

FILED

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
2018 APR -2 PM 12:42 FOR THE NINTH JUDICIAL CIRCUIT  
COUNTY OF BERKELEY ) INDICTMENT NO.: 2016-GS-08-02603  
MARY P. BROWN ) WARRANT NO.: 2016A0810400692  
CLERK OF COURT  
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA, ) JRG  
)  
Plaintiff, )  
)  
-versus- )  
)  
MICHAEL COLUCCI, )  
)  
Defendant. )  
\_\_\_\_\_ )

**FIRST SUPPLEMENTAL MOTION FOR THE PRODUCTION, INSPECTION AND COPYING OF DOCUMENTS**

MICHAEL COLUCCI (Colucci), respectfully requests an ORDER OF THE COURT:

To require that the Solicitor make available to the defense all information in the custody, possession, control or knowledge of the State, private parties acting as agents or employed on behalf of the State or its subdivisions, State Administrative Agencies, or any State or Federal Law Enforcement Agency or prosecutors involved in the investigation of the above-captioned matter, particularly that material and potential sources specifically identified, in accordance with the requirements of: the Due Process requirements of S.C. Const. Art. I, § 3, and U.S. Const. amends. V & XIV, Rule 5, SCRCrimP; Appellate Court Rule 407, Rules of Professional Conduct, Rule 3.8(d); Model Rule 3.8(d) of the American Bar Association's Standards for Criminal Justice; *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.E.2nd 215 (1963); *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972), *United States v. Agurs*, 427 U.S. 97, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976); *United States v. Bagley*, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985); *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995); *Strickler v. Green*, 527

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U.S. 263, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999); *United States v. Acosta*, D. Nev., No. CR-S-03-0542 JCM (PAL), (2005); *Gibson v. State*, 334 S.C. 515, 514 S.E.2d 320 (1999); *In the Matter of Larry F. Grant*, 343 S.C. 528, 541 S.E.2d 540 (2001); *Leka v. Portuondo*, 257 F.3d 89 (2001); *State v. Proctor*, 348 S.C. 322, 559 S.E.2d 318 (2001), *Riddle v. Ozmint*, 369 S.C. 39, 631 S.E.2d 70 (2006), and their progeny.

Colucci filed a Discovery Motion on May 12, 2016, and served on the Solicitor on or about May 12, 2016.

Colucci reiterates his request for all information and documents previously requested in his motion filed May 12, 2016, not yet produced and further specifically requests:

1. Copies of the forensic download reports of the Apple iPhones belonging to Sara and Michael Colucci as referenced in the SLED Memorandum to the File prepared by Special Agent David Owens and the Berkeley County Sheriff's Office Supplementary Report prepared by Detective Kevin Murphy dated June 8, 2015.
2. Copies of the SLED Laboratory Forensic Services Request Forms for all evidence items starting at SLED Item Number 31 and all subsequent numbers.
3. Copy of the SLED Forensic Services Laboratory Report for the swab from the scraping of the exterior sleeves of Michael Colucci's shirt sent to the DNA section for analysis.

4. Copy of the DVD containing FARO raw data referenced on the SLED Laboratory Forensic Services Request, Submission 4 dated April 13, 2016, as well as any reports, drawings or other items produced using the FARO data.

FURTHER, the Defendant will specifically move that said Order requiring production, inspection, copying and/or photographing specifically require compliance by the State within thirty (30) days. This production is specifically sought so that the information discoverable pursuant to the above-cited cases will be meaningful for the proper preparation of the defense of Michael Colucci.

Respectfully submitted,

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BY: 

ANDREW J. SAVAGE, III  
ATTORNEY FOR DEFENDANT

Charleston, South Carolina

March 27, 2018