

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,)	
)	
Plaintiff and Respondent,)	
)	S034072
v.)	
)	
ROBERT ZANE CURL,)	
)	
Defendant and Appellant.)	Fresno County
)	Super. Ct. No. 380748-4
_____)	

ORDER MODIFYING OPINION

THE COURT:

The opinion herein, filed on May 18, 2009, appearing at 46 Cal.4th 339, is modified as follows:

Footnote 16 on page 360 is modified to read:

We deny defendant's request that we judicially notice a report of the 1989-1990 Los Angeles County Grand Jury regarding the involvement of jailhouse informants in the criminal justice system in Los Angeles County. Because defendant failed to establish an adequate foundation that DeSoto was the type of informant covered by the report (by, for example, presenting evidence he was a repeat inmate informant), the report is irrelevant. (*Mangini v. R. J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063 [31 Cal.Rptr.2d 358, 875 P.2d 73] ["Although a court may judicially notice a variety of matters (Evid. Code, § 450 et seq.), only *relevant* material may be noticed."].)

This modification does not affect the judgment.