

STATE v. PARKER

965

Cite as 276 Neb. 965

testimony on the issue of causation, which testimony was required to overcome summary judgment. We therefore affirm the decision of the district court.

AFFIRMED.

GERRARD and MILLER-LERMAN, JJ., not participating.

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STATE OF NEBRASKA, APPELLEE, V. STEVEN PARKER, APPELLANT.

767 N.W.2d 68

Filed January 2, 2009. No. S-06-1442.

SUPPLEMENTAL OPINION

Appeal from the District Court for Sarpy County: DAVID K. ARTERBURN, Judge. Supplemental opinion: Former opinion modified. Motion for rehearing overruled.

Robert B. Creager, of Anderson, Creager & Wittstruck, P.C., for appellant.

Jon Bruning, Attorney General, and James D. Smith for appellee.

HEAVICAN, C.J., WRIGHT, CONNOLLY, GERRARD, STEPHAN, McCORMACK, and MILLER-LERMAN, JJ.

PER CURIAM.

This matter is before the court on the motion for rehearing filed by the State of Nebraska, appellee, regarding our opinion reported at *State v. Parker*, ante p. 661, 757 N.W.2d 7 (2008). We overrule the motion, but modify the opinion as follows:

1. That portion of the opinion designated “HEARSAY OBJECTION,” *id.* at 675-77, 757 N.W.2d at 19-20, is withdrawn, and the following language is substituted in its place: “Because of this disposition, we do not reach Parker’s remaining assignments of error.”

2. The concurring opinion, *id.* at 677-78, 757 N.W.2d at 21, is withdrawn.

The remainder of the opinion shall remain unmodified.

FORMER OPINION MODIFIED.

MOTION FOR REHEARING OVERRULED.