

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Normandie S. Burgos v. Patrick Covello

No. 23-cv-01077-HSG (N.D. Cal. Nov. 6, 2025) · No. 23-cv-01077-HSG · Decided November 6, 2025

SUMMARY

The United States District Court for the Northern District of California denied Normandie S. Burgos’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court rejected his claim that trial counsel violated his Sixth Amendment autonomy rights under *McCoy v. Louisiana* by implicitly conceding guilt to certain nonforcible sex offenses. The court also denied a certificate of appealability, directed entry of judgment for the respondent, and ordered the case closed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 6, 2025
DOCKET	23-cv-01077-HSG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas petition under 28 U.S.C. § 2254 challenging a California state conviction and sentence; the petition was denied on the merits and a certificate of appealability was denied.
STANDARD OF REVIEW	Under AEDPA, relief is unavailable on a claim adjudicated on the merits in state court unless the state-court decision was contrary to, or involved an unreasonable application of, clearly established Supreme Court precedent, or was based on an unreasonable determination of the facts. The state court's factual findings receive a presumption of correctness. The court reviewed the California Court of Appeal's reasoned decision and applied deferential review under 28 U.S.C. § 2254(d).
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive but not generally precedential.
PARTIES	Normandie S. Burgos v. Patrick Covello

TOPICS

federal habeas corpus post-conviction relief sixth amendment right to counsel criminal procedure

PRACTICE AREAS

federal habeas corpus criminal procedure constitutional law post-conviction relief

QUESTIONS PRESENTED

1. Whether the California Court of Appeal unreasonably applied *McCoy v. Louisiana* in rejecting Burgos's claim that counsel violated his Sixth Amendment right to maintain his innocence by implicitly conceding guilt.
2. Whether Burgos was entitled to a certificate of appealability after the court denied his § 2254 petition on the merits.

HOLDINGS

1. The California Court of Appeal's conclusion that counsel did not violate *McCoy* was neither contrary to nor an unreasonable application of clearly established federal law, and was not based on an unreasonable determination of the facts. Burgos understood and agreed to counsel's strategy, did not clearly and expressly object during trial, and counsel clarified in closing that Burgos was not conceding guilt.
2. A certificate of appealability was denied because Burgos did not make the required substantial showing of the denial of a constitutional right or demonstrate that reasonable jurists would find the court's merits assessment debatable or wrong.

KEY QUOTATIONS

"Once a defendant instructs his attorney to assert innocence, the attorney cannot override that objective by conceding guilt." (at 6)

"But a defendant who 'never verbally approved or protested counsel's proposed approach' cannot show any violation of his right to determine his own defense objective, even if he later disagrees with his counsel after the trial." (at 7)

"The California Court of Appeal reasonably concluded that, absent a showing that Petitioner disagreed with this strategy, there was no McCoy violation." (at 9)

FACTUAL BACKGROUND

Burgos operated a tennis academy and coached two minors, John Doe One and John Doe Two. The minors testified that Burgos sexually touched them and pressured them into sex acts by threatening to withhold coaching, equipment, travel opportunities, lessons, or practice time. Police-assisted recordings captured Burgos discussing his sexual relationship with John Doe One, while Burgos denied the sexual conduct at trial. His attorney pursued a fallback strategy that, if the jury rejected complete innocence, the evidence did not establish forcible sex crimes; Burgos confirmed on the record that he understood and agreed with the strategy, and counsel later expressly told the jury that Burgos was not guilty of any crime.

PROCEDURAL HISTORY

A Contra Costa County Superior Court jury convicted Burgos of 60 sex offenses involving two minors, and the court imposed an aggregate sentence of 255 years to life. The California Court of Appeal reversed six convictions for lesser-included offenses but affirmed the judgment in all other respects, and the California Supreme Court denied review. Burgos then filed this § 2254 petition, asserting that trial counsel violated his Sixth Amendment autonomy right under *McCoy v. Louisiana* by implicitly conceding guilt; the federal district court denied the petition and a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- *Nasby v. McDaniel*, 853 F.3d 1049, 1055 (9th Cir. 2017)
- *Williams v. Taylor*, 529 U.S. 362, 405–06, 411–13 (2000)
- *Mitchell v. Esparza*, 540 U.S. 12, 17 (2003)
- *Harrington v. Richter*, 562 U.S. 86, 98, 102 (2011)
- *McCoy v. Louisiana*, 584 U.S. 414, 422–24, 426–28 (2018)
- *People v. Frederickson*, 8 Cal. 5th 963, 993 (2020)
- *In re Smith*, 49 Cal. App. 5th 377, 388–90 (2020)
- *Florida v. Nixon*, 543 U.S. 175, 178, 181, 187, 189 (2004)
- *People v. Franks*, 35 Cal. App. 5th 883, 891 (2019)
- *People v. Villa*, 55 Cal. App. 5th 1042, 1055–56 (2020)
- *Christian v. Thomas*, 982 F.3d 1215, 1225 (9th Cir. 2020)
- *Jurado v. Davis*, 12 F.4th 1084, 1101 (9th Cir. 2021)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)

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