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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

DARRELL STAFFORD,

Defendant and Appellant.

A132989

(Sonoma County

Super. Ct. No. SCR589032)

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

**THE COURT:**

It is ordered that the opinion filed herein on July 20, 2012, be modified in the following particulars:

1. On page 13, line 10, footnote 4 is added after the sentence which reads “And he said, ‘I did.’ ” Footnote 4 will read:

Defendant has requested that we alter the reporter’s transcript to read “I did?,” rather than the current declaratory statement, “I did.” Without any definitive indication from the court reporter, the trial court, or the parties as to the precise nature of defendant’s response, this court cannot determine if the quote, “I did,” was a declaration or a query. We decline to alter the record, although we do not make a characterization either way in ruling on the issue of the admissibility of defendant’s statements as adoptive admissions.

There is no change in the judgment.

The petition for rehearing is denied.

Date: August 2, 2012

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Marchiano, P. J.