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MARQUIS JACKSON *v.* COMMISSIONER
OF CORRECTION
(SC 19360)

Rogers, C. J., and Palmer, Zarella, McDonald, Espinosa and Robinson, Js.

Argued February 22—officially released June 28, 2016

Peter Tsimbidaros, for the appellant (petitioner).

Rita M. Shair, senior assistant state's attorney, with whom, on the brief, were *Michael Dearington*, state's attorney, *Eugene R. Calistro, Jr.*, senior assistant state's attorney, and *Erika L. Brookman* and *Timothy J. Sugrue*, assistant state's attorneys, for the appellee (respondent).

Opinion

PER CURIAM. The issue in this appeal is whether the habeas court properly denied the petition for a writ of habeas corpus filed by the petitioner, Marquis Jackson. The petitioner was convicted, after a jury trial, of eight charges arising from a robbery and murder committed in 1999 in New Haven and was sentenced to a total effective sentence of forty-five years imprisonment.¹ The Appellate Court affirmed the judgment of conviction. *State v. Jackson*, 73 Conn. App. 338, 341, 808 A.2d 388, cert. denied, 262 Conn. 929, 814 A.2d 381 (2002). The petitioner thereafter filed a petition for a writ of habeas corpus in which he claimed, among other things, that he was deprived of his sixth amendment right to effective assistance of counsel during his trial because his counsel had failed to conduct an adequate pretrial investigation and had failed to adequately present a defense at trial.² After a trial, the habeas court denied his petition for a writ of habeas corpus. The petitioner then appealed from the judgment of the habeas court to the Appellate Court, which affirmed the judgment. *Jackson v. Commissioner of Correction*, 149 Conn. App. 681, 714, 89 A.3d 426 (2014). We then granted the petitioner's petition for certification to appeal to this court limited to the following issue: "Whether the Appellate Court properly concluded that the habeas court properly determined that criminal trial counsel had rendered effective assistance with regard to cell phone evidence?" *Jackson v. Commissioner of Correction*, 313 Conn. 901, 96 A.3d 558 (2014).

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeal in this case should be dismissed on the ground that certification was improvidently granted.

The appeal is dismissed.

¹ The petitioner was convicted of one count of felony murder in violation of General Statutes § 53a-54c, three counts of robbery in the first degree in violation of General Statutes § 53a-134 (a) (2), two counts of attempt to commit robbery in the first degree in violation of General Statutes §§ 53a-49 and 53a-134 (a) (2), one count of conspiracy to commit robbery in the first degree in violation of General Statutes §§ 53a-48 and 53a-134 (a) (2), and one count of carrying a pistol without a permit in violation of General Statutes (Rev. to 1999) § 29-35 (a). See *State v. Jackson*, 73 Conn. App. 338, 340-41, 808 A.2d 388, cert. denied, 262 Conn. 929, 814 A.2d 381 (2002).

² For purposes of this appeal, the relevant pleading is the petitioner's amended petition for a writ of habeas corpus dated October 10, 2009.