

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)
STATE OF SOUTH CAROLINA,)
)
Plaintiff,)
)
-versus-)
)
MICHAEL COLUCCI,)
)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT
INDICTMENT NUMBER: 2016-GS-08-02603
WARRANT NUMBER: 2016A0810400692
CLERK OF COURT
BERKELEY COURT & S.C.

2018 SEP 27 PM 4:01

**MOTION FOR MEANINGFUL
WITNESS DISCLOSURE**

Michael Colucci asks that this Honorable Court publish a meaningful list of potential witnesses as part of the Court’s Case Specific Voir Dire.¹

It has become the established practice of trial courts in South Carolina to list the names of potential State and Defense witnesses to determine if any potential juror may have a relationship with a witness that may impact the juror’s ability to be fair and impartial.

Our Supreme Court has approved the disclosure of the names of those potential witnesses by all litigants *at the time of voir dire*. State v. Powell, 331 S.C. 37, 501 S.E.2d 116 (1998)

While well intended, the identification only by name can be insufficient. Jurors often do not recognize a name without context. Jurors often do not recognize given names when a person primarily uses a nickname. Jurors often do not know a person’s last name even when they know someone by their first name. A juror may not recognize a name even when placed in context (residence, employment, school), but will recognize someone by a photograph.

¹See Defendant’s Motion for Case Specific Voir Dire filed this date.

Accordingly, Mr. Colucci asks that the State's witness list include:

- (1) Formal Name;
- (2) Nickname;
- (3) Residence Location, e.g. West Ashley in Charleston;
- (4) Current Employer, or Past Employer (if current employer is less than 5 years);
- (5) Age;
- (6) Social Media Name; and
- (7) Photograph from South Carolina Driver's License (or other identification).

(See Attachment A as an example.)

An inclusion of the above will insure that each juror has a meaningful opportunity to recognize and identify proposed witnesses so that the Court may qualify a jury with some degree of accuracy and pursuant to the law.

For the reasons stated above, Mr. Colucci respectfully requests that during the jury selection process, the Court publish a witness list which includes the identification data included in numbers 1 - 7 above.

Respectfully submitted,

SAVAGE LAW FIRM

15 Prioleau Street

Charleston, SC 29401

Telephone: (843) 720-7470

E-mail: andy@savlaw.com

BY: _____

ANDREW J. SAVAGE, III

SC Bar Number: 4946

ATTORNEY FOR MICHAEL COLUCCI

Charleston, South Carolina

~~October~~ 9/27, 2018.

ATTACHMENT 'A'

COURTESY OF
LUNA SHARK MEDIA

EXAMPLES OF WITNESS IDENTIFICATION INFORMATION

Name: Danita Kinlow
Nickname: Nita
Residence: Mt. Pleasant in the Phillips Community
Employer: Savage Law Firm
Age: 45 yoa
Social Media Name: Danita Kinlow
SCDL Number: 12345678

COURTESY OF
LUNA SHARK MEDIA