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DONALD E. COLE, JR. *v.* COMMISSIONER OF
CORRECTION
(AC 26503)

Bishop, McLachlan and Foti, Js.

Argued April 19—officially released August 8, 2006

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

Robert A. Serafinowicz, with whom, on the brief,
was *John R. Williams*, for the appellant (petitioner).

Proloy K. Das, assistant state's attorney, with whom,
on the brief, was *John A. Connelly*, state's attorney, for
the appellee (respondent).

Opinion

PER CURIAM. The petitioner, Donald E. Cole, Jr.,
appeals following the habeas court's denial of his peti-
tion for certification to appeal from the judgment deny-
ing his amended petition for a writ of habeas corpus.
We dismiss the appeal.

The petitioner was convicted, following a jury trial,
of murder in violation of General Statutes § 53a-54a (a)
and received a sentence of sixty years incarceration.
He then filed a direct appeal. Both this court and our
Supreme Court affirmed the judgment of conviction.
See *State v. Cole*, 50 Conn. App. 312, 718 A.2d 457 (1998),
aff'd, 254 Conn. 88, 755 A.2d 202 (2000).

The petitioner subsequently filed an amended peti-
tion for a writ of habeas corpus in which he claimed
that his trial counsel, Alan D. McWhirter, had provided
ineffective assistance. Specifically, the petitioner
claimed that McWhirter improperly (1) did not attempt
to introduce into evidence a report written by Julia
Ramos-Grenier, a clinical psychologist, (2) failed to call
the petitioner's parents as witnesses and (3) permitted
him to testify in his defense. The court rejected the
petitioner's claims, finding that Ramos-Grenier's report
was cumulative of her testimony at the petitioner's trial;
that McWhirter made a reasonable strategic decision
not to call the petitioner's parents as witnesses because
the benefit of their testimony would be outweighed by
the risk of cross-examination; and that the petitioner
knowingly and voluntarily exercised his constitutional

right to testify in his defense. The petitioner then filed a petition for certification to appeal, which the court denied.

The petitioner must demonstrate that the court abused its discretion in denying his petition for certification to appeal. 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). Accordingly, the court did not abuse its discretion in denying the petition for certification to appeal.

The appeal is dismissed.
