

**IN THE SUPREME COURT OF CALIFORNIA**

THE PEOPLE,	)	
	)	
Plaintiff and Respondent,	)	
	)	S022224
v.	)	
	)	Alameda County
DARREN CORNELIUS STANLEY,	)	Super. Ct. No. 103289
	)	
Defendant and Appellant.	)	
_____	)	

**MODIFICATION OF OPINION**

THE COURT:

The opinion herein, appearing at 39 Cal.4th 913, is modified as follows:

The last paragraph on page 968, under the heading “**22. Noncapital sentencing error,**” is modified to read:

Defendant correctly argues he was erroneously sentenced under counts VI, VII, and IX (robberies of Adelaja, Cheatham and Dollison) to three one-year full consecutive terms for the deadly weapon enhancements, whereas, because he was consecutively sentenced on more than two robbery convictions involving the use of a deadly or dangerous weapon, and none of the robberies qualified as a violent felony under section 667.5, the subordinate term for each subsequent robbery conviction should have been limited to one-third the middle term of imprisonment and one-third of the enhancement, according to the then-applicable statute, former § 1170.95, subdivision (g). (Stats. 1988, ch. 811, § 1, p. 2617.) Accordingly,

defendant asks this court to reduce his subordinate term by two years, from nine to seven years. Respondent concedes the sentencing error and agrees with the proposed reduction. We shall therefore order the abstract of judgment corrected to reflect the reduction of defendant's aggregate determinate sentence by two years.

The modification does not effect a change in the judgment.