

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Juliano Balderas, a/k/a Jiuliano Florentino Balderas v. Eric Guerrero

Balderas · No. 4:23-0569 · Decided March 17, 2026

SUMMARY

The United States District Court for the Southern District of Texas considers Juliano Balderas’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. Balderas alleged ineffective assistance of counsel based on counsel’s failure to challenge retrograde extrapolation testimony and the admission of results from a warrantless blood draw. The court determined that the state court’s rejection of these claims was not unreasonable under AEDPA and dismissed the petition.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	George C. Hanks, Jr.
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 17, 2026
DOCKET	4:23-0569
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas petition under 28 U.S.C. § 2254 challenging a Texas murder conviction and asserting two ineffective-assistance-of-counsel claims.
STANDARD OF REVIEW	Under AEDPA, relief on claims adjudicated on the merits in state court is unavailable unless the state decision was contrary to, or involved an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts under 28 U.S.C. § 2254(d). Ineffective-assistance claims are reviewed under the doubly deferential combination of Strickland v. Washington and § 2254(d). State factual findings are presumed correct under § 2254(e) (1), subject to rebuttal by clear and convincing evidence.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; limited persuasive value

PARTIES

Juliano Balderas, a/k/a Jiuliano Florentino Balderas v. Eric Guerrero

TOPICS

federal habeas corpus

ineffective assistance

evidence

suppression of evidence

criminal procedure

PRACTICE AREAS

federal habeas corpus

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to object to the prosecution expert's retrograde-extrapolation testimony as unreliable and inadmissible.
2. Whether trial counsel was ineffective for failing to object to admission of hospital medical records containing the results of a warrantless blood draw.
3. Whether Balderas was entitled to a certificate of appealability.

HOLDINGS

1. Balderas failed to establish deficient performance under Strickland because an objection to the retrograde-extrapolation testimony would have lacked merit, and counsel reasonably chose to cross-examine the prosecution expert and present a defense expert instead.
2. Balderas failed to establish deficient performance because counsel made a reasonable strategic decision to place the hospital records in evidence, where they contained defense-supporting information including a blood-alcohol result below the legal limit, and to react strongly before the jury.
3. A certificate of appealability was denied because reasonable jurists would not find the court's assessment of Balderas's claims debatable or wrong.

KEY QUOTATIONS

“An attorney’s failure to raise a meritless objection cannot provide the basis for a holding that an attorney rendered deficient performance under Strickland.” (Section III.B)

“Where, as here, counsel made a “conscious and informed decision on trial tactics and strategy,” counsel’s decision “cannot be the basis for constitutionally ineffective assistance of counsel unless it is so ill chosen that it permeates the entire trial with obvious unfairness.”” (Section III.C)

“Balderas’ petition for a writ of habeas corpus is DISMISSED.” (Conclusion)

FACTUAL BACKGROUND

Balderas was convicted of murder after his vehicle, traveling against traffic, collided with Raul Perez's vehicle, killing Perez. Evidence of intoxication included Balderas's appearance and speech, his admission that he had consumed alcohol, field-sobriety evidence, a blood-alcohol concentration of 0.126 at 2:39 a.m., and expert retrograde extrapolation estimating a 0.191 concentration at the time of the collision. Balderas's state and federal

habeas claims alleged that trial counsel was ineffective for failing to challenge the reliability and admissibility of the retrograde extrapolation and for failing to object to hospital medical records containing a later blood-alcohol result from a warrantless blood draw.

PROCEDURAL HISTORY

A Harris County jury convicted Balderas of murder and the state trial court sentenced him to twenty-six years' imprisonment. The Texas Court of Appeals affirmed, Balderas did not seek discretionary review, and the Texas Court of Criminal Appeals denied state habeas relief after the trial court made findings and conclusions. Balderas then filed this federal habeas petition. The district court dismissed the petition and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Balderas v. State, 629 S.W.3d 610 (Tex. App. [Hou.–1st Dist.] 2021)
- Woodford v. Garceau, 538 U.S. 202 (2003)
- Lindh v. Murphy, 521 U.S. 320 (1997)
- Early v. Packer, 537 U.S. 3 (2002)
- Cobb v. Thaler, 682 F.3d 364 (5th Cir. 2012)
- Ylst v. Nunnemaker, 510 U.S. 797 (1991)
- Wilson v. Sellers, 584 U.S. 122 (2018)
- Salts v. Epps, 676 F.3d 468 (5th Cir. 2012)
- Harrington v. Richter, 562 U.S. 86 (2011)
- Johnson v. Williams, 568 U.S. 289 (2013)
- Woodford v. Visciotti, 537 U.S. 19 (2002)
- White v. Woodall, 572 U.S. 415 (2014)
- Woods v. Donald, 575 U.S. 312 (2015)
- Cullen v. Pinholster, 563 U.S. 170 (2011)
- Kittelson v. Dretke, 426 F.3d 306 (5th Cir. 2005)
- Matamoros v. Stephens, 783 F.3d 212 (5th Cir. 2015)
- Martinez v. Caldwell, 644 F.3d 238 (5th Cir. 2011)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Rhoades v. Davis, 852 F.3d 422 (5th Cir. 2017)
- Kyles v. Whitley, 514 U.S. 419 (1995)
- United States v. Dominguez Benitez, 542 U.S. 74 (2004)
- White v. Thaler, 610 F.3d 890 (5th Cir. 2010)

- *Trottie v. Stephens*, 720 F.3d 231 (5th Cir. 2013)
- *Mata v. State*, 46 S.W.3d 902 (Tex. Crim. App. 2001)
- *Kelly v. State*, *Kelly v. State*, 824 S.W.2d 568, 53 (Tex. Crim. App. 1992)
- *Fulenwider v. State*, 176 S.W.3d 290 (Tex. App.—Houston [1st Dist.] 2005, pet. ref'd)
- *Corley v. State*, 541 S.W.3d 265 (Tex. App. 2017)
- *Garza v. Stephens*, 738 F.3d 669 (5th Cir. 2013)
- *Wood v. Quarterman*, 503 F.3d 408 (5th Cir. 2007)
- *Sones v. Hartgett*, 61 F.3d 410 (5th Cir. 1995)
- *Koch v. Puckett*, 907 F.2d 524 (5th Cir. 1990)
- *Miller v. Dretke*, 420 F.3d 356 (5th Cir. 2005)
- *Miller-El v. Cockrell*, 537 U.S. 322 (2003)
- *Tennard v. Dretke*, 542 U.S. 274 (2004)
- *Slack v. McDaniel*, 529 U.S. 473 (2000)
- *Pierre v. Hooper*, 51 F.4th 135 (5th Cir. 2022)
- *Alexander v. Johnson*, 211 F.3d 895 (5th Cir. 2000)