

Officer pleads out to assault, resigns post

Emily Dupuis - The Sun Staff | Posted: Friday, July 6, 2007 12:00 am

WAKEFIELD - Don M. Thompson will not face a second criminal trial, after striking a plea agreement on Friday that included his resignation from Westerly's police force and one year of probation.

Thompson, 39, of Groton, appeared Friday in Washington County Superior Court, where he entered a plea of no contest to two amended counts of simple assault.

Under the agreement, he was sentenced to one year of probation for each count, to run at the same time, and 100 hours of community service. The agreement was also conditional on Thompson's immediate resignation from the Westerly Police Department and the issuance of a no-contact order with his accuser, in effect until the end of his probation.

Thompson had been scheduled to go to trial on Tuesday - his second trial - on charges of two counts of second-degree sexual assault in connection with the alleged groping of a then-17-year-old female in a Misquamicut bar parking lot.

Thompson's first trial - at which he testified the contact between him and the young woman was consensual - ended in a hung jury in February. The jury was deadlocked after around eight hours of deliberations following 2½ days of testimony. Following the mistrial, The Sun contacted jurors and, while most declined to comment, two confirmed that 10 of the 12 jurors had been poised to convict Thompson.

Michael Healey, spokesman for the Attorney General's Office, said on Friday, "It's a difficult thing for a victim of any crime, but particularly an alleged sexual assault, to testify. It's a very difficult thing. So in deference to the wishes of the victim not to go to trial again and with the endorsement of the victim, her mother, Westerly police, the Westerly solicitor and Rhode Island State Police, we agreed to the disposition."

"We believe this is an appropriate disposition," he added.

Following the hearing, Thompson's attorney, John Lynch Jr., said, "I think it was in everyone's best interest to end this thing and I hope we can all move on now."

Thompson declined to comment.

A charge of nolo contendere, or no contest, is a legal admission to the facts, but not of guilt. Healey said that a no contest plea that results in probation is technically not a conviction.

"It was very important to us and we believe it was an appropriate trade-off that the defendant

immediately resign (from the department)," he added.

The agreement comes a little over a year after state police initially charged Thompson. He had been suspended without pay from the police department since that time.

Town Solicitor Steven Hartford said Thompson will not be eligible to collect a pension from the town in the future, though he would be entitled to a reimbursement of any contribution he has made to date, as required by the union contract.

Thompson appeared before Superior Court Judge Stephen Nugent at noon on Friday.

After detailing the agreement, Assistant Attorney General Craig V. Montecalvo said, "All parties advised me they fully endorse this disposition."

"I can report to the court that the complaining witness and her mother ... fully support and endorse the proposed disposition and I believe it is in her best interest," he told the judge.

Nugent twice asked the young woman - now age 19 - if she wanted to be heard during the proceeding. She and her mother sat in the back row of the court gallery behind the prosecutor.

The first time the young woman said, "No thank you, your honor." She subsequently said she consented to the plea agreement.

She later told Nugent, "I just want to say thank you for your time and for helping me."

The Sun, by policy, does not name alleged victims of sexual assault.

Montecalvo said that if the case had proceeded to trial, the state was prepared to prove that Thompson on two occasions on June 15, 2006 "did unlawfully and simply assault" the young woman.

"Are those charges true, Mr. Thompson?" Nugent asked.

"Yes, sir," replied Thompson, who wore a suit and tie and stood beside his attorney before the judge. When later asked by Nugent if he had anything to say to the court, Thompson said, "No, your honor."

Mello - who attended the hearing with Hartford and sat in the front row behind the prosecutor - said he was pleased with the resolution: "The agreement in court, which included the immediate resignation of Officer Thompson, is in the best interest of victim, the department and the town of Westerly. This is an unfortunate event from which this department must now move forward."

Thompson's written resignation was dated Friday and became effective at that time. Thompson signed the letter and submitted it to Mello prior to the court proceedings; the document was also presented to the judge.

Hartford said town officials were informed late Thursday that a plea agreement might be reached and that Thompson's resignation would be a condition.

"The town has always insisted that an unconditional resignation be part of any plea agreement," he said.

Hartford added, "Of course we are glad the young woman can find some closure from this long ordeal. She has shown a great deal of strength, throughout this whole case, well beyond her years. Resolving this case is clearly best for the interests of the town and its taxpayers.

"We were facing another trial and a potentially protracted and costly proceeding over Mr. Thomson's job status," Hartford continued. "I have nothing but respect for the hard work of the Attorney General's Office in this case and, of course, I support their decision."

Over the past year, a number of charges brought against Thompson in connection with the alleged incident were dismissed.

During the earlier trial, Nugent dismissed a charge of disorderly conduct against Thompson. The day before the trial started, the state dismissed charges brought against Thompson of reckless driving and driving with a suspended license on the same night of the assault.

Thompson was also cleared by a state traffic tribunal judge in the fall of a separate charge of refusing to submit to a Breathalyzer test brought by Westerly Police.

Thompson had earlier sought to have the second trial moved out of Washington County. He cited as a reason The Sun's news coverage leading up to, during and following the roughly six-year department veteran's sexual assault trial, which ended in February with a hung jury. Nugent denied that bid in May.

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