

HAROLD TRIPP

v.

STATE OF MAINE

Argued May 13, 2003
Decided May 30, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Harold Tripp appeals from a judgment denying his petition for post-conviction relief (York County, *Humphrey, J.*). We granted a certificate of probable cause authorizing an appeal on two issues: (1) whether trial counsel was ineffective in not challenging as duplicative the separate convictions for theft by receiving and theft by unauthorized taking, which addressed the same property and victims; and (2) the appropriate remedy if counsel was ineffective. The State concedes that three of Tripp's six convictions for theft were error. *See* 17-A M.R.S.A. § 351 (1983). By agreement of the parties, we vacate the post-

conviction judgment and remand to the postconviction court for further proceedings on Tripp's petition, including a request to amend the petition to add a claim of ineffective assistance of counsel for failing to challenge the multiple convictions.

The entry is:

Judgment vacated. Case remanded for further proceedings.

Attorney for petitioner:

Mary A. Davis, Esq. (orally)
Tisdale & Davis, P.A.
P O Box 572
Portland, ME 04112-0572

Attorneys for respondent:

Mark W. Lawrence, District Attorney
Tara K. Bates, Esq., of counsel
P O Box 399
Alfred, ME 04002-0399

Charles K. Leadbetter, State Solicitor (orally)
6 State House Station
Augusta, ME 04333-0006