

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Edwards v. Villalpando

No. 24-CV-1502 JLS (SBC) (S.D. Cal. Mar. 19, 2025) · No. 24-CV-1502 JLS (SBC) · Decided March 20, 2025

SUMMARY

The United States District Court for the Southern District of California denies Jordan S. Edwards’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his general court-martial convictions and sentence. The court concludes that the military courts fully and fairly considered Edwards’s claims concerning a unanimous verdict, evidentiary rulings, the sufficiency of the evidence, and ineffective assistance of counsel. The excerpt ends during the court’s discussion of the ineffective-assistance claim.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court, Southern District of California
DECIDED	March 20, 2025
DOCKET	24-CV-1502 JLS (SBC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging a general court-martial conviction and sentence.
STANDARD OF REVIEW	A federal civil court reviewing a military conviction under § 2241 asks whether the military courts had jurisdiction and gave full and fair consideration to the petitioner’s claims. The court may not re-evaluate the evidence or retry the claims merely because it might reach a different result. De novo review is warranted only when the military courts manifestly refused to consider a claim. Claims not timely presented to the military courts are waived.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Jordan S. Edwards v. Anna E. Villalpando, Commanding Officer of Naval Consolidated Brig Miramar

TOPICS

federal habeas corpus

court martial

military law

post-conviction relief

ineffective assistance

PRACTICE AREAS

military law

federal habeas corpus

post-conviction relief

criminal procedure

ineffective assistance of counsel

evidence

QUESTIONS PRESENTED

1. Whether the military courts fully and fairly considered Petitioner's claim that he was constitutionally entitled to a unanimous jury verdict.
2. Whether the military courts fully and fairly considered Petitioner's legal- and factual-sufficiency challenge to the sexual-assault convictions.
3. Whether the military courts fully and fairly considered Petitioner's challenge to the admission and related jury instructions concerning evidence under Military Rule of Evidence 404(b).
4. Whether Petitioner was entitled to habeas relief based on alleged ineffective assistance of trial counsel for failing to seek records concerning the victim's purported hospitalization and ineffective assistance of appellate counsel for failing to raise that issue.

HOLDINGS

1. Habeas relief was unavailable because the military courts fully and fairly considered Petitioner's claim that he was entitled to a unanimous court-martial verdict. The federal district court would not relitigate the merits of the military courts' conclusion that servicemembers do not have such a right under the circumstances presented.
2. Petitioner was not entitled to de novo federal review or habeas relief on his legal- and factual-sufficiency challenge because the AFCCA fully and fairly considered the claim.
3. Petitioner was not entitled to habeas relief based on the admission of evidence concerning coercive control and intimate-partner violence because the AFCCA fully and fairly considered the evidentiary and jury-instruction claims.
4. Petitioner's ineffective-assistance claim against trial counsel was waived because he failed to timely present it to the military courts and did not establish good cause for that failure. Even if considered on the merits, the claim failed under Strickland.
5. Petitioner was not entitled to habeas relief for alleged ineffective assistance of appellate counsel because counsel was not ineffective for failing to raise an untenable ineffective-assistance claim.

KEY QUOTATIONS

"Habeas corpus is available only to guard against the military courts exceeding their jurisdiction and to vindicate constitutional rights." (at 3)

"But once it has been concluded by the civil courts that the military had jurisdiction and dealt fully and fairly with all such claims, it is not open to such courts to grant the writ simply to re-evaluate the evidence." (at 4)

“In view of Ramos, the military courts have concluded, after careful consideration, that servicemembers do not enjoy the right to a unanimous jury verdict.” (at 6)

FACTUAL BACKGROUND

Jordan S. Edwards, a former Air Force captain, was convicted by general court-martial of sexually assaulting his then-wife while she was asleep and of conduct unbecoming an officer and a gentleman. He received a sentence including dismissal and 42 months of confinement and was confined at the Naval Consolidated Brig in Miramar, California. The Air Force Court of Criminal Appeals affirmed after considering challenges to the evidence, the admission of alleged coercive-control evidence, the alleged right to a unanimous verdict, and sentence severity; the Court of Appeals for the Armed Forces denied further review.

PROCEDURAL HISTORY

Petitioner was convicted by general court-martial of two specifications of sexual assault upon a sleeping person and one specification of conduct unbecoming an officer and a gentleman, and was sentenced to dismissal, 42 months of confinement, and a reprimand. The Air Force Court of Criminal Appeals affirmed the findings and sentence, and the Court of Appeals for the Armed Forces denied review and later denied an untimely motion for reconsideration. Petitioner then filed this § 2241 petition, asserting four claims concerning a unanimous verdict, evidentiary sufficiency, admission of evidence under Military Rule of Evidence 404(b), and ineffective assistance of counsel. The district court denied the petition and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- United States v. Edwards, No. ACM 40349, 2023 WL 8543590 (A.F. Ct. Crim. App. Dec. 11, 2023)
- United States v. Edwards, 84 M.J. 342 (2024)
- Bessmertnyy v. Kirk, No. 3:21-cv-779-L-KSC, 2022 WL 255425 (S.D. Cal. Jan. 27, 2022)
- Burns v. Wilson, 346 U.S. 137 (1953)
- Broussard v. Patton, 466 F.2d 816 (9th Cir. 1972)
- Davis v. Marsh, 876 F.2d 1446 (9th Cir. 1989)
- Goldman v. Weinberger, 475 U.S. 503 (1986)
- Schlesinger v. Councilman, 420 U.S. 738 (1975)
- Sunday v. Madigan, 301 F.2d 871 (9th Cir. 1962)
- Threats v. Howard, No. CV-21-00333-TUC-JAS(BGM), 2023 WL 8112601 (D. Ariz. Mar. 24, 2023)
- United States v. Matias, 25 M.J. 356 (C.M.A. 1987)
- United States v. Anderson, United States v. Anderson, 83 M.J. 291 (C.A.A.F. 2023)
- Ramos v. Louisiana, 590 U.S. 83 (2020)
- Emas v. Roman, No. 23-cv-2194-BTM-DDL, 2024 WL 4573755 (S.D. Cal. Oct. 24, 2024)

- United States v. Washington, 57 M.J. 394 (C.A.A.F. 2002)
- United States v. Cole, 31 M.J. 270 (C.M.A. 1990)
- Erickson v. Von Blanckensee, No. 19-16165, 2021 WL 5399871 (9th Cir. Nov. 18, 2021)
- Loveday v. Davis, 697 F.2d 135 (6th Cir. 1983)
- Donoho v. Kirk, No. 23-55600, 2024 WL 2952535 (9th Cir. June 12, 2024)
- United States v. Hyppolite, 79 M.J. 161 (C.A.A.F. 2020)
- United States v. Guardado, 77 M.J. 90 (C.A.A.F. 2017)
- Strickland v. Washington, 466 U.S. 668 (1984)
- United States v. Mellette, 82 M.J. 374 (C.A.A.F. 2022)
- United States v. Jeronimo, 398 F.3d 1149 (9th Cir. 2005)
- Rodney v. Garrett, 116 F.4th 947 (9th Cir. 2024)
- James v. Cate, No. 11cv1910-IEG (NLS), 2012 WL 4061794 (S.D. Cal. July 9, 2012)
- Harrington v. Richter, 562 U.S. 86 (2011)
- Padilla v. Kentucky, 559 U.S. 356 (2010)
- Evitts v. Lucey, 469 U.S. 387 (1985)
- Jones v. Barnes, 463 U.S. 745 (1983)
- Featherstone v. Estelle, 948 F.2d 1497 (9th Cir. 1991)
- Turner v. Calderon, 281 F.3d 851 (9th Cir. 2002)

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