

**IN THE SUPREME COURT OF CALIFORNIA**

THE PEOPLE,	)	
	)	
Plaintiff and Respondent,	)	
	)	S122816
v.	)	
	)	Ct.App. 2/3 B162812
GREGORY ODELL HUDSON,	)	
	)	Los Angeles County
Defendant and Appellant.	)	Super. Ct. No. BA226321
_____	)	

**MODIFICATION OF OPINION**

**THE COURT:**

The opinion in this case, filed on June 19, 2006, and appearing at 38 Cal.4th 1002, is modified by deleting the first full paragraph on page 1013 and substituting in its place the following paragraph:

Accordingly, a trial court must tell the jury that in determining whether the statutory requirement that the pursuing police officer’s vehicle be distinctively marked is met, it should consider the physical features of the vehicle itself that distinguish it from vehicles not used for law enforcement. To be distinctively marked, a vehicle must have, in addition to a red light and siren, one or more distinguishing physical features that are reasonably visible to other drivers during the pursuit. A trial court, however, need not instruct the jury that any particular form or specific type of mark is necessary. (See *Estrella, supra*, 31 Cal.App.4th at p. 722 [§ 2800.1 does not require distinctive mark to be in form of insignia or logo].)

This modification does not effect a change in the judgment.