

Man will not be charged for hate crime in 'terrible attack' on Latino father and son due to loophole in Utah state law

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Jose Lopez and his 18-year-old son, Luis (pictured), were allegedly beaten outside a tire store in Salt Lake City with a 5-foot metal pole by Alan Covington last week. (Handout) A man will not face hate crime charges for an attack against a Latino father and son due to limitations of Utah state law.

Jose Lopez, 51, and his 18-year-old son Luis were allegedly beaten outside the family tire store in Salt Lake City with a 5-foot metal pole by Alan Dale Covington on Tuesday, the [Salt Lake Tribune](#) reported.

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Although lawmakers have tried to amend Utah state law over the past few years, only misdemeanor assaults can be upgraded to hate crimes due to a 20-year-old statute — not felonies. The district attorney has previously criticized the statute.

Covington, 50, faces four charges of aggravated assault, and several drug and weapon possession charges according to police records, but cannot be charged with a hate crime.

Covington walked with a square metal pipe into Lopez Tires and said “I’m going to kill someone,” according to records. He began swinging the metal pipe and men inside the shop ran outside onto the sidewalk.

Alan Dale Covington (pictured) will not face hate crime charges for an attack against a Latino father and son due to limitations on Utah state law. (Handout)

Jose heard his son screaming while he was working in his office, and ran outside to find Covington with the pipe in his hand yelling slurs and threatening Luis, who had been working in the garage.

Covington also reportedly said “I hate Mexicans” and “I’m here to kill a Mexican.” He then asked, “Are you part of the Mexican mafia?”

Covington began swinging the metal pole.

Luis attempted to defend his father with a bar from the tool chest, but Covington hit Luis in the face, knocked him unconscious, and continued to beat him.

When Jose attempted to block the attacker, he was struck in the back and arm. His brother ran around the corner to see what the noise was, and scared off Covington.

Covington ran from the scene, but was later tracked down by authorities.

Luis — who remains in the intensive care unit — suffered a shattered cheekbone and eye socket, and his sinus collapsed from the attack. He had a titanium plate implanted on the right side of his face in a three-hour surgery. His father received eight stitches on his arm and suffers a bruised back, according to USA Today.

Jose Lopez’s daughter Veronica expressed her family’s disappointment that the incident will not be treated as a hate crime.

“It makes my blood boil. What do they want next?” Veronica told the Salt Lake Tribune.

“Do they want him to kill someone to see that he’s dangerous?”

Veronica blames some of Covington’s motivation on President Trump, who has expressed firm views on illegal immigration in the U.S., and says the family feels the attack was targeted.

Detective Greg Wilking of the Salt Lake City Police Department told the Salt Lake Tribune that Covington — who has previously served time for assault and domestic violence — appeared to be under the influence of drugs when he attacked the family and had “some mental health issues” that “clouded his judgment.”

Covington had been concerned during his time behind bars about being attacked by a member of the primarily California-based prison gang the Mexican mafia, according to Wilking.

Wilking was wary of calling the attack a hate crime because reports from the scene indicated Covington's comments were not primarily about hating Mexicans, but rather about the mafia.

"He wasn't really based in reality," Wilking told the Salt Lake Tribune. "We don't want to ignore a hate crime if it's a hate crime, but we don't want to make it a hate crime if there's not that aspect of it."

The American Civil Liberties Union of Utah released a statement condemning the attack. "This is a terrible attack on a person, a family, and our sense of security from hate-filled acts in Salt Lake City," ACLU wrote.

"The ACLU of Utah strongly condemns crimes where the victim is selected because of that person's race, color, national origin, religion, gender, sexual orientation, or disability... crimes that appear to be on an upsurge due to normalization of race-baiting in our public sphere."

Veronica Lopez created a GoFundMe for medical bills for the family.

Another campaign has been started on the family's behalf.