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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,
Plaintiff and Respondent,
v.
NATHAN MEDINA,
Defendant and Appellant.

A125850
(Contra Costa County
Super. Ct. No. 05-080656-2)

**ORDER TO MODIFY OPINION
AND DENY REHEARING
[NO CHANGE IN JUDGMENT]**

BY THE COURT:

It is ordered that the nonpublished opinion filed herein on February 24, 2012, be modified as follows:

On page 5, footnote 4 is hereby modified to read:

We have considered all the defense evidence, but we do not need to summarize it. In particular, we do not discuss defendant's remarks in his brief about the alleged deficiencies in the various eyewitness identifications, *which are not raised as issues on appeal.*

There is no change in judgment.

Appellant's petition for rehearing is denied.

Dated: _____

Marchiano, P.J.