

CERTIFIED FOR PARTIAL PUBLICATION*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSEPH WEBER,

Defendant and Appellant.

C060135

(Super. Ct. No. SF105311A)

MODIFICATION OF OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

The opinion filed on June 7, 2010, is modified as follows.

In Part IV, page 36, delete the sentence beginning "As expressed in the recent opinion in *People v. Brown* (2010) 182 Cal.App.4th 1354," and replace it with the following text: We conclude that the amendments do apply to all appeals pending as of January 25, 2010. (See *In re Estrada* (1965) 63 Cal.2d 740, 745 [amendment to statute lessening punishment applies "to acts committed before its passage provided the judgment convicting

* Pursuant to California Rules of Court, rule 8.1110, this opinion is certified for publication with the exception of Part IV of the DISCUSSION.

the defendant is not final"]; *People v. Hunter* (1977) 68 Cal.App.3d 389, 393 [applying *Estrada* to amendment allowing award of custody credits]; *People v. Doganiere* (1978) 86 Cal.App.3d 237 [applying *Estrada* to amendment involving conduct credits].)

This modification does not change the judgment.

SIMS, Acting P. J.

NICHOLSON, J.

RAYE, J.