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HERMAN DIAZ v. COMMISSIONER OF CORRECTION  
(AC 25647)

Lavery, C. J., and DiPentima and Harper, Js.

Submitted on briefs May 27—officially released July 19, 2005

(Appeal from Superior Court, judicial district of  
Tolland, geographical area number nineteen, White, J.)

*Katharine S. Goodbody*, special public defender, filed  
a brief for the appellant (petitioner).

*Matthew C. Gedansky*, state's attorney, *Jessica Pro-  
bolus*, special deputy assistant state's attorney, and  
*Angela R. Macchiarulo*, senior assistant state's attor-  
ney, filed a brief for the appellee (respondent).

*Opinion*

PER CURIAM. The habeas court dismissed the amended petition for a writ of habeas corpus that was filed by the petitioner, Herman Diaz. The petitioner claimed that his trial counsel rendered ineffective legal assistance and that he was actually innocent of the crimes of which he was convicted. The petitioner appeals following the court's denial of his petition for certification to appeal. We dismiss the appeal.

We have reviewed both the issues raised by the petitioner in his amended petition and the court's resolution of those issues. We conclude that the petitioner has not demonstrated that the issues 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). Having failed to satisfy any of those criteria, the petitioner has failed to demonstrate that the court's denial of his petition for certification to appeal reflects an abuse of discretion. See *Simms v. Warden*, 230 Conn. 608, 616, 646 A.2d 126 (1994).

The appeal is dismissed.

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