

# ELLIOT MORALES

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By **JAMES C. MCKINLEY Jr.** MARCH 9, 2016

A Manhattan jury convicted [Elliot Morales](#) of murder as a hate crime on Wednesday in the fatal shooting of a gay man in the West Village nearly three years ago.

The jury of four men and eight women deliberated for two days after two weeks of emotional testimony in State Supreme Court, during which Mr. Morales represented himself and took the witness stand to declare he was not prejudiced toward gay people. Murder as a hate crime carries a minimum sentence of 20 years to life, five years more than a second-degree murder conviction.

Mr. Morales shook his head in disbelief and muttered under his breath as the jury foreman read the verdict sheet: guilty on all counts.

Several witnesses testified they saw Mr. Morales pull a silver revolver and shoot [Mark Carson](#) in the face after an argument during which he called Mr. Carson and his friend, Danny Robinson, “faggots” and “gay wrestlers.”

Mr. Morales denied that his motive had been bigotry and said he was bisexual. He claimed he acted in self-defense because he felt he was about to be attacked by Mr. Carson and Mr. Robinson. He said he raised his gun and fired after he saw Mr. Robinson pull what looked like a black pistol from his pocket. “I just reacted,” he said during his closing argument. “This was not a deliberate act.”

But prosecutors argued that Mr. Morales, 36, had started on a [violent tirade](#) 15 minutes earlier when he burst into the Annisa Restaurant on Barrow Street, brandished his weapon and threatened a bartender, using antigay slurs.

That confrontation had started when a restaurant employee chastised Mr. Morales, who had been drinking heavily all day, for urinating in the street in front of the business, witnesses said.

A few minutes later on Avenue of the Americas, Mr. Morales encountered Mr. Carson and Mr. Robinson, two gay men from Brooklyn who were out on the town on a warm Friday night. As he passed them, Mr. Morales called the men “gay wrestlers,” Mr. Robinson [testified](#). Mr. Carson spun on his heel and confronted Mr. Morales.

It was an explosive moment. Mr. Carson, 32, was a Brooklyn native, outgoing and proudly open about his sexuality, who worked at a gelato kiosk in [Grand Central Terminal](#). Mr. Morales was from the Lower East Side of Manhattan, unemployed, broke and sleeping on a friend’s couch in Queens. He was armed with a .38-caliber revolver he said he wanted to sell. He had served 11 years in prison for a robbery during which three women were bound with duct tape, choked and assaulted with a pipe.

Spewing antigay insults, Mr. Morales dared Mr. Carson and Mr. Robinson to come around the corner onto Eighth Street to settle their differences, Mr. Robinson testified. They followed him, thinking it was a bluff.

There, just after midnight on May 18, 2013, in the shadow of a closed bookstore, Mr. Morales shot Mr. Carson while Mr. Robinson was on the telephone with the police, witnesses said.

“This was bigotry, and this was unjustifiable rage,” the lead prosecutor, Shannon Lucey, said in her summation. “The defendant was able to shoot Mark Carson over nothing because Mark Carson was nothing to the defendant. Mark Carson was nothing to the defendant but a subhuman fag.”

In [his testimony](#), Mr. Morales said that he had had sexual relationships with transgender women; he called one of his longtime sexual partners as a witness. “I, Elliot Morales, am not a bigot,” he said. “I don’t hate gays.”

But Ms. Lucey noted that he never took transgender women he slept with on dates or walked in public with them. “The defendant is self-loathing; he wants no one to know or to see who he is,” she said. “He has a lot of self-loathing issues, and that came out when he saw Mark Carson and Danny Robinson being who they are.”

When he was tackled by an officer and arrested a few minutes after the shooting, Mr. Morales said, “I shot him because he tried to act tough.” Then, as another officer turned on his video camera, Mr. Morales laughed maniacally and said, “Diagnosis dead, Doctor.”

One juror, who insisted on anonymity to protect his privacy, said no one on the panel bought Mr. Morales’s claim he had acted in self-defense. Most of the discussion, he said, had been about whether Mr. Morales had singled out Mr. Carson because he was gay or for some other reason.

The juror, a financial services employee from the Upper East Side, said he was convinced that Mr. Morales acted out of prejudice because he seemed intent on attacking gay men the night of the shooting, starting with his belligerent antigay threats at the Annisa Restaurant. Later, Mr. Morales not only used gay slurs in his argument with Mr. Carson, but also pointedly asked him if he was “with” Mr. Robinson just before pulling the gun, the juror said. “He was kind of categorizing people,” he said.

A second juror, a health care worker from the West Village who also declined to be named for privacy reasons, said the panel did not give much weight to Mr. Morales’s argument that he was not a bigot because he had slept in secret with transgender women. “I think we all felt he had some serious screws loose,” she said.

***Correction: March 9, 2016***

*An earlier version of this article incorrectly stated the nature of Elliot Morales’s sexual encounters with transgender people. He testified that he had slept with transgender women, not transgender men*