

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY M. BUENO,

Defendant and Appellant.

A109650

(Napa County  
Super. Ct. No. CR119596)

BY THE COURT:

The opinion filed October 19, 2006 is modified as follows: On page 9, the last sentence of the Disposition that reads “The cause is remanded to the trial court for resentencing or, at the prosecution’s election, retrial of the prior battery conviction” is deleted. The following sentence is inserted in its place: “The cause is remanded to the trial court for resentencing or, at the prosecution’s election, redetermination of whether the prior battery conviction constituted a strike within the meaning of the Three Strikes Law.”

This modification constitutes a change in the judgment.

Date \_\_\_\_\_

\_\_\_\_\_ P.J.