

FOR PUBLICATION

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CONCURRING OPINION OF NAKAMURA, J.

I join in the majority opinion except with respect to its discussion of Defendant-Appellant Ronald Gomes' issue 3, the Apprendi/Tafoya claim. As to that issue, I concur in the result reached but do not join in the majority's citation to United States v. Booker, 125 S.Ct. 738, 749-50 (2005), as supporting authority for its decision.

*Craig H. Nakamura*

