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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

ISMAEL NUNEZ,

Defendant and Appellant.

In re ISMAEL NUNEZ

on Habeas Corpus.

G044452

(Super. Ct. No. 07CF2123)

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

G045903

It is ordered that the opinion filed herein on May 2, 2012, be modified as follows:

On page 7, second paragraph, in the last sentence beginning with “In providing his reasons” delete the words “and committing crimes” and insert “(and, on one occasion, committing a crime)” so that the sentence reads:

In providing his reasons for opining that Nunez was a Delhi gang member, McLeod recited a litany of occasions on which Nunez was identified socializing (and, on one occasion, committing a crime) with Delhi gang members.

The modification does not change the judgment.

The petition for rehearing is DENIED.

IKOLA, J.

WE CONCUR:

O'LEARY, P. J.

FYBEL, J.