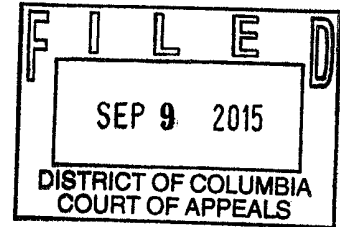


**District of Columbia
Court of Appeals**



Nos. 12-CM-1742 & 12-CM-1743

KIM E. SMITH,

Appellant,

CMD4599-12

CMD6365-12

v.

UNITED STATES,

Appellee.

BEFORE: Blackburne-Rigsby and Beckwith, Associate Judges, and King, Senior Judge.

ORDER

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

ORDERED that appellee's petition for rehearing by the merits division is granted and that the opinion and judgment of December 4, 2014, are vacated in light of *Heien v. North Carolina*, 135 S. Ct. 530 (2014); and it appearing that no judge of this court has called for a vote on the petition for rehearing *en banc*, it is

FURTHER ORDERED that appellee's petition for rehearing *en banc* is denied. It is

FURTHER ORDERED that appellee shall file a brief within 30 days from the date of this order and that appellant shall file a brief within 30 days after filing of appellee's brief. Any responsive brief shall be filed within 10 days thereafter. These new briefs shall be specifically designed for consideration by and addressed to the division and shall supersede all briefs previously filed in this appeal.

PER CURIAM

Copies to:

Honorable Marisa Demeo

Director, Criminal Division

Cynthia Nordone, Esquire
419 7th Street, NW, Suite 405
Washington, DC 20004

Elizabeth Trosman, Esquire
Assistant United States Attorney