

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

**FILED**

JUL 29 2011

Court of Appeal - First App. Dist.  
DIANA HERBERT

By \_\_\_\_\_  
DEPUTY

THE PEOPLE,  
Plaintiff and Respondent,

v.

\_\_\_\_\_ KUNG,  
Defendant and Appellant.

A132573

(Alameda County  
Superior Court Appellate No. 5113  
Trial Court No. 50608153/TRF)

BY THE COURT:

Defendant \_\_\_\_\_ Kung's petition to transfer pursuant to rule 8.1006 of the California Rules of Court is denied. In light of appellate proceedings pending in People v. Goldsmith (B231678), transfer to this court is not necessary to secure uniformity of decision or settle an important question of law.

Date:       **JUL 29 2011**      

**McGuinness, P.J.**

\_\_\_\_\_  
P.J.