

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 PRODUCE CHAIN
OF CUSTODY PRIOR TO TRIAL**

2025 APR 10 PM 12:55
LEAH GUENRY, CLERK
CLERK OF COURT, 33
BERKELEY COUNTY, SC

FILED 3

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 he 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 chain of custody.

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

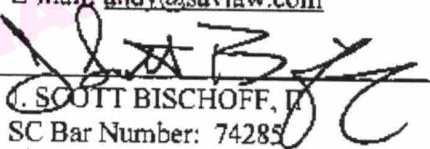
WHEREFORE, Mr. Colucci respectfully asks that this Court to order the State to produce, not later than May 12, 2025, the chains of custody of all items requiring such proof.

Respectfully submitted,

J. SCOTT BISCHOFF, II
WILLIAM S. MCGUIRE
ADAMS & BISCHOFF, LLC
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

BY:


J. SCOTT BISCHOFF, II
SC Bar Number: 74285
ATTORNEY FOR MICHAEL COLUCCI

Charleston, South Carolina

April 10, 2025