

Supreme Court

No. 08-21-C.A.
(WM/2001-0504A)

State :
v. :
Randy Anderson :

ORDER

This criminal appeal was scheduled for oral argument on November 3, 2008. The State however has filed a confession of error acknowledging that the Superior Court justice in this case erred in failing to provide the defendant with the required hearing before ruling on his Super. R. Crim. P. 35 motion to vacate an allegedly illegal sentence. After reviewing the record on appeal, we conclude that the confession of error should be accepted. Accordingly, the defendant's appeal is sustained; the Superior Court order denying defendant's Rule 35 motion is vacated; and the papers in the case are ordered remanded to the Superior Court for further proceedings, which shall include a hearing on defendant's Rule 35 motion.

Entered as an Order of this Court this *29th* day of *October 2008*.

By Order,

/s/
Clerk

COVER SHEET

TITLE OF CASE: State of Rhode Island v. Randy Anderson

DOCKET SHEET NO : SU-08-0021

COURT: Supreme

DATE OPINION FILED: October 29, 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: Virginia M. McGinn

ATTORNEYS:

For Defendant: Pro Se
