

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

GERARDO PEREZ

Defendant and Appellant.

G028325

(Super. Ct. No. SA00CF2039)

ORDER MODIFYING OPINION
AND DENYING PETITION
FOR REHEARING; NO CHANGE
IN JUDGMENT

IT IS ORDERED that the published opinion filed on October 29, 2002, be modified as follows:

1. On the caption page, delete the second sentence in the first full paragraph and replace it with the following sentence:

Affirmed in part, reversed in part, and remanded.

2. On page 2, delete the final sentence of the third full paragraph and replace it with the following sentence:

Thus, the judgment is reversed as to count one and the cause remanded for a new trial.

3. On page 7, delete the last full sentence of the page, under the heading “DISPOSITION,” and replace it with the following sentence:

The judgment is reversed as to count one and the cause remanded for a new trial. In all other respects, the judgment is affirmed.

The petition for rehearing is DENIED. This modification does not effect a change in the judgment.

MOORE, J.

WE CONCUR:

SILLS, P.J.

O’LEARY, J.