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USA v. Cole

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-1904

UNITED STATES OF AMERICA

v.

TERRANCE LARNELL COLE,

Appellant

Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Criminal Action No. 04-cr-109)
District Judge: Honorable Thomas M. Hardiman

Submitted Under Third Circuit LAR 34.1(a)
July 10, 2007

Before: RENDELL and AMBRO, Circuit Judges,
and SHAPIRO, * District Judge

ORDER AMENDING OPINION

*Honorable Norma L. Shapiro, Senior Judge of the United States District Court for the Eastern District of Pennsylvania, sitting by designation.

It is hereby **ORDERED** that the Not Precedential Opinion filed in the within matter on August 31, 2007 is **AMENDED** as follows:

On page 6, delete the following sentence:

There is the government's memorandum in support of its motion (App. 326-332) and the statements the District Court made in open court concerning the matter (Supp. App. 978).

and replace it with the following language:

There is the government's memorandum in support of its motion (App. 326-332) and the statements the District Court made concerning the matter.

On page 8, delete the following sentences:

The District Court announced in open court in his presence the plan to impanel the jury anonymously before voir dire began. With notice, Cole failed to object.

and replace it with the following language:

The anonymous jury was selected in Cole's presence, and the judge's discussion of the voir dire made clear the jurors were to answer only by number (Tr. 8/15/05, p. 8); Cole must have realized what was going on and could have objected then or later as he was present for the discussion of an anonymous jury when Juror 197 was excused but Juror 16 was not (Tr. 8/17/05, p. 6).

For the convenience of the parties, a final copy of the amended opinion is attached to this order.

BY THE COURT:

/s/ Marjorie O. Rendell

Dated: March 9, 2010