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COURT OF APPEAL, FOURTH DISTRICT

DIVISION TWO

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DARCY LYNN MATTHEWS,

Defendant and Appellant.

E052977

(Super.Ct.No. RIF145675)

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 April 19, 2012, is hereby modified, as follows:

1. On page five, the following sentence is added at the end of the second paragraph: Counsel told the court that her client would “not be available after today.”

2. On page five, the third paragraph should be omitted and the following paragraph added:

Defendant did not appear on February 24, 2011, the date of the next progress hearing. On that date, probation filed a report documenting that on February 2, 2011,

defendant had brought in proof of her marriage on January 1, 2011; a copy of her husband's military orders to Fort Hood, Texas; and a copy of a lease on a house in Texas with a move-in date of February 15, 2011. The report recommended that defendant be "graduated" from the Mental Health Treatment Program and that probation be continued under the same terms and conditions. The court indicated that it had read and considered the report and found defendant in compliance with the terms of probation. Probation was continued on the same terms and conditions.

Except for this modification, the opinion remains unchanged. This modification does not change the judgment.

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CODRINGTON
J.

I concur:

KING
ACTING P.J.