

Filed 10/4/02

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

UBALDO VAZQUEZ MUNOZ,

Defendant and Appellant.

H023511

(Santa Clara County
Super.Ct.No. C9933889)

**ORDER MODIFYING OPINION
AND DENYING REHEARING**

NO CHANGE IN THE JUDGMENT

It is ordered that the opinion filed herein on September 13, 2002, be modified as follows:

On page 10 under the DISPOSITION replace the entire section with the following:
“The judgment is reversed and remanded to the trial court to enter a judgment of a misdemeanor violation of Vehicle Code section 23152, subdivision (b), and for resentencing.”

The petition for rehearing is denied.

There is no change in the judgment.

Dated: _____

Wunderlich, J.

Elia, Acting P.J.