defendants facing the death penalty. Before returning to South Carolina to assume his current position, McGuire was a full-time capital defender in Atlanta, Georgia. Mr. McGuire has been lead counsel, or co-counsel, in over a dozen capital cases.

As second counsel, this Court hereby appoints Teresa L. Norris. Ms. Norris is also certified by the South Carolina Supreme Court, pursuant to Rule 421 of the South Carolina Appellate Court Rules, to be lead counsel in death penalty cases. She has been a member in good standing of the South Carolina Bar since November 1990. From November 1994 until April 1, 2006, she served as the Senior Staff Attorney and then Director of the Center for Capital Litigation (CCL) in Columbia. The CCL was a private non-profit corporation that, during that time period, provided direct representation to death-sentenced inmates and capital defendants and also consulted with other capital defense attorneys on both a pro bono and retained basis. Since April 1, 2006, Ms. Norris has been a partner in the firm of Blume Weyble & Norris, LLC, where she has continued capital defense work. She has directly represented approximately thirty-five (35) indigent capital defendants in various stages of court proceedings, including two (2) state capital trials through trial and sentencing, a federal death-eligible trial where the United States Attorney did not seek death, and five (5) other state capital trial cases that reached negotiated resolutions. She also routinely serves as a faculty member for state and national capital defense continuing legal education programs

Both, Mr. McGuire and Ms. Norris, exceed the qualifications to be counsel in a capital case. Therefore, it is ordered that Mr. McGuire is appointed to be lead counsel and Ms. Norris is appointed as second counsel.

IT IS SO ORDERED.

3-15, 2012

  
\_\_\_\_\_  
The Honorable Larry B. Hyman Jr.  
Circuit Court Judge



ICHS 003F0FAA1B from SCCH

HRRSL005

.ICHS.003F0FAA1B.SCCH.20140930 15:39:57  
TO: HRRSL005-1544 20140930 15:39:57 003F0FAA1B  
FROM: SCCH-1026587 20140930 15:39:57  
ICHS/QH INQUIRY OF SCLED CCH FILES USING:  
ATN-JUDGE LARRY B HYMAN  
ORI-SC026015A PUR-C  
NAM-COTTRELL, LUZENSKI ALLEN  
SOC- SEX-M RAC-B DOB-19771110

DATE-09/30/2014 TIME-15:36 PAGE-01 OF 01

ORI-SC026015A

SCLED IDENT RESPONSE TO ICHS/QH INQUIRY  
THIS RESPONSE CONTAINS POSSIBLE HITS ONLY AND DOES NOT IMPLY A POSITIVE  
MATCH WITH THE INDIVIDUAL IN QUESTION

NAME-COTTRELL, LUZENSKI ALLEN SEX-M RACE-B  
HEIGHT-508 WEIGHT-170 EYES-BRO HAIR-BLK SKIN- BORN-TX  
FPC: HENRY- NCIC-

SID-SC01353683 FBI-100677DBO  
PHOTOGRAPH AVAILABLE  
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS  
DATE RECORD ENTERED--02/26/2001 DATE OF LAST UPDATE--06/24/2005

BIRTH DATES-11/10/1977 11/27/1970

MARKS, ETC-SC R ANKL SC L CALF TAT L ARM TAT R ARM TAT L SHLD  
TAT R SHLD SC R ANKL

SOC SEC NUMBERS-454758066  
SCLED CJIS RECORD INDICATES SUBJECT HAS OUT-OF-STATE ARREST INFORMATION

-----  
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN  
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110  
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN  
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR  
ACQUIRE A HANDGUN.

-----  
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION  
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN  
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.  
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY  
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS  
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.USC 922(G)).

\*\* END OF IDENT \*\*

REQUESTED FOR CRIMINAL JUSTICE PURPOSES MAY OCCUR DAILY, A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED.

FOR COMPLETE CRIMINAL HISTORY, PERFORM ICHR INQUIRY USING SID NUMBER OR FBI NUMBER.

REQUEST FORWARDED TO NCIC

ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCIC VIA YOUR TERMINAL

\*\* END OF MESSAGE \*\*



QH 00351968C3 from III

HRRSL005

.QH.00351968C3.III.20140930 15:40:02

TO: HRRSL005-1545 20140930 15:40:02 00351968C3

FROM: III-1665219 20140930 15:40:02

7L01094B00059B2QH

SC026015A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR INQUIRY ON NAM/COTTRELL, LUZENSKI ALLEN SEX/M RAC/B DOB/19771110 SOC/ /PUR/C

NAME	FBI NO.	INQUIRY DATE
COTTRELL,LUZENSKI ALLEN	100677DB0	2014/09/30

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	B	1977/11/10	506	160	BLK	BLK	Y

BIRTH PLACE  
TEXAS

FINGERPRINT CLASS	PATTERN CLASS
PI PM PM PO PO	
PI PM PM PI PI	

ALIAS NAMES

COTTRELL,LUZENSKI A	COTTRELL,LUZENSKI
COTTRELL,ALLEN	COTTRELL,L
COTTRELL,ALL	COTTRELL,BLACK
COTTRELL,A	

OTHER	SCARS-MARKS-
BIRTH DATES	TATTOOS
1970/11/27	SC L CALF
	TAT R SHLD
	TAT L ARM
	TAT R ARM
	SC R ANKL
	TAT L SHLD

IDENTIFICATION DATA UPDATED 2005/05/19

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:

- NEW YORK - STATE ID/NY8333175J
- SOUTH CAROLINA - STATE ID/SC01353683

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END



ICHR 003F0FAA67 from SCCH

HRRSL005

.ICHR.003F0FAA67.SCCH.20140930 15:46:58
TO: HRRSL005-1546 20140930 15:46:58 003F0FAA67
FROM: SCCH-1026663 20140930 15:46:58

ICHR REQUEST FOR RAP SHEET
ORI-SC026015A FBI-100677DB0 PUR-C
ATN-JUDGE LARRY B HYMAN

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-09/30/2014 TIME-15:43:52
REQ ORI-SC026015A FIFTEENTH JUDICIAL C
SID-SC01353683 FBI-100677DB0
NAME-COTTRELL, LUZENSKI ALLEN SEX-M RACE-B
HEIGHT-508 WEIGHT-170 EYES-BRO HAIR-BLK SKIN- BORN-TX
FPC- HENRY-
PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--02/26/2001 DATE OF LAST UPDATE--06/24/2005

Table with columns: ADDITIONAL IDENTIFIERS NAME, BIRTH DATES, MARKS, SOC SEC, MISC NUM. Rows include birth dates 11271970 and 11101977 with associated marks like SC R ANKL, SC L CALF, and TAT L ARM.

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

COTTRELL, LUZENSKI ALLEN 02/08/2001
SC0260700 N MYRTLE BEACH PD
CASE-200103058
ATN-
WARR-17448BQ

ARREST CHARGE 01-FAILURE TO
OBTAIN SC VEHICLE REGISTRA
TION
OFFENSE DATE-02/08/2001
PHOTOGRAPH AVAILABLE

WARR-17449BQ

ARREST CHARGE 02-SIMPLE POSSE
SSION OF MARIJUANA

CIT-44-53-370 (D) (3) -MISDEMEANOR
DOC-R84
WARR-17449BQ

COURT CHARGE 01-POSS 28G OR
LESS MARIJ OR 10G OR LESS
HASH 1ST

CIT-56-3-840-MISDEMEANOR  
DOC-R84  
WARR-17448BQ

COURT DISP-CONVICTED; SENTENCE  
UNKNOWN  
COURT DATE-02/28/2001  
ATN-

COURT CHARGE 02-OPERATE VEHIC  
LE W/O REGISTRATION AND  
LICENSE  
COURT DISP-CONVICTED; COURT  
COST  
COURT DATE-02/28/2001

COTTRELL, LUZENSKI ALLEN  
SC0260700 N MYRTLE BEACH PD  
CASE-2001119549  
ATN-  
WARR-G573236  
CIT-44-53-370(B)(1)-FELONY

-----  
03/21/2002

ARREST CHARGE 01-MDP, DRUGS  
SCH I B,C, LSD AND SCH  
II, COCAINE-1ST  
OFFENSE DATE-07/05/2001  
PHOTOGRAPH AVAILABLE

WARR-G573237  
CIT-44-53-370(B)(1)-FELONY

ARREST CHARGE 02-MDP, DRUGS  
SCH I B,C, LSD AND SCH  
II, COCAINE-1ST  
OFFENSE DATE-07/05/2001

WARR-G573238  
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 03-DRIVING  
UNDER SUSPENSION  
OFFENSE DATE-07/05/2001  
COURT CHARGE 01-MANUFT, POSSES  
S OTHER SUB SCH I, II, III  
WITD-1ST  
COURT DISP-CONVICTED; SENT  
CONC JAIL 05 YRS SUSP CC  
PROB 02 YRS 06 MOS  
COURT DATE-08/16/2002

DOC-02GS2602244  
WARR-G573236

ATN-  
COURT CHARGE 02-MDP, DRUGS  
SCH I B,C, LSD AND SCH  
II, COCAINE-1ST  
COURT DISP-CONVICTED; SENT  
JAIL 05 YRS SUSP CC PROB  
02 YRS 06 MOS  
COURT DATE-08/16/2002

DOC-02GS2602243  
WARR-G573237

COURT CHARGE 03-DRIVING UNDER  
SUSPENSION  
COURT DISP-CONVICTED; \$200  
FINE  
COURT DATE-07/11/2002

CIT-56-1-460-MISDEMEANOR  
DOC-R84  
WARR-G573238

COTTRELL, LUZENSKI ALLEN  
SC0260600 MYRTLE BEACH PD  
ATN-  
WARR-H186377

-----  
06/03/2002

CIT-44-53-370 (B) (2) -FELONY

ARREST CHARGE 01-MANUFT, POSSE  
SS OTHER SUB SCH I, II, III  
WITD-1ST  
OFFENSE DATE-06/03/2002  
PHOTOGRAPH AVAILABLE

WARR-18487CG

CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 02-DRIVING  
UNDER SUSPENSION  
OFFENSE DATE-06/03/2002

CIT-44-53-370 (B) (2) -MISDEMEANOR

DOC-02GS2602974

WARR-H186377

COURT CHARGE 01-MANUFT, POSSES  
S OTHER SUB SCH I, II, III  
WITD-1ST  
COURT DISP-NON-CONVICTION;  
NOLLE PROCESSED  
COURT DATE-09/19/2002  
ATN-

COTTRELL, LUZENSKI ALLEN

SC0260400 HORRY CNTY PD

ATN-

WARR-I265178

CIT-16-3-10-FELONY

-----  
12/30/2002ARREST CHARGE 01-MURDER  
OFFENSE DATE-12/29/2002

WARR-I265179

CIT-16-3-620 (2) -FELONY

ARREST CHARGE 02-ASSAULT AND  
BATTERY WITH INTENT TO  
KILL  
OFFENSE DATE-12/29/2002

WARR-I265180

CIT-16-13-30 (B) (2) -FELONY

ARREST CHARGE 03-GRAND LARCEN  
Y, VALUE \$5,000 OR MORE  
OFFENSE DATE-12/29/2002

WARR-I265181

CIT-16-3-625-FELONY

ARREST CHARGE 04-RESISTING  
ARREST WITH A DEADLY WEAPO  
N-1ST OFF  
OFFENSE DATE-12/29/2002

CIT-16-3-10-FELONY

DOC-03GS2600020

WARR-I265178

COURT CHARGE 01-MURDER  
COURT DISP-CONVICTED; SENT  
DEATH CC  
COURT DATE-04/06/2005  
ATN-

CIT-C/L, -MISDEMEANOR

DOC-03GS2600020

WARR-I265179

COURT CHARGE 02-ASSAULT WITH  
INTENT TO KILL  
COURT DISP-CONVICTED; SENT  
CONC JAIL 10 YRS CC  
COURT DATE-04/06/2005

CIT-16-13-30 (B) (2) -FELONY

DOC-03GS2600020

WARR-I265180

COURT CHARGE 03-GRAND LARCENY  
, VALUE \$5,000 OR MORE  
COURT DISP-CONVICTED; SENT

CIT-16-3-625-FELONY  
DOC-03GS2600020  
WARR-1265181

CONC JAIL 10 YRS CC  
COURT DATE-04/06/2005

COURT CHARGE 04-RESISTING  
ARREST WITH A DEADLY WEAPO  
N-1ST OFF  
COURT DISP-CONVICTED;SENT  
CONC JAIL 10 YRS CC  
COURT DATE-04/06/2005

-----  
SC040015C SC DEPT CORRECTIONS A12/30/2002 CUSTODY STATUS-RECEIVED  
CASE-NA START DATE-12/30/2002  
CIT-16-3-10-FELONY

COURT CHARGE 01-MURDER  
COURT DISP-CONVICTED;DEATH  
COURT DATE-04/07/2005  
ATN-990000069656

CIT-C/L, 22-05-150, 03-550-MISDEM

COURT CHARGE 02-SIMPLE ASSAUL  
T AND BATTERY  
COURT DISP-CONVICTED;10 YEARS  
COURT DATE-12/19/2002

CIT-16-3-625-FELONY

COURT CHARGE 03-RESISTING  
ARREST WITH A DEADLY WEAPO  
N-1ST OFF  
COURT DISP-CONVICTED;10 YEARS  
COURT DATE-12/19/2002

CIT-16-13-30(B)(2)-FELONY

COURT CHARGE 04-GRAND LARCENY  
, VALUE \$5,000 OR MORE  
COURT DISP-CONVICTED;10 YEARS  
COURT DATE-12/19/2002

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/100677DB0  
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION  
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION  
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

-----  
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN  
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110  
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN  
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR  
ACQUIRE A HANDGUN.

-----  
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION  
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN  
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.  
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY

FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS  
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

\*\* S C CJIS END OF RECORD \*\*



HRRSL005

\.QR.0035196942.III.20140930 15:47:00

TO: HRRSL005-1548 20140930 15:47:00 0035196942

FROM: III-1665346 20140930 15:47:00

EL01094B00059E2QR

SC026015A

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR  
RECORD REQUEST FOR FBI/100677DB0. INDIVIDUAL'S RECORD WILL BE  
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:  
NEW YORK - STATE ID/NY8333175J

AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.  
END



**QWA 00064A9D00 from NC2K**

HRRSL005

.QWA.00064A9D00.NC2K.20140930 15:47:00

TO: HRRSL005-1547 20140930 15:47:00 00064A9D00

FROM: NC2K-4889856 20140930 15:47:00

1L01094B00059D2QWA

SC026015A

NO NCIC WANT FBI/100677DB0

NO NCIC WANT SOC/ \_\_\_\_\_

\*\*\*MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.



CR 0008261C1F from NLETS

HRRSL005
.CR.0008261C1F.NLETS.20140930 15:47:07
TO: HRRSL005-1549 20140930 15:47:07 0008261C1F
FROM: NLETS-2497567 20140930 15:47:07
CR.NYIII0000
12:47 20595
09/30/2014 09810 SC026015A
\*094B00059E

TXT
HDR/2L01094B00059E2QR
ATN/JUDGE LARRY B HYMAN

\*\*\*\*\* CRIMINAL HISTORY RECORD \*\*\*\*\*

\*\*\*\*\* Introduction \*\*\*\*\*

This rap sheet was produced in response to the following request:

FBI Number 100677DB0
State Id Number 8333175J ()
Request Id 094B00059E
Purpose Code C
Attention JUDGE LARRY B HYMAN

The information in this rap sheet is subject to the following caveats:

Multi-Source - Subject has information maintained by other states or in multiple NYS files maintained by the FBI available through the Interstate Identification Index. Refer to FBI Number: 100677DB0 (New York State Department Of Criminal Justices; 2014-09-30)
Sentencing - Where an individual is sentenced June 1, 1981 or later on more than one charge within a docket, the sentence may be considered to be concurrent unless identified as consecutive. (New York State Department Of Criminal Justices; 2014-09-30)

\*\*\*\*\* IDENTIFICATION \*\*\*\*\*

Subject Name(s)

COTTRELL, LUZENSKI ALLEN

Subject Description

FBI Number 100677DB0
State Id Number 08333175J

Social Security Number

Sex Male Race Black Skin Tone Medium Dark

Height Weight Date of Birth

5'07" 176 1977-11-10

Hair Color Eye Color  
Brown Brown

Place of Birth  
Texas

Residence  
Residence as of

276 TEMPLE HILL RD  
NEWBURGH, NY

\*\*\*\*\* CRIMINAL HISTORY \*\*\*\*\*

==== Cycle 1 =====

Tracking Number 27772395Y  
Earliest Event Date 1998-06-19 Incident Date 1998-06-14

-----  
Arrest Date 1998-06-19  
Arresting Agency NY0350200 Newburgh City Police Department  
Subject's Name COTTRELL, LUZENSKI, ALLEN  
Counts 0

\*\*\*\*\* INDEX OF AGENCIES \*\*\*\*\*

Agency Newburgh City Police Department; NY0350200;

\* \* \* END OF RECORD \* \* \*



COPY

State of South Carolina  
The Circuit Court of the Fifteenth Judicial Circuit

Larry B. Hyman, Jr.  
Judge

Horry County Judicial Center  
1301 Second Avenue, Suite 3B71  
Conway, SC 29526  
Phone (843) 915-6711  
Fax (843) 915-6073  
lhymanj@sccourts.org

November 13, 2014

Via ~~Email~~ US Mail

Teresa L. Norris, Esquire  
Blume Norris & Franklin-Best, LLC  
900 Elmwood Avenue, Suite 101  
Columbia, South Carolina 29201

**RE: Death Penalty Sentencing Report  
State vs. Luzenski Allen Cottrell**

Dear Ms. Norris,

Enclosed you should find a copy of my sentencing report. Please review the same for accuracy and provide me with any comments you wish to make no later than Monday, November 24, 2014.

With kind regards, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry B. Hyman, Jr.", written over a horizontal line.

Larry B. Hyman, Jr.

LBJjr/ap  
Enclosure

cc: William S. McGuire, Esquire  
SCCID – Capital Trial Division  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201



COPY

State of South Carolina  
The Circuit Court of the Fifteenth Judicial Circuit

Larry B. Hyman, Jr.  
Judge

Horry County Judicial Center  
1301 Second Avenue, Suite 3B71  
Conway, SC 29526  
Phone (843) 915-6711  
Fax (843) 915-6073  
lhymanj@sccourts.org

November 13, 2014

Via ~~Email and~~ US Mail

William S. McGuire, Esquire  
SCCID – Capital Trial Division  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201

**RE: Death Penalty Sentencing Report  
State vs. Luzenski Allen Cottrell**

Dear Mr. McGuire,

Enclosed you should find a copy of my sentencing report. Please review the same for accuracy and provide me with any comments you wish to make no later than Monday, November 24, 2014.

With kind regards, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry B. Hyman, Jr.", written over a horizontal line.

Larry B. Hyman, Jr.

LBJjr/ap  
Enclosure

cc: Teresa L. Norris, Esquire  
Blume Norris & Franklin-Best, LLC  
900 Elmwood Avenue, Suite 101  
Columbia, South Carolina 29201

COPY

BLUME NORRIS & FRANKLIN-BEST, LLC

ATTORNEYS AT LAW

JOHN H. BLUME  
TERESA L. NORRIS  
Elizabeth Franklin-Best  
KEIR M. WEYBLE OF COUNSEL  
DAVID I. BRUCK OF COUNSEL

900 Elmwood Avenue, Suite 101  
COLUMBIA, SOUTH CAROLINA 29201  
PHONE: (803) 765-1044  
FAX: (803) 765-1143

November 20, 2014

**Via Email and U.S. Mail**

The Honorable Larry B. Hyman, Jr.  
Horry County Judicial Center  
1301 Second Avenue, Ste. 3B71  
Conway, SC 29526

Re: *State v. Luzenski Allen Cottrell*, 03-GS-26-0020 (Death Penalty Sentencing Report)

Dear Judge Hyman:

As requested, I have reviewed your sentencing report. I have comments only as follows:

**Section A. Mr. Cottrell's Data**

Question 6 – Mr. Cottrell completed only the 11th grade of high school.

Question 7 – Mr. Cottrell's IQ is in the average range.

**Section F. Victim's Data**

Question 4 – Should be “yes” as the victim was male.

Please do not hesitate to contact me if you have any other questions in this matter or if I can provide you with any additional information.

Sincerely,



Teresa L. Norris

cc: William S. McGuire (by email)