

Highlights of Updates in the 2025 Edition

New features and recent developments in this edition include:

- The Ninth Circuit cited this treatise in holding that “the fact that the victims are from a protected group does not necessarily mean the defendant was motivated by animus toward that group,” where the appellant used Grindr to connect with his robbery victims. (*U.S. v. Patterson*, § 2:21)
- The Ninth Circuit also reversed a district court decision to apply the hate crime motivation sentence enhancement on a disparate impact theory, in a case involving a shooting at Planned Parenthood. (*U.S. v. Chamberlin*, § 2:21)
- Despite consistent precedent, defendants continue to challenge the constitutionality of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Such challenges were rejected by the trial court in a prosecution under § 249(a)(1) involving the racially motivated shooting at a Tops Grocery Store in Buffalo, New York (*U.S. v. Gendron*, § 3:4) and by the Ninth Circuit in a prosecution under § 249(a)(2) involving a shooting motivated by anti-gay bias in Basin, Montana (*U.S. v. Howald*, § 3:5)
- In post-trial litigation in the lawsuit arising out of the 2017 Unite the Right events in Charlottesville, Virginia, the Fourth Circuit reviewed the damages award, upholding joint-and-several liability but reversing and remanding to recalculate damages after holding that the state statutory punitive damages cap applied to the hate crime statute but should be calculated on a per-plaintiff basis and the district court erred in reducing the punitive damages award to a total of \$350,000 for all plaintiffs collectively. (*Sines v. Hill*, § 8:14)
- The Illinois statutory definition of disorderly conduct, which includes making a false police report, meant that a woman had stated a claim under the Illinois Hate Crime Act (in which disorderly conduct is a listed offense) against a car dealership when its employees called the police to report that plaintiff had attempted to purchase a car with a fraudulent check, despite earlier speaking with plaintiff and the issuing bank, allegedly motivated by animus against the plaintiff because of her race. (*Crockett v. WKM Auto., Inc.*, § 4:3)
- Where a complaint by fire academy recruit alleged that he was assaulted with a noose and the fire district covered it up, the allegations stated a claim of conspiracy under 42 U.S.C.

§ 1985 sufficient to survive a motion to dismiss but the court cautioned that the plaintiff would have to prove that the cover-up was “because of” race. (*Page v. Clark Cnty. Fire Dist. 6*, § 8:7)

- Fully updated case law, statutes, and statistics.

Westlaw Database Identifier: HATECRIMES