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In Robert Wone case, Lynn Leibovitz is judge and jury

By [Keith L. Alexander](#)

Washington Post Staff Writer

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D.C. Superior Court Judge Lynn Leibovitz recognized the 29-year-old woman in her courtroom last week. She had been in that same place before on drug and alcohol charges.

This time, the woman was accused of assaulting her mother-in-law. The prosecutor wasn't seeking jail time, and her attorney argued that she'd be better off in a treatment facility. Then it was Leibovitz's turn to weigh in.

"I told you repeatedly what would happen if you were back here," Leibovitz said, leaning over the bench. "Step her back. I am not going to take chances with other people's safety."

And with that, U.S. marshals escorted the woman off to a five-day jail sentence.

Leibovitz then removed that folder from her bench and instructed the court clerk to call the next case: the three-defendant conspiracy trial in the [Robert Wone murder case](#). Leibovitz, a former high-ranking prosecutor in the District's U.S. attorney's office, is quick and decisive -- qualities her colleagues say may come in handy as she oversees the Wone trial, which has quickly become one of the most publicized cases in the courthouse.

Now, Leibovitz herself is a central figure in the case. The three men charged with covering up Wone's killing have requested a bench trial, which means Leibovitz, and not a jury, [will decide whether they are guilty](#) in a trial set to begin with opening statements Monday.

Joseph R. Price, 39, Victor J. Zaborsky, 44, and Dylan M. Ward, 39, were arrested in 2008 and charged with conspiracy, obstruction of justice and tampering with evidence. They are not charged with killing Wone, 32, who was found stabbed to death in the trio's Dupont Circle home in 2006.

The tough-talking and petite Leibovitz, 51, followed the path set by her father, New York State Supreme Court Judge William Leibovitz, into the legal profession.

She is a Phi Beta Kappa graduate of Brown University and went on to Georgetown Law School. She worked in the U.S. attorney's office for 11 years, eventually rising to become training director for prosecutors and then deputy director of the homicide section. In 2001, President George W. Bush nominated her to the D.C. Superior Court.



Judge Leibovitz (Photo By Hon. Henry Greene - Photo By Hon. Henry Greene)

Since then, she's garnered a reputation as a tough judge. In January, Leibovitz sentenced 78-year-old war protester Eve Tetaz to 25 days in jail after a jury found her guilty of disorderly conduct for disrupting a Senate hearing.

In 2006, Leibovitz sentenced then-18-year-old graffiti vandal John Tsombikos, also known as Borf, to 30 days in jail after he was convicted of spray-painting various buildings and spots around the District.

If defense attorneys had their way, Leibovitz wouldn't be on the Wone case at all. Late last year, as the trial was approaching, the six or so lawyers representing the defendants banded together and publicly petitioned the chief judge to appoint another judge to preside over the case. They argued that Leibovitz was less familiar with the particulars of the case than Judge Frederick H. Weisberg, who had presided over the hearings since 2008. But Chief Judge Lee F. Satterfield rejected the petition.

For most of her time on the bench, Leibovitz has overseen medical malpractice, family court and domestic violence cases. In January, Satterfield decided to give Leibovitz some of the District's most difficult cases, "felony one" cases, which include murder and conspiracy.

"She's one of our strongest judges, and she holds people accountable," Satterfield said. "She holds attorneys accountable."

Leibovitz seems to have little patience with lawyers who, in her opinion, are poorly prepared, a throwback to her days when she trained prosecutors. During hearings, Leibovitz often will rephrase attorneys' questions. Sometimes, she'll do that three times before the lawyer realizes the questions need to be clearer. If the question still is not asked properly in her mind, she will restate it again: "Are you asking that evidence be turned over as part of Rule 16? Is that what you are asking me?" she asked one of the prosecutors during a recent Wone hearing.

"She's smart and relentless, and she knows the law. She knows it better than a lot of lawyers, and she's not shy about challenging them" said defense lawyer Cary Clennon, who represented a client in a previous trial in front of the judge.

During a recent hearing in the conspiracy trial, the often aggressive Bernard S. Grimm, who represents Price, interrupted Leibovitz to make a point. "Mr. Grimm, don't speak over me," she snapped.

Later, Leibovitz cautioned the 10 or so attorneys in the case to be direct. "I tend to get impatient," she said.