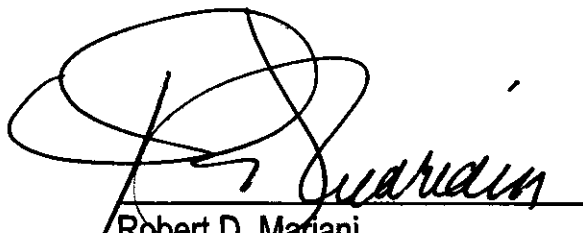


U.S.C. § 2254, the Court must make a determination as to whether a certificate of appealability should issue. 3d Cir. L.A.R. 22.2.

5. For reasons stated in the accompanying opinion, this Court concludes that Petitioner's argument for insufficiency of the evidence has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Thus, the Court **ISSUES** a Certificate of Appealability on the issue of sufficiency of the evidence as stated below:

The issue certified for appeal is whether a conviction in which the *only* direct evidence at trial originated from repressed memory testimony of the victim may be constitutionally sufficient, when a growing body of academic literature has criticized repressed memory recovery as prone to the creation of false memories. The Certificate of Appealability is denied in all other respects.



Robert D. Mariani
United States District Judge