



which are ongoing, about the case.

On social media, opinions of the circumstances surrounding the manner of Sara's death have been ubiquitous. Rare is there a report or statement that is factually accurate.

### **RELIEF SOUGHT**

In light of the pervasive media accounts and the multitude of opinions offered regarding the circumstances of Sara's death, Colucci is submitting a request for *voir dire* which is tailored to discover whether any juror has been exposed to experiences or information which might affect their ability to be fair and impartial. Our traditional South Carolina jury selection practice requires each juror to respond to a limited number of court initiated questions while standing in open court. The facts of this case call for a delicate inquiry of each juror's knowledge, source of knowledge and opinions about Sara Lynn's death and Colucci's purported responsibility. Colucci proposes that the most effective, honest and reliable means of obtaining this critical information would be by use of a juror questionnaire. The questionnaires will allow the summoned jurors to respond thoughtfully and candidly without fear of public embarrassment or retribution.

Colucci proposes that the Clerk of Court distribute the questionnaire, attached hereto as Exhibit "A," to all prospective jurors contemporaneously with the delivery of a summons. Colucci proposes that this be accomplished by mailing this questionnaire to each member of the jury panel who is to appear for the term of General Sessions Court in which Michael Colucci will be tried. It is further suggested that counsel for the State and the Defense be provided a copy of each completed questionnaire as they are returned, but not later than ten (10) days prior to the commencement of the selected term of Court. This procedure has precedent in the Ninth Judicial Circuit as well as other Circuits in South Carolina, and has been uniformly employed in both civil and criminal matters tried

in Federal Courts throughout the District of South Carolina for more than twenty (20) years. Such a procedure will promote judicial economy while assuring the preservation of Colucci's State and Federal Constitutional right to a full and fair *voir dire* examination.

Assuming the Court approves the written questionnaire; the panel is given an opportunity to answer the questionnaire and the attorneys have a reasonable opportunity to review the juror's answers, Colucci then requests the Court to individually question the panel members in accordance with the questions proposed in Exhibit "B".

### ARGUMENT

#### **A JUROR QUESTIONNAIRE IN ADVANCE OF TRIAL IS WARRANTED AND APPROPRIATE IN THIS HIGH-PROFILE AND SENSITIVE CASE**

It is recognized that the scope of *voir dire* and the manner in which it is conducted are generally left to the sound discretion of the trial court. *State v. Bixby*, 388 S.C. 528, 542, 698 S.E. 2d 572, 579 (2010); *State v. Stanko*, 376 S.C. 571, 575, 658 S.E. 2d 94, 96 (2008); see S.C. Code Ann. § 14-7-1020. Although research located few reported South Carolina cases addressing the use of juror questionnaires in advance of trial, cases have, at least implicitly, approved their use. For example, in *Bixby*, the court referred to the extensive juror questionnaires completed by each potential juror and the fact that the questionnaires were "designed to elicit general, personal information, and probe for bias and predisposition." 388 S.C. at 541, 698 S.E.2d at 579; see also *State v. Norris*, 285 S.C. 86, 90, 328 S.E.2d 339, 341 (1985) (court observed that three weeks prior to trial, trial court granted defendant's request to submit a detailed questionnaire to all prospective jurors), *overruled on other grounds by State v. Belcher*, 385 S.C. 597, 685 S.E.2d 822 (2009); *Stanko*, 376 S.C. at 576-77, 658 S.E.2d at 97 (prior to trial, jurors completed a questionnaire that included questions about their bias and prejudice).

When a defendant's State and Federal Constitutional rights merge, our State Courts, when confronted with procedural questions, often look to our Federal Courts for guidance. In this case, because there is no State Criminal Procedural rule on point, guidance may be found in the South Carolina District Court's local rules:

Federal Court Local Rule 47.02 provides for the permissive use of Juror Questionnaires:

The Court may require potential jurors to respond to written questionnaires and may make the responses available to counsel or parties with cases on the relevant trial roster seven (7) days prior to jury selection. Counsel of any other persons obtaining juror questionnaire responses must ensure that the information contained therein is utilized solely for the purpose of evaluating potential jurors for a pending case and is not disseminated for any other purpose. The Clerk of Court shall institute procedures to draw these requirements and responsibilities to the attention of persons obtaining the questionnaire responses by completing the Juror Questionnaire/List Request form. Any person desiring to obtain the information for any other purpose must petition the Court so that an appropriate hearing can be conducted.

Courts in other jurisdictions and commentators have approved the use of such questionnaires and recognized their efficacy, particularly in high-profile or sensitive cases such as this one. For example, the *ABA Standards for Criminal Justice* 15-2.2 (Juror Questionnaires) (3d ed. 1996) encourages the use of a basic questionnaire before *voir dire* begins, as well as a specialized questionnaire in appropriate cases. The commentary to this Standard states:

It is beneficial both to the system as a whole and to the attorneys involved in the particular case to use a questionnaire to obtain information from prospective jurors, and then, prior to *voir dire*, to furnish counsel with a list of prospective jurors and the jurors' responses to pretrial questions. Use of a questionnaire shortens the time necessary for juror selection and permits both the court and counsel to make considered decisions about the exercise of challenges during the jury selection process.

This standard provides for two types of questionnaires: a basic questionnaire to be returned by the prospective jurors in all cases and a specialized questionnaire to be returned by prospective jurors when appropriate.

Standard 15-2.2 commentary.

The commentary further states:

### *Basic Questionnaire*

The purpose of the basic questionnaire is to shorten the time required for the *voir dire*, and thereby streamline the trial process. This questionnaire should be mailed to all prospective jurors well in advance of trial, to be returned either by mail before the day of trial or when the juror arrives at the courthouse. In any case, it should be returned in sufficient time to permit timely use by counsel. Basic questionnaires currently in use vary significantly as to length and intrusiveness of the questions proposed. Counsel should be able to acquire sufficient information without engaging in overly intrusive questioning. The Federal Judicial Center has recommended an extensive, yet not overly intrusive questionnaire.

### *Specialized Questionnaires*

Specialized questionnaires are designed to obtain information more directly related to the issues in a particular case. They are designed, as are the basic questionnaires, to permit the court and counsel to gain information needed for effective *voir dire* in an efficient manner. There are several benefits to providing the questionnaire to counsel before trial. First, repetitive *voir dire* questioning can be minimized. Second, prospective jurors may be more willing to divulge sensitive information on the written form than to discuss the same information in open court. Third, the questionnaires, by providing relevant information early, permit the court and counsel to conduct a more focused *voir dire*.

*Id.* (footnotes omitted).

The requested *Voir Dire* has been successfully employed in Federal District Courts for over twenty-five (25) years. District Court Judge Barbara M.G. Lynn of the Northern District of Texas, in an article entitled "A Case for Jury Questionnaires," states that she uses a standard questionnaire in every civil and criminal case she tries. 33 No. 4 Litigation 3 (Summer 2007), 2007 WL 2601614. In lengthy or high-profile cases, the judge typically mails the questionnaire to potential jurors in advance of trial and, if there is a large enough panel to do so, allows the lawyers for the parties, based on the responses, to agree on the striking of certain jurors before the venire is required to appear, so that the prospective jurors need not appear. *Id.* The judge also rules on motions to strike

for cause based on the questionnaire responses, for the same reason. *Id.* The judge also discusses the various logistical issues to consider and the questions typically used in the standard questionnaire.

*Id.*

The judge explains that in her experience, a questionnaire provides a much more comfortable means than does oral examination for potential jurors to provide information to the parties and the court. *Id.*

Questionnaire responses also provide more information, in a faster and more organized way, than could be gathered in a reasonable amount of time by questioning in court, and mitigate the very real problem of jurors miming one another's answers, which often occurs in *voir dire*. See generally G. Thomas Munsterman *et al.*, *Jury Trial Innovations* (2d ed. 2006). The responses give counsel and the court substantial information on which a challenge under *Batson v. Kentucky*, 476 U.S. 79 (1986), or *J.E.B. v. Alabama*, 511 U.S. 127 (1994), can be asserted and evaluated, and also tend to limit stereotyping as a basis for jury selection based on a juror's appearance.

2007 WL 2601614, at \*4-5.

The judge concludes:

Confidential juror questionnaires are an invaluable tool for ensuring both the integrity of the jury system for litigants—especially criminal defendants—and the improvement of jurors' experiences with that system. They allow attorneys to learn a significant amount about potential jurors, without significantly compromising jurors' interests in maintaining their privacy in truly personal matters, yet allow the press sufficient access to report on trials and our jury system. In these ways, jury questionnaires serve the fundamental goal of maintaining the viability of the jury trial—a critical part of our system of justice.

*Id.* at \*9.

In 6 Wayne R. LaFave *et al.*, *Criminal Procedure* § 22.3(b) (4th ed. 2015 & Westlaw database updated Dec. 2015), the authors observe that an increasing number of courts in criminal cases use questionnaires that venire members fill out in advance of jury selection.

In *United States v. Skilling*, 561 U.S. 358 (2010), a high-profile case, the Supreme Court spoke approvingly of the use of questionnaires. The district court judge in that case submitted a 14-page questionnaire to the prospective jurors, giving six weeks to respond. The questionnaire was drafted in large part by Skilling. *Id.* at 388. "That survey," according to the Supreme Court, "helped to identify prospective jurors excusable for cause and served as a springboard for further questions put to the remaining members of the array." *Id.* The Court further noted that in "other Enron-related prosecutions, . . . District Courts, after inspecting venire members' responses to questionnaires, completed the jury-selection process within one day." *Id.* at 388-89.

For more than thirty years, South Carolina trial courts, including those in the Ninth Judicial Circuit, have used written questionnaires where there has been extensive pretrial publicity. *See State v. Charpia*, 94-GS-10-1039, *State v. Nyhan*, 2004-GS-10-2496; *State v. Duffy*, 1997-GS-08-837, *State v. Slager*, 2015-GS-10-3466, and *Lancaster v. Fielder*, 305 S.C. 418, 409 S.E.2d 375 (1991)).

Numerous other courts have also used written questionnaires as a method for detecting bias, especially where there has been extensive pretrial publicity concerning the particular defendant or charges. *See, e.g., United States v. Taveras*, 584 F. Supp. 2d 535, 538 (E.D.N.Y. 2008); *United States v. Sattar*, 395 F. Supp. 2d 66, 70 (S.D.N.Y. 2005), *aff'd*, 590 F.3d 93 (2d Cir. 2009), *cert. denied*, 559 U.S. 1031 (2010); *United States v. Potter*, 394 F. Supp. 2d 475, 477-78 (D.R.I. 2005); *United States v. Fastow*, 292 F. Supp. 2d 914, 915-16, 919-21 (S.D. Tex. 2003); *State v. Howard*, 2013 ND 184, ¶ 20, 838 N.W.2d 416, 421; *State v. Parker*, 282 P.3d 643, 649 (Kan. Ct. App. 2012).

### CONCLUSION

Based on the foregoing authority, a pretrial jury questionnaire is warranted and should be

used in this case. Given the high-profile and sensitive nature of the case and the extensive pretrial publicity it has generated, the use of a jury questionnaire mailed out to prospective jurors in advance of trial would be the most efficient and effective method of receiving honest answers and eliminating biased jurors while ensuring the defendant a fair trial by an impartial jury. Accordingly, the defendant's Motion to Expand Jury *Voir Dire* by Use of Pretrial Jury Venire Questionnaire should be granted.

Respectfully submitted,

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April 8, 2024.



**EXHIBIT A**

**COURTESY OF  
LUNA SHARK MEDIA**

# EXHIBIT A

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

## JUROR QUESTIONNAIRE

For the Citizens of Berkeley County selected to serve on the Jury Panel reporting to the Court of General Sessions on May 13, 2024.

### INSTRUCTIONS FOR JUROR QUESTIONNAIRE

The information which you give in response to this questionnaire will be used only by the Court and lawyers to select a qualified jury. Your complete, written answers will save a great deal of time for the judge, the lawyers and you. Because this questionnaire is part of the jury selection process, the questions must be answered by you truthfully and completely. The intent of this questionnaire is to encourage your full expression and candor so that both the prosecution and defense will have the opportunity to select a fair and impartial jury to try the issue of this case. You must fill out the questionnaire by yourself and not discuss it with anyone else. If there is insufficient space provided for a full and complete answer, use the additional pages provided to continue your answers. After a jury has been selected, all copies of your responses to this questionnaire will be returned to the Clerk of Court and kept in confidence, under seal. The attorneys will maintain the confidentiality of any information they learn in the course of reviewing these questionnaires and are subject to severe sanctions if the confidentiality is violated.

There are no right or wrong answers to these questions. Please do not think about the questions or your answers in terms of right or wrong. Nor should you think about whether your answers may or may not result in your qualifying as a juror. Your goal must not be either to get on this jury or to get off this jury. Your only job is to be absolutely and completely honest in answering all questions.

Please write legibly. Do not consult with anyone about your answers. The information you provide is confidential and for the use of the Court. This does not go into a public file and will be destroyed upon the conclusion of the jury selection process. If you do not understand a question, please just put a question mark next to that question.

Please return the completed questionnaire by placing it in the mail in the enclosed envelope no later than May 3, 2024.

THE HONORABLE DEADRA L. JEFFERSON  
Chief Administrative Judge, Ninth Judicial Circuit

Juror Number: \_\_\_\_\_

**JUROR QUESTIONNAIRE**

Juror's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone Numbers: Cell: \_\_\_\_\_ Home: \_\_\_\_\_

Number of years at your current address: \_\_\_\_\_

Do you rent or own (purchasing): \_\_\_\_\_ Rent \_\_\_\_\_ Own

Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

1. Are you a citizen of the United States?       Yes       No
2. Are you a resident of Berkeley County?       Yes       No
3. How long have you been a resident of the greater Charleston(TriCounty) Area? \_\_\_\_\_  
\_\_\_\_\_
4. Do you have any difficulty reading, writing and/or understanding the English language?  
 Yes       No
5. Do you currently use glasses or contact lenses?       Yes       No
6. Do you have any difficulty distinguishing colors (color blindness)?  Yes       No

7. Do you have any difficulty hearing?  Yes  No
8. Do you wear a hearing aid?  Yes  No
9. Do you have any health problems/conditions that may interfere with your service as a juror?  Yes  No

If Yes, please explain:

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10. Are you taking any medication or do you have a medical condition that causes drowsiness or may interfere with your ability to concentrate?  Yes  No
11. Do you currently take any medication which assists you with your ability to concentrate?  Yes  No
12. Have you, a close friend or family member struggled with mental illness, depression, alcoholism, or substance abuse?  Yes  No

If Yes, please explain how the mental health challenges or substance abuse impacted you:

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13. The Berkeley County Coroner's Office is statutorily responsible for determining the manner of death of Sara Colucci. Do you know anyone employed with the Berkeley County Coroner's Office, or have you had an occasion to have professional dealings with the Berkeley County Coroner's Office?  Yes  No

If Yes, please explain:

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14. This case was originally investigated by the Berkeley County Sheriff's Office. Do you know anyone employed with the Berkeley County Sheriff's Office, or have you had an occasions to have professional dealings with the Berkeley County Sheriff's Office?

Yes  No

If Yes, please explain:

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15. This case has been investigated by the South Carolina Law Enforcement Division (SLED). SLED's primary office is in Columbia, South Carolina, but it employs agents all around the State. Do you know any SLED agents or have you had an occasion to have professional dealings with SLED?

Yes  No

If Yes, please explain:

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16. This case was initially evaluated for prosecution by the Ninth Circuit Solicitor's Office, Berkeley County Division. Do you, a family member or a close friend have a relative employed by the Ninth Circuit Solicitor's Office, Berkeley County Division?

Yes  No

If Yes, please explain:

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17. This case is now being prosecuted by the Attorney General's Office. It employs attorneys, South Carolina Law Enforcement Division (SLED) investigators, paralegals and administrative personnel. Do you, a family member or a close friend have a relative employed by the Attorney General?

Yes  No

If Yes, please explain:

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23. How often do you attend religious services?

- \_\_\_\_\_ Often
- \_\_\_\_\_ Occasionally
- \_\_\_\_\_ Rarely
- \_\_\_\_\_ Not at all

What is your church affiliation? \_\_\_\_\_

24. Have you, a family member or a close friend been the victim of a crime?  Yes  No

If Yes, please state type of crime and give brief details:

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25. Have you, a family member or a close friend appeared as a witness in a criminal case?

- Yes  No

If Yes, please state type of case and give brief details:

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26. Have you or an immediate family member volunteered, promoted or contributed to an organization that advocates for strict enforcement of criminal laws?  Yes  No

If Yes, please give brief details:

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27. Have you or an immediate family member volunteered, promoted or contributed to an organization that advocates for victim's rights?  Yes  No

If Yes, please state type of crime and give brief details:

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28. Marital Status (Check all applicable):

- Single
- Married
- Living with someone you consider a "Significant Other" or "Partner"
- Widowed
- Divorced

Please provide your spouse's/partner's name:

Current: \_\_\_\_\_

Prior: \_\_\_\_\_

\_\_\_\_\_

29. Do you have children?  Yes  No

If yes, please list their names and ages:

<u>Name</u>	<u>Age</u>
_____	_____
_____	_____
_____	_____
_____	_____

30. Spouse's/Partner's education:

Last grade completed \_\_\_\_\_

	<u>Yes/No</u>	<u>Name of School</u>	<u>Degree and Major</u>
High School Graduate	_____	_____	_____
Technical or Business School	_____	_____	_____
Some college, no degree	_____	_____	_____
Four year college degree	_____	_____	_____
Post graduate degree	_____	_____	_____



31. Spouse's/Partner's employment history for the past ten years starting with their present job. If they are retired, indicate their job prior to retirement.

<u>Name of Employer</u>	<u>Dates of Employment</u>	<u>Position</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

32. Have you, an immediate family member or a close friend ever been employed by a law enforcement agency, a prosecutor's office or an attorney's office?  Yes  No

If Yes, please give specific information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

33. Do you or any family members display any bumper stickers on your automobile(s)?

Yes  No

If yes, please list each bumper sticker: \_\_\_\_\_

\_\_\_\_\_

34. What groups or organizations (community, civic, professional, social, political or religious) do you belong to now or have you belonged to in the past? Please specify if you were a member or officer of:

A. Current Membership(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

B. Previous Membership(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

35. What groups or organizations (community, civil, professional, social, political, or religious) does your spouse/partner belong to now or has belonged to in the past? Please specify if they were a member or officer:

A. Current Membership(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Previous Membership(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

36. Have you volunteered or served as an intern with any club, civic group or organization, or with any business such as a law firm or agency with police powers?  Yes  No

If yes, please name the organization or business: \_\_\_\_\_

\_\_\_\_\_

37. What are your favorite hobbies and/or pastimes? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

38. What is your primary source of news?

\_\_\_\_\_ Newspapers

\_\_\_\_\_ Television

\_\_\_\_\_ Radio

\_\_\_\_\_ Internet

\_\_\_\_\_ Social Media

\_\_\_\_\_ Magazines

\_\_\_\_\_ Friends and Family

\_\_\_\_\_ Other

39. How often do you follow the national news?

- \_\_\_\_\_ Every Day
- \_\_\_\_\_ Several times a week
- \_\_\_\_\_ Once or twice a week
- \_\_\_\_\_ Less often than once a week
- \_\_\_\_\_ Never

40. How often do you follow the local news?

- \_\_\_\_\_ Every Day
- \_\_\_\_\_ Several times a week
- \_\_\_\_\_ Once or twice a week
- \_\_\_\_\_ Less often than once a week
- \_\_\_\_\_ Never

41. What newspaper(s) do you read, including online, local, out-of-town and national papers? (Please list all that apply.)

Name of Newspaper(s): \_\_\_\_\_  
\_\_\_\_\_

I read it/them:

- \_\_\_\_\_ Less often than once a week
- \_\_\_\_\_ Several times a week
- \_\_\_\_\_ Every day

42. What magazines, including online magazines, do you read? (Please list all that apply.)

Name of Magazine(s): \_\_\_\_\_

I read it/them:

- \_\_\_\_\_ Less often than once a week
- \_\_\_\_\_ Several times a week
- \_\_\_\_\_ Every day

43. What news programs do you watch on TV or the internet? (Please include both local and national news programs)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

44. What television programs do you watch on a regular basis? (Please list all that apply.)

Name of TV Program(s): \_\_\_\_\_

I watch it/them:

\_\_\_\_\_ Less often than once a week

\_\_\_\_\_ Several times a week

\_\_\_\_\_ Every day

45. What radio stations do you regularly listen to? (Please list all that apply.)

Name of Radio Station: \_\_\_\_\_

I listen to it/them:

\_\_\_\_\_ Less often than once a week

\_\_\_\_\_ Several times a week

\_\_\_\_\_ Every day

46. What websites do you regularly visit? (Please list all that apply.)

Name of Internet Site(s): \_\_\_\_\_

I visit it/them:

\_\_\_\_\_ Less often than once a week

\_\_\_\_\_ Several times a week

\_\_\_\_\_ Every day

47. Do you use Social Media?  Yes  No

Circle all that apply:

Facebook

Twitter - now known as "X"

Snapchat

LinkedIn

Google

Instagram

TikTok

YouTube

Tumblr

Vine

Truth Social

Reddit

Other

How Often:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

48. Do you listen to Podcasts on a regular basis?

Name of Podcast:

How Often:

_____	_____
_____	_____
_____	_____

49. Which media outlets, if any, do you choose to feed into your social media or have send you alerts? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

50. Of all the media sources (newspaper, internet, social media, television, radio and magazines), which do you consider the most reliable for news? \_\_\_\_\_

\_\_\_\_\_

51. Do you have an interest in following court cases?  Yes  No

52. Do you ever watch Court TV?  Yes  No

53. If you have previously served as a juror, please provide the following information:

<u>Year</u>	<u>Court</u>	<u>Civil/Criminal</u>	<u>Verdict</u>	<u>Were you the Foreperson?</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

54. Have you ever served on a Grand Jury?  Yes  No

Location: \_\_\_\_\_ Were you the foreperson? \_\_\_\_\_

55. Was there anything about your experience as a juror that would make you not want to serve again? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

56. Do you or any friends or relatives have law enforcement experience of any kind? Examples: Police, Sheriff, Security Guard, FBI, Investigator, Solicitor or City Prosecutor, Probation Officer, Prison or Jail Employee, etc.

You:             Yes             No  
Relative:       Yes             No  
Close Friend:  Yes             No

If Yes, please identify the relationship of the person and the type of organization;

<u>Person</u>	<u>Organization</u>	<u>Duties</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

57. Do you feel that you can fairly decide a case involving the State of South Carolina on one side and an individual accused of violating the law of the other?       Yes       No

58. Defendants and witnesses are often people of various religions, colors, races, genders, and ethnicities. Would you be influenced by the religion, race, color, gender or ethnic background of a witness when deciding whether to believe his or her testimony?       Yes       No

59. Is there any additional information about your selection as a juror during a term of court beginning the week of May 13, 2024, that the Court should know?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT B**

**COURTESY OF  
LUNA SHARK MEDIA**

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  
WARRANT NO.: 2016A0810400692  
INDICTMENT NO: 2016-GS-08-02603

**DEFENDANT'S REQUESTED  
COURT VOIR DIRE**

Michael Colucci ("Colucci") having received the benefit of the venire's individual written responses to the Questionnaire now respectfully requests that the Court pose the following questions to the remaining venire:

1. The charge in this case is Murder. Knowing that the allegation is taking the life of another, would this interfere with your ability to serve as a fair and impartial juror in this case?
2. The trial of this case may last two weeks. Juror deliberations must not begin until the trial is completed, arguments are heard and I have had an opportunity to explain the applicable law. Knowing that, would you suffer any unusual or particular hardship due solely to the length of the trial if you are selected as a juror?
3. The selected jurors may be sequestered during the trial, which will require you to stay with your fellow jurors under the supervision of the Sheriff at a local hotel, and you may be permitted only minimal contact with your family, friends or business associates until a verdict is reached. Knowing that, would you suffer any unusual or particular hardship if you were selected as a juror?
4. Knowing the projected length of the trial of this case, do you anticipate any medical issues or conditions, or do you have personal, family or employment obligations, that may interfere with your service as a juror?



5. Are you experiencing any medical, family or personal matters that might prevent you from giving your full attention to this case before a final resolution is reached?
6. The prosecutors in this case, Joel Kozak and Kinli Abee, are employed by the Attorney General's Office. (Mr. Kozak will introduce members of his staff). Do you know Mr. Kozak, Ms. Abee or any members of the Attorney General's staff?
7. The Attorney General's Office employs attorneys, investigators, paralegals and administrative personnel. Are you related to anyone in the Attorney General's Office?
8. Do you, a family member or a close friend have a relative employed by the Attorney General's Office?
9. Do you have a social or political relationship with any of the attorneys, investigators, their family members or employees of the Attorney General's Office?
10. This case has been investigated by the Berkeley County Sheriff's Office and the South Carolina Law Enforcement Division (SLED). Are you related to anyone in the Berkeley County Sheriff's Office or the South Carolina Law Enforcement Division?
11. Do you, a family member or a close friend have a relative employed by the Berkeley County Sheriff's Office or the South Carolina Law Enforcement Division?
12. Do you have a social or political relationship with any of the investigators, their family members or employees of the Berkeley County Sheriff's Office or the South Carolina Law Enforcement Division?
13. Michael Colucci is represented by attorneys Andrew J. Savage, III of the Savage Law Firm and J. Scott Bischoff, II of Adams & Bischoff. (Mr. Savage and Mr. Bischoff will introduce members of their staffs.) Do you know Mr. Savage or Mr. Bischoff or anyone employed with their offices? Have you had any business dealings with the Savage Law Firm or the Adams & Bischoff Law Firm?
14. (Ask Michael Colucci to stand). Michael Colucci is 54 years of age. Do you know him or any members of his family?
15. The following is a list of witnesses who may be called during the trial of this case. It is important to me to know if you know or recognize any of the following individuals. (The Court is requested to read a list of prospective witnesses including, name, age, occupation and community where they live. The Court is also requested to display their photograph.)

16. Have you read, heard or watched any form of media regarding Michael Colucci, Sara Colucci, their family members or their business(es)? This includes internet, social media, print media, pod casts, or any other form of media.
17. Have you participated in any discussions on the internet, commented, or expressed your opinion regarding the Colucci Jewelry store, its owners or employees?
18. Some of the events that will be described during the trial took place in 2015 at 2206 North Main Street in Summerville, South Carolina, near the intersection of North Main Street (Highway 17A) and Myers Road.
- a. Are you familiar with this area as it appeared in 2015? Are you familiar with this area as it appears today?
  - b. Have you ever lived or worked in this area?
  - c. Do you pass by this area on Highway 17A or on Myers Road:
    - Daily?
    - Frequently?
    - Often?
    - Never?
19. Have you read, heard or watched any form of media regarding the death of Sara Lynn Colucci? This includes internet, social media, print media, pod casts, or any other form of media.
20. Have you formed a belief about any of the facts surrounding the death of Sara Colucci as a result of what you have read, viewed, or heard from any source?
21. Based on what you have heard about this case, have you discussed the facts or expressed an opinion regarding Mrs. Colucci's manner of death (natural, accident, suicide, homicide or undetermined)?
22. This case has generated significant media coverage, and there will likely be television cameras in the courtroom. You are prohibited from speaking to the media during the course of this trial. You should not discuss with anyone what you see, hear, or observe in the courtroom until a final decision has been reached and announced by the Court. Would this heightened interest and media coverage affect your willingness to serve as a juror in this case?
23. Would this heightened interest and media coverage interfere with your ability to render a fair and impartial verdict?

24. Were you aware before coming to court today that you might be selected as a juror on this case?
25. Have you conducted any research or asked others about this case in anticipation of your jury service?
26. Have you discussed your possible selection as a juror in this case with anyone?
27. If yes, did you express an opinion or receive an opinion from others about the trial or your jury service?
28. Since being summoned as a juror, have you discussed this case or your role as a potential juror with any other member of the jury panel?
29. Do you know any fellow member of the jury panel?
30. Have you expressed an opinion to any member of the jury panel, or have you heard an opinion stated by any member of the jury panel, about this case?
31. Do you currently have an opinion about whether Sara Colucci died as a result of suicide, accident or homicide?
32. Do you have such strong feelings about the use of alcohol or drugs that you could not fairly weigh the evidence in a case wherein one or more of those involved has used or abused alcohol or drugs?
33. Do you feel that you can fairly decide a case that involves the State of South Carolina and a citizen accused of violating the law?
34. Do you have any concern that your verdict in this case, regardless of what it might be, will cause you or any family member, social or employment problems in the future?
35. Regardless of any opinions you may have concerning "how the law should be," would you be able to follow the law exactly as stated by the judge?
36. Do you know of any thoughts, bias or sympathy you have with reference to either Michael Colucci, Sara Colucci, or members of law enforcement, which would make it difficult for you to make a decision in this case?

37. Do you have any questions or concerns that the Court should know before we start selecting jurors?

Respectfully submitted,

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ADAMS & BISCHOFF, LLC  
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ATTORNEYS FOR MICHAEL COLUCCI

BY: 

ANDREW J. SAVAGE, III  
SC Bar Number: 4946

Charleston, South Carolina

April 8, 2024

FILED

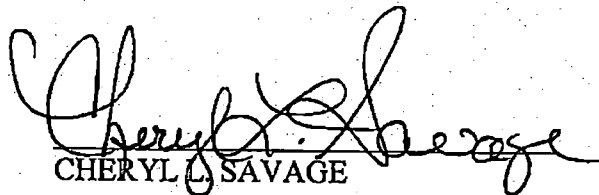
STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
2024 APR -9 ) PH 12: 25 ) FOR THE NINTH JUDICIAL CIRCUIT  
COUNTY OF BERKELEY ) LEAH GUERRY DUPRE ) INDICTMENT NO.: 2016-GS-08-02603  
CLERK OF COURT ) WARRANT NUMBER: 2016A0810400692  
BERKELEY COUNTY, SC )

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of a Motion to Expand Jury *Voir Dire* By Use Of Pre-Trial Jury Venire Questionnaire has been served upon Assistant Attorney General Joel Kozak by mailing a copy properly addressed with sufficient postage affixed thereto this 8<sup>th</sup> day of April, 2024, at his current address listed below:

Joel Kozak, Esquire  
Assistant Attorney General  
SC Attorney General's Office  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia, SC 29211-1549

  
CHERYL L. SAVAGE

SWORN TO and SUBSCRIBED BEFORE me

this 8<sup>th</sup> day of April, 2024.

Heather Lee Hill (L.S.)  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 11/13/2024

**SAVAGE LAW FIRM**  
15 PRIOLEAU STREET  
CHARLESTON, SC 29401  
TEL. (843) 720-7470 FAX (843) 720-7478  
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ANDREW J. SAVAGE, III  
Certified Criminal Trial Advocate - NBTA

V. JOSEPH CANNARELLA

April 8, 2024

The Honorable Leah Guerry Dupree  
Clerk of Court for Berkeley County  
300-B California Avenue  
Moncks Corner, SC 29461

**RE: State v. Michael Colucci**

Dear Ms. Dupree:

Enclosed herein please find an original and two copies each of a Motion to Expand Jury *Voir Dire* By Use o Pre-Trial Jury Venire Questionnaire and Certificate of Service in the above-referenced matter.

Please file the originals and return the true copies to me in the enclosed self-addressed stamped envelope.

With best wishes, I remain

Sincerely,



Cheryl L. Savage

/cls

Enc: Motion to Expand Jury *Voir Dire* By Use of Pre-Trial Questionnaire; original and two copies  
Certificate of Service; original and two copies  
Self-addressed stamped envelope

cc: Joel Kozak, Esquire, Assistant Attorney General (with enclosure)  
J. Scott Bischoff, Esquire (with enclosure)  
Mr. Michael Colucci (with enclosure)

LEAH GUERRY DUPREE  
CLERK OF COURT  
BERKELEY COUNTY, SC

2024 APR -9 PM 12: 25

FILED  
SAH