

IN THE SUPREME COURT OF CALIFORNIA

CHARLES KEITH RICHARDSON,)	
)	
Petitioner,)	
)	S127275
v.)	
)	
THE SUPERIOR COURT OF)	Tulare County
TULARE COUNTY,)	Super. Ct. No. CRT27383
)	
Respondent;)	
)	
THE PEOPLE,)	
)	
Real Party in Interest.)	
_____)	

MODIFICATION OF OPINION

THE COURT:

The opinion herein, filed on May 22, 2008, appearing at 43 Cal.4th 1040, is modified as follows:

Footnote 7 on page 1053 is modified to read:

Contrary to petitioner's suggestion, there is no requirement in section 1405 that the trial court make on-the-record findings to support its ruling. To the extent petitioner claims that the DNA testing should have been ordered because the results might be useful to him on habeas corpus or for purposes of executive clemency, we reject the claim. Section 1405 does not require the trial court to order DNA testing because it might be helpful in these contexts but only where the conditions of subdivision (f) are fulfilled.

This modification does not affect the judgment.