



Grappling to Respond to Murder

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There are no flowers at the site where Michael J. Sandy was murdered. There is no handwritten sign expressing love for him or sorrow at his death, no teddy bear, no candles, none of the elements that are usually part of the impromptu memorials that mark the sites of homicides or traffic accidents.

The Brooklyn rest stop, which is separated from the Belt Parkway by a two-yard strip of grass and a knee-high metal guardrail, is littered with empty soda bottles and pieces of trash.

A bike path and a brick kiosk, apparently long shuttered, sits between the small rest area and Plumb Beach, a narrow strip of sand that is popular with windsurfers and at points widens into dunes. Nothing would tell a visitor that Sandy, 29 and a gay African American, was attacked there.

"It's the neighborhood," said Michael A. Roberson, director of services at People of Color in Crisis (POCC), a Brooklyn AIDS group, referring to that borough's Sheepshead Bay section. "The neighborhood is not predominantly African-American or Caribbean. Then it's homophobia."

Sandy was allegedly lured there through an Internet chat on October 8 by four men, one of whom posed as gay and interested in hooking up with him, according to the criminal complaint in the case. When Sandy arrived, the men allegedly assaulted him and attempted to rob him.

Perhaps terrified, Sandy rushed onto the parkway, where cars fly by at 60 miles an hour, and he was struck by a vehicle. The driver has not been found.

Sandy lingered on life support in a Brooklyn hospital until October 13, one day after his 29th birthday, when his respirator was removed and he died.

On October 18, Charles J. Hynes, the Brooklyn district attorney, said his office would seek indictments against John Fox, 19, Ilya Shurov, 20, and Gary Timmins, 16, for second-degree murder charged as a hate crime. Sandy was selected because he was gay, Hynes said.

"This section of the hate crimes law says that if you pick someone because they are a member of that class, you can establish the hate crime," Hynes said at a meeting of the Lambda Independent Democrats, a Brooklyn gay political club. "You don't have to hate blacks or hate gays to be guilty under this statute. All you have to do is identify them as a class and victimize them because they come from that class."

Prior hate crimes prosecutions in the state have always relied on evidence of prejudice against the victim. Hynes' proposed use of the law is new.

"I think it's novel in the sense that there is no case law," Hynes said. "We'll probably make new law... I'm comfortable with it."

Hynes also asked that anyone with evidence that the youths may have lured other gay men to rob them contact his office.

"We think it's a very good case," he said. "We think it would be a lot better if we could find prior acts."

At least one witness saw two men struggling with Sandy near the Belt Parkway just prior to the car hitting him and, as he lay on the ground after being hit, his alleged attackers did not assist him, but "one of the males did go through Mr. Sandy's pockets," according to the criminal complaint.

Fox also gave a statement to the police that included details of the Internet chat and the later fight in the rest area, according to the criminal complaint.

While press reports have identified a Brooklyn youth as the fourth man, he has not been charged or arrested. That case is still under investigation. Hynes said his office had "a little piece of evidence and we're trying to develop more." He also said his office would not accept a plea deal.

"I don't plea bargain bias-related crimes," he said. "I don't do that... We're not going to tolerate attacks on members of this community."

Hynes' reaction is in sharp contrast to those of other political leaders. Mayor Michael R. Bloomberg and City Council Speaker Christine C. Quinn, an out lesbian, merely issued press statements the day that Sandy died. In the past two years, Bloomberg has responded more aggressively to bias attacks that were motivated by racism.

While not invisible, the queer community has been muted. Hundreds responded to the assault earlier this year on performer Kevin Aviance and tens of thousands across the nation joined rallies and marches after the 1998 killing of Matthew Shepard. New York City's gay community has been understated this time around.

Part of the reason for that is the groups that organized a response chose to be quieter. Roberson said they wanted to be sensitive to Sandy's family.

"There was discussion, in initial conversations, about whether we wanted to do a press conference or a rally," he said. "We wanted to respect the family's grieving process. We didn't want a rally right after he died... We wanted to bring awareness to the community."

POCC, the New York State Black Gay Network, Gay Men of African Descent, the New York City Gay and Lesbian Anti-Violence Project (AVP), and the National Black Justice Coalition held a press conference on the City Hall steps on October 16. They also questioned the utility of a rally.

After the brutal 2005 murder of Rashawn Brazell, who lived in Brooklyn's Bushwick section, and the vicious assault later that year on Dwan Prince in the borough's Brownsville neighborhood, Sandy was only the latest black gay man to have been victimized.

"What has been frustrating is that we march, we rally, we hold a vigil, and then we kind of go home," said Clarence Patton, AVP's executive director. "What we talked about in our organizing was is there something else we can do."

Patton said the groups sought "environmental change" that could come from work after the press conference and that might prevent future incidents.

"Can we go a couple of steps further?" Patton said. "Instead of doing a march or a rally, really doing a call to action. We felt that we had to hold ourselves accountable to really following up on this."

While supported by organizations such as the Gay and Lesbian Alliance Against

Defamation (GLAAD), the National Gay and Lesbian Task Force, and the Empire State Pride Agenda, the groups also wanted black gay men out in front.

"There was a very clear message from the black gay organizations, from the black gay leadership in the city, that they wanted to take the lead on this in a way that they hadn't done before," Patton said.

"The outrage came from us," Roberson said. "The outrage is absolutely in the black gay community. We saw white gay men there to support. Where is the outrage in New York City?"

They are still aware that the response in the broader community to Sandy's killing is different from the reaction to the Shepard murder. Some lives do seem to be more important than others.

"I think we all can acknowledge that in lot of ways, for a lot of people, Matthew Shep-ard did represent this kind of idealized victim," Patton said. "He was young, he was white. He was not in one of the kind of classic gay ghetto, urban areas. There was a lot more imagery associated with Matthew Shepard's death."

Ken Sherrill, a professor of political science at Hunter College, said he hoped this did not mean that New York, gay and straight, was becoming accustomed to these sorts of killings.

"This is something that shocks the conscience and should anger everyone," he said. "The question is where is the outrage and one answer may just be that the story isn't that new... That's the worst possible scenario. People say 'What do you expect? Get used to it.'"