

The DCCA decided two criminal cases today:

(1) *Stewart v. US*, No. 98-CF-904 (DC 9/1/05): The DCCA affirmed convictions for ADW and firearms offenses, rejecting claims that (a) other guns & ammunition should not have been admitted; (b) the 23-110 motion (denied after partial hearing) should have been granted; and (c) police reports about another incident were not Brady material.

(2) *Randolph v. US*, No. 02-CF-110 (DC 9/1/05): The DCCA held that admission of a statement (allegedly an excited utterance) made by an eyewitness to kidnapping (but not the subsequent murder) was reversible error as to one defendant but harmless error as to the other one. Opinion contains an interesting discussion of harmless error and when it is or can be waived by the government.