

## Assault victim: Attackers thought I was gay



Cory Case is writing a new song.

By GREG HARDESTY

The 24-year-old singer-songwriter, an award-winning fixture on the local nightclub circuit, strums a few chords on his acoustic guitar in his Corona del Mar home, the tune a work in progress.

Hopped up on pain medication, his broken nose covered in a bandage and his left eye red and sunken in its shattered socket, Case hasn't been able to work much on the song.

Playing the guitar, however, has provided him some escape from the nightmare that unfolded at a party at a house full of strangers late Halloween night, when Case says he was rustled from sleep by two men and beaten unconscious.

Exhausted from gigs the prior two nights, Case, who went to the party with a childhood friend, napped on a couch in the rented home in Costa Mesa. He was wearing his usual hip musician outfit of tight skinny jeans, black leather boots, T-shirt and green tuxedo blazer.

He awoke with the words "I'm gay" scrawled on his forearm, along with a drawing of a penis. Immediately, he says, two muscular, intoxicated men wearing black tank-tops started pummeling him in the face. "This guy's a fag!" he heard one of them say. "He doesn't know how to party!" After about 10 seconds, Case said he felt something smash into his left eye. Then, he fell unconscious.

The unprovoked attack has sent Case's attorney father on a crusade to get the assailants arrested. Costa Mesa police are investigating. They have taken a police report and have stored into evidence the clothes Cory was wearing the night he was assaulted, his parents say.

Because of the anti-gay slurs directed at his son, Phillip Case says the attack should be considered a hate crime. Police told him that since Cory isn't gay, the assault can't be considered a hate crime, Phillip Case said. His injuries are severe enough, however, to warrant possible felony assault charges, police told the family.

However, a prosecutor at the Orange County District Attorney's office said the alleged assault on Case can be considered a hate crime under state laws enacted in 2004. Such a designation can tack on a minimum three years to a sentence upon conviction.

"Courts have held that's it's the perception of the suspect that is punishable, and not whether a victim actually is homosexual or not," said Deputy District Attorney Israel Claustro, who prosecutes hate crimes.

Anti-gay bullying recently has been in the spotlight due to a surge in teen suicides. In 2009, there were six hate crimes against the gay and lesbian community in Orange County, according to the Orange County Human Relations Commission. That same year, President Obama signed a federal hate crime law to include sexual orientation and gender identity.

Cory Case said that whatever the motivation of his attackers, what happened was horrible. He believes four men ultimately played a role in the beating. "I think mostly, I want them to get caught so they won't do this again – to someone who is gay or may look gay," he said.

In 2009, Case won Best Live Acoustic at the Orange County Music Awards. He regularly plays at such venues as the Blue Beet and Rusty Pelican in Newport Beach. Now, his career is on hold – as are classes at Golden West College, where Case is a sophomore majoring in creative writing.

In addition to having difficulty breathing through his broken nose, Case can't read well. "The vision in my left eye is blurry, and there's a black spot in the middle," he said. "It's really painful. It feels like someone is constantly squeezing the back of my eyeball."

Case's mother, Candice, drove him and his friend to the party at around 11:30 p.m. on Halloween, telling them to call her, or a taxi, when they wanted to leave. Right away, Case felt out of place. "It just wasn't my scene," he said.

The house pulsed with loud rap music. The guys looked tough. Case decided to avoid any alcohol and give his buddy an hour to mingle. Then, he plopped his 6-foot-2, 145-pound frame on a couch near the entry, and fell asleep. About half an hour later, he was awoken with punches to the head, he said. Case regained consciousness on the front lawn. Someone had dragged him there and left him in the cold. Nobody had called for help. The party continued to rage.

Writhing in severe pain, Case staggered to his feet and coughed up blood. Disoriented, he noticed his cell phone and wallet were missing. Later, Case found out that his friend, too, had been assaulted and had taken a cab home, unable to find him. Afraid to return to the house, Case wandered off and ended up at a gas station near Harbor Boulevard and Victoria Street. He tried to call his parents collect from a pay phone at around 2 a.m., but the call didn't go through.

He spent the night slumped against a wall at the gas station, he said. He awoke around 8 a.m. and was able to reach his parents. His mother picked him up and drove him to the hospital. She called the police. Doctors said an object like a baseball bat likely was used to shatter Case's eye socket, causing his eyeball to sink below the lower eyelid. Last week, surgeons took cartilage from behind Case's left ear to help keep his eye in place. So far, his parents have spent about \$7,000 in out-of-pocket medical expenses, they said.

The morning after the attack, Phillip Case drove to the party house and was able to retrieve his son's wallet and cell phone. He talked to neighbors who complained about the party house, located in the 400 block of Hamilton Street. Another friend of Cory's posted about 150 photos of the party on Facebook, and several people posted comments about "the fight." One female partygoer commented, "lol hopefully you can get the blood out of your carpet!!"

Phillip Case, who practices family law, presented to police the Facebook photos that Cory believes identify the assailants. He's hoping the images and investigation lead to arrests. "These punks attacked my son in his sleep with intent to do great bodily injury and/or kill him," said Phillip Case, who said he will file civil lawsuits against the attackers. "He never even had a chance to defend himself.

"There wasn't a case of some guys arguing over a girl, or some argument over a spilled beer. This was totally unprovoked. These were just punks who think that a 'thug life' mentality makes them cool." Said Candice Case: "As a mother, I'm horrified. The animals who did this should have to pay and go to prison for a long time."

Cory Case continues to strum on his guitar, hoping to get his health back. A solo artist whose influences include Van Morrison, Neil Young and James Taylor, he hasn't been able to come up with any lyrics to his new song – written after he was attacked. But he has a working title: "Empty Cup."