

CERTIFIED FOR PARTIAL PUBLICATION*
COURT OF APPEAL, FOURTH APPELLATE DISTRICT
DIVISION ONE
STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

SERAFIN SANTANA,

Defendant and Appellant.

D059013

(Super. Ct. No. RIF139207)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING

[No Change in Judgment]

THE COURT:

It is ordered that the opinion filed herein on October 26, 2011, be modified as follows:

On page 17, the first sentence of the first full paragraph is deleted and replaced with the following text:

The dissent quotes at length the trial court's comments, made at the hearing on Santana's motion for judgment of acquittal on count 1, concerning the trial court's views as to whether Santana harbored the specific intent to commit mayhem when he shot Vallejo in the leg.

* Pursuant to California Rules of Court, rule 8.1110, this opinion is certified for publication with the exception of part III.B., C., D., E., and F.

There is no change in the judgment.

The petition for rehearing is denied. Justices McDonald and Aaron concur in the denial; Justice Benke would grant.

BENKE, Acting P. J.

Copies to: All parties