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PRESCOTT, J., dissenting. I respectfully dissent as to the majority's dismissal of this appeal because I conclude that the issue raised in the petition for certification to appeal regarding whether the failure of trial counsel to move for a mistrial constituted ineffective assistance of counsel is debatable among jurists of reason. Nevertheless, I agree with the majority that the petitioner, Luis Flores, ultimately cannot prevail on his ineffective assistance of counsel claim for the reasons stated by the majority in analyzing whether the habeas court abused its discretion in denying certification to appeal. Therefore, I would affirm the judgment of the habeas court.
