

CERTIFIED FOR PARTIAL PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

THE PEOPLE,
Plaintiff and Respondent,
v.
TOMELIA DILLON et al.,
Defendants and Appellants.

A117853, A119292

(San Francisco City & County
Super. Ct. No. 199758)

ORDER MODIFYING OPINION,
GRANTING MOTION TO
AUGMENT THE RECORD AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]

It is ordered that the opinion filed herein on June 16, 2009, be modified as follows:

1. On page 9, the second sentence of the first full paragraph should be modified to read as follows:

The court sentenced Dillon to the middle term of three years on count IV, eight months or one-third the middle term for the lesser included grand theft conviction under count III, to be served consecutively, and six months in the county jail on count V, to be served concurrently with Dillon's state prison sentence.

2. On page 32, footnote 13 should be modified to read as follows:

The Attorney General points out certain errors that require correction in Dillon's abstract of judgment and in the clerk's minutes for April 23 and April 25, 2007. After reviewing relevant portions of the clerk's and reporter's transcripts, we agree that the matter should be remanded to correct the abstract and clerk's minutes of April 23 and 25, 2007, to show

that Dillon was convicted of grand theft from the person, a lesser included offense of robbery as charged in count III, rather than count VI.

3. On page 32, the first sentence of the second full paragraph should be modified to read as follows:

The trial court is directed to (1) correct Hall's abstract of judgment to reflect that he was convicted of the lesser included offense of assault with intent to commit sexual penetration by a foreign object, rather than of the charged offense of sexual penetration by a foreign object; (2) correct Dillon's abstract of judgment and the clerk's minutes of April 23 and April 25, 2007 to reflect that Dillon was convicted of grand theft from the person, a lesser included offense of robbery as charged in count III, rather than count VI; and (3) forward copies of the amended abstracts to the California Department of Corrections and Rehabilitation.

There is no change in the judgment.

Appellant Dillon's motion to augment the record is granted.

Appellants Hall's and Dillon's petitions for rehearing are denied.

Dated:

Margulies, Acting P.J.