

PRECEDENTIAL

Filed September 30, 2002

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 00-2855

UNITED STATES OF AMERICA,
Appellant

v.

DAVID M. PHARIS; EDWARD J. HABINA;
WILLIAM M. DULL; HARRY GANGLOFF

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Criminal Nos. 99-cr-00743-1; 99-cr-00743-2;
99-cr-00743-3; and 99-cr-00743-4)
District Judge: Hon. Herbert J. Hutton

Argued May 31, 2001

Before: SLOVITER, FUENTES and COWEN, Circuit Judges

Reargued En Banc February 13, 2002

Before: BECKER, Chief Judge, SLOVITER, MANSMANN,*
SCIRICA, NYGAARD, ALITO, ROTH, McKEE, RENDELL,
BARRY, AMBRO, FUENTES and COWEN, Circuit Judge s

* Hon. Carol Los Mansmann participated in the oral argument and decision in this case, but died before she could join or concur in this Opinion.

ORDER AMENDING OPINION

IT IS ORDERED that the slip opinion in the above case,
filed July 26, 2002, be amended as follows:

Page 23, line 8 - the word "mistrial" should be changed
to "retrial," so that the line will read "double jeopardy does
not bar retrial, Dinitz, 424 U.S. 606-"

By the Court,

/s/ Dolores K. Sloviter
Circuit Judge

Dated: September 30, 2002

A True Copy:
Teste:

Clerk of the United States Court of Appeals

for the Third Circuit