

KEVIN ALSTON,	*	IN THE
Petitioner	*	COURT OF APPEALS
v.	*	OF MARYLAND
STATE OF MARYLAND,	*	September Term, 2005
Respondent	*	No. 109
* * * * *	* *	* * * *

ORDER

The Court having considered the Motion for Reconsideration and Stay of Mandate filed by the State, it is this 16th day of August 2013,

ORDERED by the Court of Appeals of Maryland (majority concurring*) that Part B of the Court’s previously filed opinion in this case, *Alston v. State*, __ Md. __, __A.3d__ (2013) (filed June 26, 2013) (slip op. at 10-29), be, and the same is, hereby withdrawn and replaced with “The second question the Petitioner asks us to resolve, being moot, shall not be addressed here”; and, it is further

ORDERED that the State’s request for a stay of the mandate is denied.

/s/ Glenn T. Harrell, Jr.
Senior Judge

* Voting in favor of this action – Judges Harrell, Battaglia, Raker, and Wilner.

Dissenting – Chief Judge Bell, and Judges Greene and Cathell, who would have denied the State’s motion in its entirety.