

Hasidic Man Convicted of Beating Black Student Gets Verdict Overturned

An appeals court overturned the conviction of Mayer Herskovic, center, on Wednesday. He had been convicted in an attack on a black student that inflamed tensions between ultra-Orthodox Jews and African-American residents in Brooklyn.

By Alan Feuer

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When five Orthodox Jewish men were [accused of beating — and partially blinding — a young black fashion student](#) four years ago in Brooklyn, it briefly reignited one of New York City’s most incendiary racial divides: the one between the borough’s Hasidic and African-American communities.

The case became even more contentious when the prosecutors suddenly dropped their charges against two of the defendants and let the other two [plead guilty to lesser crimes](#), avoiding time in prison. Only one man, Mayer Herskovic, was ultimately [convicted at trial and sentenced to state prison](#).

But in [a sweeping decision](#) issued Wednesday, a state appeals court overturned Mr. Herskovic’s guilty verdict and threw out his indictment, saying there was simply not enough evidence to convict him, or to charge him in the first place.

In their decision, the appellate judges noted that the victim of the beating, Taj Patterson, had failed to identify his assailants and that the DNA evidence that prosecutors used to convict Mr. Herskovic was “less than convincing.”

While appeals courts sometimes dismiss a guilty verdict and order a defendant to be retried, it is much less common for an appellate panel to toss out a conviction on the facts, which leads automatically to the underlying indictment being dismissed.

But the judges for the Second Judicial Department Appellate Division used their “independent factual review power” to render what amounted to a post-trial acquittal.

“Mayer is overjoyed,” Mr. Herskovic’s lawyer, Donna Aldea, said. “The decision means that, for all intents and purposes, he is innocent.”

Oren Yaniv, a spokesman for the Brooklyn district attorney’s office, said, “We respect the court’s decision.”

The case began on Dec. 1, 2013, when Mr. Patterson, then 22, was walking toward the subway in the early morning hours after a night out drinking with his friends in

Williamsburg. A group of Hasidic men — some of them members of [the Shomrim](#), a local neighborhood watch patrol — chased and attacked him after receiving an erroneous report that he was vandalizing cars.

Some of men [beat Mr. Patterson so severely](#) that one of his eye sockets was fractured, leaving him blind in his right eye. Even though the police spoke to several witnesses and got the license plate number of a car that at least one of the attackers used to flee, the investigation stalled and the case was quickly closed.

It remained so until Mr. Patterson's mother went to the news media with her son's account and the police reopened the investigation, resulting in gang assault charges being filed against the men, including Mr. Herskovic. Now 24, Mr. Herskovic was sentenced last year to four years in prison.

[In her appellate papers](#), Ms. Aldea claimed that Mr. Herskovic was “a scapegoat” for others who were never prosecuted in the case. While she and her client celebrated their victory on Wednesday, the ruling means it is unlikely anyone will ever serve a long prison term for the attack on Mr. Patterson, law enforcement officials said.

A lawsuit that Mr. Patterson's lawyer, Andrew Stoll, filed two years ago against city officials is still pending in Federal District Court in Brooklyn.

“Our civil suit continues against the city for the ‘get out of jail free’ cards it hands out to the ultra-Orthodox communities in Brooklyn,” Mr. Stoll said.