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Order not previously received for posting

CERTIFIED FOR PUBLICATION

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Glenn)**

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY RAY DIAL, SR.,

Defendant and Appellant.

C045211

(Super. Ct. No.
00CR00034)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on November 3, 2004, be modified as follows:

On page 7, after the second sentence of the first paragraph, add the following:

Even though addressed to the court, the request shows that defendant sent a copy of it to the "District Attorney Office [sic]." We will give defendant the benefit of the doubt and assume, without deciding, that his effort was sufficient to comply with the statute.

There is no change in the judgment.

SIMS, Acting P.J.

NICHOLSON, J.

HULL, J.