

The Supreme Court of South Carolina

The State, Respondent,

v.

Luzenski Allen Cottrell, Appellant.

Appellate Case No. 2015-000731

ORDER

This Court affirmed appellant's murder conviction and death sentence on direct appeal. *State v. Cottrell*, 421 S.C. 622, 809 S.E.2d 423 (2017). By order dated October 1, 2018, the United States Supreme Court denied appellant's request for a writ of certiorari. Appellant now seeks a stay of execution, pursuant to *In re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (1996), so that he can pursue post-conviction relief (PCR).

The request for a stay of execution is granted. The stay shall remain in effect to the extent provided by this Court in *In re Stays of Execution in Capital Cases*.

The Honorable Steven H. John is hereby assigned to the PCR action appellant has filed. Judge John shall retain jurisdiction over this case regardless of where he may be assigned to hold court and may schedule such hearings as may be necessary at any time without regard to whether there is a term of court scheduled. Judge John shall conduct a hearing on appellant's desires regarding counsel within thirty days of the date of this order. Within sixty days of the date of this order, Judge John shall issue a scheduling order setting forth the schedule that shall be followed in this matter, including the date of the hearing on the merits. The scheduling order may be amended as necessary. A copy of the scheduling order and any amended scheduling order shall be provided to counsel, this Court, and Court Administration. In addition to appellant's obligation to notify the Clerk of this Court of the status of this matter every sixty days under *In re Stays of Execution in Capital Cases*, *supra*, Judge John is requested to provide the Clerk of this Court and Court Administration with an update on the status of this matter

every one hundred and twenty days.



FOR THE COURT C.J.

Columbia, South Carolina

November 8, 2018

cc:

Robert Michael Dudek, Esquire
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Melody Jane Brown, Esquire
William Joseph Maye, Esquire
Barton Jon Vincent, Esquire
The Honorable Henry D. McMaster
The Honorable Steven H. John
The Honorable Renee Elvis