

Incredibly, the [REDACTED] then argues that the [REDACTED] court “correctly analyzed” whether the proof of the elements of one offense negates a necessary element of the other offense. (Resp. 41.) Yet nowhere in the [REDACTED] court’s order did it so conclude. (Order 16.) There was no analysis by the [REDACTED] court about negated elements. (Resp. 41.)⁹ Despite this legal gaslighting by the [REDACTED], it now seems to agree with Appellant that the correct analysis begins with *Moore* (i.e., whether the elements of one offense negate an element of the other).