

## IN THE SUPREME COURT OF CALIFORNIA

|                           |   |                         |
|---------------------------|---|-------------------------|
| THE PEOPLE,               | ) |                         |
|                           | ) |                         |
| Plaintiff and Respondent, | ) |                         |
|                           | ) | S154847                 |
| v.                        | ) |                         |
|                           | ) | Ct.App. 6 H028798       |
| VINCE VINHTUONG NGUYEN,   | ) |                         |
|                           | ) |                         |
| Defendant and Appellant.  | ) | Santa Clara County      |
|                           | ) | Super. Ct. No. CC476520 |
| _____                     | ) |                         |

### ORDER MODIFYING OPINION

#### THE COURT:

On the court's own motion, the opinion herein, filed on July 2, 2009, appearing at 46 Cal.4th 1007, is modified as follows:

The second sentence of the final paragraph on page 1020 is modified to read:

Except for the decision here under review, all California Court of Appeal panels to address the issue in a published opinion, both before and after *Apprendi*, have squarely held that the Fifth, Sixth, and Fourteenth Amendments permit the use of prior juvenile adjudications to enhance the sentences for subsequent adult offenses, even though there is no right to a jury trial in juvenile proceedings.

This modification does not affect the judgment.