### Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

# SUPREME COURT OF THE UNITED STATES

### Syllabus

#### OREGON v. GUZEK

#### CERTIORARI TO THE SUPREME COURT OF OREGON

No. 04-928. Argued December 7, 2005—Decided February 22, 2006

At the guilt phase of respondent Guzek's capital murder trial, his mother was one of two witnesses who testified that he had been with her on the night the crime was committed. He was convicted and sentenced to death. Twice, the Oregon Supreme Court vacated the sentence and ordered new sentencing proceedings, but each time Guzek was again sentenced to death. Upon vacating his sentence for a third time, the State Supreme Court held that the Eighth and Fourteenth Amendments provide Guzek a federal constitutional right to introduce live alibi testimony from his mother at the upcoming resentencing proceeding. After this Court granted certiorari, Guzek filed a motion to dismiss the writ as improvidently granted.

# Held:

1. Guzek's motion to dismiss certiorari is denied. This Court does not lack jurisdiction on the ground that, irrespective of federal law, state law gives Guzek the right to introduce his mother's live testimony. The Court possesses jurisdiction to review state-court determinations that rest upon federal law, 28 U.S.C. §1257(a), and the Oregon Supreme Court based its legal conclusion in relevant part on such law. It pointed out that relevant mitigating evidence under state law refers only to evidence that the Federal Constitution grants a defendant the right to present. And it interpreted the federal admissibility requirement in Lockett v. Ohio, 438 U.S. 586, 604 (plurality opinion), and Green v. Georgia, 442 U.S. 95 (per curiam), to include evidence like the proffered alibi testimony. Nor is this Court willing to dismiss the writ on the ground that irrespective of federal law and of the State Supreme Court's federal holding, Oregon's capital-case resentencing statute gives Guzek the right to introduce witnesses who testified at the guilt phase. At most, state law might give him such a right, but "a possible adequate and independent state

## Syllabus

ground" for a decision does not "bar . . . reaching the federal questions" where, as here, the State Supreme Court's decision "quite clearly rested . . . solely on the Federal Constitution." *California* v. *Ramos*, 463 U. S. 992, 997, n. 7. Pp. 2–5.

2. The Constitution does not prohibit a State from limiting the innocence-related evidence a capital defendant can introduce at a sentencing proceeding to the evidence introduced at the original trial. This Court's cases have not interpreted the Eighth Amendment as providing such a defendant the right to introduce at sentencing evidence designed to cast "residual doubt" on his guilt of the basic crime of conviction. Franklin v. Lynaugh, 487 U.S. 164, 173, n. 6 (plurality opinion). Lockett v. Ohio, supra, and Green v. Georgia, supra, distinguished. Even if such a right existed, it could not extend so far as to provide Guzek with a right to introduce the evidence at issue. The Eighth Amendment insists upon "'reliability in the determination that death is the appropriate punishment in a specific case," *Penry* v. Lynaugh, 492 U.S. 302, 328, and that a sentencing jury be able "to consider and give effect to mitigating evidence" about the defendant's "character or record or the circumstances of the offense," id., at 327-328, but it does not deprive the State of its authority to set reasonable limits on the evidence a defendant can submit, and to control the manner in which it is submitted. Three circumstances, taken together, show that the State has the authority to regulate Guzek's evidence through exclusion. First, sentencing traditionally concerns how, not whether, a defendant committed the crime, but alibi evidence concerns only whether, not how, he did so. Second, the parties previously litigated the issue to which the evidence is relevant. Thus, the evidence attacks a previously determined matter in a proceeding at which, in principle, that matter is not at issue. The law typically discourages such collateral attacks. Cf. Allen v. McCurry, 449 U.S. 90, 94. Third, the negative impact of a rule restricting Guzek's ability to introduce new alibi evidence is minimized by the fact that Oregon law gives the defendant the right to present to the sentencing jury all the innocence evidence from the original trial (albeit through transcripts). The Oregon courts are free to consider on remand whether Guzek is entitled to introduce his mother's testimony to impeach other witnesses whose earlier testimony the government intends to introduce at resentencing. Pp. 5-9.

336 Ore. 424, 86 P. 3d 1106, vacated and remanded.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and STEVENS, KENNEDY, SOUTER, and GINSBURG, JJ., joined. SCALIA, J., filed an opinion concurring in the judgment, in which THOMAS, J., joined. ALITO, J., took no part in the consideration or decision of the case.