

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Lucion Lee Edward Banks v. David Holbrook

Case No. 2:24-cv-05121-PA-GJS · No. 2:24-cv-05121-PA-GJS · Decided July 3, 2025

SUMMARY

The United States District Court for the Central District of California accepts the magistrate judge’s amended Report and Recommendation and denies Lucion Lee Edward Banks’s state habeas petition. The court rejects objections alleging the use of false evidence and ineffective assistance of trial and appellate counsel concerning forensic cellphone evidence. The action is dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 3, 2025
DOCKET	2:24-cv-05121-PA-GJS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended denial of the petition and dismissal with prejudice, the district court reviewed the petition, the record, the amended report and recommendation, and Petitioner's objections de novo as to the objected-to portions.
STANDARD OF REVIEW	The district court made a de novo determination of the portions of the magistrate judge's report and recommendation to which objections were made. The court reviewed the state courts' adjudication under the federal habeas standard and asked whether the California Supreme Court's rejection of each claim was objectively unreasonable. State-court factual findings were entitled to a presumption of correctness that Petitioner could overcome only with clear and convincing evidence.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and no reporter citation appears.
PARTIES	Lucion Lee Edward Banks v. David Holbrook

TOPICS

federal habeas corpus

post-conviction relief

evidence

due process

constitutional law

PRACTICE AREAS

federal habeas corpus

post-conviction relief

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the California Supreme Court's rejection of Petitioner's Napue false-evidence claim was objectively unreasonable under federal habeas review.
2. Whether the California Supreme Court's rejection of Petitioner's ineffective-assistance claim based on trial counsel's failure to hire a forensic cellphone expert was objectively unreasonable.
3. Whether the California Supreme Court's rejection of Petitioner's ineffective-assistance claim based on appellate counsel's use of forensic cellphone evidence was objectively unreasonable.

HOLDINGS

1. The California Supreme Court's rejection of Petitioner's claim that the prosecution presented false text-message evidence was not objectively unreasonable because Petitioner failed to establish that the evidence was false.
2. The California Supreme Court's rejection of Petitioner's ineffective-assistance claim was not objectively unreasonable because trial counsel's decision not to hire a forensic cellphone expert was a reasonable strategic decision, and any prejudice was speculative.
3. The California Supreme Court's rejection of Petitioner's claim that appellate counsel was ineffective in using forensic cellphone evidence was not objectively unreasonable because counsel undertook significant investigation and acted within the wide range of reasonable professional assistance.

KEY QUOTATIONS

“it would require an inferential leap outside ‘the realm of possibility’” (at 2)

“I feel like the upshot of all of this is that the data on the phones support, rather than undermine, the prosecution narrative” (at 3)

FACTUAL BACKGROUND

Petitioner challenged the use of text messages exchanged between him and the victim, claiming that the prosecution presented false evidence. He also claimed that trial counsel was ineffective for failing to hire a forensic cellphone expert and that appellate counsel was ineffective in using forensic cellphone evidence. State trial courts held evidentiary hearings, found no persuasive evidence that the prosecution or an evidence technician had manufactured evidence, and found that trial counsel made a strategic decision not to retain an expert after reviewing the records.

PROCEDURAL HISTORY

The magistrate judge recommended denying the state-prisoner habeas petition and dismissing the action with prejudice. Petitioner objected to the recommendation, challenging the state courts' rejection of his false-evidence claim and his ineffective-assistance claims concerning trial and appellate counsel. The district court overruled the objections, accepted the amended report and recommendation, denied the petition, and ordered judgment dismissing the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- Napue v. Illinois, 360 U.S. 264 (1959)
- Strickland v. Washington, 466 U.S. 668 (1984)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 CENTRAL DISTRICT OF CALIFORNIA
9 10 11 LUCION LEE EDWARD BANKS, Case No. 2:24-cv-05121-PA-GJS 12 Petitioner,
ORDER ACCEPTING AMENDED v. REPORT AND RECOMMENDATION 13 OF UNITED
STATES MAGISTRATE 14 DAVID HOLBROOK, JUDGE 15 Respondent. 16 17 Pursuant to 28
U.S.C. § 636, the Court has reviewed the Petition for Writ of 18 Habeas Corpus by a Person in
State Custody, the records on file, the Amended 19 Report and Recommendation of the United
States Magistrate Judge (“Report”), and 20 Petitioner’s objections to the Report.

Further, the Court has made a de novo 21 determination of the portions of the Report to which
objections have been made. 22 The Report recommends the denial of the Petition and the
dismissal of this 23 action with prejudice. (ECF No. 20.) Petitioner’s objections to the Report
(ECF 24 No. 21) do not merit any change to the Report’s findings or recommendations.

25 Petitioner objects that the prosecution presented false evidence, under Napue 26 v. Illinois, 360
U.S. 264 (1959), consisting of text messages exchanged between 27 Petitioner and the victim.
(ECF No. 21 at 3-16.)

The California Supreme Court’s 28 rejection of this claim was not objectively unreasonable. (ECF
No. 11-80.) 1 Petitioner failed to show that any evidence was false. (ECF No. 20 at 21-24.)
Petitioner had an opportunity to develop this claim before the state trial court, 2 which held an
evidentiary hearing and found that “it would require an inferential 3 leap outside ‘the realm of
possibility’” to conclude that either the prosecutor or the 4 evidence technician had manufactured
evidence.

(Id. at 22; ECF No. 11-69 at 44.) 5 The state trial court’s factual finding is entitled to a
presumption of correctness that 6 Petitioner has not overcome with clear and convincing evidence.

(ECF No. 20 at 7 22.) To hold otherwise, “this Court would be required to engage in unwarranted 8 inferential leaps and speculation based on a factual showing that is far from 9 persuasive.” (Id. at 24.)

10 Petitioner objects that his trial counsel was ineffective under Strickland v. 11 Washington, 466 U.S. 668 (1984), for failing to hire a forensic cellphone expert. 12 (ECF No. 21 at 16-28.) The California Supreme Court’s rejection of this claim was 13 not objectively unreasonable. (ECF No. 11-80.) Petitioner had a post-trial hearing 14 on this claim before the state trial court, during which trial counsel explained that, 15 after reviewing the matter, he had made a strategic decision not to hire a forensic 16 cellphone expert, because the records “proved not to reveal what [Petitioner] 17 thought they did[.]” (ECF No. 20 at 28; ECF No. 11-69 at 18.)

It was not 18 objectively reasonable for the state court to conclude that trial counsel’s decision 19 “was within the realm of reasonable professional assistance.” (ECF No. 20 at 30.) 20 Moreover, because there is no evidence of what such an expert would have said, 21 any prejudice under Strickland from trial counsel’s failure to hire an expert is 22 entirely speculative.

(Id. at 31.) 23 Petitioner objects that his appellate counsel was ineffective for failing to use 24 a forensic cellphone expert competently. (ECF No. 21 at 28-34.) The California 25 Supreme Court’s rejection of this claim was not objectively unreasonable. (ECF 26 No. 11-80.) Appellate counsel did take “significant investigatory efforts,” 27 including hiring an expert and monitoring an extraction performed by another 28 1 || expert.

(ECF No. 20 at 36.) Appellate counsel then concluded, “I feel like the 2 || upshot of all of this is that the data on the phones support, rather than undermine, 3 || the prosecution narrative” and that the results “are not helpful to the defense.” 4 || (ECF No. 1 at 85.) Appellate counsel’s efforts were “within the wide range of 5 || reasonable professional assistance.” (ECF No. 20 at 36.)

6 IT IS ORDERED that (1) the Amended Report and Recommendation is 7 || approved and accepted; (2) the Petition is denied; and (3) Judgment shall be entered 8 || dismissing this action with prejudice. 9 10 | DATED: July 3, 2025 11 | Cte ☐☐ tS UNITED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28