

No. 23-6795

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IN THE SUPREME COURT OF THE UNITED STATES

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GREGORY TAYLOR, PETITIONER

v.

UNITED STATES OF AMERICA

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 12-16) that his rights under the Confrontation Clause of the Sixth Amendment were violated when a forensic expert testified as to his opinion based on data gathered by ten laboratory analysts who tested bodily fluids of a deceased person for the presence of drugs. This Court granted certiorari in Smith v. Arizona, 144 S. Ct. 478 (2023) (No. 22-899) (argued Jan. 10, 2024), to consider whether the Confrontation Clause is satisfied when an expert witness provides opinion testimony that is based in part on data from laboratory tests performed in whole or in part by someone who is not testifying. The petition for a writ of certiorari here should accordingly be held pending the

Court's decision in Smith and then disposed of as appropriate in light of that decision.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General

APRIL 2024

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\* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.