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EARL THOMPSON *v.* COMMISSIONER
OF CORRECTION
(AC 37129)

Alvord, Keller and Gruendel, Js.

Argued December 6, 2016—officially released April 4, 2017

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

Justine F. Miller, assigned counsel, for the appellant (petitioner).

Bruce R. Lockwood, senior assistant state's attorney, with whom, on the brief, were *Gail P. Hardy*, state's attorney, *David M. Carlucci*, assistant state's attorney, and *Leon F. Dalbec, Jr.*, former senior assistant state's attorney, for the appellee (respondent).

Opinion

PER CURIAM. Following the denial of his petition for certification to appeal, the petitioner, Earl Thompson, appeals from the judgment of the habeas court denying his petition for a writ of habeas corpus. On appeal, the petitioner claims that the habeas court abused its discretion in denying him certification to appeal and improperly concluded that his trial counsel did not provide ineffective assistance. We dismiss the appeal.

The petitioner was convicted of one count of robbery in the first degree in violation of General Statutes § 53a-134 (a) (4), one count of conspiracy to commit robbery in the first degree in violation of General Statutes §§ 53a-134 (a) (4) and 53a-48, and one count of kidnapping in the first degree as an accessory in violation of General Statutes §§ 53a-92 (a) (2) (B) and 53a-8, for crimes committed on August 10, 2004. *State v. Thompson*, 128 Conn. App. 296, 298, 17 A.3d 488 (2011), cert. denied, 303 Conn. 928, 36 A.3d 241 (2012). The petitioner was sentenced to a total of forty-five years imprisonment. This court affirmed the petitioner's conviction. *Id.*

The petitioner subsequently filed a fourth amended petition for a writ of habeas corpus. Following a trial held on July 29, 2014, the habeas court, *Fuger, J.*, denied the petition for a writ of habeas corpus. Judge Fuger subsequently denied the petition for certification to appeal. The principal issue raised by the petitioner in this appeal is that the court erred in not finding counsel ineffective for an alleged failure to present a closing argument that the restraint or abduction of the victim was not a kidnapping, but merely incidental to his other crimes, and to properly file a motion for a judgment of acquittal as to the charge of kidnapping.

Our examination of the record on appeal and the briefs and arguments of the parties persuades us that the petitioner's appeal should be dismissed. The habeas court's decision fully addresses the arguments raised in the present appeal, and we adopt its concise and well reasoned decision as a proper statement of the relevant facts and the applicable law on the issues. *Thompson v. Commissioner of Correction*, 172 Conn. App. 141, A.3d (2014) (appendix). It serves no useful purpose for us to repeat the discussion contained therein. *Furka v. Commissioner of Correction*, 21 Conn. App. 298, 299, 573 A.2d 358, cert. denied, 215 Conn. 810, 576 A.2d 539 (1990).

The appeal is dismissed.
