

# BLM Spitter Joe Richcreek Convicted | Hate Crime Definition Disputed Over Claims

*The sentencing came during a chaotic morning at the courthouse in Alhambra*

By **Ben Tansey** - June 1, 2021



SCREENCAP from video taken by Victoria Patterson | The assaulter, Joe Luis Richcreek, spits at the camerawoman. Richcreek has been arrested 40 times and convicted of at least 20 crimes in the past years

**UPDATED ON JUNE 1 TO INCLUDE STATEMENT FROM DDA, CHERYL GAINES.  
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Joseph Luis Richcreek, who [spat at Black Lives Matter protestors during a demonstration last July in South Pasadena](#), accepted a plea Tuesday at the Alhambra Courthouse on two counts of misdemeanor battery. The victims, BLM organizer Fahren James and demonstrator Victoria Patterson, both South Pasadena residents, were present and made victim impact statements.

In addition to a year of “summary probation” and three days in jail for which he was given credit, Richcreek must comply with a protective order for both victims, pay a total of \$370 in fines, complete 18 days of community service or 12 days of community labor, attend 26 anger management sessions, and complete one day of racial sensitivity training.

Deputy District Attorney Fernando Sanchez told the South Pasadenan News the racial sensitivity provision was added even though the DA’s office determined there was “not evidence to show racial bias.” He said it was done at the request of James and Patterson, who unsuccessfully lobbied the D.A.’s office to add a hate crime enhancement to the misdemeanor charges.

Shortly after he was elected last November, LA District Attorney George Gascón sought to end hate enhancements for criminals. After considerable pushback, he amended the directive, saying he would “allow enhanced sentences in cases involving the most vulnerable

victims and in specified extraordinary circumstances,” but warned, “these exceptions shall be narrowly construed.”

A Los Angeles D.A. spokesman said there was no one available Friday to discuss the county prosecutor’s process for determining when it pursues hate crimes. The [penal law](#) and a June, 2020 a California Attorney General [policy bulletin](#) indicate that a misdemeanor hate enhancement is added if the defendant intended to interfere with the victims’ rights, did so because of their protected class, and did or “had the ability” to cause violent injury.

During the melee last July, the victims said Richcreek exclaimed the protesters are “biased against the white man.” [They also say that two days later, he returned with a sharpened drumstick and a rock which he later threw at James.](#)

*PHOTO: Ben Tansey | SouthPasadenan.com News | Deputy District Attorney Fernando Sanchez speaks with Fahren James and Victoria Patterson*

Richcreek admits to spitting, but claims he was aiming only at the cell phone lens Patterson was filming him with. “I regrettably reacted in this manner because she didn’t stop filming me when I asked nicely,” he wrote in an e-mail to the South Pasadenan. He also claims James hit him with a bat.

Sanchez said the crime Richcreek was convicted of Tuesday related only to the spitting incident. He was unable to say if the DA has accepted or declined to take action with respect to the rock throwing allegation.

Another DDA, Cheryl Gaines, said the office declined months ago to file a case against James for hitting Richcreek with a bat. She noted witnesses to the incident said Richcreek used the bike he was on as a weapon during the incident.

*PHOTO: Ben Tansey | SouthPasadenan.com News | Joseph Luis Richcreek*

**The sentencing came during a chaotic morning** at the court. The hearing was billed as a discussion about setting a jury trial, not a sentencing. A substitute judge had to be found as the court hadn't assigned one. Two hours after arriving for the 8:30 hearing, James and Patterson were told it was being delayed because Richcreek hadn't shown up. James, who had a prior commitment to be at an afternoon rally in downtown LA commemorating of the anniversary of the murder of George Floyd, left Patterson to stand sentinel. Less than 20 minutes later, she had to be called back when the court suddenly decided to reconvene because Richcreek had at last deigned to show up. The proceeding didn't begin until 11:50 a.m..

Judge Jared D. Moses allowed Richcreek to enter a plea of "no contest," under which a criminal defendant accepts conviction but does not admit guilt; he also denied, without explanation, a press request to record the hearing even though neither party objected. The prosecutor's office, which in September charged Richcreek with two counts of a battery, came to court Tuesday prepared to accept only one count as part of the plea offer.

"How does that happen when there is video evidence," James asked the judge. By the end of the hearing, the second charge was restored.

Sanchez said whether to charge a hate crime was discussed at length by the DA's office. "I went through multiple channels to get multiple opinions about it so we could be sure. Our conclusion was that it didn't rise to that level." He said he reviewed over an hour of video from the incident, including the one to which James referred.

*PHOTO: Ben Tansey | SouthPasadenan.com News | Fahren James (L) and Victoria Patterson (R)*

In her victim impact statement, Patterson told Moses she felt “the system has failed us.” She recounted the findings of [city’s own investigation](#), which found that officers filed error-laden, incomplete, and inaccurate reports, and that the department suffered from a systemic inability to identify hate crimes. She offered her account of the events saying she was spat upon during the height of a pandemic by a defendant who grabbed her cell phone.

“I wanted it on the record that Joe Richcreek committed a hate crime,” she told Moses. “It’s never been given its due and I don’t feel justice has been served.” Richcreek “is a racist and is getting away with it. He is unrepentant. I fear he hasn’t learned anything and that his behavior is going to continue.”

Moses told Patterson he was sorry for her experience and acknowledged her disappointment. “We are an imperfect system. We are trying to balance competing interests and we don’t always get it 100 percent right.” He said any discontent about the failure to charge a hate crime should be taken up with the DA, as it has “sole responsibility” to make that decision.

The fact that a racial sensitivity training was added to the sentence “tells you [the DA] knows there is an issue here,” James said in her comments.

She spoke of how deliberately she went about organizing the protest, seeking only to exercise her free speech and “doing everything right” with respect to working with the city and controlling the crowd.

"I want you to understand why it is so incredibly hurtful when you not only have video evidence, you have a police department that is completely biased. There was no protection. We were right across the street from the police department, but it took them 25 minutes to arrive. In my eyes, they are allowing and tolerating it."

*PHOTO: Ben Tansey | SouthPasadenan.com News | Victoria Patterson (foreground, L) and Joe Richcreek (background, R) at the courthouse in Alhambra, CA*

James believes the DA didn't have all the evidence needed for a hate crime determination because of the well-documented faulty police reporting, the officers' failure to review the video recorded by Patterson and their reluctance to write up a report. "That was done purposely to shove this into a dead end."

In a very unusual move, the judge had rejected an earlier plea offer that James had argued was not severe enough. But she maintained the final sentence was still not enough.

Richcreek has been arrested 40 times and convicted of at least 20 crimes, she noted. "He's done anger management. He's done summary probation. He's done it all. So, we're going to keep on giving him a slap on the wrist?"

She apologized for "getting a little emotional. It's because we have to start setting a precedent saying, 'This is a problem and we're going to figure it out to make sure justice is served.' We want to be able to move our country forward, our state forward, our cities forward by doing the right thing and not just excuse people."

For his part, Richcreek told the South Pasadenan he disputes a number of James' and Patterson's allegations, as well as previous things written about him in the South Pasadenan. He asserts that it was he who was assaulted. He also maintains that he

regularly came to town to shop even before the BLM demonstrations began and so the victims' contention that he repeatedly showed up specifically to harass them is incorrect.

**During a Public Safety Commission** meeting May 10, newly appointed South Pasadena Police Chief Brian Solinsky, who has made hate crime training a priority in his administration, said there is a distinction between a "hate crime" and a "hate incident." The latter is not a crime and is normally related to speech, such as a derogatory remark based on someone's membership in a protected class. A hate crime is "just that," he continued, a crime committed because of someone's race or sexual orientation. There must be "intent," he said, and there are three types of intent: general, specific and "transfer."

To arrest for a "specific" hate crime, "we have to show that someone specifically committed this crime because of the victim's identity." That's where it gets challenging, he said — getting into a person's motive "and what the suspect's actions were. Is there a pattern? Did they say things before? Did they do things leading up to this, maybe a social media post."

The Chief said there has been an increase "at least in the reporting of what people perceive to be hate incidents. There is a big difference between what a hate crime is and maybe what is perceived within the community as a hate crime or incident. [But] whether it's someone's perception or not, it is their reality, so we need to address that."

SPPD's statistician, Det. Richard Lee, said there has only been one confirmed hate incident in South Pasadena this year.

In response to a question from Commission Chair Amin Al-Sarraf, Lee said the SPPD does not keep a log of reported or confirmed hate crimes or incidents. However, Solinsky said SPPD's newly purchased \$571,000 computer-aided dispatch system will enable it to do so once it is fully installed this November.

Lee also noted that hate crimes do not stand alone. "It wouldn't be until it goes to the DA's office and added in as an additional charge. It is not a crime by itself." For example, a hate crime can be added only as an "enhancement" to a predicate crime such as assault.

Commissioner Jeremy Ding said he understood there is currently a moratorium on sentencing enhancements. Solinsky confirmed that, adding "there are some concerns with the current DA's policy," but did not elaborate.

"Nothing that we can control, but for civic activism," Ding observed.

"Correct," the chief replied.

**Ben Tansey**

*<https://southpasadenan.com>*

Ben Tansey is a journalist and author. He grew up in the South Bay and is a graduate of Evergreen State College. He worked in Washington State as a reporter in a rural timber community and for many years as an editor for a Western electric energy policy publication based in Seattle. He and his wife Karin, an arts administrator from El Sereno, live in South Pasadena.