

Supreme Court

No. 07-304-C.A.
(P2/02-2286A)

State :
v. :
Oliver Lyons :

ORDER

This appeal came before the Court in conference on the state's confession of error. The state concedes therein that the Superior Court justice in this case erred in failing to provide defendant Lyons a hearing before ruling on his Super. R. Crim. P. 35 motion to reduce his sentence. Upon our review of the papers in the case, we are of the opinion that the confession of error should be accepted.

Accordingly, pursuant thereto, the defendant's appeal is sustained, the order denying his Rule 35 motion is vacated, and the papers in the case are remanded to the Superior Court for further proceedings thereon including a hearing.

Entered as an Order of this Court this 24th day of *October 2008*.

By Order,

_____/s/_____
Clerk

COVER SHEET

TITLE OF CASE: State of Rhode Island v. Oliver Lyons

DOCKET SHEET NO : SU-07-0304

COURT: Supreme

DATE OPINION FILED: October 27, 2008

Appeal from

SOURCE OF APPEAL: Superior Court

County: Providence

JUDGE FROM OTHER COURT: Associate Justice Robert D. Krause

JUSTICES: Williams, CJ., Goldberg, Flaherty, Suttell, and Robinson, JJ.

WRITTEN BY:

ATTORNEYS:

For Plaintiff: Aaron L. Weisman

ATTORNEYS:

For Defendant: Pro Se
