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.