

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

MCKINLEY WILLIAM GARRY,

Defendant and Appellant.

A114235

(Solano County Super. Ct.
Nos. VCR178540 & VCR162584)
ORDER MODIFYING OPINION
[CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on November 13, 2007, be modified as follows:

(1) On page 8, the beginning of the last paragraph is changed to read:

In *People v. Perez* (1989) 211 Cal.App.3d 1492, a police officer parked his patrol vehicle in front of a car occupied by two people. The officer left plenty of room for the car to leave.

(2) On page 10, the beginning of the second paragraph is changed to read:

On the other hand, in *People v. Jones* (1991) 228 Cal.App.3d 519, cited by defendant, a police officer on patrol in a marked car shortly before 9:00 p.m. saw three men standing in a group near a street corner. (*Id.* at p. 521.) When the officer was about 30 feet from the men, one of them handed the defendant, Jones, what appeared to be money.

(3) On page 14, under the DISPOSITION heading, the duplicated superior court number is deleted and the paragraph should read:

The trial court's judgment in case No. VCR178540 and its probation modification order in case No. VCR162584 are reversed, and the matters remanded for further proceedings consistent with this opinion.

Trial Court: Solano County Superior Court

Trial Judge: Hon. D. Scott Daniels

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