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FRANTZ CATOR v. COMMISSIONER OF
CORRECTION
(AC 25300)

Bishop, DiPentima and Gruendel, Js.

Submitted on briefs September 27—officially released November 8, 2005

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

Robert E. Byron, special public defender, filed a brief
for the appellant (petitioner).

Gerard P. Eisenman, senior assistant state's attorney,
filed a brief for the appellee (respondent).

Opinion

PER CURIAM. The habeas court denied the amended petition for a writ of habeas corpus that was filed by the petitioner, Frantz Cator. 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 habeas court's denial of his petition for certification to appeal from the judgment denying his petition for a writ of habeas corpus. We dismiss the appeal.

The petitioner seeks appellate review only of the court's rejection of his actual innocence claim. We have carefully reviewed the court's resolution of that claim. We conclude that the petitioner has not demonstrated that the issues raised with regard to that claim 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.
