

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

**MOTION TO LIMINE TO PROHIBIT THE
 STATE FROM USING PREJUDICIAL TERMS**

FILED
 APR 29 PM 12:05
 LAN GUEBRY JUDGE
 CLERK OF COURT
 BERKELEY, SC

Michael Colucci (“M. Colucci”) seeks an Order of this Court to prohibit the Prosecutor and all State witnesses from using prejudicial terms such as those listed below:

1. “Victim” to describe Sara Colucci (“S. Colucci”);
2. “Defendant” to describe M. Colucci;
3. “Crime Scene” to describe the incident location of 2206 North Main Street in Summerville, South Carolina;
4. “Admission” or “Confession” to describe statements that may have been made by M. Colucci to law enforcement or third parties;
5. “Struggle” to describe alleged actions at the incident location;
6. “Medical Examiner” to describe a witness; and
7. “Homicide” to describe the death of S. Colucci.

Heretofore, the State of South Carolina, through its statutorily responsible agents¹, have complied with the authority they have been granted, and have designated the manner of S. Colucci’s

¹ S. C. Code §§ 17-5-9(a); 17-5-530(B); and 17-5-560

ELB

death as “undetermined.”² Accordingly, the use of the term “homicide” or similar terms would contradict the State’s previously determined declaration. The use of any term which implies a manner of death inconsistent with the previously published and unchanged finding of “undetermined” would be unfairly prejudicial to M. Colucci, and it would lead to confusion of the issues and be misleading to the jury, all in contravention of Rule 403, SCRE.

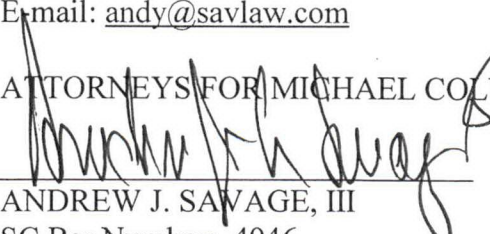
The terms “victim,” “defendant,” “crime scene,” “admission,” “confession,” “struggle,” “Medical Examiner,” and “homicide” are conclusory statements and considered an opinion or inference that embraces an ultimate issue to be decided by the trier of fact in this case. SCRE 704. Allowing the Prosecutor and all State witnesses to use these terms in reference to S. Colucci’s death is unfairly prejudicial to M. Colucci, and it would lead to confusion of the issues and be misleading to the jury, all in contravention of Rule 403, SCRE.

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 26, 2024

² The original Death Certificate for S. Colucci dated June 23, 2015, lists the manner of death as “Pending Investigation.” The Amended Death Certificate dated January 13, 2016, lists the manner of death as “Could Not Be Determined.”