

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No: 03-4715

UNITED STATES OF AMERICA

v.

LORENZO M. KING,

Appellant

Appeal from the United States District Court
for the Western District of Pennsylvania
(Crim. No. 03-cr-00122)
District Court: Hon. Gustave Diamond, Chief Judge

Argued: September 21, 2004

Before: McKEE, Circuit Judge, and
ROSENN and WEIS, Senior Circuit Judges

ORDER

IT IS HEREBY ORDERED, that the Not-Precedential Opinion filed in this case
on April 14, 2005, be amended as follows:

In Footnote 2, in the next to the last line, the sentence should read:

“Moreover, to the extent the sentencing court may decide to enhance a
sentence based upon factors such as those incorporated into the
sophisticated means enhancement, it must rely only upon conduct admitted
by the defendant or found by the fact finder based upon proof beyond a
reasonable doubt.”

IT IS SO ORDERED.

BY THE COURT:

/s/ Theodore A. McKee
Circuit Judge

DATED: April 15, 2005
CMH/cc: KSG, KRL