

## Conviction of ex-NOPD officer accused of raping 7-year-old girl overturned

By Emily Lane, NOLA.com | The Times-Picayune | Follow on Twitter on December 22, 2016 at 4:18 PM, updated December 23, 2016 at 3:52 PM

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### 2003 Cop Pedophile Michael Thomassie

An appellate court has overturned the conviction and life sentence of a former New Orleans police officer found guilty in August 2015 of raping a 7-year-old girl, court records show.

Michael Thomassie, 42, was sentenced to life in prison last summer after his conviction for first-degree rape stemming from accusations that in 2003 he sexually assaulted his then-girlfriend's daughter.

The victim, 19 at the time of the trial, testified against Thomassie, a 13-year veteran of the NOPD who was fired from for force after his conviction. She reported the crime in 2013 after being encouraged by relatives to do so, authorities said.

NOPD officer convicted of raping girl, 7, in 2003

The Louisiana 4th Circuit Court of Appeal overturned the conviction based on the admittance of text messages exchanged during jury selection between Thomassie and his girlfriend at the time of the trial -- a different woman than the mother of the victim.

In the text messages, which prosecutors presented as evidence during the trial and referred to during closing arguments, Thomassie indicated he preferred when women have no pubic hair and encouraged her to get rid of her own.

Prosecutors obtained Thomassie's text messages through a search warrant after family members of the victim raised concerns to prosecutors Thomassie might have been using his cell phone during jury selection to try to tamper with witnesses.

Trial opens for NOPD officer accused of raping child

The 4th Circuit opinion, written by Judge Rosemary Ledet, found the trial judge, Orleans Criminal District Judge Tracey Flemings-Davillier, should not have allowed the text messages to be brought up during trial. Ledet wrote prosecutors' remarks at trial regarding the text messages "constitute irrelevant, prejudicial appeals to emotion and inflammatory arguments going before the facts of the case."

In addition to the relevancy issue, Ledet wrote that Thomassie's guilty verdict was obtained by a 10-2 vote. Inconstancies in the testimony of state's witnesses, Ledet writes, "coupled with the non-unanimous jury verdict, suggests that the evidence, as viewed by the jury, was not overwhelming."

Assistant District Attorney Christopher Bowman, a spokesman for District Attorney Leon Cannizzaro's office, said Thursday (Dec. 22) his office plans to seek a review of the 4th Circuit's decision by the Louisiana State Supreme Court.

Ledet's opinion cites Assistant District Attorney Laura Rodrigue's argument that the text exchange was relevant because the defendant was "inclined to rape a child," so the text exchange "to us becomes extremely important when he's talking about wanting a female to be completely without hair down there."

The ruling said the state offered no expert testimony to contend that an adult man's sexual attraction to adult women without pubic hair "necessarily means that he is also sexually attracted to prepubescent females."

NOPD officer sentenced to life for raping girl, 7

Thomassie's argued in his appeal, the ruling says, that men preferring women without pubic hair "is not indicative of a pedophiliac predisposition." Given the prosecutors' argument, Thomassie also noted, "this preference would make most men and women pedophiles."

Defense attorney Patrick Fanning, who represented Thomassie at trial but did not handle his appeal, said he agreed with the 4th Circuit's decision and findings.

"I couldn't understand how that could possibly have been admissible," Fanning said of the text messages.

Fanning said he is no longer representing Thomassie, and it is unclear if Thomassie became eligible for bond after his conviction was overturned. Fanning said Thomassie had been out on bond leading up to this trial, but it was likely the district attorney's office would seek to block Thomassie's release as it awaits a review from the state Supreme Court.

Thomassie's conviction was one of a handful of convictions or sentences obtained by Cannizzaro's office that were overturned by the 4th Circuit in rulings issued Wednesday.