

CERTIFIED FOR PUBLICATION

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

THE PEOPLE,

Plaintiff and Respondent,

v.

DARRELL KEITH MARCHMAN,

Defendant and Appellant.

C048996

(Super. Ct. No. CR93048)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed in this case on November 27, 2006, be modified as follows:

1. On page 4, delete the first full paragraph beginning "This pattern continued" and replace it with the following:

This pattern continued until May 2004. At that point, defendant had returned to Atascadero State Hospital. Psychiatrist Dr. David Fennell, acting with the endorsement of the medical director of the hospital, determined that defendant's mental disorder was in remission and could be kept in remission without treatment.

2. On page 5, delete the third sentence of the second full paragraph, which reads: "During the hearing on the motion defendant moved to dismiss the petition because Dr.

Fennell, the medical director, had determined that he did not meet the criteria for recommitment." and replace it with:

During the hearing defendant moved to dismiss the petition because Dr. Fennell, on behalf of the medical director, had determined that he did not meet the criteria for recommitment.

3. Also on page 5, delete the first sentence of the third full paragraph, which reads: "At defendant's seven-day trial in early 2005, Dr. Fennell testified to his evaluation of defendant's remission as related above." and replace it with:

At defendant's seven-day trial in early 2005, Dr. Fennell, who at that point was acting medical director at Atascadero State Hospital, testified to his evaluation of defendant's remission as related above.

This modification does not change the judgment. (***CERTIFIED FOR PUBLICATION.***)

BY THE COURT:

NICHOLSON _____, Acting P. J.

ROBIE _____, J.

BUTZ _____, J.