

Notice: This order revises the opinion issued on November 22, 2000. For the convenience of those accessing DCCA opinions electronically, the opinion is revised has been substituted for the original opinion and may be found with the November 2000, opinions.

*District of Columbia  
Court of Appeals*

Nos. 99-CF-177 & 99-CF-220

REGINALD D. BENNETT,  
Appellant,

F3255-98 & F8910-96

v.

UNITED STATES,  
Appellee.

Before: Farrell, Ruiz, and Reid, Associate Judges.

**O R D E R**

**(Filed February 7, 2001)**

On consideration of appellee's motion to amend opinion, it is

ORDERED that the motion is granted to the extent that the opinion of November 22, 2000, is amended as follows:

On page 13, the full paragraph beginning, "For two combined reasons," shall be deleted.

On the same page, the first sentence of the succeeding paragraph (beginning "More significantly") shall be deleted, and that paragraph shall instead begin as follows:

However, we do not believe that *Brady* furnishes the correct standard for evaluating prejudice to the defense in this case, because it is not a case of suppression of evidence by the government. Rather, the evidence in question was substantially in Bennett's possession, and only the trial

court's erroneous ruling prevented it from being used. The government's in limine motion in Lucas's murder case.....

[paragraph continues as published].

Per Curiam

Copies to:

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Clerk, Superior Court

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