

**CERTIFIED FOR PARTIAL PUBLICATION**  
**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**  
**FOURTH APPELLATE DISTRICT**  
**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDRA FELTON,

Defendant and Appellant.

E033333

(Super.Ct.Nos. FSB026722,  
FSB028320)

**ORDER MODIFYING OPINION  
AND DENYING PETITION FOR  
REHEARING**  
[NO CHANGE IN JUDGMENT]

The petition for rehearing is denied. The opinion filed in this matter on September 13, 2004 is modified as follows:

1. Footnote 1, on page 16, is deleted.
2. On page 18, before the first full paragraph (beginning, “We conclude that”),

the following paragraph is inserted:

In a single sentence, defendant asserts: “The admission of accomplice testimony without cautionary instruction[s] allowed the prosecution to convict [defendant] using unreliable evidence, [in] violation of the [d]ue [p]rocess [c]lause.” Defendant waived this argument by failing to support it with citation to authority and reasoned argument. (*People v. Stanley* (1995) 10 Cal.4th 764, 793.) In any event, the corroboration requirement itself is a matter of state law, not due process. (*In re Mitchell P.* (1978) 22 Cal.3d 946, 949; *In re Eugene M.* (1976) 55 Cal.App.3d 650, 657; *In re R.C.* (1974) 39 Cal.App.3d 887, 893.) A

fortiori, when there is sufficient corroboration, the failure to give accomplice instructions does not violate due process. (*People v. Frye* (1998) 18 Cal.4th 894, 966; *People v. Arias* (1996) 13 Cal.4th 92, 143.)

Except for these modifications, the opinion remains unchanged. These modifications do not effect a change in the judgment.

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HOLLENHORST  
Acting P.J.

I concur:

GAUT  
J.