

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ponce v. Pfeiffer

Ponce · No. 1:21-cv-01727-KES-HBK (HC) · Decided February 24, 2025

SUMMARY

The document contains findings and recommendations in a federal habeas corpus proceeding under 28 U.S.C. § 2254. The magistrate judge recommends denying Tony E. Ponce’s claim that insufficient evidence supported his murder conviction under an aiding-and-abetting theory, and recommends declining to issue a certificate of appealability. The document also concludes that any resentencing claim based on California Penal Code § 1170.95 presents a state-law issue not cognizable on federal habeas review.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 24, 2025
DOCKET	1:21-cv-01727-KES-HBK (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Magistrate judge's findings and recommendations on a state prisoner's second amended petition for a writ of habeas corpus under 28 U.S.C. § 2254, recommending denial of relief and denial of a certificate of appealability.
STANDARD OF REVIEW	Under 28 U.S.C. § 2254(d), relief is unavailable unless 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, with the evidence viewed in the light most favorable to the prosecution. When Jackson and AEDPA apply together, review is twice deferential. State-court factual findings are presumed correct under § 2254(e)(1), subject to rebuttal by clear and convincing evidence.

PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; subject to review by the assigned district judge.
PARTIES	Tony E. Ponce v. Christian Pfeiffer

TOPICS

federal habeas corpus post-conviction relief habeas corpus due process appellate procedure

PRACTICE AREAS

federal habeas corpus criminal procedure post-conviction relief constitutional law

QUESTIONS PRESENTED

1. Whether the evidence was constitutionally sufficient under *Jackson v. Virginia* to support Ponce's first-degree murder conviction under a direct aiding-and-abetting theory.
2. Whether the state appellate court's rejection of the insufficiency claim was contrary to, or an unreasonable application of, clearly established federal law, or was based on an unreasonable determination of the facts under 28 U.S.C. § 2254(d).
3. Whether Ponce was entitled to federal habeas relief based on a state-law resentencing argument under California Penal Code § 1170.95.
4. Whether a certificate of appealability should issue.

HOLDINGS

1. The evidence, viewed in the light most favorable to the prosecution, was sufficient for a rational juror to find beyond a reasonable doubt that Ponce knowingly and intentionally aided Isarraras in committing willful, deliberate, and premeditated murder.
2. Ponce was not entitled to relief because the state appellate court's decision was neither contrary to nor an unreasonable application of clearly established Supreme Court precedent and was not based on an unreasonable determination of the facts.
3. A claim seeking resentencing under California Penal Code § 1170.95 does not provide a basis for federal habeas relief because it presents a question of state law.
4. The court recommended that a certificate of appealability be denied because Ponce did not make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“It follows that if the record refutes the applicant's factual allegations or otherwise precludes habeas relief, a district court is not required to hold an evidentiary hearing.” (at 2)

“A federal court must deny relief to a state habeas petitioner who fails to satisfy either [Brecht] or AEDPA. But to grant relief, a court must find that the petition has cleared both tests.” (at 8)

“the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” (at 13)

“Viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could have found beyond a reasonable doubt that Petitioner knew Isarraras planned to kill the victim and encouraged him to do so with the requisite malice, premeditation, and deliberation.” (at 15)

FACTUAL BACKGROUND

Carlos H. was fatally shot by Augustine Isarraras at a market and gas station in Sultana, California. Surveillance video showed Ponce, Isarraras, and Ponce's younger brother confronting Carlos; Isarraras displayed and racked a firearm, Ponce gestured toward Carlos and appeared to direct Isarraras, and Isarraras then shot Carlos. Evidence also showed Ponce's gang affiliation, his presence with an armed associate in rival-gang territory, his stated desire for retaliation, and inconsistent statements to police about his knowledge of the gun and the shooting.

PROCEDURAL HISTORY

Ponce was convicted by a jury in Tulare County Superior Court of first-degree murder and criminal street gang conspiracy, with firearm and gang enhancements, and was sentenced to an aggregate term including twenty-five years to life for murder and an additional twenty-five years to life for the firearm enhancement. The California Fifth District Court of Appeal conditionally reversed and remanded for a juvenile fitness determination; after the conviction was reinstated, the trial court resentenced Ponce and declined to strike the firearm enhancement. The California Supreme Court summarily denied review. Ponce then filed this federal habeas petition, asserting insufficient evidence to support his murder conviction. The magistrate judge recommended denial of the petition and a certificate of appealability.

DISPOSITION

other

REMAND INSTRUCTIONS

None. The magistrate judge recommended that the assigned district judge deny the petition and deny a certificate of appealability. The parties were given fourteen days to object.

CASES CITED

- Schiro v. Landrigan, 550 U.S. 465, 474 (2007)
- Cullen v. Pinholster, 563 U.S. 170 (2011)
- Kernan v. Hinojosa, 136 S. Ct. 1603 (2016)
- Sexton v. Beaudreaux, 138 S. Ct. 2555, 2558 (2018)
- White v. Woodall, 572 U.S. 415, 419 (2014)
- Mitchell v. Esparza, 540 U.S. 12, 16 (2003)
- Brown v. Payton, 544 U.S. 133, 134 (2005)

- Williams v. Taylor, 529 U.S. 362, 407 (2000)
- Harrington v. Richter, 562 U.S. 86, 98-103 (2011)
- Johnson v. Williams, 568 U.S. 289, 293, 298-301 (2013)
- Wilson v. Sellers, 138 S. Ct. 1188, 1192, 1196 (2018)
- Crittenden v. Chappell, 804 F.3d 998, 1010-11 (9th Cir. 2015)
- People v. Cravens, 53 Cal. 4th 500, 507-08 (2012)
- People v. Medina, 46 Cal. 4th 913, 919 (2009)
- People v. Clark, 63 Cal. 4th 522, 625 (2016)
- People v. Villegas, 92 Cal. App. 4th 1217, 1223-24 (2001)
- People v. Pearson, 56 Cal. 4th 393, 443 (2013)
- People v. Perez, 2 Cal. 4th 1117, 1123 (1992)
- People v. Cook, 39 Cal. 4th 566, 603-04 (2006)
- People v. Thomas, 25 Cal. 2d 880, 900 (1945)
- People v. Chiu, 59 Cal. 4th 155, 167 (2014)
- People v. McCoy, 25 Cal. 4th 1111, 1117-18 (2001)
- People v. Smith, 37 Cal. 4th 733, 741 (2005)
- People v. Alexander, 49 Cal. 4th 846, 917 (2010)
- In re Winship, 397 U.S. 358, 364 (1970)
- Juan H. v. Allen, 408 F.3d 1262, 1275-76 (9th Cir. 2005)
- Johnson v. Montgomery, 899 F.3d 1052, 1056 (9th Cir. 2018)
- Brecht v. Abrahamson, 507 U.S. 619, 637 (1993)
- Brown v. Davenport, 596 U.S. 118, 134, 138 (2022)
- Fry v. Pliler, 551 U.S. 112, 121 (2007)
- People v. Curiel, 15 Cal. 5th 433, 440 (2023)
- Muhammad v. Matteson, 2024 WL 3792394, at *2 (E.D. Cal. Aug. 13, 2024), report and recommendation adopted, 2024 WL 4729409 (E.D. Cal. Nov. 8, 2024)
- Miller-El v. Cockrell, 537 U.S. 322, 327, 335-36 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)