

**District of Columbia
Court of Appeals**

No. 99-CT-969

BRETT C. CASS,

Appellant,

D4175-98

v.

DISTRICT OF COLUMBIA ,

Appellee.

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

O R D E R
(Filed October 6, 2003)

On consideration of appellee's petition for rehearing or rehearing en banc, and the response thereto, it is

ORDERED by the merits division* that the petition for rehearing is granted to the extent that this court's opinion filed July 31, 2003, see 829 A.2d 480 (2003), is amended as follows:

At page 16 of the opinion as it appears on the internet, and at 829 A.2d 488, the last paragraph beginning "Thus, the language and structure..." is amended to read as follows:

Thus, the language and structure of the ABC Act, as well as its legislative history, lead us to conclude that the possession of alcohol by a person under twenty-one is punishable only by a civil fine as described in D.C. Code 25-130 (b-2) and suspension of driving privileges under D.C. Code 25-130 (c), and is not a criminal offense. The judgment of conviction is therefore reversed and the case is remanded for further proceedings not inconsistent with this opinion.

It is FURTHER ORDERED that the petition for rehearing en banc is denied as moot, without prejudice to the filing of a petition for rehearing en banc directed to the opinion as amended hereby.

PER CURIAM