

IN THE SUPREME COURT OF CALIFORNIA

JEFFREY HAMBARIAN,)	
)	
Petitioner,)	
)	S097450
v.)	
)	Ct.App. 4/3 G026447
THE SUPERIOR COURT OF)	
ORANGE COUNTY)	
)	Orange County
Respondent;)	Super. Ct. No. 98CF3696
)	
THE PEOPLE,)	
)	
Real Party in Interest.)	
_____)	

THE COURT:

MODIFICATION OF OPINION

The opinion herein, filed April 18, 2002, appearing at 27 Cal.4th 826, is modified as follows:

1. On page 832, the following sentence in the first full paragraph is deleted: “Over the subsequent 18 months, Franzen was paid an additional \$140,000.”

2. On page 834, in the first sentence of the second full paragraph, the phrase “The City has paid Franzen over \$450,000,” is deleted, and in its place is inserted the following phrase: “As of the recusal hearing, the City had paid Franzen over \$314,000.”

The dissenting opinion of Moreno, J., appearing at 27 Cal.4th 845, is modified as follows:

1. On page 847, the first sentence of the third full paragraph is deleted: “First, as the majority acknowledges, the City has paid its private financial investigator, Franzen, over \$450,000 to work with the District Attorney’s Office on this one case.” In its place is inserted the following sentence: “First, as the majority acknowledges, as of the recusal hearing, the City had paid its private financial investigator, Franzen, over \$314,000 to work with the District Attorney’s office on this one case.”

2. On page 847, a footnote is inserted in the third full paragraph after the following sentence: “The City’s financial investment in this case will only increase.” The inserted footnote states: “In fact, Franzen was paid an additional \$140,000 for his continued investigation during the 18 months after the recusal hearing. The City has now paid Franzen over \$450,000 for his services.”

3. The subsequent footnotes, on pages 848 and 849, are reordered, as footnotes 2 and 3, respectively.

4. On page 847, the following sentence in the third full paragraph is deleted: “This case already involves an investment by the victim of over 34 times that amount.” In its place is inserted the following sentence: “At the time of the recusal hearing, this case already involved an investment by the victim of over 24 times that amount.”

5. On page 850, at the end of the second full paragraph, the number “\$450,000” is deleted, and is replaced by the number “\$314,000.”

6. On page 851, at the beginning of the last paragraph, the number “\$450,000” is deleted, and is replaced by the number “\$314,000.”

This modification does not affect the judgment.