

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,)	
)	
Plaintiff and Respondent,)	
)	S032736
v.)	
)	
MAURICE BOYETTE,)	
)	Alameda County
Defendant and Appellant.)	Super. Ct. No. 114009B
_____)	

MODIFICATION OF OPINION

THE COURT:

The opinion herein, filed December 2, 2002, appearing at 29 Cal.4th 381, is modified as follows:

1. Delete the first full paragraph on page 423 and replace it with the following paragraph:

“Defendant also contends the trial court used the wrong standard in assessing whether he had established a prima facie showing of group bias. He claims he need only ‘raise an inference’ of such bias, whereas we have held he must ‘show a strong likelihood’ of such bias. (See *Wade v. Terhune* (9th Cir. 2000) 202 F.3d 1190 [discussing a perceived difference between the two standards].) However, as we have explained, ‘in California, a “strong likelihood” means “a reasonable inference.”’ (*People v. Box* (2000) 23 Cal.4th 1153, 1188, fn. 7; see *People v. Wheeler* (1978) 22 Cal.3d 258, 280-281.) Moreover, even

assuming arguendo that the two standards were different, and that the ‘reasonable inference’ standard were more lenient, the court’s ruling finding that defendant had not established a prima facie showing of group bias was supportable.”

2. Delete the words “guilt phase” in line 9 of the ninth full paragraph on page 455 of the opinion and replace it with “penalty phase.”

This modification does not affect the judgment.