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USA v. Robert Mulgrew

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 14-4812

UNITED STATES OF AMERICA

v.

ROBERT MULGREW,
Appellant

(E. D. Pa. Criminal No. 2-13-cr-00039-003)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE,
RESTREPO, BIBAS, PORTER, NYGAARD, and FISHER* Circuit Judges

The petition for rehearing en banc filed by appellant Robert Mulgrew in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a

* Pursuant to Third Circuit I.O.P. 9.5.3, Judge Richard L. Nygaard's and Judge D. Michael Fisher's votes are limited to panel rehearing.

majority of the circuit judges of the circuit in regular service not having voted for rehearing, the petition for rehearing en banc is DENIED.

The petition for rehearing by the panel is GRANTED IN PART, solely as to Appellant's claim that he is entitled to a consideration of the sufficiency of the evidence of perjury based upon an accurate understanding of his argument relating to his response to a particular question.

Q. Let me make sure as well that if I got your testimony correct [sic]. You're saying that if other people whether they be political leaders, friends and family, anybody is approaching your personal and asking her specifically to look out for a case, see what she can do in a case, give preferential treatment, however you want to phrase it, that she is not relaying any of that information on to you; is that correct?

A. No, she isn't.

App. 437-38. After consideration of Appellant's argument, the panel has agreed to amend the opinion, which will be filed simultaneously with this order in all of the consolidated cases. Each of the judgments entered August 21, 2018, shall remain in full force and effect.

BY THE COURT,

s/ Richard L. Nygaard
Circuit Judge

Dated: January 18, 2019
PDB/CLW/cc: All Counsel of Record