

**District of Columbia  
Court of Appeals**

No. 07-CF-1154

JAMELLE A. McCLARY,

Appellant,

CF3-18852-06

v.

UNITED STATES,

Appellee.

BEFORE: Washington, Chief Judge; Ruiz, Glickman, \*\*Kramer, Fisher, Blackburne-Rigsby, Thompson, and Oberly, Associate Judges; \*\*\*Reid, Associate Judge, Retired; \*Wagner, \*Kern, and \*Nebeker, Senior Judges.

O R D E R

On consideration of appellant's petition for rehearing or rehearing en banc, and the opposition thereto; and it appearing that the court issued an opinion in *McClary v. United States*, 3 A.3d 346 (D.C. 2010), on September 2, 2010, and on further consideration thereof, of the record on appeal, the petition for rehearing or rehearing en banc, and the opposition thereto, it is

ORDERED by the merits division\* that the petition for rehearing is granted solely on the issue of self interest "(Part II) Bias Cross-Examination." That portion of the opinion dealing with the pre-deliberation instruction does not merit rehearing. Thus, the opinion, *supra*, is amended consistent with this order on the issue of self interest bias of the shooting victim, as reflected in the attached opinion on rehearing. Otherwise the 2010 opinion remains as written. It is

FURTHER ORDERED that the petition for rehearing en banc is denied without prejudice to the filing of a new petition for rehearing en banc directed at the amended opinion.

P E R C U R I A M

\*\*Judge Kramer was an Associate Judge of the court at the time of argument. She retired on May 1, 2011.

\*\*\*Judge Reid was an Associate Judge of the court at the time of argument. Her status changed to Associate Judge, Retired, on April 7, 2011.

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Copies to:

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