IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

IN THE MATTER OF THE PERSONAL RESTRAINT OF:	)	No. 76082-3-I
	)	DIVISION ONE
AENOY PHASAY,	)	UNPUBLISHED OPINION
Petitioner.	)	FILED: MAY 14 2018

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COURT OF APPEALS DIV I
STATE OF WASHINGTON
2018 MAY 14 AM 10: 53

PER CURIAM — Aenoy Phasay seeks relief from his convictions for second degree intentional murder and second degree felony murder. He contends, and the State concedes, that the convictions violate double jeopardy and that the matter must be remanded with directions "to vacate the lesser offense." State v. Hughes, 166 Wn.2d 675, 686 n.13, 212 P.3d 558 (2009) (discussing factors for determining lesser offense). Although the trial court merged the two convictions for sentencing purposes and expressly sentenced Phasay for only one conviction, a conviction carries an onus that, in and of itself, constitutes punishment for purposes of double jeopardy analysis. State v. Womac, 160 Wn.2d 643, 656-61, 160 P.3d 40 (2007); State v. Turner, 169 Wn.2d 448, 455, 238 P.3d 461 (2010). Accordingly, we accept the concession of error and remand for vacation of the lesser offense.

Remanded for further proceedings consistent with this opinion.

FOR THE COURT:

Dwyer, J.

Cox, J.

Becker, J.