

FILED

FEB 02 2009

Robertson v. Runnals, et al., 08-15173

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOONAN, Circuit Judge, concurring:

The issues presented to us, a federal court of appeals, are in essence state issues. The facts show a law-abiding person converted into a felon in a few moments of provoked anger and excitement. We cannot change the facts or alter the law. I can and do express regret at the rigor of the law.