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From Crime to Arrest, by Way of Computer

By **NICHOLAS CONFESSORE** and **AL BAKER**

Michael J. Sandy almost escaped his death.

When Mr. Sandy pulled up to a Sheepshead Bay street corner last Sunday, he found not the lone man he thought he had been exchanging instant messages with, but two men. Uncomfortable, he drove away.

Back home, Mr. Sandy resumed his online chat with the man calling himself “fireyefox,” who persuaded him to go through with the rendezvous.

Later that night, Mr. Sandy was led to a trash-strewn parking lot near the Belt Parkway, and confronted by four men who, the authorities say, were hoping to rob him. He was beaten and chased onto the highway, where he was hit by a car. On Friday, a day after Mr. Sandy turned 29, his family removed him from a respirator.

But Mr. Sandy had left behind a trail of electronic breadcrumbs: When he left his apartment for the last time, he did not turn off his computer.

Combined with old-fashioned detective work, information on Mr. Sandy’s computer helped paint a detailed picture for investigators of the online seduction that hurled Mr. Sandy, a gay man from Williamsburg, into the path of a group of would-be toughs from the other side of Brooklyn.

Several law enforcement officials, speaking on condition of anonymity because the case is still under investigation, described how they used the records to reconstruct the planning of the attack, and then later to track down the men they believe were involved.

What those men had in common were the sorts of things a lot of teenagers these days have in common, whether in Sheepshead Bay or another of the city’s working-class neighborhoods. Cruising the neighborhood. Drinking and lounging on the beach. A keen appreciation for graffiti and hip-hop bluster.

“I could imagine them stealing or doing something stupid like that,” said Michael Romeo, who said he knew two of the suspects, John Fox and Gary Timmins. Mr. Romeo purchased a home on Allen Avenue from Mr. Fox’s father. “But to go out on the Internet, beat someone up? It’s disgusting.”

People in Sheepshead Bay described one of the men arrested, Ilya Shurov, 20, as a tough guy. Mr. Timmins, 16, was known for his temper, and was even tougher.

His friend Mr. Fox was short and skinny, and sensitive about it, those who knew him said. Mr. Fox, 19, was arrested in his dormitory room at SUNY Maritime College in the Bronx, where he is a sophomore.

On Friday, a grand jury indicted Mr. Fox on charges of assault and attempted robbery as a hate crime. During the grand jury proceedings, law enforcement officials said, prosecutors gave notice that they intended to upgrade the charges to felony murder. On Monday and Tuesday, a grand jury is expected to vote on whether to indict Mr. Timmins and Mr. Shurov, who are being held on charges of assault and attempted robbery as hate crimes.

The authorities said that the four men devised a plan to rob someone, and that they chose a gay person, thinking he would be less likely to fight back.

“It wasn’t a hate crime against blacks or gays,” said a 17-year-old woman who said she knew all four men, but would not give her name. “They were just hanging out and drinking. They just wanted the money. They were looking to rob him. They didn’t think he’d fight back if he was gay. It was just a stupid thing that they did.”

A fourth man, Anthony Fortunato, 20, has been questioned by the police but has not been charged.

Reached at home yesterday, Mr. Fortunato’s mother, Joan Fortunato, would not talk to a reporter or allow her son to speak.

But friends and neighbors said that neither Mr. Timmins nor Mr. Shurov was a stranger to violence. Several said Mr. Timmins had effectively dropped out of high school and had done a stint in rehabilitation, though they were not certain for what.

One neighbor, who said she was afraid to give her name, described him as a “troublemaker, big time,” who fought constantly with his mother and two brothers. No one answered the door during several attempts to reach his family at home.

Mr. Shurov was less well known to neighbors, but not to the police. He spent a month at Rikers Island last year, on misdemeanor charges of possession of stolen property and criminal mischief, though it is not clear whether he was convicted.

But Mr. Fox’s arrest seemed to surprise some friends and neighbors.

“He’s very polite and well-mannered,” said Michael Bonsignore, 57, a retiree who lives in the same Sheepshead Bay apartment complex as Mr. Fox’s father.

Mr. Fox’s friends seemed to agree, saying that since enrolling at SUNY Maritime, he came to the neighborhood mostly on weekends, bursting with stories of travels to Ireland and Greece. Within days of the attack, friends of Mr. Fox’s had posted supportive messages on his MySpace page, urging authorities to “Free Fox.”

But some neighbors and friends said Mr. Fox, skinny and diminutive, nursed a desire to appear tough. In pictures on MySpace, he appears flashing gang signs and drinking. A former neighbor of Mr. Fox’s, who gave his name as Joseph, said that Mr. Fox “was always hanging around the wrong kind of kids,” especially Mr. Timmins, whom he described as “a little punk.”

Friends said that the two had gotten to know Mr. Fortunato and Mr. Shurov from around the neighborhood.

It is not clear how the four men first made contact with Mr. Sandy. But within days of the attack, a joint investigation of the Brooklyn South Homicide Squad, detectives from the 61st Precinct, and the Police Department's computer crimes squad and Hate Crimes Task Force determined the course of events that led to his death.

Officials say they believe the four gathered at Mr. Fortunato's house on Sunday and began exchanging instant messages with Mr. Sandy, whom they may have found through the gay-themed Web site Adam4Adam.com. They apparently accessed the Web by tapping into a neighbor's wireless Internet connection and used Mr. Fox's America Online account and screen name, "fireyefox," to exchange instant messages with Mr. Sandy, the officials said.

Posing as a single individual, they proposed a tryst. "Fireyefox" told Mr. Sandy to go to the corner of Emmons and Coyle Streets, about a block from Mr. Fortunato's home in Sheepshead Bay, around 7:30 p.m. But when Mr. Sandy arrived, both Mr. Fox and Mr. Fortunato were waiting for him, officials said.

He decided to drive away. The officials are not sure why Mr. Sandy decided to leave, but said that during questioning, the suspects said that Mr. Sandy indicated he did not want to have group sex.

After arriving home, however, he continued exchanging messages with "fireyefox" and was eventually persuaded to return. They encouraged Mr. Sandy to bring marijuana and \$100 for a hotel room. Mr. Sandy balked at the idea of a hotel room. He agreed to have sex on the beach and said he would bring a blanket. The last message was sent about 8:50 p.m.

He arrived back in Sheepshead Bay sometime after 9 p.m. This time, only Mr. Fox awaited him. They drove together in Mr. Sandy's blue Mazda to the narrow, dark parking lot by Plumb Beach, a few blocks away.

The other three men, the officials say, were waiting out of sight. When they arrived, Mr. Fox said he had to go to the bathroom, and walked toward the beach.

Once Mr. Sandy was out of the car, the officials said, all four men confronted him. According to the criminal complaint against Mr. Shurov, he punched Mr. Sandy. It is not known if the other three men did as well.

As the attack went on, the men drifted toward the highway. Then Mr. Sandy walked onto it, waving his arms both to ward off the blows and to stop traffic. According to witnesses, he made it to the middle of the road. Mr. Fortunato and Mr. Timmins ran away, the officials said.

But according to the complaint against Mr. Shurov, two of the men struggled with Mr. Sandy on the Belt Parkway. The officials said that Mr. Shurov threw one more punch at Mr. Sandy, who turned, ran and was hit by a car, eyewitnesses said. The officials said that Mr. Fox then ran away. The vehicle has not been identified, nor the driver located.

But the attack was not over. Before departing, according to the witnesses cited in the criminal complaint, Mr. Shurov rifled through Mr. Sandy's pockets.

He found nothing, and all four returned to Mr. Fortunato's home later that night.

Later, police found Mr. Sandy's knapsack, containing his wallet and \$40 in cash. His car was in the parking lot, the motor still running as the sea breeze whistled by.

Philip J. Smallman, a lawyer for Mr. Fox, said that his client did not personally attack Mr. Sandy.

"There is no allegation that Mr. Fox at any time used any violence against Mr. Sandy," Mr. Smallman said. "He's approximately 5-3 and 120 pounds." Mr. Smallman said he did not have enough information to comment on the possible use of Mr. Fox's Internet account to lure Mr. Sandy.

Michael F. Braun, a lawyer for Mr. Timmins, said "my understanding is that Gary Timmins took no part in the assault or attempted robbery of Mr. Sandy." He said that his client was "at best minimally involved" in the attack. A lawyer for Mr. Shurov did not return phone calls.

Mr. Fortunato's lawyer, Joseph Mure, declined to comment on the officials' account, and added that his client had made no statement to anyone about last Sunday's events.

When the police arrived at Mr. Sandy's apartment, they found his computer on. They tracked the origin of the messages he had received to a home in Sheepshead Bay. But the owner of the home, they determined, was not involved. Whoever had sent the messages had apparently logged on by piggybacking on that person's wireless connection.

But by subpoenaing America Online, investigators said, they were able to tie the screen name to Mr. Fox, whom they found in his dorm.

After questioning Mr. Fox, the officials said, the police went in search of Mr. Timmins and Mr. Shurov. Mr. Shurov was arrested by police on Monday after an extensive search; tipped off that police were in front of his home, he tried to sneak in by climbing up a rear fire escape, but was caught, law enforcement officials said.

Both Mr. Fortunato and Mr. Timmins later turned themselves in. Mr. Fortunato arrived at a local precinct station accompanied by his lawyer, the officials said. He was questioned and released.

Mr. Sandy, who worked in the interiors department at Ikea on Long Island, lingered in a coma for several days at Brookdale University Hospital and Medical Center. Doctors told his relatives he was unlikely to live. They removed Mr. Sandy from life support. He died at noon on Friday.

"He was already gone," said McCartha L. Lewis, Mr. Sandy's aunt. "He is resting in the arms of Jesus right now."

Michael Brick, Daryl Khan and Emily Vasquez contributed reporting. Alain Delaqu  rie, Sandra Jamison and Jack Styczynski contributed research.

