

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

In re DONALD SCHMIDT,  
on Habeas Corpus.

H029842

(Santa Cruz County  
Super. Ct. No. CV152464)

ORDER MODIFYING OPINION

**[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on September 28, 2006, be modified in the following particulars:

On page 26, the computer version of the above opinion incorrectly designated McAdams, J. as a concurring justice. Justice Wendy Duffy in fact participated, concurred and signed the original opinion.

This modification does not effect a change in the judgment.

\_\_\_\_\_  
BAMATTRE-MANOUKIAN, Acting P. J.

\_\_\_\_\_  
MIHARA, J.

\_\_\_\_\_  
DUFFY, J.