

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

DANNY LEE SKILES,

Defendant and Appellant.

G040808

(Super. Ct. No. 08HF0799)

ORDER MODIFYING OPINION;
NO CHANGE IN JUDGMENT

It is hereby ordered that the opinion filed herein on January 11, 2010, be modified in the following particulars:

1. On page 6, delete the last full paragraph that begins with “We disagree” and replace with the following paragraph:

“We disagree. A certified copy of an official record can be used to prove the contents of the record. (Evid. Code, § 1530; *People v. Delgado* (2008) 43 Cal.4th 1059, 1066 [noting that a “common means of proving the . . . nature of a prior conviction is to introduce certified documents from the record of the prior court proceeding”].) In addition, a *copy* of a certified copy of an official record is admissible for this purpose, unless there is a genuine dispute concerning its terms and justice requires exclusion of the copy, or admission of the copy would be unfair. (Evid. Code, § 1521, subd. (a); *People v. Atkins* (1989) 210 Cal.App.3d 47, 53-55.)”

2. On page 7, delete the second full paragraph which begins with

“Moreover, we know” and replace with the following paragraph:

“Moreover, we know from the undisputed documents in exhibit 16 that Skiles was indicted not only for vehicular homicide, but also for manslaughter and driving under the influence of alcohol. Because the indictment page in exhibit 18 relates to those very counts, it is logical to presume that page is an authentic representation of counts 1 and 2 of the indictment. (*People v. Gibson* (2001) 90 Cal.App.4th 371, 383 [a writing can be authenticated by circumstantial evidence or its content].) And, as we can think of no reason why it would be unfair or unjust to admit that page of the indictment into evidence, we uphold the trial court’s decision to do so. (*People v. Atkins, supra*, 210 Cal.App.3d at pp. 53-55 [upholding the admission of prison records which were accompanied by a copy of a certification from the custodian of the records].)”

3. On page 8, in the first line of the disposition, delete “section 664” and replace with “section 654.”

This modification does not effect a change in judgment.

BEDSWORTH, J.

WE CONCUR:

SILLS, P. J.

MOORE, J.