

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Alisha Dawn Myers v. Paula Myers, Superintendent

Myers · No. 3:20-cv-01167-MC · Decided March 19, 2026

SUMMARY

The United States District Court for the District of Oregon denied Alisha Dawn Myers’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court held that three claims were unexhausted and procedurally defaulted, and that the state court’s rejection of her claim that judicial comments coerced her jury-trial waiver was entitled to deference under § 2254(d).

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael J. McShane
JURISDICTION	United States District Court for the District of Oregon
DECIDED	March 19, 2026
DOCKET	3:20-cv-01167-MC
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from Oregon convictions, asserting that her jury-trial waiver was involuntary and that trial counsel was ineffective. The district court denied the petition because three grounds were unexhausted and procedurally defaulted, while the remaining coercion claim was denied under the deferential standard of 28 U.S.C. § 2254(d).
STANDARD OF REVIEW	Under 28 U.S.C. § 2254(d), federal habeas relief is unavailable on a claim adjudicated on the merits in state court unless the state decision was contrary to, or involved an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts. Unexhausted claims are procedurally barred absent cause and prejudice or a fundamental miscarriage of justice.
PRECEDENTIAL VALUE	unpublished
PARTIES	Alisha Dawn Myers v. Paula Myers, Superintendent

TOPICS

federal habeas corpus

post-conviction relief

sixth amendment

due process

ineffective assistance

PRACTICE AREAS

federal habeas corpus

criminal procedure

constitutional law

post-conviction relief

QUESTIONS PRESENTED

1. Whether Grounds One, Three, and Four were unexhausted and procedurally defaulted because Petitioner failed to fairly present them to the Oregon Supreme Court.
2. Whether the Oregon Court of Appeals unreasonably applied clearly established federal law or unreasonably determined the facts in rejecting Petitioner's claim that a judge coerced her into waiving her constitutional right to a jury trial.
3. Whether Petitioner was entitled to federal habeas relief under 28 U.S.C. § 2254.

HOLDINGS

1. Claims not fairly presented to the state's highest court are unexhausted and, when no state remedies remain, procedurally barred from federal habeas review unless the petitioner establishes cause and prejudice or a fundamental miscarriage of justice. Petitioner did not contest the default or establish an exception.
2. The Oregon Court of Appeals reasonably determined that Petitioner's jury-trial waiver was voluntary and deliberate and was not coerced by the non-presiding judge's comments about the likelihood of a death sentence.

KEY QUOTATIONS

“A state court decision is an “unreasonable application” of clearly established federal law if the state court identifies the correct legal principle but applies it in an “objectively unreasonable” manner.” (7)

“Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.” (8)

“a waiver of constitutional rights “is not invalid merely because entered to avoid the possibility of a death penalty.”” (14)

FACTUAL BACKGROUND

Petitioner was eighteen when she was charged with the aggravated murder, murder, robbery, burglary, and vehicle-theft offenses arising from the brutal killing of Evelyn Tickner. After declining a plea offer that would have removed the death penalty and allowed parole after thirty years, Petitioner later waived a jury in exchange for the State's agreement not to seek the death penalty. A non-presiding judge had told Petitioner that proceeding to trial would likely result in a death sentence, but Petitioner signed written waivers, was evaluated as competent to assist in her defense, and reaffirmed the waiver in open court. Following a bench trial, the trial judge found her guilty and imposed life without parole.

PROCEDURAL HISTORY

Petitioner was convicted in Oregon state court of aggravated murder and related offenses after a bench trial and received life imprisonment without the possibility of parole. The Oregon Court of Appeals affirmed her direct appeal, and the Oregon Supreme Court denied review. The state post-conviction court denied relief; after an initial remand for failure to explain the legal bases for denying the claims, the post-conviction court again denied relief, and the Oregon Court of Appeals affirmed with review denied by the Oregon Supreme Court. Petitioner then filed this federal habeas action.

DISPOSITION

writ_denied

CASES CITED

- State v. Myers, 218 Or. App. 635, rev. denied, 344 Or. 671 (2008)
- Myers v. Brockamp, 271 Or. App. 716, 717 (2015)
- Myers v. Howton, 296 Or. App. 500, 512-13, rev. denied, 365 Or. 657 (2019)
- Baldwin v. Reese, 541 U.S. 27, 29 (2004)
- Cooper v. Neven, 641 F.3d 322, 326 (9th Cir. 2011)
- Coleman v. Thompson, 501 U.S. 722, 732, 735 n.1, 750 (1991)
- Sandgathe v. Maass, 314 F.3d 371, 376 (9th Cir. 2002)
- Edwards v. Carpenter, 529 U.S. 446, 451 (2000)
- Mayes v. Premo, 766 F.3d 949, 957 (9th Cir. 2014)
- Davis v. Woodford, 384 F.3d 628, 637-38 (9th Cir. 2004)
- Brown v. Payton, 544 U.S. 133, 141 (2005)
- Williams v. Taylor, 529 U.S. 362, 405-06 (2000)
- Woodford v. Visciotti, 537 U.S. 19, 24-25 (2002) (per curiam)
- Harrington v. Richter, 562 U.S. 86, 103 (2011)
- Penry v. Johnson, 532 U.S. 782, 793 (2001)
- Brady v. United States, 397 U.S. 742, 748-50, 755 (1970)
- North Carolina v. Alford, 400 U.S. 25, 31 (1970)
- Patton v. United States, 281 U.S. 276, 312-13 (1930)
- United States v. Doe, 155 F.3d 1070, 1074 (9th Cir. 1998)
- Bivens v. Poole, 302 Fed. App'x 598, 598 (9th Cir. 2008)
- United States v. Davila, 569 U.S. 597, 610, 612 (2013)
- Bordenkircher v. Hayes, 434 U.S. 357, 364 (1978)
- Bostick v. Craven, 429 F.2d 23, 24 (9th Cir. 1970)
- Miller v. Alabama, 567 U.S. 460 (2012)
- Montgomery v. Louisiana, 577 U.S. 190 (2016)

