

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,)	
)	
Plaintiff and Respondent,)	
)	S126233
v.)	
)	Ct. App. 3 C038245
BRIAN ERIC WARNER,)	
)	Sacramento County
Defendant and Appellant.)	Super. Ct. No. 00FO8985
_____)	

MODIFICATION OF OPINION

BY THE COURT

The opinion herein, appearing at 39 Cal.4th 548, is modified as follows:

On page 559, the text of footnote 6 is deleted and replaced with: “At the time the defendant in *Equarte* committed his crimes, section 1192.7(c)(18) included in the definition of a ‘serious felony’ a ‘burglary of a residence.’ (Prop. 8, as approved by voters, Primary Elec. (June 8, 1982).) Proposition 21, which passed on March 7, 2000, amended section 1192.7(c)(18) to read: ‘any burglary of the first degree.’ (See *People v. Garrett* (2001) 92 Cal.App.4th 1417, 1420-1421.)”

This modification does not affect the judgment. (Cal. Rules of Court, rule 24(c).)