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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

DARA YIN,

Defendant and Appellant.

B171170

(Los Angeles County
Super. Ct. No. NA053759)

ORDER MODIFYING OPINION AND
DENYING PETITION FOR
REHEARING

[No change in the judgment]

THE COURT*:

The opinion issued on April 14, 2005, is hereby modified as follows:

1. On page 14, delete what is currently the first and second full sentences beginning with “We recently upheld a contention”

2. On page 16, replace the first full paragraph beginning with “In light of the foregoing . . .” with the following: “Accordingly, we conclude the 25-year-to-life enhancement imposed on count 1 under authority of Penal Code section 12022.53 must be stricken. In light of the foregoing, we need not consider appellant’s alternative arguments that the enhancement on count 1 is barred by section 654 or merger.”

These modifications effect no change in the judgment.

The petition for rehearing filed by appellant is denied.