

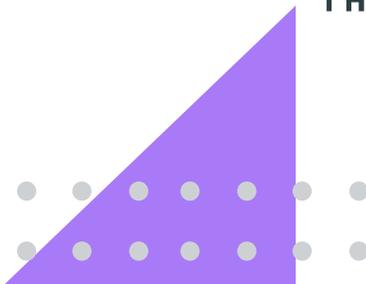


**PROSECUTIONS & CONVICTIONS
UNDER THE MATTHEW SHEPARD
JAMES BYRD, JR. HATE CRIMES
PREVENTION ACT**



&

**HALLEY M. COOK
MASTER OF ARTS CANDIDATE,
CONFLICT RESOLUTION
THE JOSEF KORBEL SCHOOL OF
INTERNATIONAL STUDIES**

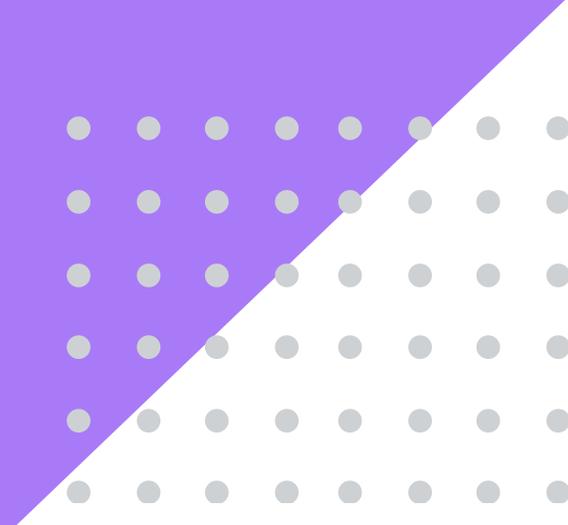


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PROSECUTIONS & CONVICTIONS UNDER THE MATTHEW SHEPARD JAMES BYRD, JR. HATE CRIMES PREVENTION ACT

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Left to Right: Charles Cannon, Brian Kerstetter,
Michael McLaughlin, Joseph Staggs



The UNITED STATES of America,
v.
Charles CANNON, et. al., Defendants.

White supremacists Charles Cannon, Brian Kerstetter, and Michael McLaughlin approached Yondel Johnson, an African American man, late one night while he was sitting at a bus stop in Houston, Texas. Yondel Johnson was returning home from his daughter's birthday party when the three men approached Johnson while voicing racial slurs. Cannon, Kerstetter, and McLaughlin then proceeded to jump and severely beat Johnson, who was unable to fend off the men who outnumbered him. Cannon, Kerstetter and McLaughlin were later tried and convicted of federal hate crimes after a jury found that the beating was motivated by racial bias. A fourth man, Joseph Staggs, was initially indicted in the case, but his charges were dismissed in exchange for his testimony.

Earlier that night, the assailants had allied because of their shared white-supremacist beliefs; this information became known from evidence presented at trial which stated that Cannon and Kerstetter recognized McLaughlin and another man as "woods" and stated, "see, I told you them are woods" because of tattoos that were visible, to which McLaughlin responded by lifting his shirt to exhibit tattoos including a swastika, a picture of a Klansman and the inscription "white pride" to the other men. At the trial, a gang-tattoo expert testified that "woods" is a term commonly used by members of white-supremacy organizations to describe themselves or other white people.

As the men approached Johnson, an explosive conversation took place illustrative of racially motivated anger. The conversation would quickly escalated to violence.

According to Johnson, Cannon asked him, "Yo, bro, do you have the time?" At that point Johnson looked up and noticed that Cannon was covered in tattoos. Johnson recognized some of the small lightning bolt tattoos on Cannon as white-supremacist "Nazi" symbols. Johnson testified that he responded, "No." One of the other men then said to Cannon, "Why did you call that nigger a 'bro'? You ain't supposed to call no nigger a 'bro.'"

"What did he say?" Johnson responded, to which Cannon answered, "You heard him, 'nigger.' He called you a 'nigger', 'nigger.'"



Left to Right: Charles Cannon, Brian Kerstetter, Michael McLaughlin, Joseph Staggs

The three men then jumped Johnson, severely beating him and inflicting physical injury because of Johnson’s race. Johnson later stated, “I couldn’t believe this was happening. I thought I was on my way to dying, especially when they got me on the ground.”

The defendants were initially charged in Harris County, Texas with misdemeanor assault; however, those charges were dropped after prosecutors brought federal hate-crime charges against the men. Although the defendants argued that the Shepard-Byrd Act is unconstitutional, and that the evidence presented at trial was insufficient to prove that the attack on Johnson was motivated by racial bias, all three men were nevertheless convicted of a federal hate crime.

The conviction demonstrates that the jury believed there was sufficient evidence in the record to conclude that the defendants attacked and caused physical, bodily injury to Johnson because of his race. The FBI special agent in charge, Stephen L. Morris, stated “[w]e hope today’s convictions send a powerful public message. The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act is a tool the FBI will use to aggressively investigate and prosecute hate crimes as felony offenses.”



<http://www.chron.com/news/houston-texas/article/Three-white-men-convicted-of-hate-crime-in-attack-3486507.php>
<http://www.cbsnews.com/news/4-men-indicted-on-federal-hate-crime-charges-after-houston-bus-stop-beating/>

The UNITED STATES of America,
v.
Charles CANNON, et. al., Defendants.
(Continued)





Jimmy Garza



The UNITED STATES of America,
v.
Jimmy GARZA, Defendant.

On March 8, 2012, Jimmy Garza pleaded guilty to a hate crime offense for his role in the assault of a gay African-American man in Corpus Christi, Texas. While it can be difficult for the prosecution to prove to a jury that an act of violence was committed because of the victim's race, religion or sexual identity, in this case Garza admitted to conspiring to assault a gay African-American man because of his "race and sexual orientation." Garza pleaded guilty to one count of conspiracy to commit hate crimes, and one count of a hate crime violation based on the victim's sexual orientation.

Garza admitted that during the assault, he and his co-conspirators punched, kicked and assaulted the victim with various weapons, including a frying pan, a mug, a sock filled with batteries, a broom and a belt. Garza admitted that when the victim began to bleed, the conspirators forced him to remove all of his clothing and clean up his own blood throughout the apartment. After the victim was completely naked, Garza held a gun to the victim's head, while a co-conspirator sodomized the victim with a broom handle. During the assault, Garza poured bleach onto the victim's face and eyes, and struck him with a handgun. The conspirators also whipped the victim on the back with a belt.

Further, Garza admitted to the court that throughout the assault, he and his co-conspirators repeatedly called the victim racial and homophobic slurs, and "made other anti-black and anti-gay statements." These statements, along with the guilty plea, were critical to the successful conviction of these acts of violence as a hate crime. In September 2015, Ramiro Serrata Jr. also pleaded guilty to the same hate crimes charges in connection with this offense. Both of the men received the maximum sentence of 15 years in prison, three years' supervised release and mandatory registration as sex offenders, and assessed \$10,800 in restitution.

At the end of the trial, U.S. Attorney Kenneth Magidson addressed the importance of prosecuting hate crimes in order to protect the civil rights of all citizens. "The protection of all individuals from acts of violence based on their rights guaranteed by the Constitution and laws of the United States will always be a priority of this judicial district," he said. His comment can also be seen as a view into the lack of civil rights minorities have when targeted because of their race, sexuality or religion.



Alexis and Mable Jenkins



The UNITED STATES of America,
v.
Mable Ashley JENKINS, and Alexis LeeAnn
Jenkins, Defendant.

Two women in Harlan County, Kentucky pleaded guilty to assisting others in the kidnapping and assault of Kevin Pennington on April 4, 2011 because of his sexual orientation. This case marked the first federal conviction in the United States for a violation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Both the Department of Justice and the FBI Louisville Division issued a press release in which the two women gave details of their assault on Pennington. The women admitted they lured Pennington into a truck under false pretenses with two other defendants, Anthony Ray Jenkins and David Jason Jenkins, and had planned in advance to kidnap and beat Pennington to death because of his sexual orientation. The truck was driven to Kingdom Come State Park where Pennington was allegedly dragged onto the deserted mountain road and assaulted by the male defendants.

The female defendants pleaded guilty to causing bodily injury to the victim because of his sexual orientation, signifying that their motivation to commit the crime was indeed Pennington's gay identity. Further, the women testified that during the beating they all used "anti-gay slurs and that the group intended to kill Pennington," the release stated. Pennington escaped while the two men were searching the truck for a tire iron, which they had planned to employ to kill Pennington. The victim ran off the side of the road, throwing himself over a ledge and hiding behind a rock until the group finally gave up searching for him and drove away. The Department of Justice Office of Public Affairs stated that Pennington then "staggered part-way down the mountain, where he found a ranger shack, broke a window and called 911."

Both women testified against the male defendants at trial. Mable Ashley Jenkins was sentenced to 100 months in prison and Alexis LeeAnn Jenkins received an eight-year prison term.

The jury convicted the male defendants on federal kidnapping and conspiracy charges but acquitted them of violating the sexual orientation provision of the hate crime law. David Jason Jenkins received 30 years in prison and Anthony Ray Jenkins was sentenced to 17 years.

<http://www.justice.gov/opa/pr/two-harlan-county-kentucky-women-plead-guilty-federal-hate-crime-against-individual-because>
<http://bit.ly/2kE4igB>



Alexis and Mable Jenkins



The UNITED STATES of America,
v.
Mable Ashley JENKINS, and Alexis LeeAnn
Jenkins, Defendant.

The Deputy Assistant Attorney General for the Civil Rights Division, Roy Austin, stated that not only did the court’s sentence illustrate what “a vicious criminal act” this was, but also the department’s intent “to use the Shepard-Byrd Act to vigorously investigate hate crime allegations and work with our state and local law enforcement partners in their efforts to identify these crimes.”

These convictions are largely due to the president of a gay-rights group called Kentucky Equality Federation, Jordan Palmer, who lobbied the U.S. Attorney for the Eastern District of Kentucky, Kerry Harvey, to prosecute after stating he had no confidence in the Harlan County Commonwealth’s Attorney to act. Some LGBTQ advocates have attributed much of the notoriety of the case to the Kentucky Equality Federation’s efforts in seeking a prosecution and conviction.



<http://www.justice.gov/opa/pr/two-harlan-county-kentucky-women-plead-guilty-federal-hate-crime-against-individual-because>
<http://bit.ly/2kE4igB>



Victim "V.K" after the attack

William Hatch was convicted of conspiring to commit a hate crime under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which makes it a felony to physically attack a person because of that person's race. Hatch, one of three New Mexico men, kidnapped a disabled Navajo man because of his apparent disability and race. The Court Opinion written on July 3, 2013 by 10th Circuit Judge Timothy Tymkovich provides the following background information about the kidnapping and brutal attack:

"Hatch and two of his friends, [Paul] Beebe and [Jesse] Sanford, worked together at a restaurant in Farmington, New Mexico. In April 2010, a mentally disabled Navajo man, whom the record identifies only as "V.K.", came to the restaurant. Beebe convinced the victim to come to Beebe's apartment. Hatch and Sanford later joined Beebe there. At Beebe's apartment, the three white men drew on V.K.'s back with markers. They told him they would draw 'feathers' and 'native pride' but actually drew satanic and anti-homosexual images. They then shaved a swastika-shaped patch into V.K.'s hair. Finally, they heated a wire hanger on the stove and used it to brand a swastika into V.K.'s arm."

The FBI referred to the case as a "racially motivated assault" on a man with "significant cognitive impairment" in their early press release of the indictments against the three white men. In this case, the victim was sought out based on his race, as being of Navajo descent, but he was consequently made a target because of his cognitive disability.

That this case was racially motivated was illustrated by the white supremacist symbols branded, shaved and drawn onto the victim; for example drawing "KKK" and "White Power" which were written within the lines of the swastika permanently scarred onto the victim's arm. Police officers and investigators found evidence, aside from the markings on the body, that linked the case to the white supremacist movement, thus making it a hate crime fueled by racial hatred.

Hatch and his co-conspirators filed a motion in federal court to dismiss the charges claiming that the Shepard-Byrd Act (18 U.S.C § 249(a)(1) is its formal title) is unconstitutional. The district court, however, rejected the argument based on the constitutionality of Congress's power to enforce the 13th Amendment. Hatch then took a guilty plea and was sentenced to 32 consecutive months in prison. Beebe was later convicted and sentenced to eight and a half years in prison and three years' supervised release; Sanford received five years followed by three years' supervised release.

https://scholar.google.com/scholar_case?case=12264668186749139157&q=matthew+shepard+and+james+byrd+jr+hate+crimes+prevention+act&hl=en&as_sdt=4003&as_ylo=2009&as_yhi=2016
<https://www.fbi.gov/albuquerque/press-releases/2010/aq111210-1.htm>
<http://navajotimes.com/news/2010/0510/051310branding.php>



Frankie Maybee



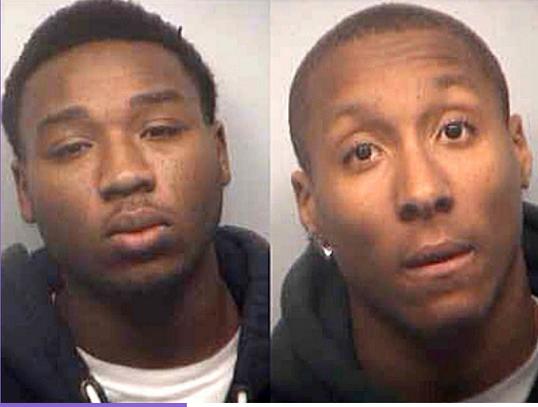
In May 2011, the United States DOJ announced that Frankie Maybee and Sean Popejoy of Green Forest, Ark., were sentenced to lengthy prison terms for their roles in committing federal hate crimes. Circuit Judge Raymond Gruender wrote in the post-trial Opinion that “Frankie Maybee was convicted on six counts related to willfully causing bodily injury to another because of that person’s race, color, or national origin in violation of certain provisions of the Shepard-Byrd Hate Crimes Prevention Act.” Popejoy, who testified against Maybee, pleaded guilty to two hate crime counts.

Frankie Maybee, Sean Popejoy and Curtis Simer (who would later obtain an immunity agreement and also testify against Maybee) were all loitering in the parking lot of a gas station around 1:00 A.M. on June 20, 2010. Around that same time, the five victims, Jeffrey Perez, Francisco Reyes, Brian Vital, Anthony Gomez and Victor Sanchez, arrived at the gas station in a green sedan. Vital and Sanchez got out of the vehicle to put gas in the car, at which point the harassment began. Judge Gruender recalls the racial slurs that were hurled at the victims as they emerged from the convenience store: “Maybee and Popejoy yelled at them, calling them ‘beaners’ and ‘wetbacks’ and shouted, ‘You Mexicans need to go back to Mexico.’” The Hispanic men ignored the racial epithets, reentered the car, and drove westbound on a two lane highway. After the Hispanic men left the gas station, Maybee, Popejoy and Simer discussed following the victims and fighting them stating, “let’s go get the fuckin’ Mexicans” and “beat the shit out of them.” At this point they decided to get in their blue pickup truck and follow the Hispanic men on the highway.

Once they caught up to the Hispanic men in their car, they rammed the back of the sedan with their truck three times yelling “fuckin’ Spics”, and threatened to “beat the shit out of them.” The assailants then struck the sedan near the left rear wheel, referred to as a “pit maneuver” which is used to cause a car to lose control; this move then caused the sedan to veer out of control, cross the opposite lane of the highway, go off of the road, flip over, crash through a fence, hit a tree and burst into flames.

As the car burst into flames, Maybee stated that he hoped the “fuckin’ beaners burn and die.” Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, stated that “The facts of this case shock the conscience. Five men were almost killed for no other reason than the fact that they are Hispanic.” Maybee is now serving 135 months in prison and Popejoy received 48 months.

<http://media.ca8.uscourts.gov/opndir/12/08/113254P.pdf>
<http://www.justice.gov/opa/pr/arkansas-men-sentenced-federal-hate-crimes-related-assault-five-hispanic-men>



Christopher Cain and Dorian Moragne



The UNITED STATES of America,
v.
Christopher CAIN and Dorian Moragne,
Defendants.

The Department of Justice Office of Public Affairs released information that was presented in the court case against two defendants, Christopher Cain and Dorian Moragne, who were charged with committing a federal hate crime. Both members of the Jack City street gang, they and two other men targeted Brandon White, a 20-year-old gay male, as White left a grocery store in Atlanta's Pittsburgh neighborhood on February 4, 2012.

The men struck the victim in the head and knocked him to the ground as they continued to kick and stomp the man. They also struck the victim with a tire and yelled homophobic epithets such as "No fags in Jack City," and stole the victim's cell phone. Another individual accompanying the defendants recorded cell phone video of the attack which was later posted online.

On April 13, 2013, Cain and Moragne pleaded guilty to violating the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act by beating their victim because of his sexual orientation. Theirs were the first federal hate crime convictions in Georgia, then-U.S. Attorney Sally Q. Yates noted at the time. Georgia's own state-level hate crime law was struck down in 2004 by the state Supreme Court.

Moragne and Cain's lawyers both said their clients were remorseful. Both defendants were sentenced to 10 months in federal prison and three years of supervised release, as well as five years' imprisonment on separate state charges.

Fellow attacker Dareal Demare Williams was convicted on state charges and sentenced to 10 years, with five to serve. State prosecutors also indicted accused attacker Javaris S. Bradford, who eluded police capture.



John Hall, far right, and other Aryan Brotherhood members



The UNITED STATES of America,
v.
John HALL, Defendant.



John Hall, a 27-year-old Aryan Brotherhood member, pleaded guilty in federal court to violating the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act on December 20, 2011 by assaulting a fellow inmate whom he believed to be gay or to be involved in a sexual relationship with another male inmate.

Hall was an inmate at the Federal Correctional Institution in Seagoville, Texas. The Department of Justice Civil Rights Division stated “Hall admitted that he assaulted the victim because of his perceived sexual orientation by repeatedly punching and kicking the victim while calling the victim gay slurs.” To target and assault someone because of their perceived sexual orientation is a violation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, as is to assault someone with a dangerous weapon, in order to cause bodily harm because of their perceived sexual orientation.

The victim lost consciousness during the assault and sustained multiple lacerations to his face, a fractured eye socket and chipped and fractured teeth as a result of Hall’s unprovoked attack. Hall stomped on the victim’s face with his shod feet, “a dangerous weapon,” and yelled homophobic slurs at the victim.

The most crucial aspect of prosecuting a hate crime is being able to distinguish it from a non-hate-motivated assault. In this case, the information presented during the plea hearing made it evident that Hall assaulted the victim for no other reason than believing the victim to be gay.

Thomas E. Perez, Assistant Attorney General for the Civil Rights Division of the Department of Justice stated that “Brutality and violence based on sexual orientation has no place in civilized society. The Justice Department is committed to using all the tools in our law enforcement arsenal, including the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, to prosecute acts motivated by hate.” Hall was sentenced to 71 months on top of his prior sentence.

<https://www.fbi.gov/dallas/press-releases/2013/aryan-brotherhood-inmate-sentenced-for-federal-hate-crime-for-assaulting-fellow-inmate>
<http://www.justice.gov/opa/pr/texas-inmate-pleads-guilty-federal-hate-crime-assaulting-fellow-inmate>



Justin Alesna



The UNITED STATES of America,
v.
Everett Dwayne AVERY, Defendant.

On March 7, 2011 Everett Dwayne Avery punched a stranger, later identified as Justin Alesna, in the face because he believed Alesna to be gay. The two men were customers at a Detroit convenience store at the time of the assault; Alesna was standing in line behind Avery to check out. Avery used homophobic epithets, and told Alesna that he was standing too close: “What are you, a fucking faggot? You a fucking homo? If you aren’t a fucking homo why the fuck are you standing so close?” Alesna apologized and backed up but that proved to be futile, as the epithets continued. Alesna tried to ignore it as he purchased his cigarettes and headed towards the door to exit the convenience store. Avery, however, confronted him once again with a repetition of anti-gay slurs and even went as far as to show him the gun he was carrying. Avery then punched Alesna in the face, fracturing his eye socket and causing other facial injuries.

Alesna recounts in a video he recorded after the attack that “bystanders, including store employees, did nothing to intervene and even laughed during the attack.” Alesna said that when he asked the store clerk to call the police, the clerk refused and told Avery to ‘Kill it, bro.’”

Further, Alesna states in his video that once he had been attacked, the convenience store clerk asked him to leave because he did not want to have to clean up a mess. Alesna points out that not only was he attacked while people stood by and watched, but he was then asked to leave the scene of the crime. Alesna, in a positive turn, goes on to emphasize the importance of using your voice to speak out against hate in order to extinguish it. “The only way that it gets better, the only way that we can assure that shit like this doesn’t happen, is by standing up,” he said. “Is by speaking out. Is by actually doing something to try to make our society better.”

On August 29, 2012, Everett Dwayne Avery pleaded guilty to violating the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act by committing this hate-fueled assault because of Alesna’s actual or perceived sexual orientation. Avery was sentenced to serve 18 months in prison.

<https://www.youtube.com/watch?v=HbUPgyeChqc>
<http://www.justice.gov/opa/pr/detroit-man-sentenced-anti-gay-hate-crime>
<http://www.advocate.com/crime/2012/09/02/michigan-man-pleads-guilty-hate-crime-charge>



James Anderson, and the truck he was run over with

On the morning of June 26, 2011, an African-American man, James Craig Anderson, was targeted by a group of white men who beat him and ran him over with a truck, resulting in his death: a racially motivated murder. The three defendants, all white men, stated in court hearings that beginning in spring 2011 they had been harassing and assaulting African-Americans around Jackson, Mississippi, referred to as “Jafrika” by the defendants, as a pejorative referring to the number of African-Americans living in Jackson. The defendants also admitted to using dangerous weapons (beer bottles and motor vehicles) in order to cause bodily injury to African-Americans. Specifically the men stated that they targeted African Americans who appeared to be homeless or intoxicated because the men believed these individuals would be “less likely to report an assault.”

On evening of June 25th, the defendants were drinking while attending a birthday party in Puckett, Mississippi where they discussed and planned a trip to Jackson to find African-Americans to harass and assault. Heading to west Jackson in two separate vehicles, a white Jeep and a Ford F250 truck, the men hurled beer bottles at African Americans they passed until they got to their final destination, a motel parking lot off Ellis Avenue where they would encounter James Anderson. The defendants agreed that Anderson would make a good target for the assault because he was African-American and appeared to be intoxicated.

James Craig Anderson, 49, was an auto plant worker for Nissan. Anderson was very involved in his church and was known for his singing voice. For 17 years Anderson was in a relationship with James Bradfield, and was helping him raise his young relative. As the men spotted Anderson in the motel parking lot early on the morning on the 26th, both vehicles pulled off of the freeway and into the motel parking lot. The men first stated that they thought Anderson was trying to break into a car.

<http://www.justice.gov/opa/pr/three-brandon-mississippi-men-sentenced-their-roles-racially-motivated-assault-and-murder>
<https://www.fbi.gov/news/stories/2015/june/ten-sentenced-in-hate-crime-case/ten-sentenced-in-hate-crime-case>
<https://www.youtube.com/watch?v=FOZXbpTNb6A>
https://ecf.mssd.uscourts.gov/cgi-bin/show_multidocs.pl?caseid=78167&arr_de_seq_nums=17&magic_num=&pdf_header=&hdr=&pdf_toggle_possible=1&caseid=78167&zipit=&magic_num=&arr_de_seq_nums=17&got_warning=&create_roa=&create_appendix=&bates_format=&dkf=&got_receipt=1



James Anderson, and the truck he was run over with



Evidence presented by the prosecution would later show, however, that the vehicle was in fact Anderson's. The group repeatedly beat Anderson and robbed him while reportedly yelling "white power!" As the white Jeep drove away with passengers including William Kirk Montgomery and John Aaron Rice, Deryl Paul Dedmon got in his truck, drove it up over the curb and ran the truck over Anderson who was stumbling along the edge of the parking lot. Dedmon caused fatal injuries to Anderson, who died a few days later.

A grand jury indicted Dedmon on charges of capital murder as well as a hate crime, and on March 21, 2012 Dedmon entered a guilty plea to murder and a federal hate crime charge. He was sentenced to 50 years. John Rice and Dylan Butler also pleaded guilty to federal hate crime and conspiracy charges. Other guilty pleas in this case include Dylan Wade Butler, Jonathan Kyle Gaskamp. Joseph Paul Dominick, Shelbie Brooke Richards, and Sarah Adelia Graves for the conspiracy culminating in the death of James Craig Anderson.

Further, defendants in the white Jeep, including John Louis Blalack and Rice, pleaded guilty to federal hate crimes for their involvement in the murder of James Craig Anderson at a later date. Robert Henry Rice was also convicted of participating in events leading up to Anderson's murder.

The UNITED STATES of America,
v.
BUTLER et al., Defendants.
(Continued)

Anderson's family wrote a letter to Hinds County District Attorney Robert Shuler Smith, requesting that those responsible for Anderson's death be spared the death penalty, citing their Christian values. The family also then established the James Craig Anderson Foundation for Racial Tolerance.



Chase McClary, and Brandon Woods

Chase McClary, a 23 year-old white male, was in the Brandon Woods residential neighborhood of Florence County, South Carolina, watching a fight between two high school students. McClary was neither involved in the fight nor connected to any of the people who there to watch the fight. When the fight ended between the two high school boys, the two young men shook hands and everything seemed to be calming down again. That is, until McClary spotted the only African-American man in the group of approximately 14 who had been there to watch the fight. The African-American victim was only 16 years old at the time, and he and his friends were leaving the residence when McClary approached the victim and struck him in the head with a coffee mug.

Witnesses to the event reported that the mug shattered on contact, and McClary then continued to use the broken end of the mug to beat the victim, striking and cutting him while calling the victim racial epithets; the victim needed 200 stitches and suffered deep face and neck lacerations.

During the hearing, McClary was asked what his connection to the victim was and he answered, "I don't even know him." This statement illustrates that the attack was not motivated by any other reason than the race of the victim.

Chase McClary pleaded guilty to violating the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act and was sentenced to four years in prison on November 13, 2012.

The UNITED STATES of America,
v.
Chase MCCLARY, Defendant.





Kevin Harpham



The UNITED STATES of America,
v.
Kevin William HARPHAM, Defendant.

Kevin Harpham was arrested on March 9, 2011 at his home for attempting to use a weapon of mass destruction to cause bodily harm to a group of people because of their actual or perceived race, color and national origin. The Martin Luther King Jr. Day Unity March took place on January 17, 2011, in Spokane, Washington and was attended by approximately 2,000 individuals including many belonging to a racial minority. On the day of the event, city employees spotted a suspicious package, or backpack, with wires sticking out of it. It was at this march that Kevin William Harpham had placed an improvised explosive device along the route of the march, with the intent to cause “bodily injury to the person or persons in order to further his racist beliefs,” the FBI concluded in a press release.

The march was diverted due to the suspicious backpack, to a route outside the device’s likely blast radius, KHQ-TV reported.

According to the bureau’s laboratory analysis, the explosive device placed by Harpham was capable of inflicting serious injury or death. The pipe bomb was inside a backpack loaded with lead fishing weights for shrapnel that were coated in rat poison, which prevents blood coagulation. The fishing weights led investigators to a Wal-Mart where they established Harpham had purchased them, which then led police to place him under surveillance.

Harpham is a proud white supremacist and white separatist; he was a member of the National Alliance, a white supremacist group, in 2004. Photographic evidence from the parade showed Harpham taking pictures of African American children as well as a Jewish man wearing a yarmulke.

<http://www.justice.gov/opa/pr/washington-man-sentenced-32-years-attempted-bombing-martin-luther-king-unity-march>



Kevin Harpham



The UNITED STATES of America,
v.
Kevin William HARPHAM, Defendant.

On September 7th of the same year, Harpham pleaded guilty to two counts of a superseding indictment: attempted use of a weapon of mass destruction and attempt to cause bodily injury with an explosive device because of actual or perceived race, color and national origin of any person. Further, the Special Agent-in-Charge of the FBI Seattle office stated that “A prototypical ‘lone wolf’ such as Mr. Harpham presents a particularly vexing threat -- with nothing foreshadowing a carefully planned attack.” U.S. District Judge Justin Quackenbush sentenced Harpham to 32 years in prison. “I hope you’ll pause and reflect and know that we are all inhabitants of one planet,” the judge told Harpham. “It’s not for you or I to decide who lives and who does not live. It seems you’re ... letting these racist prejudices control your actions.”



<http://www.justice.gov/opa/pr/washington-man-sentenced-32-years-attempted-bombing-martin-luther-king-unity-march>



George Thompson



The UNITED STATES of America,
v.
George THOMPSON, Defendant.

George Thompson, a former Transportation Security Administration employee in Minneapolis, pleaded guilty in federal court to violating the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act by assaulting an 83-year-old Somali man on May 4, 2010. He was sentenced to six months in prison. Thompson sought out the Somali man, identified in court only by his initials, because of his perceived national origin, and further terrorized the man because he believed the victim to be Muslim.

Thompson, with two loaded firearms on his person, approached the victim at a Minneapolis bus stop near 5th Street and Cedar Avenue South as the man was getting into his car. Thompson stated that he targeted the elderly man because he had a red beard, which caused Thompson to believe that the victim was not only an African immigrant, but also a Muslim. As Thompson advanced toward the man, he asked the 83-year-old man if he was in fact Somali; the victim responded that he was. Thompson then threatened to kill the man, and began to chase him while assaulting him and yelling ethnic and religious slurs. Thompson also told the elderly man to go back to Africa.

Thomas was apprehended by police a second time two months later when he threatened and chased another Somali man at the same intersection.

The Hennepin County Attorney's office told the Minneapolis Star Tribune that it deferred to federal authorities because the Shepard-Byrd Act offered a lengthier prison sentence upon conviction.

<https://www.justice.gov/usao-mn/pr/former-tsa-employee-sentenced-federal-hate-crime-first-case-nation-prosecuted-under>



Aryan Terror Brigade symbol



Michal Gunar



The UNITED STATES of America,
v.
GUNAR, et al., Defendants.

On December 31, 2011 two members of the Aryan Terror Brigade, an active skinhead hate group, were drinking alcohol and listening to white supremacist music at a “meet and greet” gathering for skinheads. The two men, Michal Gunar and Kyle Powell, got in a car with another skinhead, Christopher Ising, who had hosted the meet and greet, with the sole purpose of hunting random, non-Caucasian individuals to assault.

The men drove to an apartment complex in Sayreville, NJ, and with a knife in hand, attacked two Middle Eastern men while shouting anti-Arab slurs. At Gunar’s guilty plea proceeding, Gunar admitted he assaulted at least one man by pulling the individual out of a parked car and punching the man about the face and head, causing bodily injury. Gunar allegedly stated, “Show me your face you Arab (expletive),” while Ising allegedly assaulted a second man with brass knuckles to the head.

Soon after the men had left the “meet and greet,” authorities state that multiple people of Egyptian descent were attacked in a similar manner. Gunar continued the victimization of the non-Caucasian community by taking the encounter online to brag, “It was me and my other bro on like six or eight and we whooped them.”

Michal Gunar pleaded guilty to conspiracy to commit a hate crime assault as well as commission of a hate crime assault in violation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act and was sentenced to 33 months in prison. Kyle Powell also pleaded guilty to conspiracy to commit a hate crime assault and was sentenced to 15 months in prison. Finally, Ising, of the Atlantic City Skins, also pleaded guilty to committing a hate crime with conspiracy to do so, and was sentenced to 33 months in prison.

<https://www.fbi.gov/newark/press-releases/2013/members-of-white-supremacist-group-sentenced-to-prison-for-hate-crime-assault>



Left to Right: Hammett, Jackson, and Tyler



The UNITED STATES of America,
v.
HAMMETT et. al., Defendants.

Around 10:45 p.m. on April 18, 2011, a white man and an African American woman parked their car at a convenience store in Marysville, California. Unbeknownst to them, they would soon come into contact with three self-avowed white supremacists, all of whom were distinctly marked with white supremacy tattoos. The three men approached the car, called the male victim a “nigger lover” and then proceeded to attack the two because of the woman’s race.

Perry Sylvester Jackson, 28, struck the male victim twice in the head through the open passenger window. While the male victim was being assaulted, Billy James Hammett, 30, opened the driver side door and kicked the woman in the chest, while Anthony Merrell Tyler, 33, simultaneously smashed the car’s windshield with a crowbar, sending shattered glass into the car.

The woman was eventually able to find refuge inside of the convenience store, at which point all three men assaulted the male victim, who struggled and could not get away, in the parking lot. The male victim sustained abrasions on his right forearm and knees, while the woman suffered bruising to her chest. Finally, at the end of the incident, Tyler used a racial slur to refer to an African-American witness. Testimony indicated that none of the defendants knew their victims.

During the hearing, Judge John A. Mendez took the three white-supremacists’ backgrounds and criminal histories into consideration. Hammett, who has the tattoo “white power” across his abdomen, was previously convicted for the unprovoked assault of a 72-year-old African-American man, and was sentenced in this case to 87 months in prison. Tyler received 46 months and Jackson was sentenced to 70 months.



<https://www.justice.gov/opa/pr/yuba-city-california-man-sentenced-46-months-prison-rationally-motivated-attack-white-man-and>
<https://www.justice.gov/opa/pr/california-man-sentenced-federal-prison-rationally-motivated-assault-white-man-and-african>



Left to Right: Thomas, Weston, McIntosh, and Wright



The UNITED STATES of America,
v.
WESTON, et al., Defendant.

For ten years, Linda Weston along with her daughter Jean McIntosh and three other co-conspirators kidnapped, trafficked, beat and stole from multiple mentally handicapped individuals, including six adults and four children. Weston now faces life plus 80 years behind bars, only barely escaping the death penalty for her heinous crimes.

Weston and her co-conspirators lured the mentally handicapped victims into her rental properties in Pennsylvania, Texas, Virginia and Florida. The victims were specifically targeted because of their mental disabilities and estrangement from their families. Weston would convince the victims to move in, either by force or by feigning a romantic relationship with the victim to coerce them. Once they had moved in, Weston named herself their Social Security representative payee, and began to collect their disability and state benefits. The funds were then used solely for Weston's own purposes. The victims were held against their will in basements, closets and attics. The conditions of these dwellings were deplorable, and a number of Weston's victims died in captivity. The victims were kept in the dark, sedated and isolated. If the victims tried to escape or steal more food they were beaten, kicked, burned, stabbed, hit with objects including belts, bats, hammers and other objects like the butt of a gun.

One of the victims, referred to as M.L., was confined inside a kitchen cabinet and an attic for months. M.L. died of bacterial meningitis and starvation in November 2008. Weston then ordered the other residents of the house to move the body to a bedroom, to stage the death, before calling the authorities. The Weston enterprise fled to Philadelphia the next day.

Philadelphia police rescued victims from a local apartment building's sub-basement on October 15, 2011. The conspirators were charged with 196 counts of federal crimes including four counts under the Shepard-Byrd Act due to the crime being motivated by the victims' actual or perceived disabilities.

<http://abcnews.go.com/US/hate-crime-charges-allegedly-stealing-mentally-disabled/story?id=18294194>
<https://www.justice.gov/usao-edpa/pr/guilty-plea-case-disabled-adults-held-captive-subhuman-conditions>



Left to Right: Thomas, Weston, McIntosh, and Wright



The UNITED STATES of America,
v.
WESTON, et al., Defendant.

Weston’s life-plus-80-years sentence also included \$273,463 in restitution to the Social Security Administration and a special assessment of \$19,600.

Weston’s daughter Jean McIntosh, along with Gregory Thomas and Eddie Wright, pleaded guilty while Nicholas Woodard is still awaiting trial.



<http://abcnews.go.com/US/hate-crime-charges-allegedly-stealing-mentally-disabled/story?id=18294194>
<https://www.justice.gov/usao-edpa/pr/guilty-plea-case-disabled-adults-held-captive-subhuman-conditions>



Jamie Larson, and victim "K.H."



In sentencing Jamie Larson, 49, for one count of a racially-biased hate crime, Judge John C. Coughenour stated that Larson's conduct was absolutely unacceptable and that "Larson used the most disgusting, ugly, and racist language that I have heard in 30 years on the bench."

The victim, a 50 year-old Indian man of the Sikh religion, who wore a turban and spoke with a notable accent, was Larson's taxi driver on October 17, 2012. Larson admitted to attacking the man because he believed he was of Middle Eastern descent or ethnicity.

Jamie Larson had been found intoxicated outside of a Fred Meyer store earlier that day, and was confronted by fire and police departments after a store employee called 911 to do a welfare check. Larson, clearly drunk, was able to answer questions that were being asked of him, and said that he had started drinking after getting in a fight with his girlfriend. He was also able to confirm his address, the address that was on his driver's license, and agreed to take a taxi cab home at the request of police. An officer then called for a taxi, at which point the victim, K.H., was dispatched to Fred Meyer.

During the car ride to Larson's address, Larson proceeded to ask the victim various questions about where he was from and why he had a turban on his head. The victim replied that he was from India and when asked about the turban, K.H. replied that it was a symbol of his religion. Larson then began responding with various statements, including "my dad fought in the wars for America" and "you shouldn't have come to my country." When the two men finally arrived at the address Larson had given the victim, Larson refused to get out of the taxi stating that it was not in fact his home. K.H. then went to the door and knocked, to be answered by the homeowner, Merle McClatchie who stated that she knew the man because he had been romantically involved with her daughter, but that he no longer lived there. While K.H. was speaking to McClatchie, Larson came up behind the victim, grabbed the victim's beard and began punching him in the face. Larson then pulled K.H. off the porch and threw him to the ground where he began hitting K.H. in the face and body while also stomping repeatedly on the victim's stomach while yelling a number of statements including, "why did you come to my country?" and "motherfucker, what are you doing here?"

<https://www.fbi.gov/seattle/press-releases/2013/washington-state-man-sentenced-in-federal-hate-crime-case-for-attack-on-sikh-man>



Jamie Larson, and victim "K.H."

McClatchie proceeded to call the police and expressed concern that Larson was going to kill K.H. due to the severity of the assault. K.H. was finally able to stumble away from the victim, holding onto the railing of the front porch as the police arrived on the scene. Larson was clearly still agitated and expressing extremely racist sentiments by yelling, "f---ing towelhead, send them all back...they're taking all of our jobs." And when asked by the officer why he was fighting with the cab driver, Larson responded, "because he's a towelhead."

Immediately following the assault, K.H. was in an immense amount of pain, disoriented and began vomiting at the scene and was taken to the hospital and was released that night, only to be readmitted two days later and treated for acute kidney failure, which the medical professionals believed to be caused by the assault.

Larson received a 40-month sentence for his racially motivated attack of K.H., an innocent victim who did not provoke nor warrant such assault.

The UNITED STATES of America,
v.
Jamie LARSON, Defendant.



In the case of the United States versus George Allen Mason Jr., 22, the details of the attack demonstrate the complex nuances of interstate commerce as a crucial factor in enabling the federal government to claim jurisdiction over hate crime cases.

George Mason was indicted with “willfully causing bodily injury and, through the use of a dangerous weapon, attempting to cause bodily injury to David Beltier, who is gay, because of Beltier’s actual or perceived sexual orientation.” Most importantly in this case, the charges against Mason allege that he employed a dangerous weapon that had traveled in interstate and foreign commerce and that the assault occurred during the course of and as a result of travel in a motor vehicle, a channel, facility, or instrumentality of interstate or foreign commerce. The necessity of interstate or foreign commerce in federal hate-crime indictments is due to the Commerce Clause of the U.S. Constitution, under which Congress established jurisdiction over most violent hate crimes; Mason moved, however, for the dismissal of his case arguing that the charges against him were beyond the proper exercise of Congressional power. This claim would be left for a jury to accept or reject.

On Friday, March 1, 2013, in Hillsboro, Oregon, David Beltier and his boyfriend Jeremy Mark were walking their poodle which was dyed pink, when Mason and his wife Saraya Gardner were driving a blue Land Rover located at the same intersection. As Mason made a left-hand turn through the intersection he allegedly yelled, “You fucking fags. You are un-American because your poodle is pink.” The victim and his boyfriend said nothing in reply and began to cross the street. Mason then allegedly made a U-turn back toward Beltier and Mason, at which point Beltier pulled out his cell phone to call 911. As Beltier held out his cell phone to show Mason that he was calling the police, Mason got out of his car, ran to Beltier, and started punching him. Beltier backed away from the confrontation, and held up his arms to block the attack but was struck on the left shoulder. Mason then went back to his car and grabbed a metal tool with a red handle, later identified as a serpentine belt tool. He then approached Beltier for a second time and began to beat him on the head and forearm with the tool before running back to his car and driving quickly away. Witnesses also stated the passenger never got out of the car but yelled, “you fucking fags” from the window.

¹http://www.oregonlive.com/portland/index.ssf/2014/02/pink-poodle_case_jury_deadlock.html



The UNITED STATES of America,
v.
George ALLEN MASON, JR., Defendant.
(Continued)

In this case, the vehicle which was used to transport Mason and Gardner, as well as the serpentine belt tool, become crucial in determining whether federal jurisdiction was present.

During the trial, Mason’s attorney argued that the court did not have jurisdiction because the Shepard-Byrd Act cannot regulate non-economic activity that does not have substantial effect on interstate commerce, and that there was not enough evidence in the case against him of interstate commerce. The government responded that the act is a proper exercise of federal authority because it expressly governs only such conduct that occurs in any of the following circumstances: travel of the defendant or victim across a State line or national border, using a channel, facility, or instrumentality of interstate or foreign commerce, or interference with commercial or other economic activity in which the victim is engaged at the time of the conduct or otherwise affects interstate or foreign commerce.

In Mason’s case, he both used a channel, facility or instrumentality of interstate or foreign commerce in connection with the conduct of the assault, as well as employing a firearm, dangerous weapon, explosive or incendiary device or other weapon that had traveled in interstate or foreign commerce. The government argued that the serpentine belt tool that was used in the attack was manufactured in China and used in both Washington and Oregon, therefore traveling via interstate and foreign commerce. This piece of information was crucial because it gave the government authority to bring the indictment against Mason on the federal level, but only if the jury agreed that the weapon traveled in interstate or foreign commerce sufficiently enough to satisfy the jurisdictional element of the statute.

The jury, however, after hours of deliberation, could not come to a unanimous agreement about the jurisdictional element of interstate or foreign commerce in Mason’s case, and therefore in a deadlock, the charges against Mason were dropped. He pleaded guilty instead to state assault charges and received a three year sentence.



Marquez and Aguilar



The UNITED STATES of America,
v.
Jeffrey AGUILAR et al., Defendant.

Intimidation, assault, burglary and murder: these are just a few of the tactics employed by the Compton Varrío 155 street gang, a gang that claims the west side of Compton as its territory. The crimes committed by the Compton Varrío 155 have a specific, racially-defined target: African Americans who reside in or are present in the gang's territory. Members and associates of the gang use the acronym C.O.M.P.T.O.N. to mean "City of Mexicans Pulling Triggers on Niggers". The gang also proclaims that they are "NK" or "Nigger Killers," a term which is often shouted at African Americans who are in the gang's territory, as a method of driving them out. Among other tactics to remove African Americans from the gang's territory, they also tag homes, businesses and churches with graffiti.

On December 31, 2012, Efren Marquez, Jr., armed with a gun, and Jeffrey Aguilar, his co-conspirator, approached M.L., a young African-American man who was walking down a street known as Compton Varrío 155 territory. Marquez and Aguilar demanded to know if the victim was affiliated with a gang; the victim ignored their question, to which they yelled, "NK over here". Aguilar and Marquez then chased the victim through their territory in a vehicle, while shouting racial slurs, and finally got out of the car and began to beat the victim in the head and body with a metal pipe.

Aguilar and Marquez also victimized two other African-American men in their territory by chasing the victims with their vehicle, waving their gun at the men and even bringing more gang members to their residence and shouting, "Come outside... get out of my hood." Aguilar and Marquez were thus charged with attempting to inflict bodily harm to these African-American men, because of their race and color, and on October 17, 2013, the men pleaded guilty to the racially-motivated attacks charged under the Matthew Shepard and James Byrd Jr., Hate Crimes Prevention Act. Aguilar received 21 months in federal prison followed by 3 years of supervised probation and six months in a halfway house. Marquez received 21 months in prison and three years of probation.

<https://www.fbi.gov/losangeles/press-releases/2013/two-compton-men-plead-guilty-to-federal-hate-crime-charges-resulting-from-new-years-eve-attack-on-african-american-youths>



Barrett and his victim "R.C."



The UNITED STATES of America,
v.
Conrad BARRETT, Defendant.

The “knockout game,” as described by Conrad Barrett, is a game in which Barrett would attempt to “knock out” an unsuspecting victim with one punch. Conrad had been working up the courage for weeks to find someone to knock out, and on November 25, 2013, Barrett found his victim: a 79-year-old African American man. Videos recorded on Barrett’s phone exhibit Barrett using the word “nigger” and stating that African-Americans “haven’t fully experienced the blessing of evolution.” He also states in another video that “the plan is to see if I were to hit a black person, would this be nationally televised?”

Barrett then recorded himself stopping his vehicle and approaching an elderly African-American man, the victim, and saying, “How’s it going, man?” While the video pans to show the victim. As Barrett gets closer to the victim a loud smack is heard, with the victim seen falling to the ground. Barrett then laughs, says “knockout,” and then flees in his vehicle.

After Barrett assaulted the African-American man, he then went to a restaurant where he approached a male and female couple, asking them if they had ever heard of the “knockout” game before. When they replied that they had not, Barrett stated that he had just played the game and proceeded to show a video of him playing the game earlier that day, to the couple.

The male witness of the couple was an off-duty arson investigator and peace officer for the City of Katy, Texas and noticed in the video that while the man holding the phone was never seen in the video, his voice matched Barret’s, as did his shoes and shorts. After seeing the video of the assault on the African-American man, the couple immediately left the restaurant and found Officer Michael McCoy, informing McCoy of what they had seen. They then pointed out Barrett to the officer as he left the restaurant, at which point Barrett was informed that he had confessed to an assault. Barret was later indicted for willfully causing bodily injury to R.C., the victim, who is African-American, because of R.C.’s race and color. R.C. was brought to the hospital later that day and treated for two jaw fractures, and had multiple teeth removed.

In June of 2015, Barrett pleaded guilty to the attack on R.C., admitting that he attacked the elderly man in a game of “knockout” because of the man’s race and color. He received almost six years in prison.

<https://www.justice.gov/opa/pr/texas-man-sentenced-hate-crime-involving-assault-elderly-african-american-man>



Beau Hansen and Jonathan Henry



Torch 2 Night Club is located in Boise, Idaho, and on the evening of October 19, 2013, it became the scene of what prosecutors considered a racially-motivated hate crime. On that night, Jonathan Henery, who was accompanied by Beau Hansen, a fellow SVC, (“Severely Violent Criminal,” an Idaho gang) and a group which included step-sisters, half-sisters, and multiple friends, attacked victim D.L., the only African-American man to enter the club that night.

D.L. had been at the nightclub earlier that day and had left a piece of his bluetooth headset there, which he later returned to retrieve at around 1:00 am. As he walked back into the nightclub, he was greeted by a bartender, and continued to walk toward the DJ booth at the back of the club to search for his lost item. The victim did not make any contact or have communication with Hansen or Henery as he searched for the headset, and yet, as soon as D.L. entered the club the group, including Hansen and Henery, made statements containing the word “nigger.” Hansen then approached D.L. at the DJ booth in the club. Hansen told the victim that it was “their club,” referring to the people that were there with him as well as the other members of SVC, and told him that he was not welcome and needed to leave. As the victim attempted to step away from Hansen, Hansen became more and more aggressive with the victim. As the bouncer at the club was watching this interaction, he saw the aggressive behavior and placed himself between Hansen and the victim.

Hansen then began to yell racial slurs and used the letters “SVC” as he began to attack the victim. As Hansen began to swing at the victim, Henery moved closer to the encounter between the two men and yelled, “fuck you, nigger” as he launched off of a couch and struck the victim in the face. The two men continued to repeatedly punch the victim while yelling racial slurs until the victim was lying on the couch in the fetal position attempting to shield his face. The attack did not stop until multiple bouncers were involved, even using a taser on one of the defendants before their being removed from the club. While the attack was unprovoked, the victim sustained serious injury including cuts, bruises, swelling, bleeding and a loss of vision. However, despite video footage of everything from Hansen approaching the victim up to the assault, Henery and Hansen were eventually found to be not guilty by a jury, all of whom were white.



Brice Johnson and victim "A.K."



Here's how Google Play describes MeetMe, a smartphone application or "app": "MeetMe helps you find new people nearby who share your interests and want to chat now! It's fun, friendly, and free!" But on September 2, 2013, this application would assist in connecting Brice Johnson with his victim A.K., a gay male from Springtown, Texas. While the site advertises itself as being a way to meet friends, it is most often used as a dating site; people are encouraged to state their sexual interests on their profiles. Victim A.K. stated that he was a gay man on his profile, while Brice Johnson stated that he was not a gay man.

Although their sexual interests were seemingly different, the messages they shared via the app contained sexual content, and Johnson told victim A.K. that he was interested in engaging in sexual activity with the victim.

After exchanging explicit messages with each other on the app, Johnson gave the victim his cell phone number and his home address, inviting the victim to come over. When the victim arrived at Johnson's home, around 5:30 in the morning, the two men had a brief interaction before Johnson immediately began to beat A.K., bound him with an electrical cord, put him in the trunk of A.K.'s car, and drove it to a family friend's house. Johnson had beaten the victim so badly that he was unconscious when they arrived at the house. Individuals told Johnson that he must take the victim to the hospital. After they convinced Johnson to do so, A.K. was moved from the trunk of the car to the back seat and driven to an Emergency Medical Services station in Springtown around 7:00 in the morning.

After Johnson had dropped off the victim at the EMS station, Lt. Curtis Stone of the Springtown Police Department drove Johnson home. During the car trip, Johnson agreed to speak to the officer and told him that he had found the victim beaten and in the trunk of his own car, and that he had seen a black truck driving away from the scene. During a later questioning, however, Johnson admitted that he had invited the victim to his house and that while they were outside of the house talking, A.K. grabbed Johnson's penis after which Johnson then struck the victim "about five times".



Brice Johnson and victim "A.K."



Johnson also admitted to sexually explicit messages that he and the victim had sent, but stated that he didn't think they were "for real" and that the whole situation was a joke that went too far. While on the phone with family members, Johnson admitted that he had invited over A.K. "because he was a fag or whatever" and had saved A.K.'s number in his phone as "Fagg Bagg."

Johnson ultimately pleaded guilty both to committing a hate crime because of the victim's actual or perceived sexual identity, as well as kidnapping, and was sentenced to 183 months in prison.

The UNITED STATES of America,
v.
Brice JOHNSON, Defendant.
(Continued)



Troy Deacon Burns



The UNITED STATES of America,
v.
Troy Deacon BURNS, Defendant.

“Fucking faggots!” Troy Deacon Burns yelled at three victims J.O., M.W. and D.T. as they crossed the street at approximately 12:30 in the morning on January 25, 2015, in the Capitol Hill district of Seattle, Washington. When the three men heard this being yelled at them, they turned around to find Burns, only 10 feet away, staring at them and repeatedly yelling homophobic slurs, “Yes, fucking faggots.”

As the men looked at Burns, they noticed a knife that he was holding at his waist at the same time Burns stated, “I’ll fucking stab you.” He then raised the knife over his head, in a stabbing position, and ran toward the three men. The men, fearing for their safety, ran away from Burns. M.W. was running ahead of J.O., and when he turned around he saw Burns close behind J.O. with the knife still in a stabbing position yelling, “I’ll stab you in the back of the neck, you fat faggot.” Seeing this, M.W. ran back to J.O. and pulled him away from Burns.

As the men were running away from Burns, who was still wielding his knife and yelling slurs, D.T. encountered two police officers, and frantically told them what was happening. As D.T. was telling the officers that he and two others were being attacked by a man with a knife, the officers saw Burns chasing J.O., drew their weapons and told Burns to get on the ground. Burns immediately put his knife away and denied having the knife or doing anything wrong.

While in the police car, Burns remained agitated and continued to yell “faggots” at the victims who were standing nearby. Burns pleaded guilty to committing a hate crime because of the men’s actual or perceived sexual orientation, and was sentenced to 30 months in jail.

<https://www.justice.gov/opa/pr/bremerton-washington-man-sentenced-anti-gay-hate-crime-seattle-s-capitol-hill>



Joshua Vallum, and victim Mercedes Williamson



The UNITED STATES of America,
v.
Joshua Brandon VALLUM, Defendant.

Mercedes Williamson, a transgender woman, was in a consensual, romantic relationship with defendant Joshua Vallum. Vallum, 29, who was a member of the gang the Almighty Latin Kings, made sure that he kept both their sexual relationship, as well as Williamson's identity as transgender, a secret from his family, friends and his fellow gang members. In the late summer of 2014, however, Vallum decided to end the relationship with Williamson and cut off all contact with her.

That was, until a year later when Vallum learned that a friend had found out about Williamson's gender identity, at which point he consciously made the decision that to keep it a secret from other gang members, he would kill her. Vallum was concerned that if members of the Almighty Latin Kings found out about his sexual relationship with Williamson, he would be in danger. On May 28, 2015, Vallum received the information that a friend had found out about Williamson, and on the 29th he drove to Alabama and showed up at Williamson's front door unwelcome and without warning.

Joshua drove to Williamson's residence and parked his car behind her house, at which point he then lured Williamson to his car, on what authorities described as "false pretenses," with the intent to drive her from Alabama to Mississippi to kill her. Williamson sat in the front passenger seat of Vallum's car and after being shocked with a stun gun in the chest, Vallum then stabbed Williamson multiple times with a 75th Ranger Regiment pocket knife.

The fight, however, wasn't over. Williamson was able to get out of Vallum's car and attempted to run away. Vallum caught up to her and continued to stab her. In a plea, Vallum stated that he thought he had delivered a final blow when he stabbed Williamson in the head and she fell to the ground. As Williamson was struggling on the ground, Vallum went back to his car to address a cut that he had obtained while attacking Williamson.

PLEA AGREEMENT: <https://www.justice.gov/opa/file/920161/download>
<https://www.justice.gov/opa/pr/mississippi-man-pleads-guilty-hate-crime-murdering-transgender-victim-because-her-gender>
<http://www.cnn.com/2016/12/22/politics/mississippi-transgender-hate-crime/>



Joshua Vallum, and victim Mercedes Williamson



The UNITED STATES of America,
v.
Joshua Brandon VALLUM, Defendant.
(Continued)

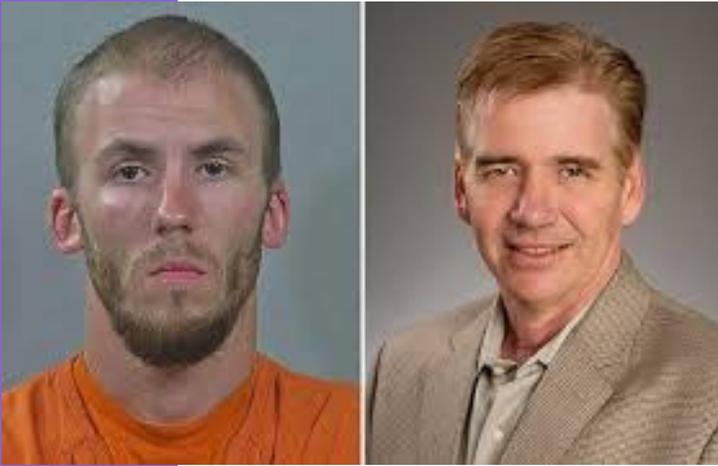
While Vallum was at the vehicle, Williamson was able to get up and stumble into the woods. Vallum then decided to retrieve a hammer from the trunk of the car, follow Williamson into the woods, and beat her in the head with the hammer until she was dead. It was a horribly gruesome death.

Vallum tried to hide the weapons, as well as his knowledge of Williamson’s gender identity, but in the end he entered a guilty plea admitting that he would not have killed her if she had not been transgender.

In addition to a life sentence on Mississippi state charges, Vallum pleaded guilty to Shepard-Byrd hate crime charges that resulted in a 49-year prison sentence.



PLEA AGREEMENT: <https://www.justice.gov/opa/file/920161/download>
<https://www.justice.gov/opa/pr/mississippi-man-pleads-guilty-hate-crime-murdering-transgender-victim-because-her-gender>
<http://www.cnn.com/2016/12/22/politics/mississippi-transgender-hate-crime/>



Kelly Schneider, and victim Steven Nelson



The UNITED STATES of America,
v.
Kelly SCHNEIDER, Defendant.

Steven Nelson, in his late 40s, had just finished a bachelor's degree at the University of Idaho, and was looking forward to a career as a development director. Steven lived his life as an openly gay man, and even gave presentations to university classes about his life identifying as such. During one of the class presentations, the murder of Matthew Shepard was brought up, to which Steven replied hoping that society was past that kind of identity-based violence. Steven Nelson's murder has now been compared Shepard's because of the manner in which he was killed.

Kelly Schneider was a part of a conspiracy ring who targeted gay men and used kidnapping and manipulation to rob their victims. Steven Nelson arrived at a Walmart on April 28, 2016, thinking that he would be meeting Schneider, a tall bearded man with tattoos, in a sex-for-money exchange. Schneider had posed as an escort on the website Backpage.com with the intention of luring Nelson to a remote location. In the early morning hours, Schneider drove Nelson to the remote area of Gotts Point on the shore of Lake Lowell, got him out of the car, and began to kick him with steel-toed boots. A co-conspirator of Schneider's, Jayson Woods, was later prosecuted on state charges, was in a nearby bush, waiting to see if Nelson would put up a fight. Nelson did not, but Woods still aided Schneider. The men stripped off his clothes, took all of his belongings including his wallet, and left him there to die as they fled.

Steven Nelson stumbled naked and barefoot to nearby homes, knocked on doors, and finally roused a resident to call 911. After being transported to a hospital in Boise, Idaho, with broken ribs and a bleeding ear, he died of cardiac arrest. Schneider was sentenced to 336 months in prison followed by five years' supervised release. Woods was convicted on state charges and sentenced to 28 years to life in prison.





Dylann Roof



The UNITED STATES of America,
v.
Dylann ROOF, Defendant.

"I had to," Dylann Roof stated, as he was being interviewed by FBI agents. Roof, a self-identified white supremacist, walked into an Emanuel African Methodist Episcopal Church Bible study in Charleston, SC, sat in prayer with the parishioners for almost an hour, and then opened fire, killing nine black parishioners in cold blood, with no remorse and with the hope of inciting a race war. He did not appear distraught or confused in the interview; rather, he was calm and collected as he admitted to shooting the parishioners. In an interview following the shooting, Roof stated that he "had to" shoot the parishioners because black people are "raping white women" at a rate of 100 a day. There was no lack of evidence to convict Roof of multiple hate crimes, as there was even a recording of Roof leaving the church with his Glock .45-caliber pistol, from which he emptied an 11 round magazine and admitted to being exhausted after discharging more than 60 bullets into the victims.

The evidence against Roof was so compelling, and so disturbing, that his mother, who was located in the third row of the court house, fainted and was hospitalized on the first day of the trial. By the end of the trial, the jury had seen incredibly graphic photos of the crime scene as well as the bodies of all of the victims.

After a short two-hour deliberation, Dylann Roof was convicted of 33 federal counts of hate crimes. And although Roof pleaded guilty to life in prison, the U.S. Department of Justice sought his execution, based on the heinous crimes he had committed. The jury agreed, on January 10, 2017, making Roof the first federal hate crime defendant to be sentenced to death.



FOR MORE INFORMATION

Or to learn more about or report a hate crime or bias-motivated incident,
visit our website at MatthewShepard.org
or call your local FBI Field Office:

OFFICE	PHONE #	OFFICE	PHONE #
Albany, NY	518-465-7551	Memphis, TN	901-747-4300
Albuquerque, NM	505-889-1300	Miami, FL	305-944-9101
Anchorage, AK	907-276-4441	Milwaukee, WI	414-276-4684
Atlanta, GA	404-679-9000	Minneapolis, MN	612-376-3200
Baltimore, MD	410-265-8080	Mobile, AL	251-438-3674
Birmingham, AL	205-326-6166	Newark, NJ	973-792-3000
Boston, MA	617-742-5533	New Haven, CT	203-777-6311
Buffalo, NY	716-856-7800	New Orleans, LA	504-816-3000
Charlotte, NC	704-377-9200	New York, NY	212-384-1000
Chicago, IL	312-421-6700	Norfolk, VA	757-455-0100
Cincinnati, OH	513-421-4310	Oklahoma City, OK	405-290-7770
Cleveland, OH	216-522-1400	Omaha, NE	402-493-8688
Columbia, SC	803-551-4200	Philadelphia, PA	215-418-4000
Dallas, TX	972-559-5000	Phoenix, AZ	602-279-5511
Denver, CO	303-629-7171	Pittsburgh, PA	412-432-4000
El Paso, TX	915-832-5000	Portland, OR	503-224-4181
Honolulu, HI	808-566-4300	Richmond, VA	804-261-1044
Houston, TX	713-693-5000	Sacramento, CA	916-481-9110
Indianapolis, IN	317-639-3301	Salt Lake City, UT	801-579-1400
Jackson, MS	601-948-5000	San Antonio, TX	210-225-6741
Jacksonville, FL	904-248-7000	San Diego, CA	858-565-1255
Kansas City, MO	816-512-8200	San Francisco, CA	415-553-7400
Knoxville, TN	865-544-0751	San Juan, PR	787-754-6000
Las Vegas, NV	702-385-1281	Seattle, WA	206-622-0460
Little Rock, AR	501-221-9100	Springfield, IL	217-522-9675
Los Angeles, CA	310-477-6565	St. Louis, MO	314-589-2500
Louisville, KY	502-263-6000	Tampa, FL	813-253-1000
		Washington, DC	202-278-2000