



were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted).

The Court finds Petitioner has made a substantial showing of the denial of his constitutional rights under the Double Jeopardy Clause of the United States Constitution. Based on the habeas standard of deference to state court decisions (by which the Court is to determine if the state court applied the governing legal principle “reasonably” even if “incorrectly,” see *Ventura v. Attorney Gen., Fla.*, 419 F.3d 1269, 1286 (11th Cir. 2005)), the Court believes the state court reasonably applied the precedent of the United States Supreme Court, but the Court also finds the issue close enough that reasonable jurists could find that determination debatable. Accordingly, Petitioner is **GRANTED** a certificate of appealability on the issue of whether the state court unreasonably applied the governing legal principle to the facts when it found the facts supporting Petitioner’s resisting arrest conviction and those supporting his second-degree assault conviction were “two separate and mutually exclusive events,” (doc. 7-39 at 2).

DONE this 29th day of August, 2014.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE