

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,)	
)	
Plaintiff and Respondent,)	
)	S066377
v.)	
)	
FRANK MANUEL ABILEZ,)	Los Angeles County
)	Super. Ct. No. KA031387-01
Defendant and Appellant.)	
_____)	

MODIFICATION OF OPINION

BY THE COURT:

The opinion herein, appearing at 41 Cal.4th 472, is modified as follows:

The paragraph on pages 518-519, starting with the third to last sentence, “In this case”, is modified to read: “In this case, neither defendant nor the prosecution called Vieyra to the stand; Vieyra, a codefendant, testified in his own behalf. At the time of trial, there was no law indicating that a court must provide CALJIC No. 3.18 sua sponte when a codefendant introduces accomplice testimony, and defendant did not request such an instruction. Accordingly, the trial court correctly granted the request that CALJIC No. 3.18 not be given to the jury. Nor was the trial court under a sua sponte duty to modify the instruction for defendant’s benefit. (*People v. Guiuan, supra*, 18 Cal.4th at p. 560.)”

This modification does not effect a change in the judgment.