

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal From Pickens County
Hon. Perry H. Gravely, Circuit Court Judge
Appellate Case Tracking No. 2020-001345

RECEIVED

Oct 27 2022

S.C. SUPREME COURT

The State,

Respondent,

v.

Angela D. Brewer,

Petitioner.

MOTION TO HOLD ISSUANCE OF REMITTITUR

The State, through its undersigned counsel, respectfully shows unto the Court:

I.

On October 12, 2022, this Court issued an Opinion reversing Brewer's conviction and sentence and remanding for a new trial based upon its finding the lab report was testimonial in nature and its admission resulted in a Confrontation Clause violation under the Sixth Amendment to the United States Constitution. The State does not intend to serve and file a Petition for Rehearing to this Court. However, because this Court's Opinion has decided an important question of federal law, the State intends to serve and file a Petition for Writ of Certiorari to the United States Supreme Court seeking clarification of the application of the Confrontation Clause in this case.

II.

The State believes the issue of the Confrontation Clause violation is one of significant federal interest and this Court's Opinion is in opposition to existing precedent of the United States Supreme Court. The State asks this Court to hold the Remittitur to allow the State to pursue the possibility of review by the United States Supreme Court of the purely federal question under the Sixth Amendment to the Constitution. In the event this Court agrees to hold the issuance of the Remittitur, the State will notify this Court of all actions taken by the United States Supreme Court in this case.

WHEREFORE, Respondent prays this Court hold issuance of the Remittitur to allow the State the opportunity to pursue a Petition for Writ of Certiorari from the United States Supreme Court; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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