

Rape charges are dropped

By **Michael Wyner**/ Daily News Staff
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WAYLAND -- The Norfolk County district attorney's office has decided to drop charges against 23-year-old Jonathan Ricci in connection with an incident in Brookline on May 26.

Assistant District Attorney Michele Armour wrote on Aug. 17 "that the interests of justice would best be served by entering a nolle prosequi." The Latin term means "unwilling to pursue" and is often used to describe a prosecutor's application to discontinue criminal charges before trial.

"Although probable cause exists to believe a sexual assault was committed in Brookline, the alleged victim has informed us that she has decided not to testify in this matter," Armour wrote. "Without her testimony, we will be unable to meet our burden of proof and proceed forward in this matter."

Attorney Steven Ostrovitz said the charges were dropped when the defense presented evidence that the woman had lied to police and prosecutors.

In the initial report, Brookline police said they took clothes, used condoms, underwear, blood and semen samples, and stained and blooded bedding from the woman's apartment as evidence.

Ostrovitz acknowledged the two engaged in "rough sex," but said it was consensual by both parties.

Ostrovitz said they submitted evidence from Internet and messages and phone records showing inconsistencies in the woman's story.

He also said Ricci willingly submitted the next morning to be photographed in the nude, showing no scratches on his body as the woman had alleged.

Ostrovitz said Ricci has suffered harassing phone calls and e-mails since the story was reported in the media, and was fired from his job at EMC. He said they are exploring ways to rectify what Ricci has endured, "although no amount of money could compensate for what he's been through."