

CERTIFIED FOR PUBLICATION  
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION SIX

THE PEOPLE,  
  
Plaintiff and Respondent,

v.

JESSICA ROSE BINKERD,  
  
Defendant and Appellant.

2d Crim. No. B198470  
(Super. Ct. No. 1213963)  
(Santa Barbara County)

ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 2, 2007, be modified as follows:

1. On page 6, the text beginning with "A conviction" through the end of the paragraph, from lines 5 through 14, is deleted. The following is inserted in its place:

In addition, the great bodily injury enhancement alleged in this case under section 12022.7 for the death of Alex Baer is inapplicable to a conviction for section 192, subdivision (c)(3). (See § 12022.7, subd. (g) [this enhancement "shall not apply to murder or manslaughter"].) Sentencing appellant on the lesser included offense of Vehicle Code section 21353, with a great bodily injury enhancement under section 12022.7 as alleged in count 2 for the injuries suffered by the deceased victim Alex Baer, circumvents the statutory scheme for vehicular manslaughter.

There is no change in the judgment.