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August 7, 2024

**CERTIFIED AND FIRST CLASS MAIL
AND ELECTRONIC MAIL**

Woonsocket City Council
Woonsocket City Hall
169 Main Street
Woonsocket, RI 02895
charmon@woonsocketri.org

RE: *Mack Blackie v. City of Woonsocket, et al.*
**Presentment to the Woonsocket City Council of a Claim and Demand Against the City of
Woonsocket Pursuant to R.I. Gen. Laws § 45-15-5**

Dear Members of the Woonsocket City Council:

Please be advised that the undersigned and this firm represent Mr. Mack Blackie with respect to claims he has against the City of Woonsocket (“the “City”) and members of the City’s Police Department, including, but not limited to, police officer and former detective Timothy Hammond (“Officer Hammond”), for unlawful acts and/or omissions committed in violation of Mr. Blackie’s right to be free from unreasonable searches and seizures, false arrest, and malicious prosecution under the Fourth and Fourteenth Amendments to the United States Constitution, actionable pursuant to 42 U.S.C. § 1983, Article 1, §§ 2 and 6 of the Rhode Island Constitution, and under Rhode Island common law. This letter hereby constitutes presentment to the Woonsocket City Council of a claim and demand against the City by Mr. Blackie pursuant to R.I. Gen. Laws § 45-15-5.

Summary of Claim

Mr. Blackie was unlawfully arrested and detained *twice*, charged, incarcerated for approximately thirty-one (31) days, and prosecuted for crimes that he did not commit. On or about August 22, 2022, a breaking and entering (“B&E”) occurred in an apartment located within the City where William Grover and Veronica Higbie resided at the time. Mr. Grover and Mrs. Higbie are married, and both were inside their apartment at the time of the B&E. Officer Hammond investigated the B&E. At the time of his investigation, Officer Hammond was employed by the City as a detective within the City’s Police Department and held approximately fifteen (15) years of experience as a police officer. As part of his investigation, Officer Hammond met with Mr. Grover on or about August 30, 2022. Officer Hammond stated to Mr. Grover that he would schedule a photo line-up during which Mr. Grover would be asked to identify the individual who committed the B&E. However, Officer Hammond failed and/or refused to schedule the photo line-up prior to the ensuing arrests of Mr. Blackie discussed below.

That same day, Officer Hammond wrote and submitted a false Affidavit to the State of Rhode Island Sixth Division District Court as part of his request that an Arrest Warrant be issued for the arrest of Mack Blackie for committing the B&E. In his Affidavit, Officer Hammond falsely stated that Mr. Grover and Mrs. Higbie identified Mr. Blackie as having committed the B&E. However, at no point in time on August 30, 2022, or at any other time during the City’s investigation into the B&E did Mr. Grover or Mrs. Higbie state to

Officer Hammond, or to any other police officer, that Mr. Blackie committed the B&E. In fact, Officer Hammond never even met with Mrs. Higbie as part of his investigation.

As a result of Officer Hammond's false Affidavit, Mr. Blackie was unlawfully arrested and detained by City police on or about August 30, 2022. City police took Mr. Blackie to the City police station, photographed him, and held him overnight. When City police brought Mr. Blackie to Sixth Division District Court the next morning for his arraignment, Mr. Blackie collapsed on the courtroom floor, and he was transported to Landmark Medical Center. City police temporarily withdrew the arrest warrant when Mr. Blackie was admitted to the intensive care unit. After approximately nine (9) days at Landmark Medical Center, Mr. Blackie was discharged.

City police resubmitted Officer Hammond's false Affidavit to the Court and arrested Mr. Blackie once again on or about October 23, 2022. On or about October 24, 2022, the State of Rhode Island pressed criminal charges against Mr. Blackie for the B&E. Specifically, Mr. Blackie was charged with Unlawful Breaking and Entering of a Dwelling House, a felony codified under R.I. Gen. Laws § 11-8-2, and for committing an assault and/or battery against Mrs. Higbie as codified under R.I. Gen. Laws § 11-5-3. At the time when the charges were filed, Mr. Blackie was serving a one-year term of probation. Thus, upon the filing of these charges against Mr. Blackie, Mr. Blackie was incarcerated as a probation violator for a period of approximately seventeen (17) days, or until on or about November 10, 2022, without the possibility of being released on bail. Thereafter, the Court set bail at \$1,000.00 surety, which required that 10% or \$100 be paid in order for Mr. Blackie to be released on bail. But, Mr. Blackie could not afford to make bail. In fact, Mr. Blackie was unhoused (homeless) at the time of both of his arrests and has continuously remained unhoused to the present time. Mr. Blackie continued to be incarcerated for the next approximate thirteen (13) days, during which he contracted COVID-19. An individual working for a non-profit in the City where Mr. Blackie would volunteer raised the money for Mr. Blackie's bail and Mr. Blackie was released on or about November 23, 2022.

On or about February 27, 2023, a Pre-Trial Conference in the criminal prosecution of the B&E was held, which Mr. Grover and Mrs. Higbie attended. While in the courthouse hallway, Mr. Grover and Mrs. Higbie observed that Mr. Blackie was the individual being prosecuted for the B&E and quickly realized that the wrong individual was being prosecuted. As a result, Mr. Grover and Mrs. Higbie told the prosecutor that Mr. Blackie had not committed the B&E. Because of these exonerating statements, the criminal charges against Mr. Blackie were dropped and the case against him was dismissed on or about February 27, 2023.

As a direct and proximate result of the aforesaid unlawful acts of agents of the City and the failure of the City to properly select, train, discipline and/or supervise members of its Police Department, Mr. Blackie suffered injuries and has and will continue to endure pain and suffering, emotional distress, and deprivation of his constitutional and common law rights. The City's said failures are particularly evidenced by Officer Hammond's failure and/or refusal to facilitate a photo line-up to identify the suspect who actually committed the B&E. That Officer Hammond, a police officer with approximately fifteen (15) years of experience, knew that he was required to conduct the photo line-up and *knowingly* failed and/or refused to do so is demonstrated by his own Witness Statement pertaining to his meeting with Mr. Grover on or about August 30, 2022, in which he wrote, "[a]n appointment will be scheduled to view a photo line up." The City's said failures are also evidenced by the falsehoods Officer Hammond knowingly made in his Affidavit.

Furthermore, on information and belief, the above unlawful acts were conducted pursuant to a custom or policy of the City Police Department wherein the City acquiesced to, permitted, condoned and/or encouraged the deprivation of constitutionally protected rights.

Demand for Preservation of Records

By way of this letter, Mr. Blackie also hereby demands that the City, including its agents, employees, and representatives, take immediate measures to preserve any and all documents, communications, photographs, videos, or other recordings, edited and unedited, whether in hard copy format or electronically stored, potentially relevant to the issues in this case, including, but not limited to, those related to the City's investigation into the B&E. Furthermore, the City is hereby directed to immediately initiate a litigation hold and to act diligently and in good faith to secure and audit compliance with such litigation hold. Should the City fail or refuse to preserve and keep any such documents, communications, photographs, video or other recorded evidence, Mr. Blackie hereby places the City on notice of his intention to assert claims of spoliation of evidence both as an evidentiary adverse inference at trial and as a separate claim.

WHEREFORE, demand is hereby made on the City for damages in an amount exceeding \$100,000.00. If the City is willing to resolve this matter without further legal action taken by Mr. Blackie, please contact the undersigned within forty (40) calendar days. Otherwise, Mr. Blackie will file his Complaint against the City and its agents. Please note that Mr. Blackie intends to seek punitive damages over the City's and its agents' reckless and callous indifference to Mr. Blackie's protected rights. If you have any questions regarding the foregoing, please feel free to contact the undersigned.

Mack Blackie,
By his attorneys,
SINAPI LAW ASSOCIATES, LTD.



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