

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,)	
)	S055501
Plaintiff and Respondent,)	
)	Los Angeles County
v.)	Super. Ct. No. NA019605
)	
RAYMOND OSCAR BUTLER,)	
)	
Defendant and Appellant.)	
_____)	

MODIFICATION OF OPINION

THE COURT:

The opinion herein, filed on June 18, 2009, appearing at 46 Cal.4th 847, is modified as follows:

Footnote 18 on page 882 is modified to read:

Defense counsel objected only to the last sentence of the court's initial instruction, despite the court's invitation to place further objections on the record. On appeal, Butler makes no argument concerning the effect of the last sentence of that instruction standing alone. Rather, his arguments depend as well on portions of the instruction to which no objection was made. Accordingly, we consider his appellate claims only to determine whether the instructions affected his substantial rights. (§ 1259.) Apart from considerations of waiver, we note that defense counsel's failure to object tends to indicate[] that the potential for coercion argued now was not apparent to one on the spot. (*Lowenfield v. Phelps* (1988) 484 U.S. 231, 240.)

This modification does not affect the judgment.