

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

TERRY DALE DUSTIN,

Petitioner,

v.

THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, STANISLAUS COUNTY

Respondent.

THE PEOPLE,

Real Party in Interest.

F039023

(Super. Ct. No. 244173)

**ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on July 9, 2002 [___ Cal.App.4th ___] be modified in the following particulars:

Page 12, in the first paragraph, third sentence, beginning with the words “By including,” is modified to read as follows: By including the “municipal and superior courts,” section 190.9 must be read to apply to grand jury proceedings under either of these courts.

Except for the modifications set forth, the opinion previously filed remains unchanged.

These modifications do not effect a change in the judgment.

Wiseman, J.

I CONCUR:

Vartabedian, J.