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Rhode Island Judge Vacates Conviction in Grisly 1982 Murder

By Jess Bidgood – July 13, 2015

PROVIDENCE, R.I. — In 1982, a 22-year-old woman, a former homecoming queen, was found dead in the basement of a triple-decker apartment, bludgeoned so violently that emergency medical workers initially assumed there had been a shooting, shocking the industrial city of Woonsocket where she lived.

A decade later, Raymond D. Tempest Jr., now 62, a ninth-grade dropout known as Beaver, was convicted of the grisly murder of the woman, Doreen C. Picard, and sentenced to 85 years in prison.

On Monday, Judge Daniel A. Procaccini of State Superior Court here vacated Mr. Tempest's conviction, telling a packed courtroom that while he could not declare Mr. Tempest innocent, violations of due process during the case's trial left him with no choice but to set the conviction aside.

"With over a decade between the events and questioning and a virtually endless loop of suggestive interviews, police procedure in the Tempest case created a perfect storm for flawed witness statements," Judge Procaccini wrote in a 78-page ruling released Monday.

"The taint of improper procedure so poisoned the well that Mr. Tempest's conviction cannot stand," added Judge Procaccini, in the ruling.

Family, as well as defense lawyers and private investigators, have repeatedly raised questions about the tactics used to convict Mr. Tempest. They have claimed that investigators coerced witnesses, hoping to extract a measure of payback against Mr. Tempest's brother, a police officer in Woonsocket who had arrested a relative of one of the investigators. Mr. Tempest has maintained his innocence, saying that he was drinking and looking to buy drugs at the time of the killing.

Monday's ruling came after a six-week hearing earlier this year in which lawyers for Mr. Tempest, who include Michael D. Kendall, a former federal prosecutor now with the international law firm McDermott Will & Emery, argued that DNA evidence unavailable at the time of the trial showed that hair found in Ms. Picard's hand did not belong to Mr. Tempest, and presented evidence that police misconduct tainted the case. A former Boston police commissioner, Ed Davis, testified that records of the investigation seemed to show "an indication of coaching by the detectives."

Judge Procaccini found the DNA evidence was not sufficient to vacate the conviction, but he wrote that the police failed to disclose crucial pieces of evidence and repeatedly interviewed witnesses using overly suggestive questions.

"This case has consumed the collective consciousness of northern Rhode Island — especially the City of Woonsocket — for the past 33 years," the judge wrote.

Lawyers for the state have argued that Mr. Tempest lost the right to seek post-conviction relief by waiting so long — more than two decades — to do so, but Judge Procaccini did not agree.

Mr. Tempest showed little emotion as Judge Procaccini explained his decision, although family members immediately burst into audible tears. Family members of Ms. Picard sat stone-faced.

Jody Tempest, a daughter of Mr. Tempest, said after the hearing that she was overjoyed by the news. “It’s been a long 23 years for us,” said Ms. Tempest who, at 35, was just a child when her father was imprisoned. Members of Mr. Tempest’s family **cheered outside of the courthouse as Mr. Kendall, who has worked with a team of lawyers on the case for free for years, exited.**

Relatives for Ms. Picard left the courtroom after the decision without making a comment.

Mr. Tempest was not immediately freed; he has a bail hearing set for early next month. Lawyers for the state indicated that they will appeal Judge Procaccini’s ruling.