

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

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FRANK O. LOHER, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

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FILED

NO. 27844

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 05-1-0067; CR. NO. 99-0-1621)

SECOND ORDER OF CORRECTION

(By: Leonard, J., for the court¹)

IT IS HEREBY ORDERED that the Opinion of the Court,
filed on July 14, 2008, is hereby corrected as follows:

1. At page 13, 4th line from the bottom, after the
word Ring, but before the comma, insert the following: (Loher
apparently was referring to Ring v. Arizona, 536 U.S. 584 (2002)
so the line reads: "accordance with Apprendi, Ring (Loher
apparently was referring to Ring v. Arizona, 536 U.S. 584 (2002),
and Blakely;" . . .

2 At page 29, 6th line from the top, delete the
second comma and "485" so the line reads: "38, 79 P.3d 131
(2003); State v. Rivera, 106 Hawai'i 146," . . .

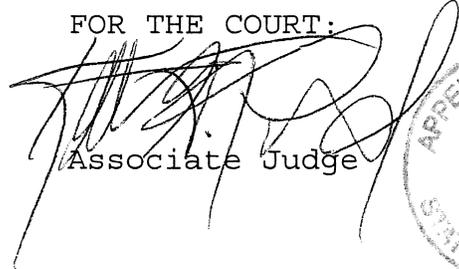
¹ Recktenwald, C.J., Watanabe and Leonard, JJ.

FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

The clerk of the court is directed to incorporate the foregoing changes in the original opinion and take all necessary steps to notify the publishing agencies of these changes.

DATED: Honolulu, Hawai'i, July 31, 2008.

FOR THE COURT:



Associate Judge

