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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.

THOMAS KING, JR.,

Defendant and Appellant.

B229834

(Los Angeles County
Super. Ct. No. MA049522)

ORDER MODIFYING OPINION
AND DENYING REHEARING

CHANGE IN JUDGMENT

THE COURT:*

It is ordered that the opinion filed May 10, 2012, is modified as follows:

1. The text of footnote 3 is deleted. The following text is inserted in its place.

We need not consider appellant's claim that cumulative error requires reversal because we find one error compels reversal. We need not consider appellant's contention that his sentence should have been stayed pursuant to section 654 because we reverse the convictions.

Appellant also challenges restraining orders imposed by the trial court. On June 28, 2010, and November 9, 2010, the court entered restraining orders pursuant to section 273.5, subdivision (i). That statute is inapplicable because it applies to injury against a spouse or cohabitant. On December 10, 2010, the court imposed a restraining order pursuant to section 136.2, which must be limited to the pendency of the criminal action in which it issued. (*People v. Ponce* (2009) 173 Cal.App.4th 378, 383; *People v. Stone* (2004) 123 Cal.App.4th 153, 159.) Appellant does not

dispute that the December 10th order was proper so long as it was limited to the duration of all criminal proceedings including any further proceedings on remand. However, the order imposed does not expire until December 13, 2020. Accordingly, we vacate the orders.

2. The following sentence is added to the end of the disposition paragraph:

The restraining orders imposed on June 28, 2010, and November 9, 2010, are vacated. The restraining order imposed on December 10, 2010, is modified to expire at the conclusion of all criminal proceedings in the trial court including any further proceedings on remand.

The judgment is modified only as described in the immediately preceding paragraph (the paragraph following the number 2).

Appellant's petition for rehearing is denied.

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BIGELOW, P. J.

FLIER, J.

GRIMES, J.