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NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN FLOYD RUSSO,

Defendant and Appellant.

H036873

(San Benito County

Super. Ct. No. CR1001692)

ORDER MODIFYING OPINION

NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on April 6, 2012, be modified as follows:

1. On page 1, second line of the caption the words “Santa Clara” are changed to “San Benito” so that the line reads:

San Benito County

There is no change in the judgment.

Duffy, J.*

Bamattre-Manoukian, Acting, P.J.

Mihara, J.

* Retired Associate Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.