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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

PAKI JOHN BRONSON,

Defendant and Appellant.

B234085

(Los Angeles County
Super. Ct. Nos. TA116671; BA341632)

ORDER MODIFYING OPINION
AND DENYING REHEARING;
NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on January 22, 2013 be modified as follows:

1. Beginning on page 8, third paragraph, delete the first two sentences and the following citations, up to and including footnote 6, and replace them with the following sentence:

Evidence of the prior incidents of domestic violence Bronson identifies, like the three instances to which he did object at trial, are consistent with the purpose and intent of Evidence Code section 1109 and almost certainly would have been allowed even if defense counsel had objected.

2. At the top of page 9, replace the word “Moreover” with “In any event,” so that the second sentence of the third paragraph, together with citations, now reads:

In any event, as is often the case, the record is silent as to the reasons for his counsel’s failure to object to any of the proffered testimony, thus precluding any finding trial counsel’s actions were constitutionally deficient. (See *People v.*

Mendoza Tello (1997) 15 Cal.4th 264, 266 [because record is often silent as to counsel's reasons for failing to object and there could be a plethora of possible tactical reasons, ineffective assistance of counsel claims are generally more appropriately litigated in habeas corpus proceedings where matters outside the four concerns of the record may be considered].)

There is no change in judgment. Appellant's petition for rehearing is denied.

PERLUSS, P. J.

ZELON, J.

JACKSON, J.