

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40454

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

versus

CORNELIUS DEWITTE LOE, JR., also known as C.D. LOE;
BABO BEAZLEY LOE; LOE'S HIGHPORT, INC.,
Defendants - Appellants.

Consolidated with
Case No. 99-40495

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

versus

LOE'S HIGHPORT, INC.; BABO BEAZLEY LOE,
Defendants - Appellants.

Consolidated with
Case No. 99-41470

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

versus

BABO BEAZLEY LOE; LOE'S HIGHPORT, INC.,
Defendants - Appellants.

Consolidated with
Case No. 00-40690

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

versus

BABO BEAZLEY LOE; LOE'S HIGHPORT, INC.,
Defendants - Appellants.

Appeals from the United States District Court
for the Eastern District of Texas

June 21, 2001

ON PETITIONS FOR REHEARING AND REHEARING EN BANC

(Opinion April 17, 2001, 5th Cir., ____ F.3d ____)

Before HIGGINBOTHAM and DeMOSS, Circuit Judges, and FISH,* District Judge.

PER CURIAM:

In a footnote, the panel opinion states that "[n]either party appeals its money laundering convictions under counts 25, 29, 30, and 31." *United States v. Loe*, 248 F.3d 449, 467 n.80 (5th Cir. 2001). The opinion should have indicated that neither party challenges its conviction under these counts on the grounds discussed in that section of the opinion, that the evidence was insufficient to establish that at least \$10,000 of the "traced" funds was fraudulently obtained. As the opinion recognizes in the same footnote, Babo Loe raised a more general sufficiency challenge to Count 25, which the opinion rejected. Both Loe's Highport, Inc. and Babo Loe also appealed their convictions on counts 25, 29, 30, and 31 on a distinct rationale, arguing that the indictment allowed for a non-unanimous jury verdict. This Court was unpersuaded by Appellants' contention and affirmed the convictions on these counts.

* District Judge of the Northern District of Texas, sitting by designation.

With the clarification of this order, the Petitions for Panel Rehearing are DENIED. No member of this panel nor judge in regular active service on the court having requested that the court be polled on Rehearing En Banc (Fed. R. App. and 5th Cir. R. 35), the Petitions for Rehearing En Banc filed by Appellants Loe's Highport, Inc. and Cornelius Dewitte Loe, Jr. and Appellee are also DENIED.