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**COURT OF APPEAL OF
THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO**

THE PEOPLE,
Plaintiff and Respondent,

v.

DANIEL PETER MASTERSON,
Defendant and Appellant.

Appeal from the Superior Court, Los Angeles County,
No. BA487932, Hon. Charlaine Olmedo

AMICUS CURIAE BRIEF OF THE CHURCH OF SCIENTOLOGY INTERNATIONAL IN SUPPORT OF DEFENDANT AND APPELLANT

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INTRODUCTION AND INTERESTS OF *AMICUS*

Masterson's conviction was irretrievably tainted by First Amendment violations—in a way that improperly decided religious questions and smeared his religion. These violations denied him a fair trial and, in the process, subjected all Scientologists (and other people and institutions of faith) to intolerable added risks, merely for embracing and practicing their most sacred beliefs.

Imagine, for example, a Catholic being tried on criminal charges in a trial where the judge: states that Catholic beliefs are relevant to whether a crime was committed; egregiously misinterprets Canon law and uses that mischaracterization to justify the otherwise inconsistent testimony of complaining witnesses at a preliminary hearing; bases the decision to bind the Catholic over for criminal trial on that false reading of doctrine; continues to use the false statement of Canon law throughout the trial despite being told by Church authority that this interpretation is wrong; allows a defrocked former nun to testify as an expert on Catholic doctrine; and permits the prosecution to malign the Church and its teachings at will, thus making the case as much about Catholicism as the alleged crimes. Imagine too that the judge shows overt hostility to the Church through judicial comments and actions, then instructs the jury to consider heretical testimony about Church teachings "for the truth of the matter" in deciding guilt or innocence.

This should be unthinkable in an American court committed to constitutional neutrality. Yet that is precisely what occurred, albeit with a different religion, in this case. And it was an affront to the Constitution and contrary to deeply rooted judicial precedent—especially considering Scientology's status as a relatively new and unfamiliar religion.

To help the Court understand how the First Amendment was transgressed here, this brief will first describe some Scientology-related events of the trial—including repeated mischaracterizations or fabrications of Scientology doctrine and practice. The brief will then detail how the First Amendment was repeatedly violated by state actors in two distinct ways.

First, the trial court improperly decided religious questions and allowed religious issues to be put to the jury in determining whether Masterson was guilty. In so doing, the trial court, in clear violation of the First Amendment, allowed Scientology, and mischaracterizations about its beliefs and practices, to become a central part of the case—*so extensively that the words "Scientology" and "Scientologist" were repeated 800 times, more often than variations of the word "rape," the charged crime*. (The State in its response brief continues this disturbing pattern with 60 more references to the Scientology religion than to the alleged crimes.) The trial court's rulings thus allowed a stream of testimony that contradicted and ridiculed the Church's beliefs and practices, and which the

court presented "for the truth of the matter" for evaluation by the jury.

The second way the First Amendment was violated involved governmental hostility towards Masterson's religion, manifested in ways that infected nearly every aspect of the case. This hostility extended beyond the religious animus of the police detectives and prosecuting attorneys, who investigated, charged, and prosecuted this case with the direct participation of a Scientology apostate who had engaged in a years-long public campaign of vitriolic attacks on the faith.

The trial court itself exhibited a lack of neutrality, and even hostility, to the Scientology faith through its treatment of courtroom visitors suspected of being affiliated with the Church; its comparison of the Church to violent gangs and white supremacists; and by its prejudicial rulings. And the State, in this very appeal, has continued the pattern of governmental hostility by including in its brief gratuitous, irrelevant testimony hostile to the Church. The First Amendment does not allow government actors to show non-neutrality, much less the hostility shown here, to any faith.

The interests of *Amicus* Church of Scientology International ("Church" or "CSI") in this case are by now clear. The Church condemns rape and all forms of sexual violence. But no Scientologist will be safe if courts may judge members of the faith by substituting the court's own invention of

Scientology doctrine for the religion's actual teachings, let alone issue rulings and allow hostile comments based on those erroneous inventions. And no faith community of any kind will be safe if judges are allowed to interpret scripture to resolve evidentiary issues or to present religious issues and evidence to a jury to use in deciding whether a defendant is guilty of criminal charges.

ADDITIONAL BACKGROUND

A. Overview of the Church of Scientology and Relevant Scientology Scripture

Church of Scientology International is the Mother Church of the Scientology religion. Recognized by the IRS as a tax-exempt church, CSI oversees the application of Scientology religious doctrine in Scientology churches, missions, and groups in more than 167 countries, including the United States. (5 CT 1369.) CSI is responsible for defending the Scientology religion and preventing the misuse of its doctrine. (5 CT 1361.)

As a religion established in the mid-20th century (as compared to Judaism, Christianity, Islam, and Buddhism, which have existed for millennia), Scientology's doctrine and practices may be unfamiliar to many.

Scientologists are not modern Benedictine monks, cloistered in enclaves separate from society and adhering to their own invented mores and laws. Rather, they are as much woven into our nation's fabric as are Baptists, Roman Catholics, or members of the Jewish faith. Scientologists can

be found in all walks of life—they are accountants, actors, doctors, musicians, schoolteachers, football players, mechanics, and bus drivers. And they are to be found throughout our country's cities, suburbs, and rural towns—where they vote, celebrate the Fourth of July, obey the law, go to church, contribute meaningfully to their communities, and take their kids to the park—like everybody else.

Against that real-world backdrop, Scientology Scripture leaves no ambiguity regarding the duties and conduct expected of its members with respect to criminal behavior. The Church's written doctrine commands obedience to the laws of the land, condemns criminal behavior and recognizes the rights of victims. But despite this clear doctrine, in the proceeding below, state actors repeatedly asserted the opposite—purporting to define Scientology doctrine themselves.

The court began this cascade of constitutional violations at the preliminary hearing, where it improperly interpreted the teachings of Defendant's faith against him. ("The Court will interpret the pages [of Scientology text] that were just shown....") (5 CT 1399.)

The gravity of the court's error was compounded by the fact that its interpretation was flatly wrong. This mischaracterization of Scientology doctrine launched an onslaught of false statements about the religion that were advanced and repeated multiple times by the court, the prosecutor and/or the prosecution's designated "expert"

throughout the trial. They repeatedly attributed to Scientology doctrine that does not exist, presenting these fabrications as if they reflected actual Church Scripture. Each instance imposed the State's forbidden interpretation of Church Scripture in place of the religion's own ecclesiastical authority, creating a false and distorted picture of the religion to prejudice the jury. This was done despite the Church's attempt to avoid such misinterpretation through filing an *amicus* brief. (5 CT 1363.)

These misinterpretations were not incidental. They served a tactical purpose: to bolster the credibility of the complaining witnesses and to create a hostile environment for Masterson's faith in the courtroom to his prejudice. By falsely claiming that Scientology doctrine forbade contact with law enforcement or required internal handling through "Scientology law," the prosecution transformed its mischaracterizations of religious belief into an evidentiary explanation for the complaining witnesses' conduct. In doing so, the State improperly allowed its case to rest not on evidence, but on a perversion of faith.

Because courts may not determine or define religious doctrine, *Amicus* now sets forth the authoritative doctrine of the Church on the matters the State and the court purported to interpret. As the ecclesiastical authority authorized to provide a declaration of Scientology doctrine, *Amicus* declares below the official Church doctrine—to which courts are required to defer—on the core doctrinal issues that were raised during

these proceedings, and which *Amicus* was expressly denied any opportunity to rebut there. *See, e.g.*, *McCarthy v. Fuller*, 714 F.3d 971, 978 (7th Cir. 2013) ("The [amicus] brief is the unquestionably authentic statement of the Holy See…. We have no authority to question it.").

B. Mischaracterization of Scientology Doctrine on Reporting Crimes by Other Scientologists

The trial court, the prosecutors and their purported "expert" falsely claimed throughout the trial that Scientologists are forbidden from reporting crimes committed by other Scientologists to law enforcement. (5 CT 1442–1443; 20 RT 1333, 1336, 1362; 27 RT 2458–2459; 33 RT 3259.) This assertion, presented as fact to the jury, has no basis in Scientology doctrine.

The false depictions of Defendant's faith that permeated the trial originated in the preliminary hearing, where the court held Masterson over for trial based on its own misinterpretation of Scientology doctrine:

> The court's findings of credibility at the preliminary hearing stage is based both on its evaluation of the witnesses as they testified and the exhibits received, including People's [Exhibit] 5, the [Scientology] Ethics book, and People's [Exhibit] 6, the written [Scientology] policies.
>
> These exhibits indicate that *the written doctrine of Scientology* not only discourages but prohibits one Scientologist from reporting another Scientologist in good standing to outside law enforcement. *This expressly written doctrine* sufficiently explains to this court the hesitancy and lateness in reporting

> the crimes charged to law enforcement and also explains the inconsistencies in the witnesses' testimony and the actions taken subsequent to the events that comprise the charges.
>
> Thus, based on the testimony and exhibits presented, the court finds there is sufficient evidence to bind Mr. Masterson over for jury trial.

(5 CT 1442–1443 (emphases added).)

The court's statement of Church doctrine was flat-out wrong. Yet the court used its interpretation to explain away the complaining witnesses' inconsistent stories and their prolonged delay in reporting.

After that ruling, the Church provided the court with its authoritative explanation of Scientology doctrine, making unmistakably clear that the court's interpretation had no basis in Scripture. (5 CT 1363.) Rather than correct the error, the court rejected the Church's clarification and adhered to its own invented construction of doctrine. (25 RT 1993.)

This flawed ruling fatally infected all subsequent proceedings and became the "law of the case." Subsequently, for example, in ruling on a motion in limine, the court allowed testimony at trial "that Scientologists are prohibited or discouraged from reporting other Scientologists in good standing to outside law enforcement or face repercussions for doing so." (11 CT 3184.) The court then instructed the jury prior to deliberation that it could:

> [C]onsider evidence of Scientology…to explain the alleged victims' belief regarding Scientology

> principles and practices related to A, reporting another Scientologists [sic] in good standing to outside law enforcement.

(33 RT 3255.)

It is patently absurd for a court or anyone to undertake to interpret a religion's doctrine by reading just a few passages of scripture. That is especially so here given that the written and recorded spoken words of L. Ron Hubbard (the Founder of Scientology) comprising the Scripture of Scientology include tens of millions of words, including 25 books, some 100 encyclopedic volumes, scores of films, and more than 2,500 recorded lectures. (5 CT 1377–1378.)

Moreover, the court's statement that the "expressly written doctrine" of the Church "prohibits one Scientologist from reporting another Scientologist in good standing to outside law enforcement," (5 CT 1443) is dead wrong. The court did not cite to any "expressly written doctrine" for this proposition, and it could not: *the so-called "expressly written doctrine" does not appear anywhere in the doctrine of the Church*. The court reached this conclusion only by substituting its own language for the text before it, attributing to Scientology a rule that appears nowhere in its Scripture.

In fact, the Church has no doctrine prohibiting or discouraging members from reporting the criminal conduct of Scientologists—or of anyone—to law enforcement. Indeed, Church doctrine explicitly demands Scientologists abide by all laws of the land, including criminal law. As stated in the very

text relied upon by the court for its ruling, Preliminary Hearing People's Exhibit 6:

> Nothing in this policy letter shall ever or under any circumstances justify *any violation of the laws of the land* or intentional legal wrongs. *Any such offense shall subject the offender to penalties prescribed by law* as well as to ethics and justice actions.

(Prelim. People's Exhibit 6 (L. Ron Hubbard, 23 December 1965) at 18 (emphases added). *See also* Prelim. People's Exhibit 5 (*Introduction to Scientology Ethics*, book by L. Ron Hubbard) at 324.)

The court's misreading of the doctrine was particularly egregious given the court ignored the closing commandment in *the very same policy*, which was read aloud by defense counsel prior to the ruling:

> Additionally, Your Honor, if you actually look at both the book under the Suppressive Acts, Suppression of Scientology and Scientologists and in People's 6, which is really just a photocopy of that same chapter in the book, Your Honor, at the second-to-last page of People's 6, it states – I'll put it on the screen here.
>
> "Nothing in this policy letter shall ever or under any circumstances justify any violation of the laws of the land or intentional legal wrongs. Any such offense shall subject the offender to penalties prescribed by law as well as to ethics and justice action."

(5 CT 1412–1413.)

This language is universal across Scientology justice doctrine and directly *forecloses* any claim that Scientologists are prohibited or discouraged from reporting crimes. And it likewise expressly mandates that any offender *shall* be subject to the penalties prescribed by law. Consistent with that mandate, Church doctrine further states:

> Crimes may result in suspension of certificates, classifications or awards, reduction of post, or even dismissal *or arrest* when the Crime clearly warrants it.

(Prelim. People's Exhibit 5 (*Introduction to Scientology Ethics*) at 307 (emphasis added).)

In fact, while Scientologists are overwhelmingly law-abiding, the Church and its parishioners *do* report to law enforcement Scientologists engaged in criminal conduct. No approval is required from the Church to report criminal activity by a Scientologist or anyone else or even to "*take him to jail*." (L. Ron Hubbard, 13 October 1982.)

At the preliminary hearing, the prosecution argued that the following Scientology text—which sets forth conduct considered to be a "Suppressive Act" (a High Crime in Scientology)—supported its interpretation of Church doctrine as barring reports to law enforcement:

> Delivering up the person of a Scientologist without justifiable defense or lawful protest to the demands of civil or criminal law.

(Prelim. People's Exhibit 5 (*Introduction to Scientology Ethics*) at 313.)

Scientology's Founder, L. Ron Hubbard, wrote this doctrine *on the same day* as the doctrine discussed above providing that "Crimes" may subject a Scientologist to "arrest," and it plainly does not provide that a Scientologist may not report other Scientologists for committing crimes. The trial court did not merely misinterpret the passage, it replaced the text with an entirely different rule of its own making.

Indeed, the trial court disregarded the actual language of the text which reads, "*delivering up the person of a Scientologist*." The trial court instead cited the Scripture as if it were a prohibition on "reporting another Scientologist in good standing." (5 CT 1443.) Those are different words carrying entirely different meanings. By substituting its own wording for the text before it, the court attributed to Scientology a doctrine that does not exist in any authorized Scripture.
L. Ron Hubbard did not write "reporting another Scientologist *in good standing*" or even "delivering up *a Scientologist*...." He wrote, "Delivering up *the person of* a Scientologist." The phrase, "the person of" is a longstanding English expression and has a specific definition. It means, "in the character of, as representing."[1]

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[1] "*Person:* A character sustained or assumed in a drama or the like, or in actual life; part played; hence function, office, capacity; guise, semblance; one of the characters in a play or story. (Now chiefly of the *dramatis personae* or characters in a drama; *in the person of* = in the character of, as representing.)" Oxford English Dictionary, 1961 printing.

"Delivering up the person of a Scientologist" thus refers to someone who is delivered up simply because he is a Scientologist for the "offense" of *being a Scientologist* or *practicing Scientology*.[2]

The correct meaning of the doctrine is easily understood by inserting the word Jew, Muslim, Catholic, or Christian in place of Scientologist. The act of "delivering up the person of a Jew" in Vichy, France, during World War II means something quite different than merely reporting a crime committed by a person of the Jewish faith to lawful authorities. Accordingly, the doctrine provides that delivering up a person to civil or criminal authorities for the mere fact of being a member of the Scientology faith and/or practicing Scientology is a Suppressive Act (a High Crime in Scientology). That is precisely and only what the doctrine means.

The historical context of that teaching is also instructive. The doctrine was written in 1965 in response to oppressive and outrageous persecution of Scientologists in Australia, where the Parliament of Victoria had issued a ban on Scientology and enacted legislation *making it a crime to be a Scientologist*.[3]

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[2] "*Deliver:* To give up entirely, give over, surrender, yield; formerly often *spec.* to give up to an evil fate, devote to destruction, ruin, or the like. Also with *over* (obs. or arch.), *up*." *Id*.

[3] The Parliament of Victoria enacted the Psychological Practices Act 1965, Act No. 7355 ("Act"), making it a *crime*, punishable by up to two years' imprisonment, to teach

Bans by the states of South Australia and Western Australia followed.

While Scientology was vindicated long ago in Australia,[4] there still remain repressive nations that do not recognize or respect freedom of religion. For example, five Scientologists in St. Petersburg, Russia, were imprisoned and put on trial in 2020 for charges related to practicing Scientology. On October 1, 2021, the Russian Ministry of Justice listed two Scientology-related entities as "undesirable" thus making participation in those organizations a crime.[5] The European

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Scientology, advertise it, or hold oneself out as willing to teach it. Section 31(1). The Act further made it a *crime* to possess any "scientological records" and authorized the Attorney General "to search such person or premises for such scientological records" and to conduct such searches "at any time of the day or night with such assistants as may be necessary and if necessary to use force by breaking open doors…." Sections 32(3) and (4). (5 CT 1447–1462.)

[4] The Act and other bans were repealed in 1982 and 1983. In 1983, the High Court (Supreme Court of Australia) recognized the wrongness of the Act, finding without question that Scientology is "religious." *The Church of the New Faith and the Commissioner of Pay-Roll Tax (Victoria),* 154 CLR 120, 57 ALJR 785, 14 ATR 769, 49 ALR 65, 83 ATC 4652 (27 October 1983). https://uniset.ca/other/cs6/154CLR120.html. This decision stands to this day as the most significant Australian authority on the question of what constitutes a religion and the guiding decision used for determining a religious charity in Australia. (6 CT 1514–1518.)

[5] The "undesirable" designation means that the cited group "represents a threat to the security of the Russian Federation" and that any Russian citizen who supports the Scientology-

Court of Human Rights awarded damages to a Scientologist who was detained by the Russian government solely for *being* a Scientologist.[6]

"Delivering up the person of a Scientologist without justifiable defense or lawful protest to the demands of civil or criminal law" is thus considered a Suppressive Act or High Crime in Scientology. When members of the religion are persecuted and prosecuted *for their religion*, Scientologists have a moral obligation to rightfully stand up and defend "the person of a Scientologist." The doctrine emphatically does not forbid one Scientologist from reporting another Scientologist to law enforcement for criminal behavior.

History has recorded the atrocities that can be committed against members of a religion whose doctrines are misinterpreted and its followers delivered up without justifiable defense or lawful protest. It was similarly wrong for the trial court in this case to allow the jury to be influenced by a false narrative suggesting that it was Scientology doctrine that prohibited witnesses in this case from timely reporting the criminal violations alleged here.

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related organizations may be subject to criminal prosecution. (6 CT 1521-1522.)

[6] *Kuropyatnik v. Russia*, No. 64403/11, European Court of Human Rights. September 28, 2021. (6 CT 1525–1534.)

C. Compounded Mischaracterizations of Scientology Doctrine

The court's original misinterpretation—that Scientologists are forbidden from reporting their fellow parishioners—was followed by a cascade of further distortions of Scientology Scripture that permeated the trial.

By adopting an invented doctrine on the reporting of other Scientologists, the trial court opened the door to further inventions, including through testimony by an apostate presented as an "expert" on Scientology. And the court enabled the prosecution to weave a false narrative in which virtually every inconsistency in the complaining witnesses' conduct was explained away by reference to the court-created doctrine and the subsequent falsehoods it spawned.

The prosecution's closing argument demonstrated the extent to which the court-created doctrine and its progeny permeated the trial:

> Now, like all predators, the Defendant carefully sought out his prey. His victims are particularly vulnerable. Most of his victims are members of the Church of Scientology, and that makes sense.
>
> The Church taught his victims rape isn't rape. You caused this. And above all, you are never allowed to go to law enforcement. What better hunting ground?
>
> In Scientology, the Defendant is a celebrity and he's untouchable.
>
> Now, in order to understand these victims, in order to understand these crimes and what happened, it's

> extremely important to understand their association, their belief in the Church of Scientology.
>
> It affected the way they thought. It affected their actions. It affected their decision to wait and not report these crimes. In Scientology, they weren't important. The person that was important was the Defendant. He was the up stat.
>
> And that's why you heard from Claire Headley [the State's "expert"]. She informed you about what Scientology believes, that Scientology law, their rules, their principles, they guide everything. They're the controlling factor. You must obey those rules over all other laws. And the victims, well, they can't be victims. And whatever they did, they caused it to themselves.
>
> The Defendant, a celebrity in good standing, any complaint filed against him would be filed with a yawn, meaning Scientology would discredit it and would investigate the people who made their allegations, investigate the victims.

(33 RT 3259–3260.)

These false statements of Church doctrine embedded in the prosecution's closing argument, and made throughout the trial, fall into several doctrinal themes. Each reflects a distortion of Scientology Scripture.

1. Scientology Doctrine Requires Obedience to Law and the Reporting of Criminal Conduct.

For example, the prosecution told the jury that Scientologists "must obey [Scientology's] rules over all other laws," and its purported "expert" claimed that when secular

law and Scientology doctrine conflict, a Scientologist "will follow the law of Scientology." (27 RT 2452–2453; 33 RT 3259–3260.) These statements bear no resemblance to Scientology doctrine. *It is Church doctrine to obey the laws of the land.*

Scientology doctrine mandates that every Scientologist obey all civil and criminal laws, and any violation of those laws subjects the offender to civil and criminal penalties as well as to ecclesiastical discipline. As already shown, Church Scripture explicitly provides:

> Nothing in this policy letter shall ever or under any circumstances justify any violation of the laws of the land or intentional legal wrongs. Any such offense shall subject the offender to penalties prescribed by law as well as to ethics and justice actions.

(Prelim. People's Exhibit 6.)

This doctrine applies universally. Far from elevating religious rules above secular law, Scientology doctrine expressly identifies criminal conduct as a Suppressive Act—the most serious violation of Church Ethics Codes. In fact, "*Any felony (such as murder, arson, etc.) against person or property*" is listed as the first Suppressive Act, before any ecclesiastical offenses. (Prelim People's Exhibit 5.)

The obligation to obey secular law includes the duty to report criminal wrongdoing to law enforcement. The prosecution and its purported "expert" told the jury that a Scientologist must report wrongdoing only to a Church Ethics Officer, not to secular authorities. (20 RT 1362; 27 RT 2453; 33 RT 3259–3260; 34 RT 3410.) This claim is also false.

Scientology recognizes civil law and religious ethics as distinct but complementary obligations. Reporting a crime to law enforcement fulfills one's legal and civic duty; reporting ethical lapses within the Church serves a separate religious purpose aimed at spiritual improvement.

Scientology Scripture is explicit on this point. L. Ron Hubbard taught, and Scientology doctrine teaches, that an individual cannot make spiritual advancement while burdened by criminal conduct for which he has not taken responsibility—meaning conduct he has not confessed, confronted or made good.

Church Scripture recounts instances in which L. Ron Hubbard himself directed parishioners who had committed criminal acts to report themselves to the police and to make good on the harm caused, including instructing a Scientologist "*to settle these matters with the police, which he is doing quite commendably*." (L. Ron Hubbard, 7 December 1959.) This principle—that one must take full responsibility for one's conduct—lies at the heart of Scientology ethics.

Nor does Scientology doctrine punish those who report wrongdoing to the Church, as the prosecution falsely argued. (34 RT 3410.) The obligation to report unethical, destructive or criminal conduct is long-established in Church policy. For example, one such policy issued in 1965 states:

> Staff members must personally make certain reports in writing.
>
> …

> 11. *Misdemeanor Report.* Any Misdemeanor noted.
> 12. *A Crime Report.* Any Crime noted or suspected, but if suspicion only it must be so stated.
> 13. *A High Crime Report.* Any High Crime noted or suspected, but if only suspected it must be so stated.

(L. Ron Hubbard, 1 May 1965.)

A second policy issued that same year demonstrates that the prosecution's claim that individuals are punished for reporting wrongdoing is the opposite of Church doctrine:

> No person may be penalized for issuing an Ethics Chit. [A report to the Ethics Officer.]

(L. Ron Hubbard, 15 December 1965.)

This principle was later reaffirmed in one of the Church's best-known doctrinal writings, Knowledge Reports, which makes the duty to report explicit and penalizes interference with reporting:

> Forbidding anyone to write a Knowledge Report makes the person forbidding it *and* the person accepting this illegal order both accessories to any later action taken.

(L. Ron Hubbard, 22 July 1982 (emphasis in original.))

Scientology neither forbids nor discourages reporting wrongdoing to law enforcement. It requires obedience to civil law, imposes a duty to report unethical and criminal conduct, and protects parishioners who report misconduct.

2. Scientology Doctrine Recognizes Victims and Assigns Responsibility to Wrongdoers.

The prosecution told the jury that Scientology doctrine teaches that victims are to blame for the abuse they suffer: Scientologists are told "you caused this," that "whatever they did, they caused it to themselves," and that "they can't be victims." (33 RT 3259–3260; *see also* 27 RT 2463.) At times this was framed in terms of a supposed Scientology doctrine that a person "pulled it in." (34 RT 3410.) There is no such doctrine. The phrase "pulled it in" does not appear in Scientology Scripture, and no Church policy or practice places responsibility for criminal acts on the person who was harmed.

In fact, recognition of victims is embedded in Scientology from the very beginning. Scientology's foundational text, *Dianetics: The Modern Science of Mental Health* (1950), is devoted to the harmful physical, mental, and spiritual effects of painful experiences, injuries, and abuses inflicted on an individual—that is, to the ways a person can be harmed or victimized. Far from denying the existence of victims, *Dianetics* begins from the fact that individuals suffer lasting trauma from what has been done *to* them. The entire subject of Scientology is rooted in addressing the harmful effects of what has been done *to* an individual.

Nothing in Scientology doctrine suggests that a person is responsible for being harmed by another. Scientology's entire Ethics and Justice system is premised on providing justice and

recourse for individuals who have been wronged.

(*See* L. Ron Hubbard, *Introduction to Scientology Ethics*.)

The Scientology Dictionary, moreover, defines "victim" in the same plain sense understood by courts of law: "one who is harmed by or made to suffer from an act, circumstance or condition."[7] No Church doctrine prohibits recognizing victims or forbids use of the word.

This recognition of victims is also expressed in Scientology's ecclesiastical structure. Every Scientology Church and Mission includes a Chaplain whose role is expressly defined in Church Scripture:

> To succor those who have been wronged and to comfort those whose burdens have been too great.

(L. Ron Hubbard, 2 August 1965.)

Scientology's ministry reflects this same recognition in the work of the Volunteer Minister—a role L. Ron Hubbard created as a worldwide ministry. In establishing this ministry, L. Ron Hubbard stated:

> The quality of being religious implies two things: first, a belief that evil, pain, bewilderment and injustice are fundamental facts of existence; second, a set of practices and related sanctified beliefs that express a conviction that man can ultimately be saved from those facts.

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[7] "*Victim*: One who is harmed by or made to suffer from an act, circumstance or condition; one who suffers from a destructive or injurious action." Scientology Dictionary.

He further described the Volunteer Minister's role:

> A Volunteer Minister does not shut his eyes to the pain, evil and injustice of existence. Rather, he is trained to handle these things and help others achieve relief from them and new personal strength as well.

(L. Ron Hubbard, *Religious Influence in Society*, 1976.)

These doctrinal statements make unmistakably clear that the Scientology ministry's purpose is to confront suffering, injustice, and harm wherever they appear, and to provide practical spiritual assistance to those who have been wronged or overwhelmed. Far from denying the existence of victims, Scientology's ministry is expressly directed toward recognizing, assisting, and uplifting them.

One of the most extraordinary claims the prosecution and its "expert" advanced about victims was that "rape isn't rape" and that Scientologists are forbidden from using the term. (20 RT 1335, 1339, 1362; 27 RT 2457–2458.)

That claim collapses instantly when measured against Scientology's actual doctrine. The term "rape" appears 497 times across 184 separate doctrinal writings.[8] From the

[8] Indeed, one complaining witness, J.B., while still a Scientologist, used the terms "rape," "raped," and "rapist" repeatedly in written correspondence with the Church's highest ethics authority without reprimand or restriction. (8 CT 2335–2336.) J.B. also reported her allegation to the Los Angeles Police Department at that time; LAPD investigated and closed the matter with no prosecution recommended, and she suffered no

earliest materials, including his seminal work on human behavior, *Science of Survival* (1951), L. Ron Hubbard identifies rape as destructive and antisocial conduct, placing it among the lowest levels of human conduct. For example, he further describes a rapist as an individual who uses sex as a punishment and displays a range of extreme antisocial traits, including a disregard for ethics, insincerity, immorality, active dishonesty, fascistic tendencies and a heavy liability to society.

These descriptions make unmistakably clear that rape is regarded in Scientology as among the most destructive and reprehensible acts a person can commit. The notion that Scientology doctrine would minimize, excuse, or protect such conduct is irreconcilable with these foundational teachings. Under no reading of Scientology doctrine could a rapist be afforded leniency, protection, or doctrinal shelter of any kind.

In short, responsibility in Scientology lies with the wrongdoer, not the victim. The prosecution's claim that Scientology teaches victims—including victims of rape—that they "pulled in" their abuse, or that they "can't be victims," is false.

3. Scientology Ethics Applies Equally to All Scientologists.

In another serious mischaracterization, the prosecution told the jury that in Scientology "the Defendant is a celebrity

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adverse consequences within the Church for reporting it or for using the term.

and he's untouchable," and in response to any complaint made against him, the Church would "investigate the victims." (33 RT 3259–3260.) The prosecution's purported "expert" offered similar assertions, suggesting that Scientology doctrine affords preferential treatment to favored parishioners or those deemed important. (27 RT 2460–2462.) These statements are false. No Scientology Scripture, policy, or practice provides special treatment, protection, or exemption for any parishioner, celebrity or otherwise.

To the contrary, Scientology Ethics and Justice Codes apply equally to all members, without privilege, exemption, or special treatment. These Codes are contained in doctrinal Policy Letters, in which L. Ron Hubbard makes the point explicit:

> Policy Letters apply broadly to all organizations and Scientologists *without exception*.

(L. Ron Hubbard, 5 March 1965 (emphasis added.))

Likewise, the Code of a Scientologist, to which every Scientologist must pledge, states:

> As a Scientologist, I pledge myself to the Code of Scientology for the good of all. …
>
> 9. To embrace the policy of equal justice for all.

(L. Ron Hubbard, 5 February 1969.)

Church doctrine does not make exceptions. It does not distinguish between parishioners based on status, notoriety, or position. Consistent with this doctrine, members—including well-known members—have been expelled for serious ethical

violations, because the Justice Codes apply without exception. Scientology ethics and justice derive from written policy, not from personal status or discretionary favor.

Scientology doctrine provides no special category of parishioner who is exempt from accountability or whose misconduct is ignored.

4. Scientology Doctrine Does Not Include a Policy of Fair Game.

At trial, the prosecution's purported "expert" witness falsely claimed that Scientology doctrine includes "many policies that cover Fair Game," which she described as permitting Scientologists to discredit "an enemy of Scientology." (27 RT 2466–2467.) That assertion is false. There is no doctrine of "Fair Game" within the Scientology religion, and there is no Scientology policy titled "Fair Game."

"Fair Game" is a term intentionally misinterpreted by anti-Scientologists to unfairly tarnish the Church. In its original and limited use, the term simply indicated that an apostate was no longer entitled to seek the protections of the Church's internal Ethics and Justice system.

Owing to continual misinterpretations by anti-Scientologists, the use of the term was canceled in 1968, and the words were removed from the two policies in which they appeared. In the authorized published works of the Church, comprising some 75 million spoken and written words, the phrase "Fair Game" has not appeared for over 57 years. It is therefore impossible for the prosecution's witnesses or

so-called "expert" witness to have encountered this phrase in any authorized Scientology Scripture. The prosecution's characterization of Church doctrine is false.

It is a matter of Church orthodoxy that the policy the prosecution purports to characterize has been canceled. Throughout the development of Scientology doctrine, hundreds of policies have been canceled in this manner, and those canceled policies similarly do not appear anywhere in Church publications. Whenever any policy is canceled, Scientology orthodoxy maintains that it is no longer Church doctrine. Period.

* * *

These repeated false statements about the faith would have been troubling enough. But over and over, whether from the prosecution, its "expert," or the court, Scientologists were portrayed as separate from—and fundamentally opposed to—American society, through references to "Scientology law," "their rules," "their principles," and similar characterizations. (*See* 14 ART (8/23/24) 3712; 18 RT 880–881; 27 RT 2439–2440, 2452–2453; 33 RT 3260; 34 RT 3410–3411.) This was a calculated and extensive effort at othering: "the act of treating someone as though they are not part of a group and are different in some way."[9] Such othering of religious minorities has marked some of the darkest chapters in history. Such treatment of any group in our nation—regardless of their race,

[9] dictionary.cambridge.org/us/dictionary/english/othering.

gender, national origin, sexual orientation, religion, or any other characteristic—should never occur. It is particularly odious in our justice system.

SUMMARY OF ARGUMENT

As noted above, the judge, prosecution, and their purported "expert" repeatedly mischaracterized Scientology doctrine and doctrine-based practices—a violation that began at the preliminary hearing and continued throughout the trial. Individually and collectively, these mischaracterizations were a key factor in Masterson's conviction—and in the First Amendment violations that permeated the trial.

Ecclesiastical Abstention. First, the trial court sought to make its own determinations of Scientology doctrine. This alone violates the Constitution. But to make matters constitutionally worse, the court did so in contravention of the Church's own authoritative declaration. It is long-settled First Amendment law that "[w]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of [the] church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them." *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 185–86 (2012) (quoting *Watson v. Jones*, 80 U.S. 679, 727 (1871)). Yet here, the trial court erroneously determined the meaning of Scientology Scripture, choosing an apostate's harmful and incorrect reading on multiple points and refused

to accept the Church's authoritative statements. The U.S. Court of Appeals for the Seventh Circuit made clear that this is constitutional error when reversing a lower court that had submitted a religious dispute to a jury and ignored the church's authoritative determination on the issue. *McCarthy*, 714 F.3d 971. Besides being prejudicial to Masterson, the decision here was deeply dangerous to members of the Church more generally, as well as to members of all faiths.

Additionally, the trial court allowed false and misleading evidence of alleged Scientology practices and beliefs to be submitted "for the truth of the matter," purportedly to aid the jury in its decision. But this too is forbidden by the First Amendment. *See United States v. Ballard*, 322 U.S. 78, 79 (1944) (reversing a lower court that allowed religious issues to be presented to the jury in a criminal trial).

Religious animus. Government actors also violated the First Amendment in displaying hostility to the Scientology faith. The First Amendment requires strict neutrality towards religion such that even the slightest deviation from neutrality violates the Constitution. *See Masterpiece Cakeshop, Ltd. v. Colo. Civ. Rts. Comm'n*, 584 U.S. 617 (2018). Yet here, by repeatedly showing a lack of neutrality towards Defendant's faith, the trial court and other government actors repeatedly violated the First Amendment.

ARGUMENT

The Opening Brief (at 125–42) summarizes the two main First Amendment violations in this case. Here, *Amicus* provides additional relevant context and authority, including explaining in more detail why these errors prevented Masterson from having a fair trial and wreaked havoc on the entire framework of religious liberty protected by the First Amendment.

I. The Trial Court Violated the First Amendment By Deciding Religious Disputes and By Presenting Other Religious Issues to the Jury.

The trial court's failure to heed the First Amendment's prohibition on determining religious matters or allowing them to be presented for determination by the jury was particularly clear in the court's decisions to interpret Scientology Scripture and to admit evidence regarding Scientology doctrines and practices "for the truth of the matter." (13 RT 673.) These violations not only harmed Masterson, but a decision affirming those rulings would also endanger the rights of all Scientologists and, indeed, all faith communities and their members.

A. The trial court improperly and erroneously interpreted Scientology Scripture.

The court's decision to interpret Scientology Scripture arose from the fact that there were no eyewitnesses to the alleged rapes, and hence the credibility of the complaining witnesses was the seminal issue at the preliminary hearing

and at trial. The accusers' credibility was particularly important given their years-long delayed reporting to police and inconsistent statements about those alleged crimes to third parties, law enforcement, and in court. (5 CT 1403–1406, 1417, 1425, 1439; 20 ART (5/17/24) 2888; 19 RT 1153; 33 RT 3312.) Hence, the prosecution and the complaining witnesses decided to blame their delay on the Church.[10]

1. Judicial interpretation of Scientology Scripture violated the First Amendment.

For example, at trial, the prosecutor argued that the reporting of a Scientologist in good standing to law enforcement is a religious high crime. This false statement of Scientology doctrine resulted from the trial judge's misinterpretation of Scientology Scripture at the preliminary hearing. *See supra* at 13–14.

The trial judge, moreover, did not just slightly misinterpret the Scripture. She gave it a reading, proposed by an apostate of the faith, which was the *opposite* of what it means. *See supra* at 13–19.

The trial court then went beyond scriptural interpretation, which itself was a violation of the First Amendment. *See United States v. Lee*, 455 U.S. 252, 257

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[10] This "blame" is unsupported by the evidence. For example, N.T. left the Church in 2005. (7 ART (8/23/24) 1547, 1634–1635.) She did not report to the police until 2017, 12 years later, a delay that could not possibly be attributed to her purported Scientology beliefs.

(1982) ("[C]ourts are not arbiters of scriptural interpretation.") (cleaned up). The court doubled down by taking sides in a religious dispute—between the Church and the State's apostate "expert"—which was also an independent constitutional violation. As the U.S. Supreme Court put it over 40 years ago, under the First Amendment "[i]t is not within 'the judicial function and judicial competence,' … to determine whether" one side or the other in litigation "has the proper interpretation of the […] faith." *Lee*, 455 U.S. at 257 (1982). *Accord Catholic League for Religious & C.R. v. City & Cnty. of San Francisco*, 567 F.3d 595, 608 (9th Cir. 2009), *on reh'g en banc*, 624 F.3d 1043 (9th Cir. 2010) ("[T]he Establishment Clause prohibits government from intervening in a religious dispute."); *Callahan v. Woods*, 658 F.2d 679, 686 (9th Cir. 1981) (noting the constitutionally required "abstention from evaluating the merits of a scriptural interpretation").

Compounding these constitutional violations, the court proceeded to use its false version of Scientology doctrine as a foundation for its finding that the charging witnesses were credible. (8 ART (8/23/24) 1860.)[11] Masterson was obviously (and severely) prejudiced by that ruling.

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[11] The court committed a similar First Amendment violation when it declared (in its post-trial June 7, 2023 Findings and Order) that Masterson "remains a Scientologist *in good standing* to the present day." (12 CT 3353, emphasis added.) This was problematic from both an evidentiary and a constitutional perspective. As to the first, no evidence had been submitted as to

2. The trial court's refusal to defer to the Church's authoritative interpretation also violated the First Amendment.

The court's refusal to defer to the Church's reading of its own doctrine was a clear constitutional violation. As the U.S. Supreme Court (quoting an earlier decision) put it just over a decade ago, "[w]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of [the] church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them," in their application to the case

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Masterson's current standing in the Church. Rather, the prosecution, in the closing argument, had stated as fact that Masterson was a member in good standing, and the trial court took it and declared it as religious truth. (33 RT 3286–3287.) More importantly, whether someone is a member in good standing of a religious organization is a theological determination—one constitutionally inappropriate for courts to make. *See, e.g.*, *Our Lady of Guadalupe Sch. v. Morrissey-Berru,* 591 U.S. 732 (2020). And that is especially so when no evidence, such as a declaration from the Church, had been submitted.

As another example, earlier in the proceedings, the trial court *sua sponte* instructed the prosecutor to do an internet search for the date of Tom Cruise's wedding as a means to determine whether Leah Remini was a Scientologist "in good standing" at a specific point in time. (2 RT 65–66, 73–74.) Such an instruction would be extraordinary on its own, but all the more problematic given the First Amendment violation, the court determining whether someone was, or was not, a member of a faith "in good standing." The court used this intrusion into the realm of religion in support of its order quashing a defense discovery request.

before them. *Hosanna-Tabor*, 565 U.S. at 185–86 (quoting *Watson*, 80 U.S. at 727). Or, as the Court put it more succinctly in 1990: "The government may not ... lend its power to one or the other side in controversies over religious authority or dogma." *Emp. Div., Dep't of Human Res. of Ore. v. Smith,* 494 U.S. 872, 877 (1990).[12]

By interpreting religious doctrine and taking an apostate's side in a religious dispute, the trial court did just that—thus plainly and doubly violating the First Amendment. *See also Presbyterian Church in the U.S. v. Mary Elizabeth Blue Hull Mem'l Presbyterian Church*, 393 U.S. 440, 450 (1969) (the First Amendment "forbids" courts from "determin[ing] matters at the very core of a religion—the interpretation of

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[12] *Accord Garcia v. Church of Scientology Flag Serv. Org., Inc.,* No. 18-13452, 2021 WL 5074465, at *9 (11th Cir. Nov. 2, 2021) ("Although [plaintiffs] presented evidence to support their interpretation of Scientology doctrine, the International Justice Chief offered a conflicting interpretation. The First Amendment barred the district court from resolving this underlying controversy about church doctrine. To do so would have required it to decide whether [plaintiffs] or the Justice Chief more correctly perceived the commands of the Scientology religion." (cleaned up)).

California courts likewise recognize and apply these principles. *See In re Episcopal Church Cases*, 45 Cal.4th 467, 473 (2009) ("State courts must not decide questions of religious doctrine; those are for the church to resolve."); *Protestant Episcopal Church v. Barker*, 115 Cal. App.3d 599, 616–17 (1981) ("A civil court is ill-equipped to evaluate church doctrine and ill-equipped to resolve controversies involving the exercise of ultimate church authority.").

particular church doctrines and the importance of those doctrines to the religion."); *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 715–16 (1981) ("the judicial process is singularly ill equipped to resolve [intrafaith] differences … Courts are not arbiters of scriptural interpretation").

Judicial abstention from scriptural interpretation and from taking sides in religious disputes is required not only by the Constitution, but by the most basic common sense regarding the limits of secular courts. As now-Justice Neil Gorsuch observed, "judges are hardly fit arbiters of the world's religions." *Yellowbear v. Lampert*, 741 F.3d 48, 54 (10th Cir. 2014). To attempt to do so "would risk in the attempt … many mistakes—given [courts'] lack of any comparative expertise when it comes to religious teachings, perhaps especially the teachings of *less familiar religions*." *Id.* (emphasis added). That is particularly true here, given the unfamiliarity many have with Scientology and its voluminous written and recorded Scripture. *See supra* at 18.

B. The trial court improperly allowed evidence of the meaning of Scientology doctrine and practices through a biased "expert," and in a manner that invited the jury to resolve religious disputes.

The trial court's First Amendment violations did not end there. The court also allowed the trial itself to become a forum for deciding what was "true" about Scientology—from allowing a biased "expert" on Scientology to permitting the prosecutors to make false statements about Scientology doctrine and

internal policy. All this is precisely what the Constitution forbids.

Expert witness. While expert witnesses are a normal part of civil and criminal litigation, under the First Amendment they cannot be used in determining the truth of religious matters. That was made clear, for example, when the Supreme Court found it constitutionally inappropriate for a state court to countenance an expert witness on "internal church procedures" in *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 718 (1976). In so doing, the state court "ha[d] unconstitutionally undertaken the resolution of quintessentially religious controversies whose resolution the First Amendment commits exclusively to the highest ecclesiastical tribunals of this hierarchical church." *Id*. at 720.

Similarly, the D.C. Circuit affirmed a district court's refusal to allow expert testimony on religious issues because, "after a week of trial, [the district court] found that 'no expert testimony could effectively filter out the religious elements from the secular ones sufficiently to avoid unwholesome and impermissible entanglement with religious concerns.'" *EEOC v. Catholic Univ. of Am.*, 83 F.3d 455, 466 (D.C. Cir. 1996).

Likewise, the Tenth Circuit, in a panel that included now-Justice Gorsuch, rejected an expert's testimony suggesting that the presence of a prayer to a particular Mexican saint associated with gangs "was indicative of criminal activity." *United States v. Medina-Copete*, 757 F.3d 1092, 1108 (10th Cir.

2014). The court viewed this expert testimony as "approach[ing] psychobabble" and found it "substantially influenced the outcome" of the trial in that case. *Id*. The court also observed that "[t]he prosecutor referred to [the expert]'s testimony in closing argument," ruling it was an abuse of discretion to allow these statements by the prosecution, because of their prejudice to the defendant. *Id*. at 1095.

The defendant in that case had also raised a First Amendment challenge to the prosecution's conduct, in response to which the court "urge[d] the government to be cautious about appearing to take sides in theological debates," because a "criminal trial is no place for a theological disputation on sainthood and the power of prayer." *Id*. at 1109 & n.6.

Religious truth. Here, by contrast, the trial court impermissibly allowed the jury to consider the truth or falsity of Scientology doctrines and religious practices by ruling that a Scientology apostate, Claire Headley, could testify about those matters as an "expert" witness. As the prosecution made clear in its closing statement, moreover, Headley's testimony was admitted for the truth about Scientology, not what the alleged victims subjectively believed: "She informed you about what Scientology believes, that Scientology law, their rules, their principles, they guide everything." (33 RT 3260.)

The trial court's expansive ruling on Scientology evidence authorized, among other things, "expert testimony regarding Scientology" (33 RT 3255–3256) including how Scientology

doctrine related to whether Masterson *committed* the crimes of which he was accused. (11 CT 3175–3176.) On that basis, the trial court permitted Headley to give testimony about alleged Church practices, policies, and doctrines—all for the "truth of the matter" asserted, including most of the fabrications and falsehoods described above. *See supra* Part I.B.

Ignoring Church authority. Moreover, the court was well aware that Headley's proposed testimony on Scientology beliefs about reporting crime was contrary to the Church's own official statement of doctrine—because it had been presented in the Church's *amicus* brief. (5 CT 1368–1369, 1378–1380.) Yet, in the second trial, the trial court allowed that very testimony from Headley—thereby committing a separate violation of the First Amendment. *See Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 120–21 (1952) (holding that the First Amendment requires the state defer to a religion's determination of articles of faith even where such decisions are merely incidental to the dispute at hand); *Paul v. Watchtower Bible & Tract Soc. of N.Y., Inc.*, 819 F.2d 875, 878 n.1 (9th Cir. 1987) (holding that the First Amendment "provides that civil courts may not redetermine the correctness of an interpretation of canonical text" and must instead "accept as a given whatever the [religion] decides.").

In other words, the trial court bestowed its imprimatur on Headley's presentation as an "expert" of Church theology, giving her the green light to testify, even though the judge

knew Headley's testimony was the opposite of the Church's own pronouncements of the plain meaning of its doctrine. The court's actions would be constitutionally infirm if done in ignorance; when done willfully, they are fatal.

On this point, the Seventh Circuit's decision in *McCarthy* is particularly apt. There, a woman who had previously been a nun in a Catholic religious order brought a claim against an individual for, among other things, defamation for calling her a "fake nun." *McCarthy*, 714 F.3d at 974. The church was not a party to the litigation, but the alleged defamer submitted a statement from the Holy See, the authoritative Catholic body for determining whether one is officially a nun, that the self-described nun was not, in fact, a nun. *Id*. The judge, however, refused to accept this evidence as authoritative, thus leaving it for the jury to determine the issue. *Id*. at 976.

On interlocutory appeal, the Seventh Circuit "reversed, with a reminder to the district court that federal courts are not empowered to decide (or to allow juries to decide) religious questions." *Id*. at 980. Writing for the court, Judge Richard Posner declared that "[a] secular court may not take sides on issues of religious doctrine." *Id*. at 975.

Moreover, the Seventh Circuit in that case asked the Holy See to file an *amicus* brief, which it did, confirming that the woman was not a nun. *Id*. She disagreed, but the court determined that her "argument cannot prevail in the face of the Holy See's ruling, communicated to [the court] by the

amicus curiae brief." *Id.* at 978. Once the church submitted authoritative evidence on the religious question at issue, neither judge nor jury had authority to question it. *Id.*

Under *McCarthy*, it was thus constitutional error for the trial court here to allow an "expert" to testify on religious issues, including interpreting Church Scripture, for a second reason. Here, as there, the Church had *already* provided an authoritative understanding of its religious doctrine, and the court was thus bound to defer to that understanding without admitting contradictory "expert" testimony.[13] Instead, the court deliberately looked the other way, encouraging and embracing the false testimony of a heretic.

The trial court's constitutional error harms all Scientologists—and other people of faith—by increasing the risk of similar unfair and unconstitutional treatment if they are ever charged with a crime.

* * *

[13] Nor can it be said that the constitutional solution would have been for Masterson to put on his own expert witness as to Scientology belief and practice. It violated the First Amendment to have dueling experts in *Catholic University* and *Serbian Eastern Orthodox*. It thus would have made things even more constitutionally dubious for Masterson to proffer his own expert witness—by doubling the amount of constitutionally prohibited conduct. Under the Constitution, "two wrongs do not make a right." *Gray v. Mississippi*, 481 U.S. 648, 663 (1987).

In sum, more than merely a trial about the allegations against Masterson, this was also a trial about the beliefs and practices of the Church of Scientology. And the jury was instructed by the court to consider the prosecution's version of Scientology's beliefs and practices for the truth of the matter in determining whether Masterson was guilty. (33 RT 3254–3256.) As shown by *Ballard, McCarthy*, and the other decisions cited above, presenting such issues to a jury is forbidden by the First Amendment.

II. Government Actors Violated Masterson's Free Exercise Rights By Repeatedly Demonstrating Hostility Towards His Religion.

Under *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S. 617 (2018), the proceedings below violated the First Amendment in another way. From the initial police investigation through the second trial, including actions and statements by the trial judge and statements by the prosecuting attorneys, government action was infected by animus toward Masterson's faith, thus violating the Free Exercise Clause.

A. *Masterpiece Cakeshop* provides categorical protection against even subtle departures from religious neutrality.

As the Opening Brief notes (at 139–41), the hostility shown towards the baker's religion in *Masterpiece Cakeshop,* hostility the Supreme Court held violated the First Amendment, has eerie similarities to the hostility shown here

by various government actors, though the hostility shown to Masterson's religion was considerably worse.

Lower courts applying *Masterpiece* have followed its direction that even "subtle departures from neutrality" or "masked" hostility trigger Free Exercise Clause protections. *Id.* at 638. For instance, the U.S. Court of Appeals for the Sixth Circuit, applying *Masterpiece*, found that "officials at [a professor's university] exhibited hostility to his religious beliefs" sufficient to overcome a motion to dismiss. *Meriwether v. Hartop*, 992 F.3d 492, 512 (6th Cir. 2021). Specifically, when the professor visited his department chair to discuss his religious concerns with a new policy, the chair commented that (1) "religion oppresses students and … even its presence at universities is counterproductive"; (2) "Christians in particular … were primarily motivated out of fear"; (3) "Christian doctrines should not be taught"; and (4) "Christian professors should be banned from teaching courses on Christianity—knowing that [the professor] had done so for decades." *Id.* at 512–13 (cleaned up). The court found these comments non-neutral and hostile. *Id.* at 513–14.

Similarly, the Ninth Circuit recently found a *Masterpiece* violation in *Fellowship of Christian Athletes v. San Jose Unified School District Board of Education*, 82 F.4th 664 (9th Cir. 2023). There, a teacher and member of a school leadership committee "disparaged" the religious beliefs of a Christian athlete group, calling the beliefs "bulls[***]" and lacking

"validity." *Id.* at 692. A different teacher and committee member accused the group of "choos[ing] darkness," "perpetuat[ing] ignorance," and "twisting the truth," as well as labeling them "charlatans" who "'conveniently' forget what tolerance means." *Id.* And the school's principal informed the school via a newspaper article that the group's beliefs were "of a discriminatory nature." *Id.*

The Ninth Circuit found that "[t]hese comments echo the comments condemned by the Court in *Lukumi* and *Masterpiece Cakeshop*." *Id.* (citing *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 541–42 (1993) (noting comments by city officials describing Santeria as "foolishness," "an abomination," and "abhorrent"); *Masterpiece Cakeshop*, 584 U.S. at 635 (noting comments by Commission members describing the baker's religious beliefs as "despicable" and comparing them to "defenses of slavery and the Holocaust")). And the court thus determined that school officials had violated the First Amendment stricture that "the government may not act in a manner 'hostile to ... religious beliefs' or inconsistent with the Free Exercise Clause's bar on even 'subtle departures from neutrality.'" *Id.* at 686, 690 (quoting *Masterpiece Cakeshop*, 584 U.S. at 638).

B. From the outset of their investigation, the prosecution and police violated the First Amendment's command of neutrality towards religion.

For example, the proceedings here were tainted from the outset of the investigation by governmental hostility to the Scientology religion—including even a stated desire to destroy it. That hostility began with the police investigation, in which the detectives, rather than initially meeting with the complaining witnesses, *first* met with another apostate of the Church, actress Leah Remini, who had nothing to do with the case's underlying facts.[14] (2 CT 330–331.) The police embraced Remini, scheduling multiple meetings and phone calls with her. In those calls and meetings they heard, among other falsehoods, that the Church engaged in illegal operations and does not abide by the law, and that Scientology was inseparable from the alleged crime. (*See* 2 CT 331, 338.)

Tellingly, during the investigation, the detectives were even identifying the case, not as the Masterson case, but as "*the COS* [Church of Scientology] *case*." (*See* 3 CT 865.) And when one complaining witness, J.B., said "I always wish for his [Church's leader, Mr. Miscavige's] death," one of the police officers responded, "Right," indicating agreement. (2 CT 338:16–18.)

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[14] Remini had her own vested interest in petitioner being prosecuted—making money through an anti-Scientology TV show. (2 CT 330–331.)

The prosecution also allowed Remini to play an influential and improper role in the investigation, although she had no percipient knowledge of the facts of the case. For instance, the deputy district attorney (Mueller) not only invited Remini to attend the prosecution's initial interview of J.B. but allowed Remini to participate in it. And he allowed Remini to interpret or "correct" J.B.'s statements multiple times during the interview—including allowing Remini to object that, "What you told me is not what you're telling him," and then to modify J.B.'s statements. (2 CT 339.) And Mueller allowed Remini to play out in front of the alleged victim the questions Remini claimed Church officials would have asked her if Masterson had raped her. *Id.*

All these actions by the prosecutors and police exhibited the kind of hostility to religion that not only violated the *LAPD Policy Manual* and the California Rules of Professional Conduct 8.4.1, but was also condemned in *Masterpiece* and the other decisions discussed above. *See, e.g.*, *Meriwether*, 992 F.3d at 512 ("[I]rregularities in the university's *investigation* and adjudication processes also permit a plausible inference of non-neutrality." (emphasis added.)). And, under those decisions, this police and prosecutorial misconduct violated the Free Exercise Clause.

C. Before and during the trial, the trial judge repeatedly demonstrated animus toward Masterson's faith, violating the Free Exercise Clause.

Like the baker, the professor and the student athletes in the cases described above, Masterson "was entitled to the neutral and respectful consideration" of his case. *Masterpiece*, 584 U.S. at 634. But instead, he repeatedly faced religious hostility by the trial court itself, the scope and degree of which far surpassed the few incidents the State tries to explain away in its Response Brief. *See* Resp. Br. at 154–61.

1. The trial judge's statements, conduct, and rulings reflect hostility toward Masterson's faith.

Besides its false and injurious interpretation of Church Scripture, the trial court displayed unconstitutional animus towards Scientology throughout the trial. Beyond allowing hostile statements by prosecutors, the trial court's own evident hostility manifested itself in both direct and indirect ways. But whether the hostility was masked or overt, the First Amendment was violated.

Allowing Headley. First, the trial court allowed Claire Headley to testify as a Scientology "expert" by analogizing the Church to a gang or a group of white supremacists, relying on cases that allowed former gang members to testify as "experts" on their former gangs. (11 CT 3183; 27 RT 2439–2440.) Similarly, when drafting the jury instruction regarding Scientology evidence, the trial court used CALCRIM 1403,

"Limited Purpose of Evidence of Gang Activity," which she "modified for Scientology"—i.e., so it now referred to "evidence of Scientology." (33 RT 3221, 3254–3256.)

Additionally, while the prosecution only asked to allow Headley to testify on two narrow points, the trial court sua sponte ruled that she could testify for any of the six subjects for which testimony on Scientology would be admitted. All of these "irregularities" in "adjudication" likewise point toward "non-neutrality." *Meriwether*, 992 F.3d at 514.

What is more, Headley was far from a neutral observer of the Scientology faith. Headley, an apostate, is an avowed anti-Scientologist with a 20-year vendetta against the faith. Before leaving the Church, she was decertified as a minister by a Scientology justice proceeding. She was found to have falsified her ministerial training and to have made false statements when the matter was investigated. Headley was thus removed from her staff position months before she left the Church in the Scientology equivalent of excommunication. Since then, she has been a vocal critic of the faith in the press and on social media. (6 CT 1640–1643, 1676.) Headley also unsuccessfully sued the Church—claiming forced labor. However, when required to testify under oath, her case collapsed as she admitted she enjoyed the work she performed. The District Court dismissed the case on summary judgment, finding her claims meritless, and ordering Headley and her husband to pay more than $42,000 for the Church's costs.

(27 RT 2469.) The Ninth Circuit affirmed. *Headley v. Church of Scientology Int'l*, 687 F.3d 1173, 1181 (9th Cir. 2012).

For the prosecution to search out a literal heretic who had been removed from her ministerial position and excommunicated to opine on the religious doctrine of her former faith, as an "expert" witness, shows religious animus in violation of *Masterpiece*.

Yet, despite a plethora of red flags concerning Ms. Headley's bias, the trial court allowed her to testify as to the truth of Scientology's beliefs. (1 CTO 122–127; 11 CT 3184.) Allowing the equivalent of an anti-Catholic defrocked nun, who had left the church but could not leave it alone, to be an "expert" on the faith is further evidence of the trial court's own hostility to Masterson's religion. *See McCarthy*, 714 F.3d at 976.

Hostile language. The trial judge's antipathy towards Scientology also was reflected in the words she used at other points in the trial. (*See e.g.*, 5 RT 316–318; 14 ART (8/23/24) 3712 (stating that Scientology evidence is no more inflammatory than evidence concerning "street gangs, prison gangs, white supremacy, outlaw motorcycle clubs" and Satanists).) Not only were hostile analogies made to counsel, but the trial court also conditioned the jury during voir dire to equate Scientology to criminal groups. (18 RT 880–881 (instructing prospective jurors to consider whether they can fairly evaluate the evidence against Masterson

notwithstanding his being a Scientologist, just like jurors must assess evidence against an alleged criminal without regard to his being a gang member).)

In addition, in explaining her rationale for reversing herself and allowing Headley to testify in the second trial, the judge further associated the Church of Scientology with extreme, illegal actions. For example, during oral argument on the state's motion to allow Headley's testimony, the court used a hypothetical wherein children were told that they would submit to sex at age 12 because a religious figure told them to, a hypothetical she said was based on the Warren Jeffs case.[15] But those extreme and offensive facts had nothing to do with what was alleged in this case. (13 RT 675–676, 683.)

Modifying jury instructions. Hostility to the Scientology faith was also reflected in the trial court's modification of its instructions to the jury about the purposes for which Scientology-related evidence could be considered. Specifically, the judge allowed the testimony about Church practices, policies, and behaviors to be admitted for the truth of the matter asserted: Consistent with her repeated associations of the Church with criminality, the trial court repurposed

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[15] The analogy to Warren Jeffs is unmistakable evidence of the court's hostility to Masterson's religion. Jeffs, on trial for raping minors, was the head of his church and used his position to perpetrate his crimes. Masterson, by contrast, is a parishioner of the Church of Scientology and was charged with crimes that had nothing to do with his Church.

CALCRIM No. 1403—usually employed in cases involving "gang activity"—to serve as a "limit[ing]" instruction on the use of Scientology evidence. But the modified instruction was hardly limiting, as it informed the jury that it could consider Scientology evidence for virtually any purpose—again, *including whether the rapes occurred*. Two of these instructions showed particular hostility to Scientology:

> Two, to explain the alleged victims' belief regarding Scientology principles and practices related to, A, reporting another Scientologist in good standing to outside law enforcement or civil authorities and, B, fear of retaliation, fear of being declared a suppressive person and fear of harassment for reporting crimes of another Scientologist to outside law enforcement; ...
>
> Six, to further evaluate the testimony of any expert testimony regarding the above.

(33 RT 3255–3256.)

CALCRIM Series 1400–1403 are the instructions on "criminal street gangs." There are no reported cases of these instructions being used in connection with a religion, *or for a member of a religion*. The prejudicial nature of the trial court deeming Scientology the same as a street gang or white supremacists cannot be overstated. Imagine analogizing Baptists or Hindus or any other law-abiding religious faith to violent criminals. In any context other than comments by a

judge in a court of law, this offensive analogy would rightly be deemed defamatory.[16]

Further, in instructing the jury, the trial court further directed them to consider *the prosecution's* evidence of the alleged "suppressive" and "fear[some]" nature of the Church's "principles and practices" to explain away otherwise exculpatory evidence—such as the victims' delays in reporting as well as their changed narratives of their actions before, during, and after the alleged rapes. *Id.* The effect of the trial court's instruction was also to vouch for the prosecution's "expert" witness and her heretical interpretation of Scientology Scripture. It is hard to imagine an instruction more hostile to a religion or more contrary to the First Amendment.

2. The trial judge displayed hostility to Scientology in her treatment of people the court believed might be affiliated with Scientology.

The trial judge demonstrated the same enmity towards Scientology in her rulings about alleged intimidation by the Church *inside* the courtroom—despite the fact that, other than

[16] Not only is there no evidence of the Church's ever being involved in gangs or violence, but ironically, the Church has opened its doors in Los Angeles in attempts to facilitate peace between the warring Bloods and Crips gangs. *See* Nicole Santa Cruz, *The Game Meets with L.A. Gangs in an Effort to Stop Killings*, LA Times (July 17, 2018), https://tinyurl.com/44ysh7w8 (noting that the event "was held at a Church of Scientology center in the Vermont Knolls neighborhood").

outside counsel, the Church never had any representative present.

Church attorney. For example, before J.B.'s second day of testimony, the government informed the trial court that J.B. previously was made to feel "uncomfortable" while on the witness stand by outside Church counsel Vicki Podberesky. According to J.B., Podberesky had made eye contact with her, flipped her hair and rolled her eyes in response to a statement J.B. made on the stand. (25 RT 1988–1989.)

Prosecutors then requested that the trial court allow them to ask J.B. during her testimony whether there was someone she recognized who made her feel uncomfortable during her prior testimony. (25 RT 1989–1990.) Masterson's counsel objected, arguing that the prejudicial impact from the speculation about "witness intimidation" outweighed any probative value, particularly when no one else, including the trial court, observed Podberesky's alleged wrongdoing. (25 RT 1991.)

Not only did the trial court grant the *prosecutor's* request, but it also criticized the Church for exercising its right to have a representative attend the public trial, even while intimating that the Church had engaged in more sinister conduct:

> [I]f the defense has a concern about [the] Scientology[‘s] organization presence in this Court, perhaps you might want to have a conversation that *they should stop asserting themselves in the criminal proceeding, whether it's the form of filing amicus briefs or being present for every court hearing or whatever it is they do.*

> *If they wish not to have their presence noted, then perhaps they shouldn't be present.*

(25 RT 1993, emphasis added.)[17]

With the trial court's green light, J.B. testified that Podberesky—whom J.B. identified as "represent[ing] the … Church of Scientology and David Miscavige and every witness that needed [to] come to court to testify"—made her feel uncomfortable by "the way she looked at me," like "a really dead glare." (25 RT 2000–2002.)[18]

Another faith's reverend. Later that day, the trial court again attempted to "expose" Scientology's presence in the courtroom. A prosecutor claimed that a man wearing a cross "may be here trying to ensure the Scientology rights are—or religion is being protected." (25 RT 2045.) Setting aside that there is nothing wrong with someone sitting peaceably in a courtroom to ensure religious liberty is being protected, the court did the prosecution's bidding and interrogated the man: "Gentleman with the cross, who are you?" After the man

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[17] Attending a court proceeding open to the public and petitioning the government in the form of an *amicus* brief are both acts protected by the First Amendment. *See Globe Newspaper Co. v. Superior Ct. for Norfolk Cnty.*, 457 U.S. 596, 606–07 (1982); *Colombo v. O'Connell*, 310 F.3d 115, 118 (2d Cir. 2002) (citing *Chambers v. Baltimore & Ohio R. Co.*, 207 U.S. 142, 148 (1907)).

[18] This testimony is false in part as Ms. Podberesky represented Church of Scientology International and has never represented Mr. Miscavige.

identified himself as Rev. L'Heureux, the "Moderator on the Committee on Religious Liberty," the trial court asked him whether he was affiliated with Scientology. (25 RT 2045.) Only after the Rev. L'Heureux said, "I am not a member and never have been," did the trial court respond: "Okay. He can remain where he's at." (25 RT 2046.) The court thus implied that being affiliated with Scientology and attending the trial was improper in some way.

Public defenders. The trial court took on a comparable gatekeeper-to-Scientology role when N.T. stated on the witness stand—without provocation from the gallery—that "there are just some people in the audience, and I'm bothered." (28 RT 2597.) After removing the jury, the trial court asked two women with dress and hairstyles—business attire and hair pulled back—that purportedly triggered N.T. whether they were "affiliated with Scientology or … involved with Scientology." (28 RT 2602–2603.)

The trial court allowed them to remain only after they reassured the judge that "in no capacity" were they associated with the Church and were public defenders watching the trial. (28 RT 2603.) Again, the court's conduct and words implied that there was something wrong with being in the courtroom if one were associated with Masterson's religion.

Anti-Scientology double standard. Another such incident, involving the minister singled out and interrogated by the court, above, occurred during the lunch break the day the trial

court questioned him. (*See generally* 25 RT 2075–2094.) The minister and another individual were verbally attacked in the courthouse hallway by anti-Scientologists Aaron Smith-Levin and Leah Remini. *Id*. at 2077–2078. When a sheriff's deputy intervened, the harassers left their victims alone. *Id*. at 2081. But five of the jurors and alternates witnessed the incident to varying degrees. *Id*. at 2082–2090. Defense counsel asked for a mistrial, but after interviewing the five jurors, the judge denied the request. *Id*. at 2092–2093.[19]

Signaling that Scientology posed a threat to jurors, the trial court subsequently sequestered them in the jury room during lunch for the remainder of the second trial, thus

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[19] A further "incident" involved a letter Rev. L'Heureux wrote to the judge, asking why he was "singled out on Monday for your public inquiry." (Letter from Rev. L'Heureux to the trial court (May 4, 2023), at 2.) Rev. L'Heureux also described the incident with Leah Remini and Aaron Smith-Levin. Additionally, a letter from 32 religious leaders was sent to the judge, asking about the questioning of Rev. L'Heureux and the incident with the anti-Scientologists.

The trial court stated that she had received the two letters, who they were from, and what they were about. (30 RT 2811–2812.) She further stated she would not respond to the letters, but that they would be forwarded to the Criminal Division's Supervising Judge to "respond to as he feels appropriate," and that they would be "referred to law enforcement for whatever they feel is appropriate in light of the *communication with the court in the middle of trial*." *Id*. at 2812 (emphasis added). She thus implied, falsely, that the letter writers may have engaged in illegal behavior. These events also clearly reflected hostility to Scientology.

igniting fear of Scientology in the minds of the jurors. (26 RT 2184-2185.) At the same time, the court allowed the anti-Scientologist who made the outburst within earshot of the jurors to remain in the courtroom. (25 RT 2093–2094.)

The difference with which the judge treated alleged pro-Scientology people in the courtroom who had done nothing wrong—with suspicion and aggressive investigation—and the way she treated anti-Scientology people who were engaged in aggressive and inappropriate behavior—by essentially ignoring their misconduct—is a further indication that the judge was non-neutral when it came to Scientology. This is closely analogous to the diverse ways in which the human rights commission treated different bakers in *Masterpiece*, and which the Supreme Court held there violated the Constitution. 584 U.S. at 636–38. [20]

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[20] Relatedly, the trial court also allowed—and by its rulings affirmatively encouraged—the complaining witnesses (and sometimes C.B.'s spouse) to testify about alleged harassment by the Church, as well as the civil lawsuit they had filed over the alleged harassment but refused to allow the defense to present counter evidence or cross-examine the witnesses on this testimony. The prosecution's eliciting of testimony about alleged Church harassment is also evidence of the prosecution's hostility to Masterson's faith since the prosecution knew or should have known that the LAPD had already both investigated these allegations and found they were baseless. (See, e.g., 6 CT 1728, 1746, 1800; 7 CT 1812, 1886, 1901.)

D. Throughout the trial, the prosecution repeatedly showed hostility towards the Scientology faith.

Throughout the second trial, the prosecution also took its hostility toward the Scientology faith to a new level—both directly and indirectly. But whether this hostility was "masked" or "overt," here too the First Amendment was violated.

Opening statement. In the prosecution's opening statement, the prosecutor made numerous statements about the Church, its beliefs, and practices, which conveyed at the very least "masked" hostility and subtle departures from neutrality.

In fact, so central was Scientology to the prosecution's argument that, in Mueller's opening statement, he used the term Scientology, Scientologists, and Church 67 times, including phrases such as "harassment by Scientology members," "conduct of Scientology," or "Scientology prohibits…."

The same was true of the prosecution's decision to show the jury pictures that, at very least, violated the constitutional command that "religious neutrality … must be strictly observed." *Masterpiece*, 584 U.S. at 639. During the opening arguments in the second trial, the prosecution included in his PowerPoint presentation photos of Church buildings, staff members, and clergy. In that presentation there were five slides of Scientology Churches, but only three of Masterson's

bedroom—the purported crime scene. And the pictured Church building had nothing to do with Masterson as he had never attended the Scientology Church on display. *See* Settled Record, Ex. 3. There were also six slides of Scientology ministers or staff, compared to nine slides of Masterson. *Id.* All of this is forbidden under the First Amendment in a case where the alleged crime did not occur at a church or under the supervision of church officials.

Closing argument. The prosecution's non-neutrality and hostility towards the Scientology religion was most clearly on display in closing arguments, where the prosecution made multiple false and pejorative statements about the Church of Scientology and its beliefs and essentially urged the jury to convict the defendant because he was a member of the Church.

The prosecutor told the jury Masterson was to be convicted because his faith was "*a billion-dollar organization that's retaliating against"* the complaining witnesses. (34 RT 3411, emphasis added.) Masterson was to be convicted so the jury could "show these victims that there is justice" since they did not receive justice from the Church: "they were retaliated against by their church," which "told them there is no justice for them," the prosecution falsely declared. *Id*. Masterson was to be convicted because, according to "expert" Claire Headley, Scientology operates under its own law, "You must obey those rules over all other laws." (33 RT 3259–3260.) And Masterson was to be convicted because he was "a celebrity in good

standing" and protected by the Church, which would "discredit" any internal complaints. (*Id*. at 3260.) Furthermore, the prosecution falsely claimed that the Church "punished" the alleged victims. (34 RT 3410.)

Having set up their closing through an extended, broadside attack on the Church, the prosecutors' final message to the jury was that it should punish the *Church* for its supposed mistreatment of the alleged victims, by punishing Masterson:

> The Scientology law told them there is no justice for them. … You have an opportunity to show these victims that there is justice. … Find him guilty and give [these victims] their justice.

(34 RT 3411–3412.) And, not surprisingly, the jury responded to the "send-the-Church-a-message" ploy by convicting Masterson.

In all these ways, the prosecuting attorneys—government officers and officers of the court—violated the "strict neutrality" toward religion that *Masterpiece* says the Free Exercise Clause demands. Instead, the prosecutors repeatedly showed hostility to Masterson's faith and Church, putting the Church on trial alongside Masterson, and presenting it in as bad a light as possible.

These statements are unquestionably as non-neutral or hostile as those in *Lukumi*, *Masterpiece*, *Meriwether*, and *Fellowship of Christian Athletes*. Such animus the Constitution cannot abide. *Masterpiece,* 584 U.S. at 638–39 ("The Free

Exercise Clause bars even subtle departures from neutrality on matters of religion," and the First Amendment's "requisite religious neutrality … must be strictly observed" (cleaned up)). The prosecution conveyed that hostility, not only with the trial court's implicit and sometimes express permission, but based on the court's rulings expressly making such matters relevant to the jury's decisions.

CONCLUSION

This appeal does not merely present a question of trial error, but a question of constitutional boundaries that state actors crossed again and again. This case illustrates why strict adherence to the First Amendment is mandated in a criminal prosecution, not only to protect the defendant, but to protect every faith community whose beliefs or practices may be misunderstood or maligned—including, in this case, all Scientologists. Here, by both improperly deciding religious questions and repeatedly displaying hostility toward Masterson's faith, the trial court and the prosecution impermissibly crossed clear constitutional lines.

If these constitutional violations are allowed to stand, no member of any faith will be safe. Courts are forbidden from interpreting scripture and using religion to determine guilt or innocence. The First Amendment does not permit such a result—in this case or any other.

Dated: May 8, 2026

Respectfully submitted,

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CERTIFICATION OF COMPLIANCE

In compliance with California Rules of Court, Rule 8.360, I hereby certify that this Brief of *Amicus Curiae* contains 13,656 words, including footnotes but excluding the items referenced in California Rules of Court, Rule 8.360, as calculated by the word processing software used to prepare this Brief.

Dated: May 8, 2026

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B333069

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 724 South Spring Street, 9th Floor, Los Angeles, CA 90014.

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Department 105
Superior Court, Los Angeles County
Clara Shortridge Foltz Criminal
Justice Center
210 West Temple Street
Los Angeles, CA 90012

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 8, 2026, at Los Angeles, California.

/s/ Jenna Pacitti
Jenna Pacitti

Court of Appeal, Second Appellate District
Eva McClintock
Electronically FILED on 5/8/2026 by Marisol Castro, Deputy Clerk

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Case Name: **The People v. Masterson**
Case Number: **B333069**
Lower Court Case Number: **BA487932**

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5/8/2026
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/s/Jenna Pacitti
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Last Name, First Name (PNum)

Cohen Williams LLP
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