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Office of the State Attorney
20th Judicial Circuit

Serving Charlotte, Collier, Glades, Hendry and Lee

June 30, 2017

Hate Crime Enhancement

A Clewiston man was sentenced to 44 months in prison on charges of Throwing a Deadly Missile (at a Vehicle) and Assault that included a statutory enhancement as a hate crime this week.

In March of this year, James Summerall, 43, confronted the victim, a code enforcement employee. She was driving to talk to residents at a home that had ongoing code enforcement issues. Summerall ran from the driveway into the street where the victim was in her car and started yelling racial epithets. Summerall then walked to the side of the street and picked up a cinder block lying in the ditch. When the victim saw Summerall pick up the block, she accelerated away from him. Summerall still threw the block in an attempt to hit her vehicle but missed and continued yelling at her. The victim was then able to call law enforcement for assistance.

The enhancement for the hate crime is found under Florida Statute 775.085 which provides for reclassification of the penalty for the crime by bringing the offense up one level if the commission of the crime “evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age of the victim.” In this case the first charge of Throwing a Deadly Missile (at a Vehicle) was a third degree felony reclassified to a second degree felony. The Assault charge was reclassified from a second degree misdemeanor to a first degree misdemeanor.

This sentence was a plea agreement with Summerall who pled no contest to the charges. Assistant State Attorney Mitchell Cooper of our Hendry County office handled the case.

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