

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

MASALA MAJID JAMES,

Defendant and Appellant.

A128865

(Alameda County
Super. Ct. No. H45120)

BY THE COURT*:

IT IS ORDERED that the opinion filed on December 22, 2011, is modified as follows and the petition for rehearing is DENIED:

1. On page 5, in part II.A., a new paragraph is inserted as the second paragraph in that part, to read: “On December 9, 2008, James, who was in custody throughout these proceedings, filed a motion seeking an order directing the Alameda County Sheriff’s Office to provide him escorted access to the county law library. In support of that motion, he submitted, as an exhibit to his declaration, a copy of a ‘Legal Information Request’ form. That form includes a space for the inmate to designate five items that he or she wants to receive. It also states: ‘In the information request blank lines at the bottom of the form you may ask for specific cases or code sections, and/or general information about a topic that concerns you. [¶] If you want a specific case, please provide as much information as you can such as case name, citation, and year of decision. For example, People vs. Smith, 1 C.A.4th 233, (1977). [¶] If you want to see a particular law or statute, you may ask for it by a specific reference such as Penal Code section 415, or by subject such as “Laws or Code sections about disturbing the peace.” [¶] If you want to read general information about a topic that concerns you, ask for information by naming the topic such as parole violations, probation, divorce, child custody, etc.’ ”

2. On page 5, in part II.A., the first sentence of the now third full paragraph (beginning with the words, “On December 9, 2008”) is deleted.

3. On page 13, in part II.B., the penultimate sentence of the first (partial) paragraph, is amended to read “James could also obtain topical information pamphlets simply by naming a topic, which would then enable him to request specific cases, annotated statutes, additional secondary source material, and Shepardization treatment of a citation.”

The modification effects no change in the judgment.

Date _____ P.J.

* Before Jones, P.J., Needham, J., and Bruiniers, J.