

CERTIFIED FOR PARTIAL PUBLICATION  
COURT OF APPEAL, FOURTH APPELLATE DISTRICT  
DIVISION ONE  
STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN RASHUN ROBINSON,

Defendant and Appellant.

D043106

(Super. Ct. No. SCD175688)

THE COURT:

Due to clerical inadvertence, the opinion filed September 14, 2004, is modified as follows:

At the paragraph preceding BACKGROUND beginning with On appeal, he argues (slip opn., p. 3), replace the phrase "failure to preserve evidence resulted in deprivation of constitutional rights and resulted in impermissible opinion testimony" with the phrase "his failure to preserve evidence resulting in deprivation of constitutional rights and impermissible opinion testimony"

At BACKGROUND fifth paragraph beginning with After the initial scuffle (slip opn., p. 4), insert between "under his jacket." and "with the help" the following phrase: "When he left the station, the two employees confronted him again and wrestled him to the ground"

There is no change in the judgment.

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BENKE, Acting P. J.

Copies to: All parties