

IN THE SUPREME COURT OF THE STATE OF HAWAII

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 SEP 22 PM 1:29

FILED

STATE OF HAWAII, Respondent-Appellee,

vs.

ALFRED J. ROMAN, Petitioner-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(FC-CR NO. 02-1-0350)

SECOND ORDER OF AMENDMENT
(By Moon, C.J., for the court¹)

IT IS HEREBY ORDERED that the opinion of the court, filed on September 11, 2008, is amended as follows:

Page 19, second block quote: In the second block quote, beginning with "make a showing," the phrase "(4) the force used was designed to cause . . ." should read: "(4) the force used was not designed to cause"

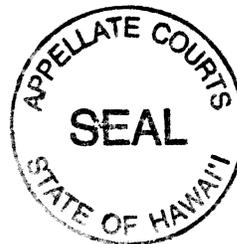
Page 25, line 2: The reference to "HRS § 703-30(1)(b)" should read: "HRS § 703-309(1)(b)."

The Clerk of the Court is directed to incorporate the foregoing change in the original opinion and take all necessary steps to notify the publishing agencies of the aforementioned change.

DATED: Honolulu, Hawaii, September 22, 2008.

FOR THE COURT:

[Signature]
Chief Justice



¹ Court: Moon, C.J., Levinson, and Duffy, JJ.; Nakayama and Acoba, JJ., concurred separately in the opinion of the court.