

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

March 17, 2009

No. 07-1329

UNITED STATES OF AMERICA

v.

WALTER M. TERPACK,

Appellant.

(D.C.N.J. No. 05-cr-00877)

Present: SLOVITER, BARRY and ROTH, Circuit Judges

Motion by Appellee to Amend Opinion Entered on 3/11/09.

/s/ Tina Koperna

Case Manager (267)299-4930

O R D E R

The foregoing motion is **granted** and the **Opinion is amended**, as follows:

On Page 2, four lines down, change the sentence to read:

The Court, however, determined that because Terpack entered a guilty plea to receipt of images of child pornography under 18 U.S.C. § 2252A(a)(2) and to the lesser included offense of possession of the same images under 18 U.S.C. §2252A(a)(5)(B), the entry of separate convictions for the same offense contravened the double jeopardy clause.

By the Court,

/s/ JANE R. ROTH

Circuit Judge

Dated: March 24, 2009

tmk/cc: Sabrina G. Comizzoli, Esq.

George S. Leone, Esq.

John F. Romano, Esq.

Joseph R. Rubino, Esq.