

## **Assault case takes a turn after suspect's brother appears in lineup**

**By Maida Odom**  
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William Heiman, chief of the rape unit District Attorney's Office, called it a "keystone comedy" of mistaken identities – but he was not laughing.

Vincent Fucci was accused of breaking into the house of Cathy Racioppo in South Philadelphia on October 30<sup>th</sup> and attempting to rape her. Although Mrs. Racioppo said he knew her assailant from the neighborhood and could identify him by name, the suspect's attorney, A. Charles Peruto, Jr., requested that she be required to pick the suspect from a lineup, according to Heiman.

For reasons that neither Heiman nor Peruto could explain, the suspect, Vincent Fucci, 24, who were free on bail, did not appear in the police lineup on February 1<sup>st</sup>. His brother, Joseph Fucci, 21, appeared in his stead. The two men are similar in appearance –

"They look like brothers, but not like twins," Peruto said later – and Mrs. Racioppo picked out Joseph Fucci as her assailant.

Heiman said it was "not clear" whether the lineup switch was made to cause problems in the case. Nor was it clear who decided to make the switch. Peruto, who was interviewed by prosecutors reviewing the matter, told a reporter that he had "nothing to do with the lineup switch".

The case went to a preliminary hearing February 15<sup>th</sup> with the District Attorney's Office unaware of the lineup switch and continuing to pursue a case against Vincent Fucci.

Vincent Fucci appeared in court for the preliminary hearing. Mrs. Racioppo testified that her assailant broke into her home at 3 A.M. choked her and tried to drag her upstairs. During her testimony, Mrs. Racioppo identified the defendant, Vincent Fucci, as her assailant.

Vincent Fucci was ordered to stand trial on the charges, but not before Peruto noted in the court record that Mrs. Racioppo had identified two people as her assailant. Peruto announced to the court that it was Joseph who appeared in the police lineup.

Peruto, who has since stepped down as Vincent Fucci's attorney "to avoid the appearance of impropriety," said in an interview that "as an officer of the court I brought it to the court's attention – and I did it pretrial. I could have waited until the trial, and then the District Attorney's Office would really have been mad at me. I thought it was my ethical duty."

After Peruto disclosed the lineup switch, Mr. Racioppo walked out of the courtroom and fainted in the hallway, Heiman said.

Common Pleas Court Judge Norman Jenkins ordered Joseph Fucci to stand trial on the same assault charges that his brother was facing. The charge of attempted rape was dropped by Heiman, who said there were insufficient grounds to proceed with that charge.

At this point, the District Attorney's Office had two men facing trial for the same crime. Mrs. Racioppo, appearing nervous and upset, was back to court Thursday at a preliminary hearing for Joseph Fucci.

"We can't have two stand in for a one-man job," Heiman said before the hearing Thursday. As a result, Heiman said all of the charges against Vincent Fucci would be dropped at his trial, because Mrs. Racioppo said she was certain that the man she identified at Thursday's preliminary hearing, and in the lineup.

Jenkins ordered Joseph Fucci's bail on the assault charges increased from \$3,500 to \$35,000 and the defendant is in custody. Vincent Fucci is free on \$3,500 bail.