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Commonwealth v. Tinsley

Supreme Judicial Court of Massachusetts, Berkshire - May 6, 2021 - N.E.3d - 487 Mass. 380 - 2021 WL 1803606

Defendant was convicted in the Superior Court Department of armed home invasion and other offenses.

After his convictions were affirmed, his motion for new trial was granted and his armed home invasion conviction was vacated. State appealed.

The Supreme Judicial Court held that:

- Defendant's entry into attached garage of victims' house constituted entry into "dwelling place of another," for purposes of armed home invasion offense; but
- Defendant, who had taken screwdriver he used as weapon from toolbox in garage, was not armed at time of entry; and
- Double Jeopardy principles did not prevent resentencing defendant on his remaining convictions after his conviction for armed home invasion was vacated.

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