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STATE v. MIRANDA—CONCURRENCE

ESPINOSA, J., concurring. I agree with and join the majority decision. Specifically, I agree that this court's decision in *State v. Polanco*, 308 Conn. 242, 61 A.3d 1084 (2013), when read together with the decision of the United States Supreme Court in *Rutledge v. United States*, 517 U.S. 292, 116 S. Ct. 1241, 134 L. Ed. 2d 419 (1996), requires the conclusion that the vacatur remedy prescribed in *State v. Polanco*, supra, 255, applies to the double jeopardy violation caused by cumulative homicide convictions arising from the killing of a single victim. I write separately only to emphasize that in the present case, as mentioned by the majority, the state did not argue that the merger remedy was appropriate because the defendant, Pedro L. Miranda, had been sentenced to life without the possibility of parole, and therefore could not suffer any collateral consequences by virtue of having both his conviction for murder and his conviction for felony murder appear on his record. See footnote 8 of the majority opinion. Accordingly, the question of whether the absence of such collateral consequences would render the merger remedy appropriate in a particular case is not resolved by today's decision.

Accordingly, I concur.