

CERTIFIED FOR PUBLICATION

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RAYMOND HIGGINS,

Defendant and Appellant.

D055649

(Super. Ct. No. SCD212359)

ORDER MODIFYING OPINION

[No Change in Judgment]

THE COURT:

It is ordered that the opinion filed herein on January 13, 2011, be modified as follows:

1. On page 11, the entire text of footnote 2 is deleted, and new text is inserted, to read:

A "reasonable probability" means " 'merely a reasonable chance, more than an abstract possibility.' [Citation.]" (*People v. Racy* (2007) 148 Cal.App.4th 1327, 1335.)

2. On page 36, the sentence in the fourth line of the first paragraph, beginning with "Again, in this context . . . " is deleted, and is replaced with a new sentence, to read:

Again, in this context, "reasonable probability" means " 'merely a reasonable chance, more than an abstract possibility.' [Citation.]" (*People v. Racy, supra*, 148 Cal.App.4th at p. 1335.)

There is no change in judgment.

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NARES, Acting P. J.

Copies to: All parties