

News Advisory

From the Rhode Island Judiciary



Supreme Court stays Patino trial

September 25, 2012: In the matter of State v. Michael Patino, the Rhode Island Supreme Court, with one justice dissenting, this afternoon issued the attached order in the defendant's petition for a writ of habeas corpus and the prosecution's motion to compel a stay in the Superior Court pending appeal.

The state is appealing a decision on September 4 by Superior Court Associate Justice Judith C. Savage that barred certain phone text messages collected by investigators in a Cranston homicide case from being used as evidence at trial.

Patino is charged in the death of 6-year-old Marco Nieves, the son of his girlfriend, Trisha Oliver, in 2009. Patino's trial had been expected to begin in the coming weeks. However, the Supreme Court order stays further proceedings in the Superior Court pending the state's appeal. Patino continues to be held without bail.

Judge Savage this summer conducted a month-long series of evidentiary hearings about the text messages and a video-recorded interview. The judge determined that Patino had a reasonable expectation of privacy with his phone messages and that evidence was collected illegally.

Click [here](#) to view the Supreme Court order.

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