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STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF BERKELEY ) FOR THE NINTH JUDICIAL CIRCUIT  
17 JAN 27 PM 1:12

State of South Carolina ) MARY P. BROWN WARRANT NUMBER: 2016A0810400692  
CLERK OF COURT )  
BERKELEY COUNTY, S.C. ) CHARGE: Murder

v.

MICHAEL F. COLUCCI, ) PROSECUTION REQUEST FOR  
DISCOVERY  
Defendant. )

TO: ANDREW J. SAVAGE III, ESQUIRE, ATTORNEY FOR MICHAEL F. COLUCCI

**I. REQUEST FOR BOOKS, PAPERS, DOCUMENTS, PHOTOGRAPHS, TANGIBLE OBJECTS, OR COPIES OR PORTIONS THEREOF**

As the Defendant has requested disclosure under Rule 5 of the S.C. Rules of Criminal Procedure, subdivisions (a)(1)(C) and/or (D) and as the State has complied with such request, the State hereby requests disclosure of evidence by the Defendant as mandated under subdivisions (b)(1)(A) and (b)(1)(A) of Rule 5, to wit:

Pursuant to (b)(1)(A): The Defendant shall permit the State to inspect and copy books, pages, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody, or control of the Defendant and which the Defendant intends to introduce as evidence in chief at trial. AND

Pursuant to (b)(1)(B): The Defendant shall permit the State to inspect and copy any results of reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession, or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial, or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports relates to the witness testimony.

**II. REQUEST FOR NOTICE OF ALIBI**

Pursuant to South Carolina Rule of Criminal Procedure 5(e), the State requests notice of the Defendant's intent to offer an alibi defense. Rule 5 (e) provides in pertinent part:

- (1) Notice of Alibi by Defendant: Upon written request of the prosecution stating the time, date, and place at which the alleged offense occurred, the defendant shall serve within ten days, or at such times as the court may direct, upon the prosecution a written notice of his and/or her intention to offer an alibi defense. The notice shall state the specific place or places at which the defendant claims to have been at the

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time of the alleged offense and the names and addresses of the witnesses upon whom he and/or she intends to rely to establish such alibi.

- (2) Disclosure by Prosecution: Within ten days after the defendant serves his and/or her notice, but in no event less than ten days before trial, or as the court may otherwise direct, the prosecution shall serve upon the defendant or his attorney the names and addresses of witnesses upon whom the State intends to rely to establish defendant's presence at the scene of the alleged crime.
- (3) Continuing Duty to Disclose. Both parties shall be under a continuing duty to promptly disclose the names and addresses of additional witnesses whose identity, if known, should have been included in the information furnished under subdivision (1) or (2).
- (4) Failure to Disclose. If either party fails to comply with the requirements of this rule, the court may exclude the testimony of any undisclosed witness offered by either party. Nothing in this rule shall limit the right of the defendant to testify on his and/or her own behalf.

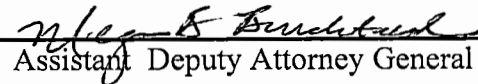
With respect to Rule 5 (e), please take notice the State in this case alleges that the offense for which the Defendant is charged occurred on the dates and in the counties specified in the Indictment(s).

**III. REQUEST FOR NOTICE OR INSANITY DEFENSE OR PLEA OF GUILTY BUT MENTALLY ILL**

Pursuant to Rule 5, subdivision (f), South Carolina Rules of Criminal Procedure, the State hereby requests written notice of any intention to rely upon the defense of insanity or a plea of guilty but mentally ill at the time of the crimes. Said notice shall be served upon the undersigned within ten (10) days of this request.

**IV. CONTINUING DUTY TO DISCLOSE**

Please take notice that if, prior to or during trial, the Defendant discovers additional evidence or material previously requested or ordered, which is subject to discovery or inspection under Rule 5, the Defendant shall promptly notify the State or its attorney or the Court of the existence of the additional evidence or material as required by subdivision (c) of Rule 5.

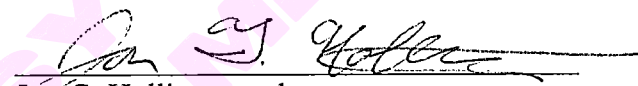
  
Assistant Deputy Attorney General

January 24, 2017  
Columbia, SC

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 24th day of January, 2017, served a **PROSECUTION REQUEST FOR DISCOVERY** on counsel for defendant by depositing a copy in the United States mail, first class, postage prepaid, addressed to:

Andrew John Savage III, Esquire  
15 Prioleau Street  
Charleston, South Carolina 29211

  
Jon G. Hollingsworth  
Paralegal

COURTECK OF MEDIA  
LUNA SHARK