

United States Court of Appeals,
Eleventh Circuit.

No. 94-8730.

UNITED STATES of America, Plaintiff-Appellee,

v.

Donald DEROSE, Roberta Ould, Defendants-Appellants.

March 15, 1996.

Appeals from the United States District Court for the Northern District of Georgia (No. 1:93-CR-236), Jack T. Camp, Judge.

Prior report: 74 F.3d 1177.

Before HATCHETT and CARNES, Circuit Judges, and OWENS*, Senior District Judge.

BY THE COURT:

Appellees' motion to modify published opinion is GRANTED. The published opinion shall be modified as follows:

(1) By addition the word "initially" after the word "attorney" and before the word "assigned" in the fourth sentence of the second paragraph of the "Procedural History" section of the opinion. The corrected sentence should read "The magistrate judge noted that the one-year delay between the probable cause hearing and the dismissal of the complaint was attributable to the "gross negligence" of the assistant United States Attorney initially assigned to the case."

(2) By adding a footnote in the opinion following the above-stated corrected sentence, which should read, "Neither of the two attorneys listed in this opinion as counsel for the United States of America on appeal was the Assistant United States

*Honorable Wilbur D. Owens, Jr., Senior U.S. District Judge for the Middle District of Georgia, sitting by designation.

Attorney to whom the magistrate judge was referring."