

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 IN LIMINE
PROHIBIT PROSECUTOR FROM
ANTICIPATING DEFENSE POSITION**

LEAH GUENI, CLERK OF COURT
BERKELEY COUNTY, SOUTH CAROLINA

2025 APR 10 PM 12:56

FILED

Michael Colucci requests this Honorable Court to prohibit the Prosecutor from anticipating and arguing against the anticipated defense position in opening statement.

This motion is made on the following grounds:

1. That the Fifth Amendment of the United States Constitution guarantees an accused a right of silence; that the Due Process Clause of the South Carolina and United States Constitutions guarantee that the State has the burden of proof, and the accused need not prove anything; and that these important principles would be so compromised as to be meaningless if the Prosecutor was permitted to tell the jury what she thinks the defense position will be.

2. That the defense is not required to inform the Prosecutor of its position. The defense is furthermore free to make whatever tactical decisions it deems appropriate, including the decision

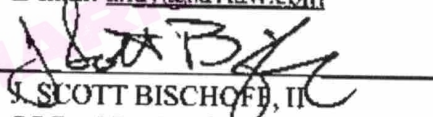
to present no case at all. If the jurors have already been told, by the Prosecutor, that the defense will include certain matters, then the defense is no longer free to decide. It must either present what the State anticipates, or risk looking less credible before the jury.

Respectfully submitted,

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April 10, 2025