

# BREAKING NEWS



**May 12, 2010**

## **Statement from Sharon Stapel, Executive Director, New York City Anti-Violence Project**

### **Mistrial in Keith Phoenix's trial sends a message that we are not safe**

Hakim Scott and Keith Phoenix were charged with committing a hate crime in the murder of Jose Sucuzhañay which occurred after a brutal attack, during which the attackers yelled anti-gay and anti-immigrant epithets, on Jose and his brother Romel. Last night, Phoenix's trial for his part in the brutal attack resulted in a mistrial as the jury could not decide between a charge of manslaughter or murder as a hate crime. Defense attorneys argued that this was just a "fight" and not a bias-motivated crime. On May 7th, Scott's trial resulted in a manslaughter verdict with the jury deciding against charging him with murder as a hate crime. These trial decisions send a clear message that we have a lot of work to do in educating the public about what a hate crime is.

Both the Scott verdict and the Phoenix mistrial point to a troubling lack of understanding of what hate crimes are, what they mean to victims and their loved ones and to the effect they have on communities. Despite clear evidence of explicit anti-gay and anti-immigrant bias, a jury of the attackers' peers was unable to find these acts to be bias-motivated hate crimes. We at the New York City Anti-Violence Project know that people are targeted for this type of brutality every day based on who they are perceived to be – often being targeted and "jumped" for no apparent reason except bias, as in this attack.

These decisions have lasting effects on the LGBT and immigrant communities. We now know that, despite the broad legal protections against racist and homophobic and transphobic violence in New York City and State, those who are interpreting the laws – the juries of our peers – don't see explicit epithets as hate violence. Both the violence carried out against the Sucuzhañay brothers and the verdict and mistrial in the cases of their alleged attackers sends a message that members of the LGBT and immigrant communities continue to be legitimate targets for violence based on their actual or perceived identities in New York City.

When juries refuse to see explicit and verbal anti-gay and anti-Latino epithets as evidence of intent to commit a hate crime based on identity, we who are vulnerable to this violence wonder "what else will it take?" We must change the culture of this city – and this country - because the laws that protect are clearly not enough.

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