

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-1904

UNITED STATES OF AMERICA

v.

TERRANCE L. 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.

RENDELL, *Circuit Judge*:

It is hereby ORDERED that the Not Precedential Opinion filed in the within matter on August 31, 2007, is AMENDED as follows:

On page 4, in the third paragraph, delete the following sentence:

However, the District Court's decision to grant the government's motion to impanel an anonymous jury was announced in open court on August 15, 2005, in the presence of Cole. Supp. App. 978

and replace it with the following language:

However, 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).

BY THE COURT:

/s/ Marjorie O. Rendell

Circuit Judge

Dated: February 6, 2009