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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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 2, line 18, the words “prior strikes” are changed to “prison priors” so that the line reads:

The court committed Russo to the agreed-upon five-year term, composed of the upper term of three years for the vehicle theft plus two additional years for the two prison priors.

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.