

**IN THE SUPREME COURT OF CALIFORNIA**

THE PEOPLE,	)	
	)	
Plaintiff and Respondent,	)	
	)	S130860
v.	)	
	)	Ct.App. 6 H022727
FERNANDO DOMINGUEZ,	)	
	)	San Benito County
Defendant and Appellant.	)	Super. Ct. No. CRF99-37033
_____	)	

**MODIFICATION OF OPINION**

**BY THE COURT:**

The majority opinion is modified as follows.

The final sentence of the first paragraph on page 1162, which reads “This issue was not raised in the Court of Appeal and is thus not properly raised in this court. (*People v. Randle* (2005) 35 Cal.4th 987, 1001.)” is deleted.

The phrase “Assuming the issue was properly before us” in the first sentence of the second paragraph on page 1162 is deleted, so the sentence reads: “We find no prejudicial error.”

This modification does not affect the judgment.