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Rigging Contractor Is Acquitted in the Collapse of a Crane

By JOHN ELIGON

A rigging contractor was acquitted on Thursday of all charges in connection with the collapse of a giant crane in Manhattan two years ago that killed seven people and revealed shoddy and illegal inspection practices in the city's Department of Buildings.

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John Marshall Mantel for The New York Times

The contractor, William Rapetti, leaving court on Thursday after the verdict. His lawyers said he had been made the scapegoat.

The verdict issued by Justice Roger S. Hayes of State Supreme Court in Manhattan — the judge heard the case without a jury — was seen as a measure of vindication for the contractor, William Rapetti, whose lawyers had argued that he was made the scapegoat for a variety of errors by the city and others that led to the accident.

While the verdict clears Mr. Rapetti of criminal wrongdoing in the collapse of the 22-story crane, which also injured two dozen people and left streets strewn with debris, he faces accusations of civil negligence that may involve years of litigation. Construction companies, contractors and the city are also named in civil lawsuits.

Prosecutors had said that Mr. Rapetti, 49, was responsible for the collapse on East 51st Street because he used faulty slings to suspend a portion of the crane while it was being raised.

But Mr. Rapetti's lawyers pointed to several other factors as contributing to the accident, including the decision not to bolt the crane to the ground and the use of shoddy steel beams to fasten the crane to the high-rise building that was being erected.

Mr. Rapetti appeared tense as he stood to hear Justice Hayes deliver the verdict. The defendant's shoulders slumped, his head shook slightly, and his breathing deepened as the judge repeated the phrase “not guilty” 40 times — 20 times for Mr. Rapetti and 20 times for his company, Rapetti Rigging Services.

Members of Mr. Rapetti's family, sitting in the front row of a full courtroom, wept as the verdict was read. Mr. Rapetti and his wife left the courthouse arm in arm, saying nothing to the swarm of reporters and photographers.

“He hasn't stopped crying,” Mr. Rapetti's lawyer, [Arthur L. Aidala](#), said outside the courthouse. “I can't say we're happy. We're relieved.”

The most serious charge was second-degree manslaughter, which could have resulted in up to 15 years in prison if Mr. Rapetti had been convicted. The other charges were criminally negligent homicide, second-

degree assault, reckless endangerment and violations for failing to file taxes.

Mr. Aidala said Mr. Rapetti was sad because some of his friends had died in the collapse. Part of the relief, the lawyer said, was that “we’re not going to lose an eighth life because of the March 15, 2008, accident.”

“Accident,” Mr. Aidala repeated.

The verdict seemed an unexpected blow to Manhattan prosecutors.

“While we respect the criminal justice process, we are extremely disappointed by the court’s verdict,” [Cyrus R. Vance Jr.](#), the Manhattan district attorney, said in a statement.

Justice Hayes did not offer an explanation of his ruling.

The lawyer for a man who was rescued from the rubble after the collapse said the Rapetti verdict actually might help his civil case, which assigns fault to numerous defendants including the city, the building’s owner, the general contractor on the project and Mr. Rapetti’s company. A guilty verdict would have allowed the other defendants to put the blame on Mr. Rapetti, said the lawyer, [Steven Dorfman](#).

“It takes away that sword that the other defendants that are named would otherwise have,” said Mr. Dorfman, whose client, John Gallego, testified in the criminal trial. “Of course they’ll all still point the finger at each other and try to take themselves out of the lens in terms of being at fault.”

A lawyer for the family of Wayne Bleidner, the crane operator who died in the collapse, said he understood the judge’s decision. “From what I heard as the evidence was presented at this trial, there wasn’t enough evidence that he acted in a criminal manner to bring this crane down,” said the lawyer, [Howard S. Hershenhorn](#).

But Mr. Hershenhorn said there was still a strong case for civil negligence against Mr. Rapetti and others. A Manhattan judge has already found the general contractor on the project and the owner of the building civilly

liable under New York labor law for the seven deaths. A trial to determine damages is scheduled to begin next month, Mr. Hershenhorn said.

The collapse was the first of two deadly crane accidents within weeks in Manhattan that led to an overhaul of the [Buildings Department](#) and to the prosecution of city officials and companies that conducted crane business in the city.

Mr. Aidala said there was plenty of blame to go around and cited a Buildings Department inspector who officials said was supposed to have inspected the East 51st Street crane less than two weeks before it collapsed, but did not. That inspector, Edward J. Marquette, faces an indictment by the Manhattan district attorney's office.

But it was Mr. Rapetti who prosecutors held out as the "scapegoat" and "the fall guy" for the collapse, Mr. Aidala said.

"They wanted him to be portrayed as wild, reckless Bill Rapetti," he said. "That just was not supported by the facts."