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PRESS RELEASE

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D.A. Donovan: Arraignment on Felony Charges in Tuesday Evening Assault in Mariner's Harbor

*****Daniel Avissato, 24, and Mark Maleto, 21, Arraigned on Charges of 2nd Degree Gang Assault*****

STATEN ISLAND, NY - Richmond County District Attorney Daniel M. Donovan, Jr. today announced the arraignment of two individuals on charges related to the October 16, 2007 alleged assault of Skylar McCormick, 20, near the corner of Simonson Avenue and Heusden Street in Mariner's Harbor.

Daniel Avissato (DOB: 5/3/1983) of Willow Road West, and Mark Maleto (DOB: 8/2/1986) of Wright Avenue, were arraigned on charges of Gang Assault in the 2nd Degree, a class C felony, punishable by a maximum of up to 15 years in prison. Both defendants entered pleas of not-guilty before Judge Desmond Green in Staten Island Criminal Court this afternoon.

District Attorney Donovan stated, "Based on the evidence provided to my office by the NYPD, we are trying to establish whether Mr. McCormick was targeted for this alleged assault on the basis of his race as the hate crimes statute requires. At this point, I believe the evidence provided to my office by the police is legally insufficient to support hate crimes charges. Our investigation is ongoing and as our efforts move forward I am not excluding the possibility of presenting to a grand jury evidence in support of an indictment under the hate crimes statute."

The criminal complaint alleges that following a verbal confrontation defendant Avissato struck the victim with a punch to the side of his head, causing him to fall to the ground. It is further alleged that defendants Avissato and Melato, with two other unidentified individuals did repeatedly punch and kick the victim about the face and body. The actions caused the victim to suffer significant physical injuries including, a jaw that was broken in two places, bleeding and significant bruising and swelling.

At the arraignment, defendants Avissato and Maleto were released without bail, pending their next court dates on December 20, 2007. (prosecutors requested bail of \$50,000 and \$25,000 respectively) Assistant District Attorney Maurice Nwikpo-Oppong, of the Criminal Court Bureau presented the prosecution charges under the supervision of ADA Quentin Smith, Chief of the Criminal Court Bureau. Defendants Avissato and Maleto are represented by John Murphy, Esq. and Mark Fonte, Esq.

The public is reminded that the defendants are presumed innocent until proven guilty in a court of law.

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