

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

JAVIER FRAUSTO,

Defendant and Appellant.

B212054

(Los Angeles County  
Super. Ct. No. BA327495)

ORDER MODIFYING OPINION  
[Change in Judgment]

THE COURT:\*

GOOD CAUSE appearing, the opinion filed in the above entitled matter on December 30, 2009, is modified as follows: On page 16, the Disposition paragraph which reads:

“The clerk of the superior court is ordered to prepare an amended abstract of judgment reflecting the following modifications, and to forward it to the Department of Corrections and Rehabilitation: (1) imposition of only one five-year enhancement under section 667, subdivision (a)(1); and (2) an award of 466 days of presentence custody credit. As so amended, the judgment is affirmed.”

is replaced with the following:

“The trial court is ordered to correct the abstract of judgment to reflect the following modifications, and to forward it to the Department of Corrections and Rehabilitation: (1) imposition of only one five-year enhancement under section 667,

subdivision (a)(1); and (2) an award of 466 days of presentence custody credit. As so amended, the judgment is affirmed.”

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RUBIN, ACTING P. J.

FLIER, J.

MOHR, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.