

**District of Columbia
Court of Appeals**

No. 17-CF-774

SERGIO VELASQUEZ CARDOZO,

Appellant,

v.



CF1-15152-16

UNITED STATES,

Appellee.

BEFORE: Blackburne-Rigsby, Chief Judge; Glickman, Thompson †, Beckwith, Easterly, McLeese, and Deahl, Associate Judges.

ORDER

On consideration of appellant's petition for rehearing *en banc*, *amicus curiae*'s brief, and appellee's response to appellant's petition for rehearing *en banc*, and it appearing that the majority of the judges of this court have voted to grant the petition for rehearing *en banc*, it is

ORDERED that appellant's petition for rehearing *en banc* is granted and the judgment affirming his conviction for kidnapping, and Part II.A of the opinion of July 29, 2021, are hereby vacated. It is

FURTHER ORDERED that the Clerk shall schedule this matter for argument before the court sitting *en banc* as soon as the calendar permits. It is

FURTHER ORDERED that appellant shall file a brief within 30 days from the date of this order; appellee shall file a brief within 30 days after the filing of appellant's opening brief; appellant may file a responsive brief within 21 days thereafter. Any *amicus* brief shall be filed within 7 days of the opening brief of the party it supports. These new briefs shall be focused on issues regarding the sufficiency of the evidence as to appellant's conviction for kidnapping, including the statutory elements of a kidnapping offense under D.C. Code § 22-2001, and the briefs should be specifically designed for consideration by and addressed to the *en banc* court and shall supersede all briefs previously filed in this appeal.

PER CURIAM

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† Judge Thompson was an Associate Judge of the court at the time of argument. Although her term expired on September 4, 2021, she will continue to serve as an Associate Judge until her successor is appointed and qualifies. *See* D.C. Code § 11-1502 (2012 Repl.) She was appointed on October 4, 2021, to perform judicial duties as a Senior Judge. *See* D.C. Code § 11-1504(b)(3) (2012 Repl.). She will begin her service as a Senior Judge on a date to be determined after her successor is appointed and qualifies.

Copies to:

Honorable Lynn Leibovitz

Director, Criminal Division

Copies e-served to:

Matthew Kaplan, Esquire

Samia Fam, Esquire
Public Defender Service

Chrisellen R. Kolb, Esquire
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