

Rape victims sue state over attacker's parole

By KEVIN COUGHLIN

Two rape victims claimed yesterday that state, county and local authorities allowed a paroled murderer to assault them at knifepoint in separate October 1991 incidents in Mt. Olive.

In a civil lawsuit filed in Morristown, the victims accuse the state parole board, the Morris County Prosecutor's Office, Mt. Olive police and four principals of the Hensyn Village apartments with failing to warn them about Robert Thomas.

He was convicted in July of raping the women in their apartments on Oct. 12 and Oct. 23, 1991—just weeks after the state paroled him from a 98-year sentence for fatally shooting a tourist during a holdup on the Atlantic City boardwalk in 1972.

The 41-year-old Thomas awaits sentencing for the rapes and related charges, which could bring at least 40 more years in jail. A jury took less than two hours to convict him, based on identification by the victims and Morris County's first successful use of DNA analysis in a criminal case.

The breakdown began, according to the lawsuit, with the state's parole of Thomas into the "Intensive Surveillance Supervision Program," which enabled him to move into the Hensyn Village apartments.

Further, the legal papers contend:

■ Thomas created disturbances at the complex prior to the rapes, peering into apartments and harassing tenants in a fashion that should have gotten his parole revoked.

■ Mt. Olive police should have arrested Thomas hours before the first rape, when they investigated a report that he sexually assaulted a 16-year-old girl in his apartment during a party where minors allegedly were drinking.

■ After the first rape—in which Thomas threatened to kill the woman's 2-year-old son if she contacted po-

lice-county authorities could not promise long-term protection for the terrified victim, who fled the state without pressing charges. Although the civil suit claims the woman identified Thomas to authorities immediately after the assault, she testified at the trial that she did not initially cooperate with police out of fear for her son's life and only changed her mind days later, after learning that Thomas was charged in the second rape.

■ Rather than arresting Thomas, Assistant Prosecutor Karin Kelly-Weisert and investigator George Botsko set up surveillance from an apartment provided by the landlord in hopes of catching Thomas committing another crime, showing "callous disregard" for tenants' safety. They told Mt. Olive police to hold off arresting Thomas during this surveillance. When the second victim called police, they told her "they must have just missed him entering her apartment."

■ Authorities and apartment officials failed to warn tenants about Thomas, inform them of the first rape, or beef up security.

Before the first rape, the attacker hid in the bedroom of the woman's 2-year-old son. The lawsuit seeks damages for the victims' suffering, medical expenses and lost income, as well as the boy's psychological trauma that includes "excessive fears of monsters, strange people and black men."

Hensyn Village manager Alan D'Arienza, one of the defendants, asserted that Thomas never lived at the complex. "I understand he was visiting a friend there," D'Arienza said. "If he did (reside there), we did not know about it. To my knowledge, he was not a tenant." The suit also names apartment officials Jerry Lepisko and Steven and Henry K. Schwarz. Morris County Counsel Howard Appelt denied the allegations against the prosecutor's office and declined further comment.