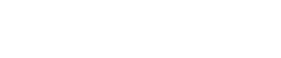




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News

WISHNEFSKY TRIAL WILL START MINUS ACTOR IN WITNESS ROLE A JUDGE LAST WEEK SHOT DOWN DEFENSE TRY TO SUBPOENA ROBERT DE NIRO IN CASE OF CARBON CHILD RAPE SUSPECT.

By **BOB LAYLO, The Morning Call**
THE MORNING CALL

APRIL 21, 1998

The often-delayed trial of accused child rapist Bruce Wishnefsky will begin this morning in Carbon County Court, despite a last-ditch attempt from his lawyer for yet another continuance and an unsuccessful bid to subpoena **Hollywood star Robert De Niro**.

Before jury selection Monday, Wishnefsky's attorney, Robert Kurtz, unsuccessfully petitioned Judge Richard W. Webb for permission to subpoena De Niro.

In court papers, Kurtz wrote that the actor would testify one alleged victim was on the set of the film "A Bronx Tale," during the summer of 1992.

Instead of returning home to Towamensing Township, where authorities say Wishnefsky raped her, she stayed with a De Niro employee in his New Jersey home, Kurtz wrote.

One of Wishnefsky's co-defendants, Brian J. O'Neill, taught De Niro to drive a bus for the movie.

O'Neill was tried last June, convicted of 238 counts of rape and related charges and sentenced to 108-216 years in state prison.

Kurtz asked state Supreme Court Thursday to delay the trial, complaining he hasn't had enough time to subpoena out-of-state witnesses, including De Niro. Judge Ronald Castille on Friday denied the request.

State police have charged Wishnefsky, 54, of Howard Avenue, Pottsville, with 133 counts of sexual assault. Police said Wishnefsky repeatedly raped two young girls, now ages 18 and 14, at a Towamensing Township home from 1987 to 1992.

During a search of Wishnefsky's home April 6, 1996, police recovered a photo album with pictures allegedly showing Wishnefsky having sex with the younger victim. Webb has ruled that the photos can be used at trial.

Wishnefsky has denied it's him in the photos.

Kurtz plans to use an alibi defense. He's already subpoenaed six out-of-state witnesses --three from New Jersey, two from Florida and one from North Carolina.

Among those subpoenaed are Thomas E. Lipani of Pine Hill, N.J. Lipani is accused of raping the same two girls that Wishnefsky is charged with assaulting.

Trials for Lipani and another co-defendant, Edgar McClure, also of New Jersey, are pending.

Kurtz has 32 other people from out of state that he has not subpoenaed but may call as alibi witnesses.

In the two years since he was arrested, Wishnefsky has flooded the courts with motions seeking to have the charges dismissed, to have evidence suppressed and to keep Carbon Assistant District Attorney David W. Addy from prosecuting the case. He also fled the state once.

Kurtz has complained that police took too long to arrest Wishnefsky because they knew of the allegations against him 14 months before they arrested him. But police said they arrested Wishnefsky as soon as they learned his whereabouts.

Kurtz also has unsuccessfully sought to have the photos allegedly showing his client having sex with one of the victims withheld during the trial.

Wishnefsky also filed an unsuccessful federal lawsuit against state Trooper Joseph Sommers, claiming his civil rights were violated by the arrest.

Last year, Wishnefsky, while free on bail, fled the state. He was arrested in Virginia after Addy was tipped to his whereabouts. From a Virginia prison, Wishnefsky unsuccessfully fought his return to Pennsylvania.

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