

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JUSTIN PANAH BENHOOR,

Defendant and Appellant.

B212593

(Los Angeles County
Super. Ct. No. 9384086
[Super. Ct. App. Div.
No. BR046110])

ORDER MODIFYING OPINION
AND DENYING REHEARING
(NO CHANGE IN JUDGMENT)

THE COURT:

It is ordered that the opinion filed herein on September 24, 2009 be modified as follows:

On page 10, footnote 12 is deleted and replaced with:

¹² We provided the parties with a computer link to this report, as well as a copy of an October 2, 1998 report from the Traffic Advisory Committee to the Judicial Council of California, entitled “Traffic—Trial by Written Declaration (new rule 828 of the California Rules of Court and new Forms TR-200, TR-205, TR-210, TR-215, TR-220, and TR-225) (Action Required),” notified them we intended to take judicial notice of both reports pursuant to Evidence Code sections 452 and 459 and invited their response. (See Evid. Code, § 459, subd. (d).) In reply the People stated they had no objection to the court taking judicial notice of this material but otherwise provided no substantive comment. (In their reply the People suggested neither party had “proposed or briefed any issue based on either of these voluminous documents” and requested, “if the Court intends to raise an issue based on either or both of those documents,” that we “inform the parties of the issue and permit supplemental briefing as to that issue.” Of course, the proper construction of rule 4.210(b)(7)—the sole purpose for referring to these documents—was the central issue in the appeal.) Benhoor did not respond. We now take judicial notice of these two reports.

There is no change in the judgment. Respondent’s petition for rehearing is denied.

PERLUSS, P. J.

WOODS, J.

JACKSON, J.