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2007 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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8-10-2007

## USA v. Vitillo

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**PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 05-4330/4331/4332

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UNITED STATES OF AMERICA

v.

JOHN VITILLO, VITILLO CORPORATION and  
VITILLO ENGINEERING, INC.

Appellants.

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. No. 03-cr-00555-1)  
District Judge: Hon. R. Barclay Surrick

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Argued December 11, 2006

Before: SMITH and ROTH, Circuit Judges,  
\*IRENAS, District Judge

(Opinion filed June 25, 2007)

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\*Honorable Joseph E. Irenas, United States District Judge for the District of New Jersey, sitting by designation.

**ROTH, Circuit Judge:**

**ORDER AMENDING SLIP OPINION**

**IT IS ORDERED** that the published Opinion in the above case, filed on June 25, 2007, be amended as follows:

**On page 21 of the first full paragraph, delete the last sentence:**

“Counsel also informed us that it was not uncommon for prosecutors to accompany agents into the field and later serve as trial counsel, provided that the prosecutors waited in the car while the search warrants were being issued.”

**and replace with:**

“Counsel also informed us that it was unusual, although not unheard of, for prosecutors to accompany agents into the field and later serve as trial counsel.”

By the Court,

/s/ Jane R. Roth

Circuit Judge

Dated: August 10, 2007