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Officer and a Judge Trade Charges After a Fender Bender

By JODI WILGOREN

A fender bender between a judge and an off-duty police officer on the Upper East Side yesterday morning escalated into allegations of racism and official misconduct.

The officer, Raymond Skeeter, 36, who works in the New York Police Department's recruiting section, said he planned to file a complaint today with the New York State Bar Association and city officials to complain about the behavior of Acting Supreme Court Justice William Leibovitz, 67, as well as the police officers who responded to the accident.

The incident quickly degenerated into a case of "he said, he said," with Mr. Skeeter and Justice Leibovitz disagreeing about virtually every aspect of what happened.

Mr. Skeeter said after the accident that Justice Leibovitz impersonated a police officer, threatened him with arrest, fled the scene for a time, and generally mistreated him with aggressive and foul language.

Mr. Skeeter said he thought the fact that he is black led both Justice Leibovitz and the sergeant who re-

sponded to his 911 call to assume he was at fault. The judge and the sergeant, Stephen Latalardo, are white.

"You can't do these things, whether you're a civilian, a judge or a police officer," said Mr. Skeeter, who has been an officer for 13 years. "If I had done any of those things, I would be locked up today and lose my job."

Justice Leibovitz, who was appointed to the city's Criminal Court in 1988 and now hears felony cases, said that Mr. Skeeter's version of events is "absolutely a total fantasy," and that it was the officer who drove recklessly, refused to properly identify himself and then drove off before the dispute was done.

"That is a total concoction on his part," Justice Leibovitz said. "He was trying to avoid his own problem of being reported for what he did in this incident."

When contacted, Sergeant Latalardo refused to comment on the incident.

About the only thing on which the two men agree is that they were driving south on York Avenue just before 8 A.M.

Justice Leibovitz said that Mr. Skeeter cut him off "in a wild, reckless maneuver" while trying to make a right turn from the left lane. Mr. Skeeter said he simply merged in front of Justice Leibovitz.

Both turned right onto 75th Street, where Mr. Skeeter said Justice Leibovitz deliberately rear-ended him; the judge said he has "no knowledge of hitting him," but said the two men got out of their cars and had an angry conversation about what had happened around the corner.

The apparent misunderstandings continued. Mr. Skeeter said that Justice Leibovitz implied he was a police officer by flashing the special parking placard issued to judges by the Police Department and threatening arrest. Justice Leibovitz acknowledged that he told Mr. Skeeter "he should probably be charged with reckless driving," but said he never misrepresented himself.

Each man alleges that the other, at some point, left the scene. Eventually, the police responded.

Among Mr. Skeeter's complaints, which he plans to register with the

department's Internal Affairs Bureau as well as with the Police Commissioner, is that his fellow officers were rude to him and gave his version of events short shrift, focusing their attention on the judge's story.

"I think if I had been white, I would not have been treated like that; I hate to say that," said Mr. Skeeter, who added that he suffered whiplash in the collision. "It just made me feel like I really wasn't even present, as if I was a no one, a nobody."

A Police Department spokesman said that a captain's report on the incident found no misconduct by on- or off-duty officers, but recommended further review.

Justice Leibovitz said Mr. Skeeter "didn't treat me with respect," adding that any suggestion that race played a role in the dispute was "absolutely ridiculous."

But Mr. Skeeter said that he was the victim. "No one in their right mind would go up against a judge or a police department they work for" he said. "I'm doing it because it's wrong."