

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jesus Gutierrez, Jr. v. Oak Smith; Christopher Vanning Johnson v.
Trent Allen

Gutierrez; Johnson · Decided July 29, 2025

SUMMARY

This document is an order and findings and recommendations addressing related petitions for writs of habeas corpus under 28 U.S.C. § 2254 filed by Jesus Gutierrez Jr. and Christopher Vanning Johnson. The court considers ineffective assistance of counsel, sufficiency of the evidence, and self-defense arguments arising from their state-court second-degree murder convictions, and recommends denying both petitions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 29, 2025
DISPOSITION	other
PROCEDURAL POSTURE	Petitioners, former state-court codefendants convicted of second-degree murder, sought federal habeas relief under 28 U.S.C. § 2254. The magistrate judge issued findings and recommendations that both petitions be denied.
STANDARD OF REVIEW	Under AEDPA, relief is available only if the state-court adjudication was contrary to, or involved an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts. Sufficiency-of-the-evidence claims are reviewed under Jackson v. Virginia, asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found guilt beyond a reasonable doubt. Ineffective-assistance claims are governed by Strickland v. Washington and receive doubly deferential review under AEDPA.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Jesus Gutierrez, Jr., Christopher Vanning Johnson v. Oak Smith, Trent Allen

TOPICS

federal habeas corpus

post-conviction relief

ineffective assistance

self defense

due process

PRACTICE AREAS

Federal habeas corpus

constitutional criminal procedure

ineffective assistance of counsel

sufficiency of the evidence

self-defense

QUESTIONS PRESENTED

1. Whether defense counsel was ineffective for failing to object to the prosecutor's closing argument concerning reasonable inferences from circumstantial evidence.
2. Whether sufficient evidence supported the jury's finding that Johnson did not act in perfect or imperfect self-defense.
3. Whether sufficient evidence supported Gutierrez's conviction for aiding and abetting second-degree murder.

HOLDINGS

1. The state court reasonably rejected the ineffective-assistance claim because the prosecutor did not improperly equate a reasonable interpretation of the evidence with proof beyond a reasonable doubt, and petitioners could not establish prejudice in light of the jury instructions and the strength of the evidence.
2. The state court reasonably determined that sufficient evidence supported the jury's rejection of Johnson's self-defense claim.
3. The state court reasonably determined that sufficient evidence supported Gutierrez's conviction for aiding and abetting second-degree murder.

KEY QUOTATIONS

“The prosecutor did not, however, link the reasonableness of the prosecution theory to the reasonable doubt standard.” (at 14)

“A reasonable juror under the circumstances, having been instructed by the court that defendants must be acquitted unless the prosecutor proved the charge beyond a reasonable doubt, would have understood that the prosecutor was arguing that the prosecution inferences from the evidence were correct, but that it remained the jury’s task to decide whether that evidence established each element of the crime beyond a reasonable doubt.” (at 15)

“The only question is whether, in a light most favorable to the prosecution, a reasonable finder of fact could find that, beyond a reasonable doubt, Johnson did not act in self-defense.” (at 16)

FACTUAL BACKGROUND

Johnson and Gutierrez were involved in a shooting involving an Acura occupied by Jordan Hendricks and Cromwell. Witness testimony indicated that Johnson recognized the occupants, directed Gutierrez to follow and pursue the Acura, and fired from the passenger side of Gutierrez's Impala; Cromwell was shot and killed. Police recovered shell casings and surveillance video showing the vehicles' pursuit and apparent gunfire. The defense claimed Johnson acted in self-defense and that Gutierrez did not knowingly aid a murder, but the state courts found the prosecution evidence sufficient to reject those theories.

PROCEDURAL HISTORY

Both petitioners were convicted in California state court and pursued direct and state habeas review. The California Court of Appeal rejected their claims, and the California Supreme Court denied review or habeas relief summarily. The federal petitions alleged ineffective assistance of counsel, insufficient evidence concerning Johnson's self-defense claim, and insufficient evidence supporting Gutierrez's aiding-and-abetting conviction. The magistrate judge recommended denial of both petitions and directed that the findings and recommendations be submitted to the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that both habeas petitions be denied and directed submission of the findings and recommendations to the assigned district judge for review under 28 U.S.C. § 636(b)(1).

CASES CITED

- Williams v. Taylor, 529 U.S. 362, 374-375 (2000)
- Harrington v. Richter, 562 U.S. 86, 97, 105, 112 (2011)
- Wilson v. Sellers, 138 S. Ct. 1188, 1192 (2018)
- Van Lynn v. Farmon, 347 F.3d 735, 738 (9th Cir. 2003)
- McCormick v. Adams, 621 F.3d 970, 975-976 (9th Cir. 2010)
- Gill v. Ayers, 342 F.3d 911, 917 n.5 (9th Cir. 2003)
- People v. Hill, 17 Cal.4th 800, 831, 72 Cal. Rptr. 2d 656, 952 P.2d 673 (1998)
- Price v. Superior Court, 25 Cal.4th 1046, 1069 fn. 13, 108 Cal. Rptr. 2d 409, 25 P.3d 618 (2001)
- People v. Centeno, 60 Cal.4th 659, 667, 672-673, 180 Cal. Rptr. 3d 649, 338 P.3d 938 (2014)
- People v. Johnsen, 10 Cal.5th 1116, 1165-1167, 274 Cal. Rptr. 3d 599, 480 P.3d 2 (2021)
- People v. Cowan, 8 Cal.App.5th 1152, 1159, 1161, 214 Cal. Rptr. 3d 576 (2017)
- People v. Romero, 44 Cal.4th 386, 416, 79 Cal. Rptr. 3d 334, 187 P.3d 56 (2008)
- People v. Lucero, 23 Cal.4th 692, 732, 97 Cal. Rptr. 2d 871, 3 P.3d 248 (2000)

- Strickland v. Washington, 466 U.S. 668, 685, 688, 694, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Adams v. United States ex rel. McCann, 317 U.S. 269, 275 (1942)
- Kimmelman v. Morrison, 477 U.S. 365, 374 (1986)
- Knowles v. Mirzayance, 556 U.S. 111, 123 (2009)
- Chavez v. Brnovich, 42 F.4th 1091, 1101 (9th Cir. 2022)
- People v. Holt, 15 Cal.4th 619, 662, 63 Cal. Rptr. 2d 782, 937 P.2d 213 (1997)
- Penry v. Johnson, 532 U.S. 782, 799 (2001)
- People v. Vargas, 9 Cal.5th 793, 820, 265 Cal. Rptr. 3d 604, 468 P.3d 1121 (2020)
- People v. Bolin, 18 Cal.4th 297, 331, 75 Cal. Rptr. 2d 412, 956 P.2d 374 (1998)
- People v. Lloyd, 236 Cal. App. 4th 49, 63, 186 Cal. Rptr. 3d 245 (2015)
- People v. Minifie, 13 Cal.4th 1055, 1064, 56 Cal. Rptr. 2d 133, 920 P.2d 1337 (1996)
- People v. Steskal, 11 Cal.5th 332, *15 (2021)
- People v. Salazar, 63 Cal.4th 214, 244, 202 Cal. Rptr. 3d 638, 371 P.3d 161 (2016)
- People v. Brady, 22 Cal.App.5th 1008, 1018, 232 Cal. Rptr. 3d 220 (2018)
- People v. Nguyen, 61 Cal.4th 1015, 1044, 191 Cal. Rptr. 3d 182, 354 P.3d 90 (2015)
- People v. Zamudio, 43 Cal.4th 327, 357-358, 75 Cal. Rptr. 3d 289, 181 P.3d 105 (2008)
- People v. Knoller, 41 Cal.4th 139, 151, 59 Cal. Rptr. 3d 157, 158 P.3d 731 (2007)
- People v. Campbell, 25 Cal.App.4th 402, 409, 30 Cal. Rptr. 2d 525 (1994)
- People v. Hoang, 145 Cal.App.4th 264, 270, 51 Cal. Rptr. 3d 509 (2006)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)