

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MARTHA DURAN,

Defendant and Appellant.

2d Crim. No. B174703  
(Super. Ct. No. 2003028093)  
(Ventura County)

ORDER MODIFYING OPINION  
AND DENYING REHEARING.  
[No Change in Judgment]

THE COURT:

It is ordered that the opinion filed herein on December 1, 2004, be modified as follows:

On page 3, delete the first line of the first full paragraph beginning with the word "The" and ending with the word "theory" and insert the following:

The superior court granted the motion to dismiss because of insufficiency of the evidence. It did not grant the motion based on the "special statute prevailing over a general statute" theory.

[There is no change in the judgment.]

Appellant's petition for rehearing is denied.