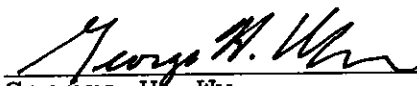


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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

11 CHRISTOPHER ANTHONY GUTIERREZ, ) Case No. CV 04-6601-GW(AJW)  
12 )  
13 Petitioner, )  
14 v. ) JUDGMENT  
15 JAMES YATES, Warden, )  
16 Respondent. )

17  
18 It is hereby adjudged that the petition for a writ of habeas corpus  
19 is granted in part, petitioner's convictions and sentences on Counts 2  
20 and 3 are vacated, and respondent is directed to release petitioner from  
21 custody resulting from those convictions and sentences unless the State  
22 of California commences a new trial on Counts 2 and 3 within sixty (60)  
23 days from the date of entry of judgment.  
24

25 Dated: September 11, 2008  
26

27   
28 George H. Wu  
United States District Judge