

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAVARIUS JERMAINE MCCORD,

No. C 07-05217 CRB

Petitioner,

**CERTIFICATE OF APPEALABILITY**

v.

STATE OF CALIFORNIA,

Respondent.

\_\_\_\_\_ /

The Court denied the petition for habeas corpus and must now decide whether to issue a certificate of appealability (“COA”). A court shall grant a COA “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Upon review the Court issues a COA with respect to the following issues:

1. Petitioner’s claim that the trial judge unconstitutionally denied his Marsden motion; and

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2. Petitioner's claim of ineffective assistance of trial counsel.

**IT IS SO ORDERED.**



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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

Dated: April 30, 2009