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USA v. Chandler

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PRECEDENTIAL

Filed July 18, 2003

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-2572

UNITED STATES OF AMERICA,

v.

LINDA LEE CHANDLER,

Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
D.C. No. 00-CR-00169
District Judge: Honorable Donetta W. Ambrose

ORDER AMENDING SLIP OPINION

POLLAK, District Judge:

It is now ordered that the published Opinion in the above case filed April 14, 2003, be amended as follows:

In the paragraph beginning on page 221 of 326 F.3d, and continuing onto page 222, after the phrase “three ounces of cocaine,” insert the following footnote:

The following excerpts from Sylvester’s trial testimony confirm Sylvester’s recognition of the importance of testifying in conformity with the government’s expectations. On direct examination, the following exchange occurred between Mr. Rivetti and Sylvester:

Q: What is your understanding under the plea agreement as to the information you are providing to the agents, could that information be used against you?

A: Yes, if in fact that I didn't hold up to my part of the bargain, so to speak. That was part of the plea bargaining, making sure all the information that I provided was with honesty and truthful and that if at any time that I decided to basically not continue to cooperate, that that information could be used against me.

Q: All right. So if you were truthful, it wouldn't be used against you?

A: That is correct.

Q: So you agreed to tell everything you knew about the drug trafficking?

A: Yes.

Q: And your liability was limited to what?

A: The three ounces that I sold to the individual.

On cross-examination, the following exchange occurred between Mr. Scorotow and Sylvester:

Q: Let's talk about that [plea] agreement. The final person who put in that you're honest and truthful is sitting right here, Mr. Rivetti, isn't that correct?

A: I'm sorry?

Q: The person who put what we call that 5K motion in to Judge Ziegler was Mr. Rivetti right here?

A: Yes.

Q: So he's the arbitrator on if you're truthful or not, right?

A: Yes. I would believe so.

By the Court,

/s/ Louis H. Pollak
District Judge

Dated: July 18, 2003

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Teste:

*Clerk of the United States Court of Appeals
for the Third Circuit*