

court to arrest a judgment based on shortcomings of an indictment. Lamar v. United States, 240 U.S. 60 (1916). Defects in an indictment are not jurisdictional issues and “do not deprive a court of its power to adjudicate a case.” United States v. Cotton, 535 U.S. 625, 630 (2002); see also United States v. Vitillo, 490 F.3d 314, 320 (3d Cir. 2007).

Johnson asserts four arguments in support of this motion for arrest of judgment. First, Johnson maintains that count one of the indictment was constructively amended because of jury instructions, and even if it was not constructively amended, 18 U.S.C. § 1001 does not cover false statements made in court pleadings. Second, Johnson contends that count two of the indictment failed to confer federal jurisdiction because it did not contain an element for establishing the violation of aggravated identity theft, namely that the “defendant knew the means of identification belonged to another person.” Third, Johnson argues that count two of the indictment fails to charge an offense under the aggravated identity theft statute because “a name, alone, is not a means of identification.” Fourth, Johnson asserts that this court erred in rendering its aiding and abetting jury instructions because it did not address “foreknowledge or specific intent,” but permitted the jury to “convict on a lesser mens rea standard of culpability.”

Simply put, none of these arguments goes to the jurisdiction of the court. Accordingly, the motion of Johnson for arrest of judgment will be denied.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
JOSEPH R. JOHNSON, JR.	:	NO. 19-367

ORDER

AND NOW, this 20th day of February, 2020, for the reasons set forth in the foregoing memorandum, it is hereby ORDERED that the motion of defendant for arrest of judgment (Doc. # 61) is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.