Supreme Court

No. 2009-116-Appeal.

Isaac Chandler	:
v.	:
State.	:

ORDER

This is Isaac Chandler's appeal from a Superior Court ruling summarily denying his application for postconviction relief. The state, citing <u>Corners v. State</u>, 922 A.2d 176 (R. I. 2007), has filed a formal concession of error in the case wherein it acknowledges that the Superior Court justice erred in denying Chandler's application without first affording him an opportunity to respond to the proposed denial. The state requests that the case be remanded to the Superior Court to provide Chandler this opportunity. Having carefully reviewed the record and the concession of error, this Court is in agreement with the state's contention.

Accordingly, for the reasons stated, the postconviction applicant Chandler's appeal is sustained, the order denying his application for postconviction relief is vacated, and the papers in the case are remanded to the Superior Court for further proceedings.

Entered as an Order of this Court this 30th day of October 2009.

By Order,

_____/s/_____Clerk



RHODE ISLAND SUPREME COURT CLERK'S OFFICE

Clerk's Office Opinion Cover Sheet

- TITLE OF CASE: Isaac Chandler v. State
- **CASE NO:** No. 09-116-A
- COURT: Supreme Court
- DATE ORDER FILED: October 30, 2009
- JUSTICES: Suttell, C.J., Goldberg, Flaherty, Suttell, Robinson, JJ. and Williams, C.J. (ret.)
- WRITTEN BY: N/A Court Order
- SOURCE OF APPEAL: Superior Court
- JUDGE FROM LOWER COURT:

Presiding Justice Joseph F. Rodgers

ATTORNEYS ON APPEAL:

For Plaintiff: Aaron L. Weisman Department of Attorney General

For Defendant: Isaac Chandler, Pro Se