

DISTRICT ATTORNEY OVERCOMES YEARS OF APPEALS TO KEEP MURDERER BEHIND BARS FOR 1980 KILLING

In the summer of 1980, Theodore DiPretoro shot and killed Eddie Bianculli in Tinicum Township, Delaware County, near the Philadelphia International Airport. The murder was carried out with the assistance of Michael Rinaldi. The circumstances surrounding the crime did not come to light until the summer of 1982 when Theodore DiPretoro provided the FBI and Philadelphia police with information in connection with both the Bianculli murder and the murder of Philadelphia mobster Phillip Testa.

DiPretoro entered guilty pleas for his role in the murders and subsequently testified against Michael Rinaldi in Rinaldi's 1982 trial for the murder of Eddie Bianculli.

DiPretoro explained that he and Rinaldi had planned and carried out the murder because they thought Bianculli was a police snitch. Rinaldi testified in his own defense. He admitted driving Bianculli to the airport under the guise that he, DiPretoro and Bianculli were going to rob some drug dealers. When they got to the airport, Rinaldi waited in the car supposedly to meet the drug dealers while DiPretoro and Bianculli hid nearby, ready to rob the drug dealers. What happened instead was DiPretoro shot and killed Bianculli. Rinaldi then disposed of the gun on the way back to Philadelphia when he and DiPretoro drove over the Penrose Avenue Bridge. During trial, Rinaldi confirmed what happened to Eddie Bianculli but claimed that it was entirely DiPretoro's doing and that he, Rinaldi, had no knowledge of DiPretoro's plans. Rinaldi was convicted of First Degree Murder and was sentenced to life imprisonment on June 6, 1983. Rinaldi's direct appeal was denied in 1987.

Since 1994, William R. Toal, III, Assistant District Attorney, has opposed the numerous state and federal post-conviction petitions and appeals filed on behalf of Mr. Rinaldi. Mr. Toal has successfully litigated this matter in the Court of Common Pleas,

the Pennsylvania Superior Court, the Pennsylvania Supreme Court, the United States District Court for the Eastern District of Pennsylvania, and the United States Third Circuit Court of Appeals.

Years after Rinaldi's original appeals were denied, Rinaldi claimed he was entitled to relief on grounds that the prosecution did not provide notes of interviews between DiPretoro and the FBI and Philadelphia police. Delaware County officials discovered there were interview notes that the Philadelphia police and FBI had not provided to Delaware County prosecutors before trial. Delaware County authorities provided the notes to Rinaldi's attorneys once they were discovered.

Assistant District Attorney Toal successfully argued in federal court that the information from the FBI and Philadelphia police interviews would not have changed the outcome of the case. On appeal to the Third Circuit, Assistant District Attorney Toal convinced a skeptical panel of federal appellate judges that Rinaldi and his attorneys had failed to comply with the applicable procedural deadlines and statutes regarding his claims. The Order denying Rinaldi's petition was affirmed on September 19, 2007.

A grateful Bianculli family recently expressed its appreciation to Assistant District Attorney Toal for his hard work for over a decade to keep the murderers of their brother behind bars.