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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER STEVEN BUTLER,

Defendant and Appellant.

D041819

(Super. Ct. No. SCN128327)

ORDER MODIFYING OPINION
NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on October 6, 2004, be modified as follows:

1. On page two, the second full paragraph is changed to read:

The jury found true allegations that Butler personally used a firearm (§ 12022.53, subd. (b)), and the property loss exceeded \$150,000 (§ 12022.6, subd. (a)(2)). The court found true allegations that Butler was previously convicted in federal court of bank

robbery and the conviction qualifies as a strike under California's three strikes law. The trial court sentenced Butler to three consecutive life terms plus 64 years.

There is no change in the judgment.

McCONNELL, P. J.

Copies to: All parties