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USA v. Paul Bergrin

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 10-2204

UNITED STATES OF AMERICA,

Appellant

v.

PAUL W. BERGRIN; YOLANDA JAUREGUI,
a/k/a Yolanda Bracero;
THOMAS MORAN;
ALEJANDRO BARRAZA-CASTRO,
a/k/a George; VICENTE ESTEVES,
a/k/a Vinny

On Appeal from the United States District Court
for the District of New Jersey
(D.C. No. 09-cr-00369)
District Judge: Honorable William J. Martini

Argued December 15, 2010
Before: RENDELL, JORDAN and HARDIMAN, *Circuit Judges*.

ORDER AMENDING OPINION

IT IS HEREBY ORDERED that the opinion in the above case, filed April 12, 2011, be amended as follows:

Page 23, first paragraph, which read:

First, it is undisputed that the indictment charges each RICO defendant with committing at least two predicate acts within the last ten years, thus certainly meeting the statutory threshold set forth in §1961(5).

shall read:

First, it is undisputed that the indictment charges each defendant with committing at least two predicate acts, the last of which occurred within ten years after the commission of a prior act of racketeering, thus certainly meeting the statutory threshold set forth in § 1961(5).

Page 27, first paragraph, second sentence, which read:

On these points, the Court openly weighed the evidence and questioned the Government's ability prove that all of the purported members of the enterprise shared the alleged common purposes.

shall read:

On these points, the Court openly weighed the evidence and questioned the Government's ability to prove that all of the purported members of the enterprise shared the alleged common purposes.

BY THE COURT:

/s/ Thomas M. Hardiman
Circuit Judge

DATED: April 20, 2011