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HIGHLIGHT:

Man charged in two robberies is freed after public defender brings to light evidence pointing to a different suspect

BODY:

PROVIDENCE A District Court magistrate on Tuesday dismissed robbery charges against a man who spent several months in jail for crimes he didn't commit, even after the police had evidence that pointed to a different suspect.

A state prosecutor asking for the dismissal declared that justice was served in the case of Howard E. Nightingale, the 47-year-old East Providence man wrongly arrested last October by Woonsocket police.

I would submit, this is a case in which the system worked, said Special Assistant Attorney General John Krollman.

Nightingale, though, gave credit to public defender Philip Vicini, who uncovered the evidence that exonerated him.

I never thought that someone would work so diligent and hard, and believe in my innocence from the start, Nightingale said outside the courtroom. If it wasn't for him doing some of the police work, looking at the fingerprint work and doing the process of the police ... I don't know what to say. He did a good job.

Nightingale has a long criminal record dating 30 years for shoplifting, stealing cars and escaping from prison. When arrested by Woonsocket police last October, he was on probation for felony shoplifting and second-degree robbery.

At the time, Nightingale said Tuesday, he was living in Woonsocket and involved in rehabilitation, trying to become a better member of society.

But Woonsocket police charged him with robbing a Sovereign Bank and attempting to rob a Rite Aid, based on witnesses who said he resembled the robber. He was held without bail as a probation violator and indicted on a federal charge of bank robbery.

Nearly three months after his arrest, crime lab reports sent to the police said fingerprints and palm prints lifted from the robberies didn't match Nightingale's -- and one set matched another Woonsocket man, 39-year-old Frank R. Pleau. The Woonsocket police had the reports for weeks, but didn't read them until Vicini, who joined the state Public Defender's office 2½ years ago, got them and Pleau's photo, which appeared to match the robbery suspect.

Vicini brought the information to the attention of the attorney general's office. His discovery caused the police to reinvestigate the case and charge Pleau with the crimes in February.

The attorney general's office withdrew the probation violation against Nightingale. The U.S. Attorney's office dropped its federal charge. Nightingale was released from the Adult Correctional Institutions in mid-February, four months after his arrest and a month after the police received the crime-lab reports.

But the charges against Nightingale were not dropped then. Since February, both Nightingale and Pleau have been charged with the same crimes, committed by one person.

On Tuesday, Nightingale and Vicini appeared before District Court Magistrate Joseph P. Ippolito Jr., listening as Krollman described the reasons the attorney general's office was now ready to dismiss the charges.

Ippolito had demanded an explanation from the attorney general about the case. Krollman said the office took the needed amount of time to review the new information about the robberies. During that time, the attorney general had agreed to lower bail for Nightingale to allow his release from the ACI.

The bail was a minor intrusion on Nightingale's liberty, because he was on probation anyway, Krollman said.

The magistrate thanked Krollman for resolving the matter. Nightingale left the courtroom with relief.

While he remained in prison over the last several months, Nightingale said outside court, no one seemed to care. But Vicini, he said, kept him informed and successfully defended his innocence.

It feels good for this to finally be over, Nightingale said.

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