

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Lyons v. Henderson, Warden

Lyons · No. 2:23-cv-03532 · Decided January 16, 2026

SUMMARY

The United States District Court for the Southern District of Ohio adopts the Magistrate Judge’s Report and Recommendation and dismisses Javon Lyons’s 28 U.S.C. § 2254 habeas petition with prejudice. The court concludes that the state court reasonably applied Strickland v. Washington to Lyons’s ineffective-assistance claim concerning advice about ballistic evidence and denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Sarah D. Morrison
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 16, 2026
DOCKET	2:23-cv-03532
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus petition under 28 U.S.C. § 2254 challenging the denial of effective assistance of counsel in connection with a guilty plea. The court reviewed the magistrate judge's Report and Recommendation de novo after Petitioner filed objections.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which objections were made under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b); highly deferential AEDPA review of the state court decision under 28 U.S.C. § 2254(d)(1)–(2), including doubly deferential review of an ineffective-assistance claim under Strickland and AEDPA.
PRECEDENTIAL VALUE	Nonprecedential district-court opinion

PARTIES

Javon Lyons v. Kim Henderson, Warden, Toledo Correctional Institution

TOPICS

federal habeas corpus

ineffective assistance

plea bargaining

post-conviction relief

sixth amendment

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Criminal procedure

Ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the Ohio court's rejection of Lyons's ineffective-assistance claim involved an unreasonable application of clearly established Supreme Court law under 28 U.S.C. § 2254(d)(1).
2. Whether the Ohio court's factual findings concerning counsel's advice, the ballistics evidence, and the likelihood that Lyons would have rejected the plea were unreasonable in light of the state-court record under 28 U.S.C. § 2254(d)(2).
3. Whether Lyons was entitled to habeas relief, a certificate of appealability, or authorization to proceed in forma pauperis on appeal.

HOLDINGS

1. Lyons failed to show that the Ohio Court of Appeals unreasonably applied Strickland in concluding that counsel's advice to accept a 25-year plea rather than risk life without parole was within the range of reasonable professional assistance.
2. Lyons failed to establish prejudice because he did not show a reasonable probability that, but for counsel's alleged errors concerning the ballistics evidence, he would have rejected the guilty plea and insisted on going to trial.
3. Lyons failed to rebut the state court's factual findings with clear and convincing evidence or demonstrate that those findings lacked support in the record; therefore, habeas relief was unavailable under § 2254(d)(2).

KEY QUOTATIONS

“In other words, in order to satisfy the ‘prejudice’ requirement, the defendant must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” (PAGEID# 1831)

“But Petitioner ignores the real question before this Court: “whether the state court’s application of the Strickland standard was unreasonable.”” (PAGEID# 1829)

FACTUAL BACKGROUND

Lyons alleged that trial counsel inadequately advised him about the strength of the ballistics evidence and that, with proper advice, he would have rejected a plea agreement and proceeded to trial. The state court record included jail calls in which Lyons urged his brother and co-defendant to find and destroy a gun, forensic evidence linking a recovered 9mm and a crime-scene shell casing, ballistics testimony linking bullets, and Lyons's apology to the victim's father. Counsel advised Lyons that going to trial could result in life imprisonment without parole, and Lyons accepted a plea for a 25-year sentence.

PROCEDURAL HISTORY

Lyons filed a § 2254 petition asserting ineffective assistance of counsel based on counsel's advice concerning ballistics evidence and the decision to plead guilty. The magistrate judge recommended dismissal with prejudice and denial of a certificate of appealability. After de novo review of the Report and Recommendation and Lyons's objections, the district court adopted the recommendation, overruled the objections, dismissed the petition with prejudice, denied a certificate of appealability, and certified that an appeal would be objectively frivolous for purposes of proceeding in forma pauperis.

DISPOSITION

dismissed

CASES CITED

- Renico v. Lett, 559 U.S. 766, 773 (2010)
- Strickland v. Washington, 466 U.S. 668, 687, 689 (1984)
- Knowles v. Mirzayance, 556 U.S. 111, 123 (2009)
- Moody v. Parris, No. 20-5299, 2022 WL 3788503, at *4 (6th Cir. Aug. 30, 2022)
- Williams v. Taylor, 529 U.S. 362 (2000)
- Harrington v. Richter, 562 U.S. 86, 101 (2011)
- Hill v. Lockhart, 474 U.S. 52, 59 (1985)
- Mortiz v. Woods, 692 F. App'x 249, 254 (6th Cir.)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION JAVON LYONS, Petitioner, v. Case No. 2:23-cv-03532 Chief Judge Sarah D. Morrison Magistrate Judge Karen L. Litkovitz KIM HENDERSON, WARDEN, TOLEDO CORRECTIONAL INSTITUTION, Respondent. OPINION AND ORDER This is an action for a writ of habeas corpus under 28 U.S.C. § 2254, brought by Petitioner Javon Lyons with the assistance of counsel.

The Magistrate Judge has filed a Report and Recommendation recommending that the Petition be dismissed with prejudice and that Petitioner be denied a certificate of appealability. (R&R, ECF No. 18-1.) Petitioner has objected (Objs., ECF No. 28) and Respondent's time for responding to

those Objections has expired. If a party objects within the allotted time to a report and recommendation, the Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Fed.

R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The Court has reviewed the Magistrate Judge’s R&R, Petitioner’s Objections, and those portions of the record implicated therein, de novo, and finds no error in the Magistrate Judge’s conclusions or reasoning.

Ground One: Ineffective Assistance of Counsel In his first and only ground for relief, Petitioner argues he was denied effective assistance of counsel under the Fifth, Sixth, Eighth, and Fourteenth Amendments. (ECF No. 1, PAGEID# 6.) He asserts that had his trial counsel properly advised him of the strength (or lack thereof) of the ballistics evidence, he would have rejected a plea and taken his case to trial.

To prevail in habeas corpus under the Antiterrorism and Effective Death Penalty Act (AEDPA) on an issue decided in state court, a petitioner must show that the state court’s decision: 1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or 2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

28 U.S.C. § 2254(d)(1)–(2). The AEDPA “imposes a highly deferential standard for evaluating state-court rulings, and demands that [a] state-court decision be given the benefit of the doubt.” *Renico v. Lett*, 559 U.S. 766, 773 (2010) (cleaned up).

After evaluating the state court’s decision, the Magistrate Judge recommended denial of the petition. A. Unreasonable Application of Clearly Established Law The controlling precedent here is *Strickland v. Washington*, 466 U.S. 668 (1984). There, the Supreme Court of the United States held that to prove ineffective assistance of counsel, a defendant must show: 1) “counsel’s performance was deficient,” and 2) “the deficient performance prejudiced the defense.” *Id.* at 687.

Petitioner objects to the Magistrate Judge’s findings on both prongs. Deficient Performance. “Judicial scrutiny of counsel’s performance must be highly deferential.” *Id.* at 689. Thus, the first prong of an ineffective assistance of counsel claim raised in a federal habeas petition is subject to “doubly deferential” review. *Knowles v. Mirzayance*, 556 U.S. 111, 123 (2009).

That is because “*Strickland* requires deference to counsel and AEDPA requires deference to the state court.” *Moody v. Parris*, No. 20-5299, 2022 WL 3788503, *4 (6th Cir. Aug. 30, 2022). Applying that standard here, the Magistrate Judge found: Upon review of the entire record, this Court concludes that Lyons has failed to demonstrate that the Ohio appellate court’s decision is

contrary to or an unreasonable application of Supreme Court precedent as to justify federal habeas corpus relief.

See *Williams v. Taylor*, 529 U.S. 362, (2000). The appellate court correctly identified *Strickland* as the controlling Supreme Court precedent and recognized that counsel's performance is entitled to "a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." 466 U.S. at 689.

In assessing counsel's performance, the Ohio Court of Appeals noted not only the internal inconsistencies in Lyons' affidavit but also the new evidence adduced since the acquittal of Lyons' co-defendant, i.e., law enforcement's discovery of the gun involved in the shooting resulting from Lyons' incriminating jail calls to his brother and co-defendant, urging them to find and destroy the gun, and evidence showing a match between that gun and a spent shell casing found at the crime scene.

Under the circumstances, the appellate court's finding that counsel's recommendation "in very strong terms, the likely and dire result (life in prison with no possibility of parole) of going to trial in this case" was within the exercise of reasonable professional judgment was not an unreasonable application of *Strickland*.

For these reasons, the Court cannot say that the Ohio Court of Appeals was unreasonable when it concluded that Lyons' attorney provided sound professional advice when he counseled Lyons to accept a plea of 25 years rather than risking life without the possibility of parole. (R&R, PAGEID# 1829.) Petitioner objects and argues that even doubly deferential review "should not excuse clearly deficient performance." (Obj., PAGEID# 1860.)

Petitioner cites to factually inapposite cases to suggest that the state court should have reached a different result. But Petitioner ignores the real question before this Court: "whether the state court's application of the *Strickland* standard was unreasonable." *Harrington v. Richter*, 562 U.S. 86, 101 (2011) (emphasis added). It was not. Prejudice to Defendant.

In the context of guilty pleas, the prejudice requirement hinges on "whether counsel's constitutionally ineffective performance affected the outcome of the pleas process." *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). "In other words, in order to satisfy the 'prejudice' requirement, the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Id.* According to Petitioner, but for his counsel's inappropriate handling of the ballistic evidence, he would have gone to trial.

(Obj., PAGEID# 1861.) But Petitioner ignores the other evidence that was known at the time of his plea: The Ohio Court of Appeals reasonably determined there was not a reasonable probability that Lyons would not have pleaded guilty and gone to trial in view of the evidence tying him to the

shooting. This included the recently discovered jail calls in which Lyons instructed his brother and co-defendant to destroy a gun that was later determined to be consistent with one used in the shooting; that such recent evidence had the potential to damage Lyons and his witnesses' credibility vis-à-vis his alibi defense, and thereby risking the possibility of a life sentence without parole had he gone to trial; the state's ballistics expert testimony at Harris' trial that a bullet found embedded in a wall in Lyons' home was fired from the same weapon as a bullet fragment retrieved from the victim (ECF No. 11-3 at PageID# 404- 405); and Lyons' apology to the victim's father, thereby demonstrating he shouldered at least some responsibility for the shooting.

In addition, the state's new evidence forensically tied Lyons to the shooting because a shell casing from the crime scene was matched to the Recovered 9mm. (R&R, PAGEID#1831.) After weighing the litany of other evidence known at the time Petitioner knowingly entered his guilty plea, it cannot be said that the state court unreasonably applied the second prong here.

The Court finds no error in the Magistrate's reasoning or conclusion regarding prejudice. In sum, the Court finds no error in the Magistrate Judge's conclusions or reasoning regarding the state court's application of Strickland. Petitioner's objection is OVERRULED. B. Unreasonable Determination of the Facts A state court's factual findings are "only unreasonable where they are rebutted by clear and convincing evidence and do not have support in the record." *Mortiz v. Woods*, 692 F. App'x 249, 254 (6th Cir.

2017) (cleaned up). The Magistrate Judge recognized that the state court thoroughly evaluated Petitioner's ballistics report, determining that the report is "misleading," "erroneous," and "based on evidence known to [Petitioner] at the time of the plea." (R&R, PAGEID# 1830 (citing Ohio App. Ct., ECF No. 12, PAGEID# 1507-08).) Petitioner objects and argues that the state court's factual determination as to the credibility of his ballistics report was unreasonable.

(Obj., PAGEID# 1863.) According to Petitioner, the state court should have viewed the report as evidence that his counsel failed to adequately investigate the ballistics before his plea. But Petitioner's argument fails to rebut any of the state court's factual findings or identify how those findings are unsupported by the record. Without such support, the Court finds no error in the Magistrate Judge's conclusions or reasoning here.

Petitioner's objection is OVERRULED. II. CONCLUSION Having considered the Magistrate Judge's Report and Recommendation de novo in light of Petitioner's Objections, the Court ADOPTS the Report and Recommendation (ECF No. 18-1) and OVERRULES Petitioner's Objections (ECF No. 28).

The Clerk will enter judgment dismissing with prejudice the Petition. Because reasonable jurists would not disagree with this conclusion, Petitioner is DENIED a certificate of appealability, and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should

not be permitted to proceed in forma pauperis. IT IS SO ORDERED. /s/ Sarah D. Morrison
SARAH D. MORRISON, CHIEF JUDGE UNITED STATES DISTRICT COURT

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