

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

GERALD JOHN EUSEBIO,

Defendant and Appellant.

B216149

(Los Angeles County
Super. Ct. No. VA107591)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[CHANGE IN JUDGMENT]

THE COURT*

We have received and reviewed respondent's petition for rehearing or modification of opinion filed June 25, 2010 and appellant's petition for rehearing filed July 8, 2010.

Appellant's petition for rehearing is denied.

Respondent's petition for modification is granted and the request for rehearing denied. It is ordered that the opinion filed June 18, 2010 be modified as follows:

1. On page 12, the second sentence is modified to read: "Accordingly, we stay the punishment on count 6, which bears the lesser penalty."

2. On page 17, the first sentence of the disposition is modified to read: “The consecutive sentence on count 6 is stayed.”

This modification changes the judgment.

*EPSTEIN, P.J., WILLHITE, J., MANELLA, J.