

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORES ANDRES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57628

FILED

JUL 14 2011

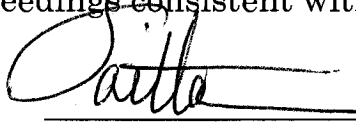
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CLERK OF SUPREME COURT
BY S. Young
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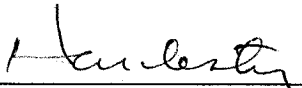
ORDER AFFIRMING IN PART, VACATING IN PART AND
REMANDING

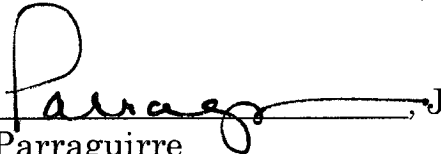
This is an appeal from a judgment of conviction entered pursuant to a jury verdict of attempted burglary and attempted home invasion. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant Lores Andres' sole contention is that his convictions for attempted burglary and attempted home invasion are redundant. "We will reverse redundant convictions that do not comport with legislative intent." Salazar v. State, 119 Nev. 224, 227, 70 P.3d 749, 751 (2003) (internal quotation marks omitted). Charges are redundant when the material part of each charge punishes the same illegal act, even if the charged offenses are different. Id. at 227-28, 70 P.3d at 751-52. Here, both charges punish Andres' act of breaking through a security door with a golf club and/or pair of scissors in an attempt to enter a residence. The State concedes the error. We agree and conclude that the conviction for attempted burglary should be vacated. Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. David B. Barker, District Judge
Cannon & Tannery
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk