

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 02-3038

September Term, 2002

(00cr0255)

Filed On: November 27, 2002 [716715]

United States of America, Appellee

v.

Chaka Toure Hutchinson, Appellant

Appeal from the United States District Court for the District of Columbia

Before: SENTELLE and HENDERSON, *Circuit Judges*, and SILBERMAN, *Senior Circuit Judge*

J U D G M E N T

This cause was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties and oral arguments of counsel. It is

ORDERED AND ADJUDGED that the case is hereby remanded to the district court for a “determination as to whether retention of Hutchinson’s identification for the purpose of running the ‘WALES’ check was related to the purpose of the stop or caused the stop to go on for too long, thereby tainting the evidence and statements obtained by the police after the attempted ‘WALES’ check.” *U.S.A. v. Hutchinson*, 268 F.3d 1117, 1122 (D.C. Cir. 2001). Admittedly, our remand order was ambiguous. To clarify, the district judge shall be free to consider new evidence and to make factual findings necessary to understand whether the information available from the “WALES” system could have assisted the police in determining whether Hutchinson was the suspect whom they were pursuing.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate until seven days after resolution of any timely petition for rehearing or rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY:

Michael C. McGrail
Deputy Clerk

