

CERTIFIED FOR PARTIAL PUBLICATION*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAIME WILFREDO TORRES,

Defendant and Appellant.

A091096

(San Francisco County

Super. Ct. No. 175896)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 9, 2002, be modified as follows:

The last line at the bottom of page 21 beginning with “the parties in Johnson” and ending at the top of page 22 with “convictions should be reversed.” is deleted, and the following text is substituted:

the question of which of the alternative convictions should be reversed, was not at issue, the court therefore never reached the question of when, and under what circumstances the proscription against multiple convictions in section 288.5, subdivision (c) could be remedied instead by reversing the section 288.5 conviction.

* Pursuant to California Rules of Court, rules 976(b) and 976.1, this opinion is certified for publication with the exception of the Analysis, parts I through VII.

There is no change in the judgment.

Dated:

Marchiano, P.J.

Trial Court: Superior Court
City and County of San Francisco

Trial Judge: Honorable Kevin V. Ryan

Attorneys for Appellant: Carlo Andreani
First District Appellate Project

Attorneys for Respondent: Bill Lockyer, Attorney General
Robert R. Anderson, Chief Assistant
Attorney General
Ronald A. Bass, Senior Assistant
Attorney General
Gerald A. Engler, Supervising Deputy
Attorney General
George F. Hindall III
Deputy Attorney General