

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-2968

UNITED STATES OF AMERICA

v.

KEENAN PRICE,

Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 03-cv-00147)
District Judge: Honorable William H. Yohn, Jr.

Argued June 15, 2006
Before: FISHER, CHAGARES and REAVLEY,* *Circuit Judges.*

ORDER AMENDING OPINION

IT IS HEREBY ORDERED that the opinion in the above case, filed June 30, 2006, be amended as follows:

Page 2, footnote 1, line 3, which read:

18 U.S.C. § 922(c) (gun possession in furtherance); . . .

shall read:

18 U.S.C. § 924(c) (gun possession in furtherance); . . .

*The Honorable Thomas M. Reavley, United States Circuit Judge for the Fifth Circuit, sitting by designation.

Page 2, first paragraph, second sentence, which read:

Price raises three issues: first, that the District Court improperly allowed two police officers to present hearsay testimony about the contents of the radio report to which they responded; second, that the District Court improperly allowed the government's expert witness to testify about Price's mental state; and third, that the District Court improperly instructed the jury on the meaning of "in furtherance" in 18 U.S.C. § 922(c).

shall read:

Price raises three issues: first, that the District Court improperly allowed two police officers to present hearsay testimony about the contents of the radio report to which they responded; second, that the District Court improperly allowed the government's expert witness to testify about Price's mental state; and third, that the District Court improperly instructed the jury on the meaning of "in furtherance" in 18 U.S.C. § 924(c).

Page 5, last paragraph, first sentence, which read:

Finally, the District Court instructed the jury on the meaning of "in furtherance" in § 922(c).

shall read:

Finally, the District Court instructed the jury on the meaning of "in furtherance" in § 924(c).

Page 24, Part C, first paragraph, first sentence, which read:

Price argues, finally, that the jury instructions failed to define the "in furtherance" component of § 922(c), and thus allowed the jury to infer that mere possession of a gun while committing a crime is sufficient for conviction.

shall read:

Price argues, finally, that the jury instructions failed to define the "in furtherance" component of § 924(c), and thus allowed the jury to infer that mere possession of a gun while committing a crime is sufficient for conviction.

Page 24, Part C, second paragraph, last sentence, which read:

By specifying that the gun must have “furthered” or been “integral” to the underlying crime, the instruction adequately conveyed that possession of a gun while committing a crime is not, in itself, enough for conviction under § 922(c).

shall read:

By specifying that the gun must have “furthered” or been “integral” to the underlying crime, the instruction adequately conveyed that possession of a gun while committing a crime is not, in itself, enough for conviction under § 924(c).

By the Court,

/s/ D. Michael Fisher
Circuit Judge

Dated: August 28, 2006
CRG/cc: Paul J. Hetznecker, Esq.
Joseph F. Minni, Esq.