

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 15 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STANLEY M. THORNHILL,)	No. 08-35497
)	
Petitioner – Appellant,)	D.C. No. 6:06-CV-01783-AA
)	
v.)	MEMORANDUM*
)	
SHARON BLACKETTER,)	
)	
Respondent – Appellee.)	
)	
_____)	

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Submitted June 1, 2009**
Portland, Oregon

Before: O’SCANNLAIN, FERNANDEZ, and FISHER, Circuit Judges.

Stanley Thornhill appeals the district court’s denial of his petition for habeas corpus relief. See 28 U.S.C. § 2254. We affirm.

*This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

**The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

Thornhill asserts that he was denied his constitutional rights under the Sixth and Fourteenth Amendments to the United States Constitution as clearly established by the Supreme Court¹ when the state trial court excluded certain evidence at trial.² We have carefully reviewed the record and agree with the district court that the state trial court did not commit constitutional error when it excluded certain items of evidence for the purposes for which they were proffered, that is, essentially to show motive or bias, or, inaccuracy of a witness' statements. Although Thornhill now suggests other purposes for which the evidence could have been offered, we cannot say that the state trial court erred when it ruled on the basis of Thornhill's tender at the time of the state court proceedings. It was entitled so to do. See Heyne v. Caruso, 69 F.3d 1475, 1481 (9th Cir. 1995) (setting out general requirement for an offer of proof); United States v. Sims, 617 F.2d 1371, 1377 (9th Cir. 1980) (stating that proponent must make the basis for admission of evidence known to the trial court); see also United States v. Curtin,

¹See 28 U.S.C. § 2254(d); Wiggins v. Smith, 539 U.S. 510, 520 (2003); Penry v. Johnson, 532 U.S. 782, 793 (2001); Williams v. Taylor, 529 U.S. 362, 410–12 (2000); Edwards v. Lamarque, 475 F.3d 1121, 1125 (9th Cir. 2007) (en banc).

²See Crane v. Kentucky, 476 U.S. 683, 690 (1986) (describing right to present a meaningful defense); LaJoie v. Thompson, 217 F.3d 663, 668 (9th Cir. 2000) (same); cf. United States v. Scheffer, 523 U.S. 303, 308 (1998) (stating that right to present evidence is subject to reasonable restrictions); Moses v. Payne, 555 F.3d 742, 757–58 (9th Cir. 2009) (same).

489 F.3d 935, 957–58 (9th Cir. 2007) (en banc) (indicating that proponent should identify the purpose of an offer of evidence).

AFFIRMED.