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2 UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF CALIFORNIA

4 **STEVE ALLEN SMITH,**)
5 Petitioner,)
6 v.)
7 **A. HEDGPETH, Warden, et al.,**)
8 Respondents.)
9

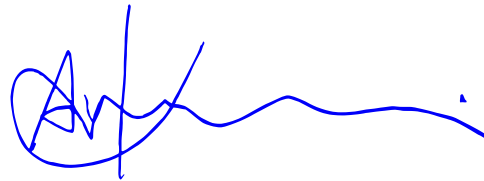
2:07-CV-02237-AK

CERTIFICATE OF APPEALABILITY

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11 Petitioner has filed a "Motion for Certificate of Appealability." Good cause
12 having been shown, the certificate is granted as to the following issue:

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14 When a defendant is charged with two offenses, and one of the offenses
15 contains sentencing enhancement allegations which render the second
16 offense a lesser included offense to the other, does the Double Jeopardy
17 Clause prohibit conviction on both offenses?

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20 Dated: July 29, 2011



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24 **ALEX KOZINSKI**
Chief Circuit Judge
Sitting by designation

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