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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY TERRY RICHARD,

Defendant and Appellant.

E053172

(Super.Ct.No. RIF153876)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING [NO CHANGE IN
JUDGMENT]

THE COURT:

The petition for rehearing filed by appellant Anthony Terry Richard is denied. It is ordered that the opinion filed herein on November 27, 2012, be modified as follows:

1. On page 3, line 11 of the first full paragraph, delete the words “the weapon,” so the sentence reads:

Mendoza did not see any guns but believed she saw defendant put something in his waistband.

2. On page 4, lines 3 through 6 of the second paragraph, the sentence beginning “Presley, whose law office is located” and ending “holding a chrome-colored gun” is modified to read as follows:

Presley, whose law office is located 30 feet from the victim's store, was one of the witnesses. He testified that he was across Mission Boulevard when he saw two men running away from the jewelry store and that defendant was wearing a tan-colored shirt, holding a chrome-colored gun.

On page 5, the last sentence of the second full paragraph, beginning "Likewise, neither of the two hats" is modified to read as follows:

The parties stipulated that, while DNA tests had been performed on the two hats found at the crime scene, no results had been returned.

Except for the above modifications, the opinion remains unchanged. There is no change in the judgment.

HOLLENHORST

Acting P. J.

We concur:

KING

J.

MILLER

J.