

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

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**MOTION IN LIMINE TO EXCLUDE
 ARGUMENT OR TESTIMONY ABOUT
 DEFENDANT’S ALCOHOL OR DRUG USE**

Michael Colucci (“M. Colucci”) seeks an Order from this Court to prevent the State from arguing or eliciting testimony concerning M. Colucci’s history of alcohol use, use of prescription medication, or use of non-prescription drugs at all times not relevant to the health of Sara Colucci. If relevant, a temporal relationship is required. *State v. Glenn*, 328 S.C. 300, 492 S.E.2d 393, 397 (Ct. App. 1997); SCRE 401, 402.

M. Colucci does not object to the State’s introduction of evidence of his use of alcohol or other substance on May 20, 2015, if the proposed evidence is not otherwise prohibited by the South Carolina Rules of Evidence. Testimony concerning M. Colucci’s **history** of alcohol use, his use of prescription medication, or his use of non-prescription drugs before and after May 20, 2015, has no relevance unless such evidence can make the existence of any fact that is of consequence to the determination of the action more or less probable than it would without the evidence. SCRE 401, 402.

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Even if relevant, the admission of such evidence has a prejudicial effect which substantially outweighs any probative value. SCRE 403.

Even if relevant and probative, such evidence of alcohol use, prescription medicine use, or use of non-prescribed drugs is evidence of M. Colucci's character or trait of character. SCRE 404(a).

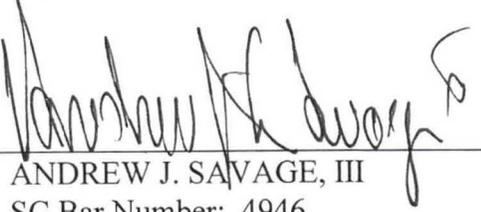
Respectfully submitted,

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April 26th, 2024