

SEP 16 2003

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk) *[Signature]*

- For Publication on Web Site -

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA, )

Criminal Case No. 02-00010

Plaintiff )

v. )

ORDER VACATING  
JUDGMENT OF CONVICTION  
AS TO DEFENDANT BERKICH  
AND DISMISSING THE  
INDICTMENT AS TO HIM

BERT DOUGLAS MONT-  
GOMERY, DUSEAN BERKICH,  
and, TOMAS B. ALDAN, )

Defendants )

THE COURT having been advised by the U.S. Probation Office that  
defendant Dusean Berkich died on August 10, 2003, after the date of his  
conviction; and,

IT BEING a "well-settled principle of law that all criminal proceedings  
abate *ab initio* when the defendant dies pending direct appeal of his criminal

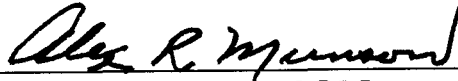
1 conviction, United States v. Schumann, 861 F.2d 1234 (11th Cir. 1988); NOW,

2 THEREFORE,

3  
4 IT IS ORDERED that the judgment of conviction of defendant Dusean  
5 Berkich be and hereby is vacated; and,

6  
7 IT IS FURTHER ORDERED that the indictment against him be and  
8 hereby is dismissed with prejudice. *See e.g. United States v. Lewis*, 676 F.2d 508,  
9 510 n.1 (11th Cir.), *cert. denied*, 459 U.S. 976, 103 S.Ct. 313 (1982).  
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11 DATED this 16<sup>TH</sup> day of September, 2003.

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16 ALEX R. MUNSON

17 Judge  
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