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FILED

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY )  
2018 AUG 15 PM 6:03

THE NINTH JUDICIAL CIRCUIT

INDICTMENT NO.: 2016-GS-08-02603

STATE OF SOUTH CAROLINA )  
MARY P. BRUNN  
CLERK OF COURT  
BERKELEY COUNTY, S.C.

WARRANT NO.: 2016A0810400692

Plaintiff, )

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

-versus- )

MICHAEL COLUCCI, )

Defendant. )

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 U.S. 263, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999); *United States v. Acosta*, D. Nev., No. CR-S-03-

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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, April 2, 2018, and August 2, 2018, and served on the Solicitor on or about May 12, 2016, April 2, 2018, and August 2, 2018.

Colucci reiterates his request for all information and documents previously requested in his previous Discovery Motions, not yet produced and further specifically requests the following:

On August 9, 2018, the State provided a letter to Colucci listing the names of expert witnesses the State intends to call during the trial of this matter. Those names were:

Dr. Lee Marie Tormos as to manner and cause of death;

SA Paul LaRosa as to staging and suicidology;

SA Haley Ann Quam as to crime scene reconstruction (possibly another agent on FARO);

Det. Kevin Murphy (BCSO), digital/computer/cell phone forensics;

Dr. William Smock as to strangulation and asphyxia;

Brian Bennett as to strangulation and asphyxia;

Stephanie Stanley (SLED) as to DNA;

Courtney Thompson (SLED) as to Serology; and

Megan Fletcher (SLED) as to Trace Evidence.

Without abandoning his previously filed motion seeking a reasonable restriction of the State's evidence in accordance with SCCrimP R-5 (a)(3); (d)(2), for all of the above- named potential expert witnesses, Colucci again requests the production of the following information pertaining to each expert:

- a. The qualifications for all expert witnesses expected to provide testimony of scientific, technical or other specialized knowledge to aid the trier of fact in understanding evidence or to determine a fact in issue pursuant to Rule 702, SCRE.
- b. The subject matter and specific areas of expertise of which each expert witness is expected to testify pursuant to Rule 702, SCRE.
- c. The ultimate issue the expert witness is expected to testify to and provide the corresponding opinion of each pursuant to Rule 704, SCRE.
- d. The basis for each opinion or inference in this case pursuant to Rule 703, SCRE.
- e. The specific facts and data upon which the expert relied when forming an opinion or inference in this case pursuant to Rule 703, SCRE.
- f. The specific compensation provided to each expert for their testimony.

For any additional yet unnamed expert witnesses the State intends to call, Colucci requests that the same information be provided for those witnesses.

Colucci again requests the following with regard to the FARO scan:

1. A 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  
August 13, 2018.