

CERTIFIED FOR PARTIAL PUBLICATION*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

MARK WAYNE GRAY,

Defendant and Appellant.

C062668

(Super. Ct. No. 08F8637)

ORDER MODIFYING OPINION AND
DENYING REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion certified for partial publication, filed herein on April 28, 2011, be modified as follows:

1. On page 37, in the first paragraph of the Disposition, which reads:

* Pursuant to California Rules of Court, rules 8.1110 and 8.1105(b), this opinion is published with the exception of parts I., III., IV. and VI. of the Discussion.

The misdemeanor convictions for sexual battery (counts 10 & 24) are stricken. The sentence is modified by staying the punishment for counts 19 (peeking) and count 22 (violating a restraining order), such stays to become permanent upon completion of the jail terms for counts 15 and **22**, respectively.

strike the phrase, "counts 15 and 22, respectively." and replace it with, "counts 15 and **20**, respectively." so that the paragraph now reads:

The misdemeanor convictions for sexual battery (counts 10 & 24) are stricken. The sentence is modified by staying the punishment for counts 19 (peeking) and count 22 (violating a restraining order), such stays to become permanent upon completion of the jail terms for counts 15 and **20**, respectively.

This modification does not effect a change in the appellate judgment; it only corrects the second count "22" (which should be "20") in the Disposition.

With the above modification, the petition for rehearing is denied.

BY THE COURT:

ROBIE, Acting P. J.

BUTZ, J.

MAURO, J.