Filed 1/11/10

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE, Plaintiff and Respondent, v. JASPER DWIGHT BRANNER, Defendant and Appellant.	C059288 (Super.Ct.No. 04F11213) ORDER MODIFYING OPINION AND DENYING REHEARING; NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed in this case on December 17, 2009, be modified as follows:

On page 4, lines 9-10, delete the words "there was probable cause" and substitute the words "it was reasonable" so that the lines read:

Today, the search and seizure are deemed unlawful, unless it was reasonable to believe the car contained evidence of the offense

This modification does not change the judgment.

The petition for rehearing is denied.

FOR THE COURT:

SCOTLAND, P. J.

NICHOLSON, J.

ROBIE, J.