

**IN THE SUPREME COURT OF  
CALIFORNIA**

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
LEE SAMUEL CAPERS,  
Defendant and Appellant.

S146939

San Bernardino County Superior Court  
FBA06284

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**ORDER MODIFYING OPINION AND DENYING PETITION FOR  
REHEARING**

**THE COURT:**

The opinion in this matter filed on August, 8, 2019 and appearing at 7 Cal.5th 989, is modified as follows:

1. In the first paragraph on page 1006, delete the third full sentence reading, “Another letter was sent to Griego in October 2003, in which Renteria again retracted her statements implicating both men, claiming she was on drugs when she made them, ‘not in [her] right state of mind,’ and the statements were not true.” As modified, the sentence now reads:

In an interview with Griego in October 2003, Renteria again retracted her statements implicating both men, claiming she was on drugs when she made them, “not in [her] right state of mind,” and the statements were not true.

2. In at the first paragraph on page 1010, delete the sentence reading, “Renteria’s decision not to testify, upheld by the court, did not deny defendant the right to present a defense.” As modified, the sentence now reads:

Renteria’s decision not to testify, upheld by the court, did not deny defendant the right to present a defense nor his Eighth Amendment right to have the jury hear all mitigating evidence at the penalty phase.

3. In the first full paragraph on page 1012, delete the fourth sentence reading, “Even though the statute of limitations had passed on Renteria’s initial alleged lie to Detective Griego in 1999, it had not passed when she allegedly lied in her second retraction letter of 2003.” As modified, the sentence now reads:

Even though the statute of limitations had passed on Renteria’s initial alleged lie to Detective Griego in 1999, it had not passed when she allegedly lied in her second retraction of 2003.

These modifications do not affect the judgment.

The petition for rehearing is denied.