

# A man attacked 2 Latinos in Utah. Due to a loophole, it can't be considered a hate crime.

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A man who attacked a Latino father and son after claiming they were part of the Mexican mafia has been charged with aggravated assault, but a Utah state law prevents him being charged with a hate crime.

Alan Dale Covington, 50, entered Lopez Tires in Salt Lake City, Utah, on Tuesday and said he was "going to kill someone," according to an indictment. Jose Lopez, 50, and Luis Lopez, 18, were working in the family's shop and Covington attacked them with a pole before fleeing the scene.

"I came out to ask if he needed anything and the first thing he said to me was, 'You guys killed my f----- daughter,'" Luis Lopez said.

Salt Lake City Police Sgt. Brandon Shearer told NBC News that they were unaware of any statements made by Covington concerning the existence of a daughter and cannot confirm whether she exists.



Alan Dale Covington.Salt Lake City Jail

Luis Lopez in the hospital following an attack on him and his father, Jose Lopez, in their family tire shop in Salt Lake City, Utah.Courtesy of Luis Lopez

Luis Lopez told NBC News that he can only remember "bits and pieces" of what happened because he lost consciousness; police said he had sustained serious injuries by the time they arrived. Jose Lopez was found "kneeling on the ground holding a piece of cloth" to his son's face, according to the police statement. Both were taken to the hospital and released Friday evening.

Covington has since been charged with two felony counts of aggravated assault, a felony weapons charge and two drug-related misdemeanors, according to a Friday indictment. He

told police that the Mexican mafia has been “after him since 2008” and that he went to Lopez Tires to see if they knew people in the gang because “all of them know each other.”

Salt Lake County District Attorney Sim Gill told NBC News that it would not be possible to charge Covington with a hate crime due to a Utah law that limits hate crimes to misdemeanor assaults.

“We don’t have a workable hate crimes statute in the state of Utah,” Gill said. “What that underscores is a fundamental misunderstanding and unwillingness to recognize what a hate crime is.”

He added that he was “frustrated” by the limitation.

“We pat ourselves on the back, saying that we have a hate crimes statute — it’s only applicable to the lowest category of offenses, which are misdemeanors,” Gill said. “When you have felonies, the statute isn’t even available for that.”

Covington, who police have determined is homeless, admitted to consuming methamphetamine the day before.

But as the alleged attacker remains at the Salt Lake County Adult Detention Center, the victims’ family says they are “beyond angry” that Covington will not be charged with a hate crime.

“This man needs to help accountable for what he has done to my family,” said Veronica Lopez, 26. “If my dad would have not used his own body to shield my brother from the other blows, he would have killed him.”

She said her father is expected to be okay, but is still “shaken up” by the whole incident.

The ACLU of Utah called the incident a “terrible attack” and recommended an avenue for hate crimes legislation to be enforced in similar cases.

“When accompanied by free speech protections and applied without bias by prosecutors, we believe that hate crimes legislation can strike the right balance between responding to terrible acts against specific population and guarding against the criminalization of speech or organizational membership that is unrelated to the crime,” the organization said in a statement released Friday.