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RAUL IVAN DIAZ v. COMMISSIONER OF  
CORRECTION  
(AC 25296)

Lavery, C. J., and McLachlan and Cretella, Js.

Argued October 12—officially released December 6, 2005

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

*Charles F. Willson*, special public defender, for the  
appellant (petitioner).

*Frederick W. Fawcett*, supervisory assistant state's  
attorney, with whom, on the brief, were *Jonathan C.  
Benedict*, state's attorney, and *Gerard P. Eisenman*,  
senior assistant state's attorney, for the appellee  
(respondent).

*Opinion*

PER CURIAM. The petitioner, Raul Ivan Diaz,<sup>1</sup> filed  
an amended petition for a writ of habeas corpus in  
which he alleged that he was denied the effective assis-  
tance of trial and appellate counsel. Following an evi-  
dentiary hearing, the habeas court dismissed the  
petition. The court also denied the petition for certifica-  
tion to appeal. This appeal followed.

We have reviewed the issues raised by the petitioner  
and the record of the proceeding before the court, as  
well as the court's oral decision. We conclude that the  
petitioner has not demonstrated that the issues raised  
relating to his petition for certification to appeal 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 fur-  
ther. See *Lozada v. Deeds*, 498 U.S. 430, 431–32, 111 S.  
Ct. 860, 112 L. Ed. 2d 956 (1991). As the petitioner  
has not satisfied any of those criteria, he 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.

<sup>1</sup> The petitioner previously was convicted of murder in violation of General  
Statutes § 53a-54a (a), conspiracy to commit murder in violation of General  
Statutes §§ 53a-48 and 53a-54a (a), two counts of attempt to commit murder  
in violation of General Statutes §§ 53a-49 and 53a-54a (a) and carrying a

pistol without a permit in violation of General Statutes § 29-35 (a). His conviction was affirmed on direct appeal in *State v. Diaz*, 237 Conn. 518, 679 A.2d 902 (1996).

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