

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

**SEVENTH SUPPLEMENTAL MOTION FOR
 THE PRODUCTION, INSPECTION AND
 COPYING OF DOCUMENTS**

2024 APR 15 PM 2:47
 LEANNE R. DUPREE
 CLERK OF COURT
 BERKELEY COUNTY, SC

FILED
 We

MICHAEL COLUCCI (Colucci), respectfully requests an ORDER OF THE COURT:

To require that the Solicitor make available to the defense all information in the custody, possession, control or knowledge of the State, private parties acting as agents or employed on behalf of the State or its subdivisions, State Administrative Agencies, or any State or Federal Law Enforcement Agency or prosecutors involved in the investigation of the above-captioned matter, particularly that material and potential sources specifically identified, in accordance with the requirements of: the Due Process requirements of S.C. Const. Art. I, § 3, and U.S. Const. amends. V & XIV, Rule 5, SCRCrimP; Appellate Court Rule 407, Rules of Professional Conduct, Rule 3.8(d); Model Rule 3.8(d) of the American Bar Association's Standards for Criminal Justice; *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963); *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972), *United States v. Agurs*, 427 U.S. 97, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976); *United States v. Bagley*, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985); *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995); *Strickler v. Green*, 527 U.S. 263, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999); *United States v. Acosta*, D. Nev., No. CR-S-03-

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0542 JCM (PAL), (2005); *Gibson v. State*, 334 S.C. 515, 514 S.E.2d 320 (1999); *In the Matter of Larry F. Grant*, 343 S.C. 528, 541 S.E.2d 540 (2001); *Leka v. Portuondo*, 257 F.3d 89 (2001); *State v. Proctor*, 348 S.C. 322, 559 S.E.2d 318 (2001), *Riddle v. Ozmint*, 369 S.C. 39, 631 S.E.2d 70 (2006), and their progeny.

Colucci filed a Discovery Motions on May 12, 2016, April 2, 2018, August 2, 2018, July 20, 2018, August 2, 2018, August 15, 2018, September 19, 2018, October 5, 2018, and April 2, 2024, and served on the Solicitor on or about May 12, 2016, April 2, 2018, August 2, 2018, July 20, 2018, August 2, 2018, August 15, 2018, September 19, 2018, October 5, 2018, and April 2, 2024.

Colucci reiterates his request for all information and documents previously requested in his previous Discovery Motions, not yet produced and further specifically requests the following:

On April 8, 2024, the State provided an e-mail to Colucci listing the names of expert witnesses the State intends to call during the trial of this matter. Those names were:

Dr. Lee Marie Tormos as to manner and cause of death;

Det. Kevin Murphy (BCSO), digital/computer/cell phone forensics;

Dr. William Smock as to strangulation and asphyxia; and

Megan Fletcher (SLED) as to Trace Evidence.

Without abandoning his previously filed motion seeking a reasonable restriction of the State's evidence in accordance with SCCrimP R-5 (a)(3); (d)(2), for all of the above- named

potential expert witnesses, Colucci again requests the production of the following information pertaining to each expert:

- a. The qualifications for all expert witnesses expected to provide testimony of scientific, technical or other specialized knowledge to aid the trier of fact in understanding evidence or to determine a fact in issue pursuant to Rule 702, SCRE.
- b. The subject matter and specific areas of expertise of which each expert witness is expected to testify pursuant to Rule 702, SCRE.
- c. The ultimate issue the expert witness is expected to testify to and provide the corresponding opinion of each pursuant to Rule 704, SCRE.
- d. The basis for each opinion or inference in this case pursuant to Rule 703, SCRE.
- e. The specific facts and data upon which the expert relied when forming an opinion or inference in this case pursuant to Rule 703, SCRE.
- f. The specific compensation provided to each expert for their testimony.

For any additional yet unnamed expert witnesses the State intends to call, Colucci requests that the same information be provided for those witnesses.

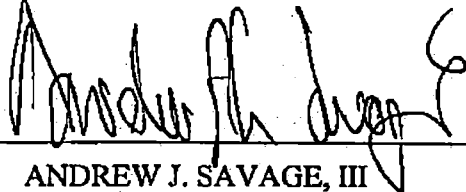
FURTHER, the Defendant will specifically move that said Order requiring production, inspection, copying and/or photographing specifically require compliance by the State within thirty (30) days. This production is specifically sought so that the information discoverable pursuant to the above-cited cases will be meaningful for the proper preparation of the defense of Michael Colucci.

Respectfully submitted,

J. SCOTT BISCHOFF, II
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E-mail: scott@adamsbischoff.com

ANDREW J. SAVAGE, III
SAVAGE LAW FIRM
15 Prioleau Street
Post Office Box 1002
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Telephone: (843) 720-7470
andy@savlaw.com

BY:



ANDREW J. SAVAGE, III
SC Bar Number: 4946

Charleston, South Carolina
April 10, 2024.

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Video Conferencing Address: 96.83.158.37

ANDREW J. SAVAGE, III
Certified Criminal Trial Advocate - NBTA

V. JOSEPH CANNARELLA

April 10, 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

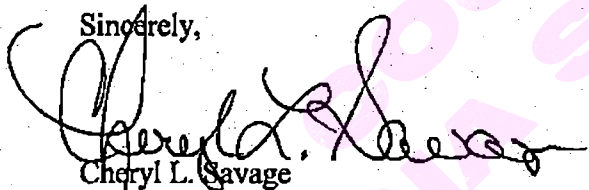
Dear Ms. Dupree:

Enclosed herein please find an original and two copies each of a Seventh Supplemental Motion for Discovery 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: Seventh Supplemental Motion for the Production, Inspection and Copying of Documents;
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)

FILED

we

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
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STATE OF SOUTH CAROLINA)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of a Seventh Supplemental Motion for the Production, Inspection and Copying of Documents has been served upon Assistant Attorney General Joel Kozak by mailing a copy properly addressed with sufficient postage affixed thereto this 10th 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

[Handwritten Signature]
 CHERYL L. SAVAGE

SWORN TO and SUBSCRIBED BEFORE me
 this 10th day of April, 2024.

[Handwritten Signature] (L.S.)
 NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 11/13/2024

GS

S _____
 C _____
 E *[initials]* _____

we