

District of Columbia
Court of Appeals

Nos. 97-CF-1673 and 00-CO-677

WILLIAM A. WHITLEY,

Appellant,

F2806-97

v.

UNITED STATES,

Appellee.

BEFORE: Wagner, Chief Judge, Terry, Steadman, *Schwelb, Farrell, Ruiz, Reid, Glickman, and *Washington, Associate Judges, and *Nebeker, Senior Judge.

ORDER

(FILED APRIL 10, 2002)

In consideration of appellant's petition for rehearing en banc, and the consent motion of the Public Defender Service to participate as *amicus curiae*, and the lodged brief of the Public Defender Service, and the opposition of the United States to appellant's petition, it is hereby ORDERED by the en banc court as follows:

1. The consent motion of the Public Defender Service to participate as *amicus curiae* is granted, and the lodged brief is filed; and
2. the petition for rehearing en banc is denied, without prejudice to the filing of a new petition directed to the revised opinion of the division;

and it is FURTHER ORDERED by the division, *sua sponte*, as follows:

1. rehearing by the division is granted;
2. the opinion of the division issued on October 25, 2001 and reported in *Whitley v. United States*, 783 A.2d 629 (D.C. 2001), is modified in that footnote 6 of that opinion is stricken.

PER CURIAM.

