CERTIFIED FOR PUBLICATION

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

THE PEOPLE,

H026546

Plaintiff and Respondent,

(Santa Clara County Superior Court No. EE220486)

WEIBIN JIANG,

v.

Defendant and Appellant.

ORDER MODIFYING OPINION AND DENYING REHEARING

THE COURT:

It is ordered that the opinion filed herein on June 16, 2005, be modified by omitting section C in its entirety.

This modification does not affect the judgment.

The petition for rehearing is denied.

Dated:

Mihara, J.

Rushing, P.J.

Elia, J.