

# SUPREME COURT COPY

Law Offices of

**JOSEPH BAXTER**

CERTIFIED APPELLATE SPECIALIST

October 28, 2015

645 Fourth Street • Suite 205  
Santa Rosa, California 95404  
707 544-1149

**Via Next Day FedEx and Email**

**Frank.McGuire@jud.ca.gov**

The Honorable Frank A. McGuire  
Court Administrator and Clerk of the Supreme Court  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-3600

Re: *People v. Masters*  
California Supreme Court case no. S016883  
Oral Argument: November 3, 2015

RECEIVED

OCT 28 2015

Dear Mr. McGuire:

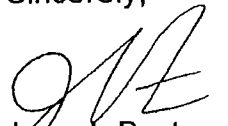
CLERK SUPREME COURT

I am in receipt of the Attorney General's October 23, 2015 letter in which Alice Lustre states that *Nevada v. Jackson* (2013) \_\_\_\_ U.S. \_\_\_\_, 133 S. Ct. 1990, 1992 stands for the proposition that "state evidentiary rulings rarely violate defendant's right to present a defense."

That statement will not be found in the *Nevada v. Jackson* opinion. *Jackson*, instead, involved the constitutionality of a Nevada statute. Thus, the *dicta* of the Supreme Court was that "[o]nly rarely have we held that the right to present a complete defense was violated by the exclusion of defense evidence *under a state rule of evidence*." *Id.* at 1992 (emphasis added).

This case does not concern the validity of a state rule of evidence.

Sincerely,

  
Joseph Baxter  
Attorney at Law

jb:kw

SUPREME COURT  
**FILED**

OCT 28 2015

Frank A. McGuire Clerk

Deputy

DEATH PENALTY

FAX 707 544-1148

PROOF OF SERVICE

I declare that:

I am a citizen of the United States and a resident of the County of Sonoma. I am over the age of eighteen years and not a party to the within action; my business address is 645 Fourth Street, Suite 205, Santa Rosa, California, 95404. On October 28, 2015, I served the within: **OCTOBER 28, 2015 LETTER FROM JOSEPH BAXTER TO FRANK McGUIRE RE JACKSON v. NEVADA** on the following party(ies):

Alice B. Lustre  
Deputy Attorney General  
455 Golden Gate Avenue, # 11000  
San Francisco, CA 94102  
(by mail and email:  
alice.lustre@doj.ca.gov)

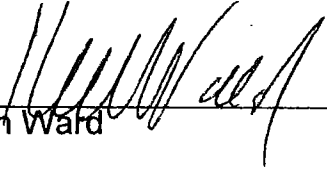
Scott Kauffman, Esq.  
California Appellate Project  
101 Second Street, Suite 600  
San Francisco, CA 94105

Richard Targow  
Attorney at Law  
P.O. Box 1143  
Sebastopol, CA 95472

Chris Andrian  
Andrian & Gallenson  
1100 Mendocino Avenue  
Santa Rosa, CA 95401-4363

x **BY MAIL:** I placed each such sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practice of this office for the processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited with the United States Postal Service the same day as it is placed for processing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 28, 2015, at Santa Rosa, Calif.

  
\_\_\_\_\_  
Ken Ward