

Filed 10/31/07

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re DAMIAN PACHECO,

on Habeas Corpus.

2d Civil No. B199500
(Super. Ct. No. HC 4223)
(San Luis Obispo County)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

The opinion filed herein on October 10, 2007, is modified as follows:

1. On page 6, line 9, we delete the explanatory parenthetical following the citation to *People v. Turner* (1998) 67 Cal.App.4th 1258, 1268, which reads "[striking a prior offense to eliminate a five-year enhancement does not preclude its use under the Three Strikes law]."

The petition for rehearing filed by Damian Pacheco is denied.

There is no change in judgment.