



RECEIVED

JUL 01 2019

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

S.C. SUPREME COURT

STEVEN H. JOHN
RESIDENT JUDGE

1301 SECOND AVENUE, 3A30
CONWAY, SOUTH CAROLINA 29526
(843) 915-6696
FAX: (843) 915-5859

June 26, 2019

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: State of South Carolina v. Luzenski Allen Cottrell, 2018-CP-26-05709

Dear Mr. Shearouse:

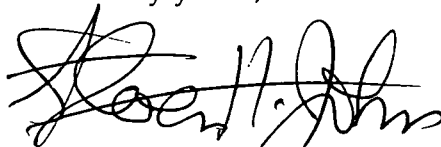
Pursuant to the Order of the South Carolina Supreme Court, dated November 8, 2018, on the above referenced Death Penalty Post Conviction Relief Application, I held a hearing on Wednesday, November 28, 2018. The parties discussed scheduling during a status conference held the same day, and a Scheduling Order in this matter was filed on December 11, 2018. This initial Scheduling Order set the evidentiary hearing for May 28, 2019, with leave to amend for good cause shown.

On February 25, 2019, this Court convened a status conference with the parties and instructed counsel for Applicant to submit a written update regarding the status of their investigation and provide an estimate for filing the Amended Application for Post-Conviction Relief. Counsel for Applicant has reported that their investigation is ongoing and estimated that their amended PCR Application could be filed by September 2, 2019. For good cause shown, this Court found that amendment to the Scheduling Order was warranted. Please find enclosed a clocked copy of the

Amended Scheduling Order. Please let my office know if you have any questions or if you require any additional attention to this matter.

With kindest personal regards, I remain

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steven H. John". The signature is written in a cursive, flowing style with some overlapping letters.

STEVEN H. JOHN

Presiding Judge

By Special Assignment

SHJ/mc

Enclosures

cc: Tonnya Kohn, Director, SC Court Administration

cc: Renee N. Elvis, Horry County Clerk of Court

STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
 Luzenski Allen Cottrell, SCDC# 6020,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTEENTH JUDICIAL CIRCUIT

C/A No. 2018-CP-26-05709
 (Capital PCR)


AMENDED SCHEDULING ORDER

FILED
 2019 JUN 26 PM 3:20
 CLERK OF COURT
 HORRY COUNTY, SC

Pursuant to the November 8, 2018, Order of the Supreme Court of South Carolina, this Court held a hearing on November 28, 2018, to address Applicant proceeding with his post-conviction relief application. The parties discussed scheduling during a status conference held the same day, and a Scheduling Order in this matter was filed on December 11, 2018. This initial Scheduling Order set the evidentiary hearing for May 28, 2019, with leave to amend for good cause shown.

On February 25, 2019, this Court convened a status conference with the parties and instructed counsel for Applicant to submit a written update regarding the status of their investigation by Monday 27, 2019, and provide an estimate for filing the Amended Application for Post-conviction Relief. Counsel for Applicant has reported that their investigation is ongoing and estimated that their amended PCR Application could be filed by September 2, 2019. For good cause shown, this Court found that amendment to the Scheduling Order was warranted. S.C. Code § 17-27-160(C); *see also Winkler v. State*, 418 S.C. 643, 795 S.E.2d 686 (2017).

After hearing from counsel for both parties and based on the limited availability of court time, this Court amends its previous Scheduling Order as follows:

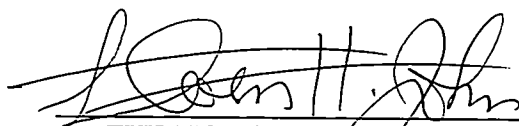
10/2


1. Applicant shall file his *final* Amended PCR Application no later than Monday, September 2, 2019;
2. Applicant shall complete his discovery by Monday, October 7, 2019;
3. Respondent shall complete its discovery by Friday, November 8, 2019;
4. The PCR evidentiary hearing is hereby scheduled to begin in January 2020, to be held in Horry County Courthouse. The exact date will be determined after the 2020 court schedule is issued. This date maintains some adherence to the intent of §17-27-160(C), and limits this Scheduling Order, in addition of approximately 180 days from the date of the originally scheduled hearing.

FILED
 2019 JUN 26 PM 3:20
 REBECCA N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

This scheduling order may be amended upon a showing of good cause. Co. § 17-27-160(C); *see also Winkler v. State*, 418 S.C. 643, 795 S.E.2d 686 (2017).

IT IS SO ORDERED this 26th day of June, 2019.


 THE HONORABLE STEVEN H. JOHN
 PRESIDING JUDGE BY SPECIAL ASSIGNMENT

June 26, 2019
 Conway, South Carolina

