

Supreme Court

No. 2007-240-A.
(PM 07-2339)

Chantha Leuthavone :

v. :

A.T. Wall :

ORDER

This case was scheduled for oral argument on May 13, 2009. The State, however, has filed a confession of error acknowledging that the Superior Court justice in this case erred in failing to provide the applicant with an opportunity to respond to the proposed dismissal “in contravention of R.I. General Laws § 10-9.1-6(b)(2009) and this Court’s postconviction relief doctrine.” After reviewing the record on appeal, we conclude that the confession of error should be accepted. Accordingly, the applicant’s appeal is sustained; the Superior Court order denying the application for postconviction relief is vacated; and the papers in the case are ordered remanded to the Superior Court so that the applicant may be given an opportunity to reply to the proposed dismissal.

Entered as an Order of this Court this 24th day of April, 2009.

By Order,

/s/
Clerk



RHODE ISLAND SUPREME COURT CLERK'S OFFICE

Clerk's Office Cover Sheet

TITLE OF CASE: Chantha Leuthavone v. A.T. Wall

CASE NO No. 2007-240-A (PM 07-2339)

COURT: Supreme Court

DATE ORDER FILED: April 24, 2009

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

WRITTEN BY: Supreme Court

SOURCE OF APPEAL: Superior Court, Providence County

JUDGE FROM LOWER COURT:

Not Applicable

ATTORNEYS ON APPEAL:

For Plaintiff: George J. West, Esq.

For Defendant: Aaron L. Weisman
Department of the Attorney General