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FOR IMMEDIATE RELEASE
FRIDAY, NOVEMBER 20, 2009

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D.A. BROWN: CHARGES AGAINST TWO UPGRADED TO HATE CRIME
IN JACKSON HEIGHTS BIAS ATTACK

Allegedly Hit Transgender Female With Belt Buckle

Queens District Attorney Richard A. Brown announced today that a Queens County grand jury has indicted two Woodside men on second-degree assault as a hate crime and other charges for the alleged attack last June on a transgender female on Roosevelt Avenue.

District Attorney Brown said, "The actions of the grand jury send a clear message that crimes of hate will not be tolerated in Queens County, the most culturally diverse county in the nation. When they do, regrettably, occur, those responsible will be brought to justice."

The District Attorney identified the two men as Gilberto Ortiz, 32, and Trinidad Tapia, 19, both of 41-12 73rd Street in Queens. Ortiz and Tapia appeared today before Acting Queens Supreme Court Justice Barry Kron and were arraigned on a seven-count indictment charging each of them with one count each of second-degree assault as a hate crime, second-degree assault, second-degree attempted assault, third-degree assault and fourth-degree criminal possession of a weapon and two counts of second-degree harassment. Ortiz and Tapia, who each face up to fifteen years in prison if convicted, were released on their own recognizance and ordered to return to court on January 28, 2010.

District Attorney Brown said that, according to the charges, 31-year-old Lester Mora, a transgender female known as Leslie Mora, was walking near 72-11 Roosevelt Avenue in the Jackson Heights section of Queens at approximately 4:20 a.m. on June 19, 2009, when Tapia and Ortiz, who perceived Mora to be gay, hit Mora on the head with a metal belt buckle. It is further alleged that when 23-year-old Josmar Castro, a friend of Mora's, intervened, the two defendants attempted to physically assault him with the belt buckle.

The case was investigated by police officers assigned to the NYPD's 115th Precinct.

Assistant District Attorney Tamara A. Daniels, of the District Attorney's Kew Gardens I Bureau, is prosecuting the case under the supervision of Assistant District Attorney Francesco Catarisano, Bureau Chief, and Robin D. Leopold and Raymond E. Scheer, Deputy Bureau Chiefs, and the overall supervision of Senior Executive Assistant District Attorney for Trials James C. Quinn and Deputy Executive Assistant District Attorneys for Trials John H. Larsen and Robert J. Masters.

It should be noted that an indictment is merely an accusatory instrument and a defendant is presumed innocent until proven guilty.

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