

## IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,	)	
	)	
Plaintiff and Respondent,	)	
	)	S078664
v.	)	
	)	
JOSEPH AVILA,	)	
	)	Riverside County
Defendant and Appellant.	)	Super. Ct. No. CR-65127
_____	)	

### MODIFICATION OF OPINION

#### THE COURT:

The opinion filed June 15, 2009, and published at 46 Cal.4th 680, is modified in the following respects:

On page 695, the second full paragraph is deleted.

The first sentence of the following paragraph is modified to read as follows: “We find no abuse of discretion.”

These modifications do not affect the judgment.