

The Washington Post

Roommates say they won't testify in Wone wrongful-death lawsuit

Washington Post Staff Writer

By Keith L. Alexander

Friday, September 17, 2010

The three roommates named as defendants in the wrongful-death lawsuit filed by the family of Robert E. Wone have invoked their legal rights not to testify and avoid self-incrimination, attorneys told a D.C. Superior Court judge Thursday.

Patrick M. Regan, the Wone family attorney, said the men have informed attorneys on both sides that they do not plan to offer any written testimony during the early stages of the lawsuit and likely will not testify during trial. That often is called "pleading the Fifth," a reference to the Fifth Amendment of the Constitution.

"Defendants don't assert their Fifth Amendment rights if they are not guilty of something," Regan said outside the courtroom after the hearing.

At the hearing, the trial was again rescheduled, this time to Oct. 17, 2011, from Sept. 12, 2011.

Wone, a lawyer who worked as general counsel for Radio Free Asia, was found stabbed to death in the men's home at 1509 Swann St. NW on Aug. 2, 2006. Roommates Dylan M. Ward, Joseph R. Price and Victor J. Zaborsky said an unknown intruder entered the townhouse and killed Wone. No one has

been charged in the slaying.

In June, after a five-week trial, Price, Zaborsky and Ward were acquitted of charges of covering up for the killer and tampering with evidence. Wone's wife, Katherine, and his family filed the lawsuit when the men were arrested and charged with conspiracy in 2008.

Thursday's hearing was one of the first in the civil trial. None of the defendants was present.

The three men have hired new attorneys for the civil case, and only one of the half-dozen or so attorneys who represented them at the criminal trial was at the hearing. Robert J. Spagnoletti, who represented Ward, informed Judge Brook Hedge that another attorney would assume the lead role.

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It is unclear how long the civil trial could last. Regan said he should be able to present his case in about six days, but Spagnoletti said the defense could take as long as three weeks. One challenge, Hedge said, would be picking a jury because of the intense publicity of the case and the previous trial.

During the hearing, attorneys said they plan to file a motion to compel the men to testify. Hedge acknowledged that the "Fifth Amendment is going to be the biggest issue."

Although Hedge spoke as if she plans to oversee the trial, the judge informed court officials that she plans to retire in December. It was unclear whether Hedge plans to leave the bench when she retires or apply for senior status, which would mean she could still preside over the case.

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- By Keith L. Alexander

Comments

medic481 wrote:

This is like the "OJ" trial all over- They know what happened, and may even be the murderers, but it looks as if they get away with it simply by refusing to cooperate.

9/19/2010 8:10:08 PM

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mac4700 wrote:

Ward, Price and Zaborsky have played the system and "won." These three know (much about) what happened that night and are not telling. Their secrets and conspiracies blind them. I doubt it will be soon, but at some point their unholy pact will unravel.

9/17/2010 3:22:25 PM

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kinkysr wrote:

Another trial, another paid-off judge ?

9/17/2010 2:54:17 PM

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SoCall wrote:

earthling wrote:

it's so obvious what went on the night he died- the prosecutions theory was so off base - as chris carter would say.....C'MON MAN!

9/17/2010 9:33:42 AM

And that is?

The crowd that hovers on that sicko salacious porn website must be glad to see this all start up again. It has been a long, hot summer for them trying to have actual lives and all.

9/17/2010 11:55:33 AM

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jole3 wrote:

Those men will never have a good night sleep for the rest of their lives. May they rot in their own prison that their mind will put them in.

9/17/2010 11:54:38 AM

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sassybaby5 wrote:

I want to wish Mrs Wone the best of luck and make those 3 animal life a living hell.

9/17/2010 11:02:08 AM

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JNelson4 wrote:

Roommates? Housemates, maybe, menage a trois certainly. Roommates?

As for Mrs. Wone, she may regret finding out more about her late husband than she ever cared to know.

9/17/2010 10:50:34 AM

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Arkvgirl666 wrote:

This is the gay equivalent of O.J. Simpson, they get away with murder.

9/17/2010 9:45:58 AM

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earthling wrote:

it's so obvious what went on the night he died- the prosecutions theory was so off base - as chris carter would say.....C'MON MAN!

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lekdoores wrote:

What are those killers afraid of?

9/17/2010 8:39:24 AM

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MarilynManson wrote:

"Defendants don't assert their Fifth Amendment rights if they are not guilty of something," Regan said.

He should be disbarred for that disingenuous remark. Considering how the roommates were railroaded into that bogus "conspiracy" trial I'm not surprized they are pleading the fifth.

Also long as we have prosecutors attempting to make cases out of nothing, and plaintiffs looking to sue for anything, innocent people will need to plead the fifth to protect themselves from malicious prosecution.

9/17/2010 8:19:01 AM

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GlenB27 wrote:

pre-disposed to side with the defendants?

Why would that be? The right not to incriminate oneself does not imply guilt. It implies nothing, legally, and Mr Regan knows it. Trying a case in the press is not a tactic used only by the defense.

9/17/2010 6:44:03 AM

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skinfreak wrote:

This is a horrendous joke. Robert Wone's trial should go down as the biggest miscarriage of justice since Al Capone was imprisoned for tax evasion only. "I refuse to testify 'cause I might slip up and incriminate myself." What about Mrs. Wone's right? Does she have any? Remind me not to get murdered or my family murdered in the district!

9/17/2010 1:34:22 AM

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PowerBoater69 wrote:

How are they going to put together a jury in DC with no members who are pre-disposed to side with the defendants?

9/16/2010 7:21:11 PM

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