

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 IN LIMINE TO PREVENT THE
STATE FROM REFERENCING OR
ELICITING TESTIMONY OF MICHAEL
COLUCCI'S CONDUCT IN RELATION TO
SARA COLUCCI'S BATHROOM HABITS
AT BARS**

2024 APR 29 11:12:05
LEAH GUERRA
CLERK OF COURT
BERKELEY

FILED
ELB

Michael Colucci ("M. Colucci") seeks an Order from this Court to prevent the State from arguing or eliciting testimony concerning M. Colucci's conduct towards Sara Colucci ("S. Colucci") when she used the restroom.

During the 2018 trial, Robert O'Leary, a bar owner, testified that when M. Colucci was at the bar with S. Colucci, he would never let S. Colucci pee alone and/or go to the bathroom alone. Such conduct does not have any tendency to make the existence of any fact that is of consequence to the determination of S. Colucci's death more probable or less probable than it would without the evidence. SCRE 401, 402.

Even if relevant, the probative value of referencing or alluding to any action and/or inaction of M. Colucci regarding the treatment of S. Colucci when she would use the restroom at a bar is substantially outweighed by the prejudicial effect it would on a jury. SCRE 403.

ELB

Even if the probative value is outweighed by the prejudicial effect, the referencing or alluding to any action and/or inaction of Mr. Colucci regarding the treatment of S. Colucci when she would use the restroom at a bar is inadmissible character evidence. SCRE 404.

Respectfully submitted,

J. SCOTT BISCHOFF, II
ADAMS & BISCHOFF, P.C.
171 Church Street, Suite 360
Charleston, SC 29401
Telephone; (843) 277-0090
E-mail: scott@adamsbischoff.com

ANDREW J. SAVAGE, III
SAVAGE LAW FIRM
15 Prioleau Street
Charleston, SC 29401
Telephone: (843) 720-7470
E-mail: andy@savlaw.com

ATTORNEYS FOR MICHAEL COLUCCI

BY: 

ANDREW J. SAVAGE, III
SC Bar Number: 4946

Charleston, South Carolina

April 29th, 2024