

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN PAUL SALAZAR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42074^B

FILED

FEB 12 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER AFFIRMING IN PART, REVERSING IN PART AND
REMANDING

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of robbery and one count of grand larceny auto. The district court sentenced appellant to concurrent prison terms of 48 to 156 months for each count of robbery, and to a concurrent prison term of 36 to 196 months for the count of grand larceny. The district court ordered appellant to pay restitution in the amount of \$7,326.00.

Appellant's sole contention on appeal is that the conviction for one of the counts of robbery and the grand larceny count are redundant.¹ Both the second count of robbery and the count of larceny arise from the taking by force of a 1992 Toyota pickup truck from the victim. The State concedes that the charges are redundant pursuant to Salazar. We agree.

¹See Salazar v. State, 119 Nev. ___, ___, 70 P.3d 749, 751-52 (2003) (holding that charges are redundant where the material part of the charges punishes the same illegal act, even if the charged offenses are different).

Accordingly, we affirm Salazar's convictions for robbery. We reverse the conviction for grand larceny auto and remand to the district court to amend the judgment of conviction accordingly.

It is so ORDERED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Jennifer Togliatti, District Judge
Michael P. Printy
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk