

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

August 28, 2007

Before

Hon. KENNETH F. RIPPLE, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

Nos. 05-1442

CHRISTOPHER M. STEVENS,

Petitioner-Appellant,

v.

DANIEL R. MCBRIDE, Superintendent,

Respondent-Appellee,

Appeal from the United States District
Court for the Northern District of Indiana,
Hammond Division.

No. 03 C 5

Allen Sharp, Judge.

ORDER

Respondent-Appellee filed a petition for rehearing and rehearing en banc on July 2, 2007, and Petitioner-Appellant filed a petition for rehearing and rehearing en banc on July 27, 2007. No judge in regular active service has requested a vote on the petitions for rehearing *en banc*, and all members of the original panel have voted to DENY rehearing. Accordingly,

IT IS ORDERED that the petitions for rehearing and rehearing *en banc* are DENIED.

IT IS FURTHER ORDERED that the opinion released on June 18, 2007, is amended as follows:

Section III of the original opinion is withdrawn, and is replaced with the following new section:

III

For the foregoing reasons, the judgment of the district court is **AFFIRMED** to the extent that it denies habeas corpus relief with respect to Stevens's conviction, and it is otherwise **VACATED**. The case is **REMANDED** with instructions to issue a writ of habeas corpus that vacates the current sentence of capital punishment. The State of Indiana is free to conduct a new death penalty hearing, providing that it files appropriate documents seeking such relief within 120 days of the mandate from this court.