Filed 8/15/18

**IN THE SUPREME COURT OF CALIFORNIA**

THE PEOPLE, )

 )

 Plaintiff and Respondent, )

 ) S099549

 v. )

 )

MICHAEL AUGUSTINE LOPEZ, )

 ) Alameda County

 Defendant and Appellant. ) Super. Ct. No. H28492A

 )

**ORDER MODIFYING OPINION AND**

**DENYING PETITION FOR REHEARING**

THE COURT:

 The opinion in this matter filed June 28, 2018, and appearing at 5 Cal.5th 339, is modified as follows:

 In the first sentence of the second full paragraph on page 353, the following words are deleted: “that a competency ruling under Evidence Code section 701 was not sufficient and.” As modified, the sentence will now read: “We reject Lopez’s argument that the trial court was required to hold a hearing under Evidence Code section 702.”

 The modification does not affect the judgment.

 The petition for rehearing is denied.