

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

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

2025 MAY 14 PM 12:34
LEAH GUERRY DUPRE
CLERK OF COURT
BERKELEY COUNTY, GA

FILED

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

To require that the Assistant Attorney General 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-03-0542 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 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, April 2, 2024, and April 10, 2025, and served on the Assistant Attorney General 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, April 2, 2024, April 15, 2024, and April 10, 2025.

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:

1. A copy of the recording of Bishop Colucci's interview with SLED Special Agent David Owens; and
2. A complete copy of the Attorney General's Office's file regarding their investigation into Michael Viera's death.

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,

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Charleston, South Carolina
May 7, 2025