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Statement of Gloria Allred

On May 31, 2013, Vivian Diego, a transgender woman, was violently attacked from behind by either 3 or 4 men as she was walking away from them at Hollywood and Vine in Hollywood, CA.

The attack was recorded on videotape by a nearby business and was played in court at a preliminary hearing in this case after the men seen in the video were apprehended.

As a result of the attack, Vivian suffered great bodily injury and had to be hospitalized and have surgery. Vivian described her serious injuries in court today.

All that Vivian remembers of the incident in question is that one of the men stated to her "You fag. Take that off. You look stupid." After that she woke up in the hospital in intensive care.

A witness working construction nearby told police that he saw men kicking a female on the ground and that he saw these men kicking mostly her head and her body as well saying "Fucking bitch".

As though being victimized in a brutal attack was not enough, Vivian then had to undergo humiliation and disrespect of her in court as well.

Attorney Mark Geragos during a preliminary hearing in which he was defending one of the defendants in this case, Samuel Garunts, referred to Vivian as an "It". Deputy DA Brookens objected and on page 56, line 22 of the transcript she stated "I'm going to object that he referred to him as "It".

In addition, Mr. Geragos also referred on the record to Vivian as a "freak". On page 108, line 12 he stated "I'm not going to touch this freak...". Then when the court stated in response at page 108, line 14 and 15 "let's not refer to

someone as “freak” counsel, Mr. Geragos responded at page 108, line 16 “This is a freak” and later at page 108, line 22 and 23, Mr. Geragos states “...and you’re telling me that I can’t call that person a “freak?”

No victim, but especially not an individual who is transgender, and who, as part of the crime against her has already been disrespected by being called a “fag” and a “fucking bitch” should have to hear an attorney in the criminal case in which she was a victim, being labeled by an attorney in the case as a “freak.” This is disgraceful conduct by a member of the bar and very hurtful to Vivian and to many others who are transgender as well. In addition, it violates Marsy’s Law, Article 1 Section 28 of our California Constitution, which guarantees fairness and respect for crime victims in the criminal justice process.

To make matters worse Mr. Geragos’ client was allowed to plead to a misdemeanor without any consultation prior to the entry of the plea with Vivian or with me. His sentence was to work on Caltrans for 20 days.

To further compound the emotional injury to Vivian the defendant in this case who is being sentenced today, Mr. Shakhazaryan, who is represented by a different attorney has pled to a felony, Penal Code Section 245 (A)(4) with the ability to earn a misdemeanor.

Given the very serious and violent crime inflicted on Vivian and the injuries inflicted on her during the course of the crime, I believe the only sentence that would be appropriate would be the maximum sentence permitted under the law, which would be 2, 3, or 4 years in state prison.

I have read of cases of animal cruelty where defendants were sentenced to state prison for crimes that inflicted great bodily injury on animals.

Why are the defendants who inflicted serious harm on Vivian Diego, a transgender human being, not deserving of the most serious punishment for the life changing injuries they caused her and which caused her to be placed in intensive care and then have to undergo major surgery?

This case has been going on for more than four years. Vivian has made numerous court appearances, and she bravely testified at the trial. All she sought was justice and in many ways that has been denied to her.

Individuals who are transgender deserve justice, respect and dignity. We look forward to the day when they will finally be afforded those basic rights in a court of law.

Gloria Allred
Attorney at Law
Representing Vivian Diego
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