

Supreme Court

No. 08-56-C.A.
(K1/2005-0277A)

State :
v. :
Kimberly Mawson :

ORDER

This criminal case was docketed in this Court in May 2008 pursuant to defendant Kimberly Mawson's appeal from a conviction of second-degree murder and from the denial of her motion for new trial. The Court heard oral argument on the appeal on April 6, 2010. On June 10, 2010, the papers in the case were remanded to the Superior Court for hearing on defendant's motion for a new trial based on newly-discovered evidence, and on October 18, 2010, the trial justice filed a decision granting defendant a new trial.¹ Following the trial justice's issuance of that ruling, the case was returned to this Court pursuant to our prior direction. Upon our examination of the record, we conclude that the decision granting defendant a new trial renders the instant appeal moot.

Accordingly, the defendant's appeal is denied and dismissed as moot. The papers in the case are ordered remanded to the Superior Court for further proceedings, which shall include the entry of an appropriate order in respect to the trial justice's decision.

Entered as an Order of this Court this *24th* day of *October 2011*.

By Order,

/s/
Clerk

¹ Apparently no order was entered following that decision.



RHODE ISLAND SUPREME COURT CLERK'S OFFICE

Clerk's Office Order/Opinion Cover Sheet

TITLE OF CASE: State v. Kimberly Mawson.

CASE NO: No. 08-56-C.A.
(K1/2005-0277A)

COURT: Supreme Court

DATE ORDER FILED: October 26, 2011

JUSTICES: Suttell, C.J., Goldberg, Flaherty, Robinson, and Indeglia, JJ.

WRITTEN BY: N/A – Court Order

SOURCE OF APPEAL: Kent County Superior Court

JUDGE FROM LOWER COURT:

Associate Justice Edwin J. Gale

ATTORNEYS ON APPEAL:

For State: Christopher R. Bush
Department of Attorney General

For Defendant: John A. MacFadyen, Esq.