

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT
INDICTMENT NUMBER: 2016-GS-08-02603
WARRANT NUMBER: 2016A0810400692

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

**MOTION TO PRODUCE CHAIN
OF CUSTODY PRIOR TO TRIAL**

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FILED
CLERK OF COURT
BERKELEY COUNTY, S.C.

Michael Colucci seeks an Order of the court requiring the Prosecutor to provide his attorney with a copy of the chain of evidence where required for all evidence she intends to introduce.

Mr. Colucci seeks this information to allow him to evaluate the custody of such evidence so that a challenge may be made in advance of trial or to allow him to enter into a stipulation of the

The party offering evidence, in this case the State of South Carolina, is required to establish a complete chain of custody, tracing possession from the time a fungible specimen is taken until final analysis. *Benton v. Pellum*, 232 S.C. 26, 100 S.E.2d 534 (1957). The identity of the persons who have handled the evidence must be established. *State v. Cribb*, 310 S.C. 518, 426 S.E.2d 306 (1992). Should Mr. Colucci have an objection to evidence on chain of custody grounds, he will raise that issue prior to trial so that the Court may decide the issue in advance of trial thereby expediting the trial process and avoiding the perception that his objections are intended to keep relevant and admissible information from the finder of fact. Finally, such an order is necessary to disclose any evidence which may be favorable to Mr. Colucci under Rule 5, SCRCrimP. and *Brady v. Maryland*,

JRG

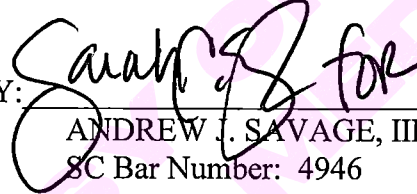
373 U.S. 83, S.Ct. 1194, 10 L.Ed.2d 215 (1963).

WHEREFORE, Mr. Colucci respectfully asks that this Court to order the State to produce, not later than October 1, 2018, the chains of custody of all items requiring such proof.

Respectfully submitted,

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