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## Carmel man accused of hate crime by victim of alleged hit and run incident.

Pam Marino Apr 19, 2018



Amro Radwan filed a lawsuit in Monterey County Superior Court on April 13, 2018, alleging Carmel resident Robert Budden committed a hate crime when he allegedly struck Radwan with his car in downtown Carmel on Feb. 17, 2018. Four women with him were wearing a hijab.

superUbo, courtesy of flickr.

Stories of Muslim women wearing a hijab being attacked, or men identified as Muslim suffering assaults are not uncommon, and FBI statistics confirm that reported attacks were higher in 2016 than at their peak more than a decade ago after 9/11.

A Muslim man of Egyptian descent is now claiming he is the victim of a hate crime in Carmel after he was attacked—by a Carmel man driving a 2010 Porsche Cayenne SUV—on Mission Street in downtown Carmel on Feb. 17.

Amro Radwan of Daly City is suing Robert Terrence Budden in Monterey County Superior Court alleging violation of a hate crime statute, as well as battery, negligence and infliction of emotional distress.

Radwan alleges Budden attacked him because of his appearance, and because four women of his family who were with him at the time were wearing hijabs.

Budden's attorney says no way, adding Budden has lived in numerous Mideast countries throughout his career in the oil industry and holds no animosity toward Muslims.

"I'm saddened is the best reaction I can give to you," attorney Tom Worthington of Salinas says of the accusation.

The lawsuit, filed on April 13, stems from an incident between the two men on what was supposed to be a fun outing for Radwan and his family as they were visiting Radwan's mother and brother who live in on the Monterey Peninsula.

Ten family members were leaving an early dinner in a restaurant, and were climbing into two vehicles parked on Mission Street.

Radwan was helping his wife get into the back of the car on the driver's side, when he noticed a car rapidly approaching from behind, according to the lawsuit.

As Radwan "aggressively pushed his wife into his vehicle and slammed the door closed for her protection," he was allegedly struck to the ground by Budden's car. Budden kept going, but traffic caused him to stop only a short distance away.

Radwan's attorney, Scott Cole of Oakland, says Radwan immediately got out his phone and took a photograph of Budden's license plate.

Radwan approached Budden's car to get his information, but was met with verbal insults and "vulgarity." The lawsuit does not specify which words Budden allegedly used during the incident.

Cole says he's not currently aware of the exact words used, but he says a cell phone recording—taken by Radwan and his brother—captures the exchange and shows Budden's anger toward Radwan.

He says the recording shows Budden sticking out his tongue and "snickering" as Radwan asks him to stop his car.

Radwan then got directly in front of Budden's car to stop him, according to court documents. Radwan claims Budden then accelerated—hitting him a second time. After that, Budden drove away.

Radwan suffered a broken finger, lacerations to his arm, and injuries to his knees and spinal column.

Budden reportedly went out to dinner after the incident, and then went to the Carmel Police Department—to report that he had been attacked by a man a couple of hours earlier.

After investigating, officers instead arrested Budden at 8:50pm, for felony assault with a deadly weapon and felony hit-and-run causing injuries.

Worthington says the idea of the incident as a hate crime was not raised at the time.

Chief Assistant District Attorney Berkeley Brannon confirms Carmel Police did not make a request for hate crime charges.

In the lawsuit, Radwan claims that because his wife, niece, sister and mother were all wearing hijabs and conservative clothing, Budden purposely attacked him.

"Defendant's conduct makes clear that he possessed extreme animus towards Plaintiff—a complete stranger—and acted upon that animus by attacking Plaintiff and threatening the safety and emotional well-being of Plaintiff's family," according to the lawsuit.

Worthington rejects that claim completely.

"These are good people, hard-working people, with a tremendous breadth of world experience, including living in many, many countries in the Middle East," Worthington says of Budden and his wife.

Budden, identified in Carmel Police logs as a geologist, worked as an oil company executive for many years, Worthington says. He now works as a consultant to the oil industry.

In Monterey County Superior Court on March 21, Budden, 67, pleaded not guilty to two counts of felony assault with a deadly weapon and one count of felony hit and run causing injuries. He's scheduled to be back in court May 23 to set a date for a preliminary hearing in the criminal case.

"I am convinced by the investigation we have done to date that there was absolutely no intent—my client did not commit assault with a deadly weapon," Worthington says.

He says a question remains on the hit-and-run charge, since Radwan claims he was struck, and Budden "did go down the road a little ways."

"There's a difference in interpretation," Worthington says. "We may wind up going through a preliminary hearing to get it sorted out."

Cole says Radwan is walking with a cane, and the family members who witnessed the incident are suffering emotional issues.

"He's obviously shaken up by this," Cole says.

The lawsuit asks for an unspecified amount of money for general damages, medical expenses and "emotional distress, pain, discomfort, anxiety, humiliation and mental anguish."

It also asks for legal costs and "punitive damages in an amount appropriate to punish Defendant, and deter others from engaging in similar misconduct in the future."

*Editor's note: An earlier version of this story stated Radwan is from Fremont. He is from Daly City.*

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