

**District of Columbia
Court of Appeals**



No. 15-CM-130

WINSTON MANUEL PEREZ HERNANDEZ
Appellant,

V.

CMD13406-14

UNITED STATES,
Appellee.

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

ORDER

A majority of the judges in regular active service have voted *sua sponte* to hear this appeal *en banc*. D.C. App. R. 35(a). The opinions of the division of this court filed herein this date, *Winston Manuel Perez Hernandez v. United States*, No. 15-CM-130 (D.C. May 9, 2019), are hereby vacated and the parties are ordered to file supplemental briefs, for consideration by the court sitting *en banc*, addressing the following issues:

- (1) What is the proper understanding of the elements of simple assault under D.C. Code § 22-404(a)(1) (2018 Supp.)?
- (2) In light of the trial court's findings, was the evidence in the present case sufficient to support an assault conviction under a proper understanding of the elements of assault?

Appellant's supplemental brief shall be filed within thirty days from the date of this order and appellee's supplemental brief shall be filled within thirty days thereafter. Any supplemental reply brief shall be filed within twenty-one days after appellee's brief is filed.

The appeal will be scheduled for oral argument *en banc* after briefing is complete.

PER CURIAM

No. 15-CM-130

Copies e-served to:

Lisa Schopler Resnikoff, Esquire

Elizabeth Trosman, Esquire
Assistant US Attorney