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KENNETH BOYKIN *v.* COMMISSIONER OF
CORRECTION
(AC 26580)

Bishop, Gruendel and Rogers, Js.

Argued October 10—officially released November 14, 2006

(Appeal from Superior Court, judicial district of New
Haven, Pittman, J.)

John C. Drapp III, special public defender, for the
appellant (petitioner).

Margaret Gaffney Radionovas, senior assistant
state's attorney, with whom, on the brief, were *Michael
Dearington*, state's attorney, and *Linda N. Howe*,
senior assistant state's attorney, for the appellee
(respondent).

Opinion

PER CURIAM. The petitioner, Kenneth Boykin,
appeals following the denial of his petition for certifica-
tion to appeal from the judgment dismissing his petition
for a writ of habeas corpus. We dismiss the appeal.

In 1987, the petitioner was convicted of kidnapping
in the first degree in violation of General Statutes § 53a-
92 (a) (2) (A), attempt to commit assault in the first
degree in violation of General Statutes §§ 53a-49 and
53a-59 (a) (2), possession of cocaine with the intent
to sell in violation of General Statutes § 21a-277 (a),
possession of cocaine in violation of General Statutes
§ 21a-279 (a), conspiracy to sell cocaine in violation of
General Statutes §§ 53a-48 (a) and 21a-277 (a), threaten-
ing in violation of General Statutes (Rev. to 1987) § 53a-
62 (a) (1) and reckless endangerment in the first degree
in violation of General Statutes § 53a-63 (a). The trial
court sentenced the petitioner to a total effective term
of thirty years incarceration, suspended after fifteen
years, with five years of probation.

On September 16, 1997, the petitioner was released
from that term of incarceration and began serving a
five year probationary period. One of the terms of the
petitioner's probation required that he not violate any
criminal law of the state. On April 8, 2002, the petitioner
was charged with the crime of assault in the second
degree. On April 30, 2002, the petitioner was charged

with the crimes of assault in the third degree and breach of the peace in the second degree in connection with an unrelated incident. The state thereafter charged the petitioner with violating the terms of his probation. Following a revocation of probation hearing, the court concluded that the state had established by a fair preponderance of the evidence that the petitioner had violated the terms of his probation and therefore returned him to the custody of the commissioner of correction for a total effective sentence of fifteen years. This court affirmed that judgment in *State v. Boykin*, 83 Conn. App. 832, 851 A.2d 384, cert. denied, 271 Conn. 911, 859 A.2d 570 (2004).

The petitioner subsequently filed a petition for a writ of habeas corpus that alleged ineffective assistance of counsel at the violation of probation hearing. Following a trial, the court concluded that the petitioner had not satisfied his burden of proving either deficient performance on the part of his counsel or prejudice resulting therefrom. See *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); *Johnson v. Commissioner of Correction*, 218 Conn. 403, 424, 589 A.2d 1214 (1991). Accordingly, the court dismissed the petition for a writ of habeas corpus. The court subsequently denied 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 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.