

IN THE SUPREME COURT OF CALIFORNIA

| | | |
|---------------------------|---|----------------------|
| THE PEOPLE, |) | |
| |) | |
| Plaintiff and Respondent, |) | |
| |) | S023000 |
| v. |) | |
| |) | |
| DEAN PHILLIP CARTER, |) | |
| |) | San Diego County |
| Defendant and Appellant. |) | Super. Ct. No. 90280 |
| _____ |) | |

MODIFICATION OF OPINION

THE COURT:

The opinion in this case, filed on August 15, 2005, and appearing at 36 Cal.4th 1215, is modified as follows:

1. On page 1270, within the paragraph continued from page 1269, the clause “defendant’s motion to exclude other-crimes evidence involving the death of Tok Kim, and the murders of Susan Knoll, Jillette Mills, and Bonnie Guthrie, improperly was denied” is modified to read, “defendant’s motion to exclude other-crimes evidence involving the death of Tok Kim, the murders of Susan Knoll, Jillette Mills, and Bonnie Guthrie, and the rape of Jennifer S., improperly was denied”; and

2. At the end of the second full paragraph on page 1277, a new footnote 41 is inserted containing the following text: “We also reject as meritless defendant’s assertions of prosecutorial misconduct to the extent that they relate to alleged instances of misconduct during voir dire, which defendant addresses in connection with his penalty phase argument.” Inserting this footnote requires renumbering of the subsequent footnotes in the opinion.

This modification does not affect the judgment.