

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

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
IRVING LEROY DAVEY,  
Defendant and Appellant.

A102885

(Marin County  
Super. Ct. No. SC 123734)  
ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 12, 2005, be modified as follows:

1. In the footnote appearing on page 1, the phrase “part III” is changed to “part IV” so the sentence reads:

Pursuant to California Rules of Court, rules 976(b) and 976.1, this opinion is certified for publication with the exception of part IV.

There is no change in the judgment.

Trial Court: Marin County Superior Court

Trial Judge: Hon. Verna A. Adams

Counsel for Appellant: Alex Green, under the First District Appellate Project Independent Case System

Counsel for Respondent: Bill Lockyer, Attorney General; Robert R. Anderson, Chief Assistant Attorney General; Eric D. Share, Supervising Deputy Attorney General; Stan M. Helfman, Supervising Deputy Attorney General; Ayana A. Cuevas, Deputy Attorney General