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BRIAN K. MCMAHON, JR. v. COMMISSIONER OF  
CORRECTION  
(AC 25302)

Dranginis, Bishop and DiPentima, Js.

Submitted on briefs April 1—officially released May 31, 2005

(Appeal from Superior Court, judicial district of  
Tolland, White, J.)

*Aaron J. Romano*, special public defender, filed a  
brief for the appellant (petitioner).

*James M. Ralls* and *Jo Anne Sulik*, assistant state's  
attorneys, filed a brief for the appellee (respondent).

*Opinion*

PER CURIAM. The petitioner, Brian K. McMahon, Jr.,  
appeals from the judgment of the habeas court follow-  
ing the denial of his petition for certification to appeal  
from the denial of his petition for a writ of habeas  
corpus. We dismiss the appeal.

The petitioner was convicted, following a trial to the  
court, of manslaughter in the first degree with a firearm  
in violation of General Statutes §§ 53a-55 (a) (3) and  
53a-55a in connection with a hunting incident that  
resulted in the death of the victim, Ronald Eckert, Jr.  
The trial court also found that he had used a firearm  
in the commission of a class B felony in violation of  
General Statutes § 53-202k. The petitioner was given  
an effective sentence of thirty-five years incarceration,  
execution suspended after nineteen years, and five  
years probation. Our Supreme Court upheld the peti-  
tioner's conviction. See *State v. McMahon*, 257 Conn.  
544, 778 A.2d 847 (2001), cert. denied, 534 U.S. 1130,  
122 S. Ct. 1069, 151 L. Ed. 2d 972 (2002).<sup>1</sup>

On appeal, the petitioner claims that the habeas court  
improperly (1) denied his petition for certification to  
appeal and (2) concluded that his trial counsel did not  
provide ineffective assistance, which was prejudicial to  
him. In his petition for a writ of habeas corpus, the  
petitioner alleged several ways in which trial counsel's  
assistance was ineffective. In this court, the petitioner  
claims that the habeas court improperly determined  
that the investigation conducted by trial counsel was  
adequate and that the petitioner was not prejudiced

because counsel did not call a land surveyor as an expert witness to testify as to the angle of the bullet fired by the petitioner. Before we may reach that claim, however, the petitioner must demonstrate that the habeas court abused its discretion in denying the petition for certification to appeal.

After a careful review of the record and briefs, we conclude that the petitioner has not demonstrated that the issues he has raised are debatable among jurists of reason, that a court could resolve the issues in a different manner or that the questions raised deserve encouragement to proceed further. See *Lozada v. Deeds*, 498 U.S. 430, 431–32, 111 S. Ct. 860, 112 L. Ed. 2d 956 (1991); *Simms v. Warden*, 230 Conn. 608, 616, 646 A.2d 126 (1994).

The appeal is dismissed.

<sup>1</sup> The petitioner also was convicted of violating numerous statutes pertaining to hunting and criminal trespass in the third degree. The petitioner did not appeal from those convictions. *State v. McMahon*, supra, 257 Conn. 546–47 n.3.

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