

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Michael Stephen Combs v. Ron Broomfield

Michael Stephen Combs v. Ron Broomfield · No. 19-99010 · Decided March 12, 2026

SUMMARY

The Ninth Circuit affirmed the denial of Michael Stephen Combs’ petition for federal habeas relief challenging his California murder conviction and death sentence. The court held that the California Supreme Court could reasonably have applied the Strickland standard when summarily denying Combs’ penalty-phase ineffective-assistance claims and rejected his cumulative-error and evidentiary-hearing arguments. The court partially expanded the certificate of appealability, granted review of one penalty-phase competency subclaim, and affirmed its denial.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Ninth Circuit                                                                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Bridget S. Bade; Consuelo M. Callahan; Patrick J. Bumatay                                                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | United States Court of Appeals for the Ninth Circuit                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | March 12, 2026                                                                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 19-99010                                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Appeal from the denial of a 28 U.S.C. § 2254 habeas corpus petition challenging a California murder conviction and death sentence; appellant also sought expansion of the certificate of appealability.                                                                                                                                                                                |
| STANDARD OF REVIEW    | The Ninth Circuit reviewed the district court's denial of habeas relief de novo, while applying AEDPA deference under 28 U.S.C. § 2254(d) to the California Supreme Court's merits determinations. For a silent state-court denial, the court asked whether any reasonable argument could support the denial and whether there was no reasonable basis for the state court's decision. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                                                              |
| PARTIES               | Michael Stephen Combs v. Ron Broomfield                                                                                                                                                                                                                                                                                                                                                |

TOPICS

- federal habeas corpus
- post-conviction relief
- ineffective assistance
- sentencing
- appellate procedure

## PRACTICE AREAS

federal habeas corpus

capital sentencing

ineffective assistance of counsel

criminal procedure

appellate procedure

## QUESTIONS PRESENTED

1. Whether the California Supreme Court's summary denial of Combs's penalty-phase ineffective-assistance claims was contrary to or an unreasonable application of *Strickland v. Washington* under AEDPA.
2. Whether counsel was ineffective during the penalty phase for failing to investigate and present additional biological-family and social-history evidence.
3. Whether counsel was ineffective for inadequately preparing expert witnesses, presenting testimony concerning antisocial personality disorder, failing to rebut alleged lack of remorse, failing to present follower or substance-abuse evidence, disclosing a court-appointed expert's report, failing to respond adequately to juror questions, failing to request a victim-impact limiting instruction, failing to object to penalty-phase questioning, failing to rebut prior convictions, or failing to present evidence of sexual abuse.
4. Whether the alleged penalty-phase errors were cumulatively prejudicial.
5. Whether the California Supreme Court and district court erred by denying evidentiary hearings.
6. Whether Combs was entitled to expand the certificate of appealability for competency, ineffective-assistance, and juror-bias claims.
7. Whether AEDPA deference applied to Combs's competency claims under California Penal Code § 1367(a).

## HOLDINGS

1. When the California Supreme Court summarily denies habeas claims on the merits, a federal habeas court must determine whether any reasonable argument supports the state court's decision and whether the petitioner has shown that there was no reasonable basis for denying relief.
2. The California Supreme Court could reasonably have concluded that Combs failed to establish a *prima facie* case of deficient performance or prejudice under *Strickland* for his penalty-phase ineffective-assistance subclaims.
3. The California Supreme Court could reasonably have concluded that Combs failed to establish cumulative prejudice because his individual ineffective-assistance claims did not establish deficient performance or prejudice.
4. The California Supreme Court and district court did not err by declining to hold evidentiary hearings because the existing record was sufficient to resolve Combs's claims.
5. The court denied a certificate of appealability for Combs's substantive and procedural due-process competency claims, guilt-phase failure-to-request-a-second-competency-hearing claim, and juror-bias

claim; it granted a certificate for the penalty-phase failure-to-request-a-second-competency-hearing claim but affirmed denial of that claim.

6. California Penal Code § 1367(a)'s competency standard is not materially different from the federal standard announced in *Dusky v. United States*, and AEDPA deference therefore applies to the California Supreme Court's competency determinations.

#### KEY QUOTATIONS

*“But it is also reasonable to conclude that the California Supreme Court correctly applied the Strickland prejudice standard when it summarily denied Combs’ penalty-phase ineffective assistance claims.”* (17-18)

*“A court ‘cannot consider the cumulative effect of non-errors.’”* (62)

*“Neither the Supreme Court nor the California Supreme Court has interpreted section 1367(a) in a manner that would render a state court’s application of that standard contrary to clearly established federal law.”* (68)

#### FACTUAL BACKGROUND

In October 1990, Combs and Cynthia Purcell lured Janine Lee to the Calico Ghost Town area, where Lee was bound, strangled with an electrical cord, and beaten. Combs and Purcell then took Lee's car, money, and checkbook; physical evidence and Combs's recorded confession connected him to the robbery and murder. A California jury found Combs guilty of willful, deliberate, and premeditated first-degree murder with robbery, lying-in-wait, and release-on-own-recognizance special circumstances, and imposed the death penalty. During the penalty phase, the defense presented extensive lay and expert testimony concerning Combs's social history, cognitive impairments, mental illness, brain dysfunction, and substance use.

#### PROCEDURAL HISTORY

A California jury convicted Combs of willful, deliberate, and premeditated first-degree murder and imposed a death sentence in 1993. The California Supreme Court affirmed on direct appeal and later summarily denied most state habeas claims on the merits, with some claims procedurally barred or denied without prejudice. The federal district court denied Combs's amended § 2254 petition, granted a certificate of appealability for penalty-phase ineffective-assistance claims, and entered an amended order. The Ninth Circuit granted expansion of the certificate in part, denied it in part, and affirmed the denial of habeas relief.

#### DISPOSITION

affirmed

#### CASES CITED

- *People v. Combs*, 101 P.3d 1007 (Cal. 2004)
- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Harrington v. Richter*, 562 U.S. 86 (2011)
- *Cullen v. Pinholster*, 563 U.S. 170 (2011)

- *Woodford v. Visciotti*, 537 U.S. 19 (2002) (per curiam)
- *Wiggins v. Smith*, 539 U.S. 510 (2003)
- *Williams v. Taylor*, 529 U.S. 362 (2000)
- *Porter v. McCollum*, 558 U.S. 30 (2009) (per curiam)
- *Rompilla v. Beard*, 545 U.S. 374 (2005)
- *Bean v. Calderon*, 163 F.3d 1073 (9th Cir. 1998)
- *Murray v. Schriro*, 882 F.3d 778 (9th Cir. 2018)
- *Ross v. Davis*, 29 F.4th 1028 (9th Cir. 2022)
- *Davis v. Woodford*, 384 F.3d 628 (9th Cir. 2004)
- *Pawlyk v. Wood*, 248 F.3d 815 (9th Cir. 2001)
- *Buchanan v. Kentucky*, 483 U.S. 402 (1987)
- *Bemore v. Chappell*, 788 F.3d 1151 (9th Cir. 2015)
- *Hibbler v. Benedetti*, 693 F.3d 1140 (9th Cir. 2012)
- *Dusky v. United States*, 362 U.S. 402 (1960) (per curiam)
- *Deere v. Cullen*, 718 F.3d 1124 (9th Cir. 2013)
- *Medina v. California*, 505 U.S. 437 (1992)
- *Drope v. Missouri*, 420 U.S. 162 (1975)
- *People v. Stanley*, 897 P.2d 481 (Cal. 1995)
- *People v. Buenrostro*, 430 P.3d 1179 (Cal. 2018)
- *Carey v. Musladin*, 549 U.S. 70 (2006)