

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

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Certiorari to the Court of Appeals
Appeal from Pickens County
Perry H. Gravely, Circuit Court Judge
—————

THE STATE,

RESPONDENT,

V.

ANGELA D. BREWER,

PETITIONER

APPELLATE CASE NO. 2020-001345
—————

MOTION TO ARGUE AGAINST PRECEDENT
—————

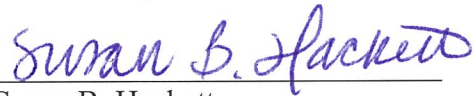
Pursuant to Rule 217, SCACR, Petitioner moves this Court to permit argument against precedent. This case is scheduled for oral argument on Wednesday, February 2, 2022, at 9:30 a.m. before this Court. This motion pertains only to Issue I of Petitioner's brief which concerns whether the trial judge erred in admitting Petitioner's statement where she was intoxicated.

In her brief, Petitioner argued the Court of Appeals misconstrued this Court's ruling in State v. Saxon, 261 S.C. 523, 529, 201 S.E.2d 114, 117 (1973), when the Court of Appeals affirmed the trial judge's finding that Petitioner's statement to police was admissible. Petitioner further argued in her brief an alternative argument on this point – that if the Court of Appeals correctly construed Saxon, then Petitioner argued Saxon was wrongly decided. In short, Petitioner argued against precedent in her brief, placing Respondent on notice of her intent to argue against precedent.

Petitioner recognizes that she has failed to file this motion at least fifteen days prior to oral argument as required by the Appellate Court Rules. Petitioner apologizes to this Court and Respondent for failing to file this motion in a timely manner and in accordance with the applicable rule.

Petitioner respectfully requests this Court to relax the requirement of Rule 217, SCACR, that a motion to argue against precedent be filed fifteen days prior to oral argument and grant Petitioner's request to argue against precedent.

Respectfully submitted,



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ATTORNEY FOR PETITIONER

This 24th day of January, 2022.