

Supreme Court

No. 09-36-A
(FC PWA-08-0012142-2)

In re Alex G. :

CORRECTED ORDER

This is respondent juvenile Alex G.'s appeal from a Family Court adjudication that he was wayward. The adjudication was based for the most part upon offensive speech deemed by the trial judge to have constituted a violation of §11-45-1(a)(2). The state, however, has now submitted a confession of error conceding that the Family Court judge erred in his determination and that under *State v. Tavarozzi*, 446 A.2d 1048 (R. I. 1982), a finding of waywardness on these facts was constitutionally impermissible.

Accordingly, pursuant to the confession of error, the respondent's appeal is sustained. The wayward adjudication is hereby reversed, and the papers in the case are ordered returned to the Family Court.

Entered as an Order of this Court this *31st* day of *August 2009*.

By Order,

_____/s/_____
Clerk



RHODE ISLAND SUPREME COURT CLERK'S OFFICE

Clerk's Office Opinion Cover Sheet

TITLE OF CASE: In re Alex G.

CASE NO No. 09-36A
(FC PWA-08-0012142-2)

COURT: Supreme Court

DATE ORDER FILED: August 21, 2009

JUSTICES: Suttell, C.J., Goldberg, Flaherty, Robinson, JJ. and Williams, C.J. (ret.)

WRITTEN BY: N/A - Court Order

SOURCE OF APPEAL: Family Court, Providence County

JUDGE FROM LOWER COURT:

Chief Judge Jeremiah S. Jeremiah, Jr.

ATTORNEYS ON APPEAL:

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