

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

GARY M. BLAIR,

Petitioner,

v.

THE SUPERIOR COURT OF SANTA
BARBARA COUNTY,

Respondent;

THE PEOPLE et al.,

Real Parties in Interest.

2d Civil No. B171673
(Super. Ct. No. 1074699)
(Santa Barbara County)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on June 15, 2004, be modified as follows:

1. On page 11 insert a footnote after "*(People v. Morales, supra, 48 Cal.3d at p. 547.)*" The footnote shall read:

After our opinion was filed, Blair asked that we modify the opinion to decide whether the court violated the California Trial Jury Management Act. (Code Civ. Proc., § 190 et seq.) We may not do so. (*California Assn. for Safety Education v. Brown* (1994) 30 Cal.App.4th 1264, 1274-1275.) The issue was not raised by the parties. Moreover, in its response to Blair's request, the Public Defender denies it asked us to decide the issue in its amicus brief.

There is no change in the judgment.