

FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

---o0o---

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
WALTER LEE CUTSINGER, Defendant-Appellant

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2008 FEB -5 PM 2:07

FILED

NO. 28203

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 05-1-1409)

February 5, 2008

WATANABE, PRESIDING JUDGE, FOLEY, AND NAKAMURA, JJ.

SECOND ORDER OF AMENDMENT

The opinion of the court, filed on January 30, 2008, is hereby amended as follows:

At page 26, line 3 from the top, the word "not" was erroneously omitted and should be added between the words "did" and "extinguish" so that as amended the text reads as follows: "unconstitutional on its face did not extinguish the statute's existence."

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.

Corinne K. A. Watanabe
Daniel R. Foley
Craig H. Nakamura