

The DCCA decided two criminal cases today and noted actions on rehearing/en banc in two others:

(1) *Najafi v. US*, No. 03-CF-870 (DC 11/10/05): The DCCA affirmed defendant's conviction for distribution of a controlled substance (ecstasy), holding that the prosecutor's impropriety in opening statement was harmless error.

(2) *Fearwell v. US*, No. 03-CF-662 (DC 11/10/05): The DCCA REVERSED defendant's BRA conviction because the combined effect of (a) failure to give a requested jury instruction on willfulness and (b) prosecutor's improper rebuttal argument required a new trial.

(3) *Wilson-Bey v. US*, No. 01-CF-293 (DC 11/2/05, released 11/10/05): DCCA granted rehearing en banc and vacated opinion and judgment of 4/7/05 (dealing with jury instruction on intent to aid and abet premeditated murder).

(4) *Williams v. US*, No. 97-CF-421 (DC 11/8/05, released 11/10/05): DCCA sua sponte made seemingly minor amendments to recent opinion.