

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

HOY CHAN,

Defendant and Appellant.

B169749

(Los Angeles County
Super. Ct. No. NA054733)

MODIFICATION OF OPINION

[NO CHANGE IN JUDGMENT]

The opinion filed October 28, 2004, is modified in the following particulars:

1. On page 2, paragraph 2, line 4, after “(b)(1) and (a)(1)” delete the “(1)” after “(a)”;
2. On page 6, paragraph 2, lines 6-8, delete “former subd. (g)(3), as amended by Stats. 1994, ch. 867, § 2.7, p. 4393; § 290, present subd. (g)(3).” The word ‘willfully’ implies a ‘purpose or willingness’ to make the omission. (§ 7.)” In its place, insert “former subd. (g)(3), as amended by Stats. 1994, ch. 867, § 2.7, p. [4389]; § 290, present subd. (g)(3).” The word ‘willfully’ implies a ‘purpose or willingness’ to make the omission. ([Stats. 1994, ch. 867,] § 7[, p. 4402].)”;
3. On page 14, paragraph 2, line 5, after “(§ 667.61, subd. (c))” insert “(4)”;

* Pursuant to California Rules of Court, rules 976(b) and 976.1, this opinion is certified for publication with the exception of part II (D).

4. On page 14, paragraph 2, line 6, delete “Section 661.61,” and insert “Section 667.61”;

5. On page 14, footnote 9, delete the language inside the footnote and replace it with “Section 667.61, subdivision (c)(4) states: “(c) This section shall apply to any of the following offenses: [¶] . . . (4) A violation of subdivision (b) of Section 288”;

6. On page 16, paragraph 1, line 14, insert “(§ 667.61, subd. (g).)”;

7. On page 17, in the bracketed text, delete “post at page 26” and insert “*post* at page 19”; and

8. On page 18, paragraph 1, line 3, delete “Further,” before “Blakely.”

TURNER, P.J.

GRIGNON, J.