

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,)	
)	
Plaintiff and Respondent,)	
)	S075875
v.)	
)	
TIMOTHY RUSSELL,)	
)	
Defendant and Appellant.)	Riverside County
)	Super. Ct. No. RIF72974
_____)	

THE COURT:

MODIFICATION OF OPINION

The opinion in this case, filed on November 15, 2010 and appearing at 50 Cal.4th 1228, is modified as follows:

On page 1268, last paragraph on the page, the first sentence is modified to read: “Even if the trial court’s failure to provide sua sponte a *Robertson* instruction constituted error, any error was harmless because it is not possibly probable that providing the omitted instruction would have altered the verdict.” The last sentence of that same paragraph, on page 1269, is modified to read: “Accordingly, we conclude that the court’s error, if any, in failing to instruct the jury pursuant to *People v. Robertson* was harmless because it is not possibly probable that the verdict would have been different.”

This modification does not affect the judgment.