

CERTIFIED FOR PARTIAL PUBLICATION*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY WADE BUTLER,

Defendant and Appellant.

B218946

(L.A. Super. Ct. No. MA045858)

ORDER MODIFYING OPINION
AND DENYING REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

IT IS ORDERED that the opinion filed herein on May 11, 2011, be modified in the following particulars:

On page 4, delete the last sentence in the second paragraph under Discussion part I. beginning with the words “We reject” and ending with “insurance companies” and in its place, substitute the following:

We reject Butler’s argument because it contradicts the plain language of the statute. Although resort to legislative history is unnecessary, that history is consistent with the statute’s plain language.

* Pursuant to California Rules of Court, rules 8.1100 and 8.1110, this opinion is certified for publication with the exception of parts II, III, IV and V.

This modification does not affect a change in the judgment.

Appellant's petition for rehearing is denied.

MALLANO, P. J.

ROTHSCHILD, J.

JOHNSON, J.