



## United States v. Bernegger

2009 | Cited 0 times | N.D. Mississippi | December 15, 2009

### ORDER

This matter comes before the court upon the Government's December 1, 2009 motion to correct the docket [154]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

The Government moves to correct the docket to reflect that Defendant Peter Bernegger was not charged in Count 1 of the Superceding Indictment. The defendant counters that the Superceding Indictment did in fact appear to include him and that he was arraigned on that count.

As explained in its December 15, 2009 Order denying the defendant's renewed motion for acquittal and motion for a new trial, Count 1 of the Superceding Indictment did not state a substantive charge against Defendant Bernegger. Rather, the first eight paragraphs were background information leading up to paragraph 9 which contained the specific charge against co-Defendant Stephen Finch. Counts 2, 3, and 4 incorporated paragraphs 1 through 8 and charged substantive counts against Defendant Bernegger and not Finch. The jury was specifically instructed that only Stephen Finch was charged in Count 1 and the verdict form provided to the jury regarding Peter Bernegger did not have Count 1 as an option for a finding.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The Government's December 1, 2009 motion to correct the docket [154] is GRANTED; accordingly,
- (2) The Clerk's Office is instructed to correct the docket to reflect that Defendant Peter Bernegger was not charged in Count 1 of the Superceding Indictment.

SO ORDERED this the 15th day of December, A.D., 2009.

