

Filed 9/20/07

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

VINCENT TU,

Defendant and Appellant.

A105905

(San Francisco County
Super. Ct. Nos. 182774, 183407-3)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

On the court's own motion, it is ordered that the opinion filed herein on August 27, 2007, be modified as follows:

On page 15, footnote 6 is added at the end of the last sentence, as follows:

Our unpublished opinion in *People v. Tu* (Nov. 29, 2005, A105905), continues to govern disposition of issues not related to the *Cunningham* issue addressed in our present opinion.

There is no change in the judgment. Appellant's petition for rehearing is denied.

Dated:

Ruvolo, P.J.