

Prosecutor says Marine fatal stabbing was a hate crime

By [Keith L. Alexander](#), Published: May 16, 2012

The fatal stabbing last month of a Marine by a fellow Marine on Capitol Hill's Barracks Row was a hate crime, the lead prosecutor in the case said in court Wednesday.

Michael Poth, 20, stabbed Philip M. Bushong, 23, after yelling a slur against homosexuals, Assistant U.S. Attorney Michael Liebman said. The stabbing occurred minutes after Poth saw Bushong and a gay male friend hug outside Molly Malone's saloon in the 700 block of Eighth Street SE [on April 21, Liebman said.](#)

Poth, 20, was charged [with second-degree murder while armed.](#) Before a preliminary hearing in D.C. Superior Court, two uniformed Marines entered the courtroom and informed attorneys that Poth had been given an other-than-honorable discharge for his conduct before last month's incident. Liebman said the Marines had been working on Poth's discharge since November, when Poth tested positive for using synthetic marijuana. Poth also had verbally assaulted other soldiers and had to be restrained, Liebman said.

Poth's attorney, David Benowitz, said that his client was protecting himself the night Bushong died. Poth, a slight man with tattoos on his right arm, sat next to Benowitz as Liebman and a homicide detective gave a brief account of the prosecution's version of events.

Liebman played video from security cameras outside restaurants and stores near the Marine Barracks. The footage shows Bushong and a friend outside the saloon, laughing and smoking a cigarette.

D.C. homicide detective Duane Partman testified that Bushong's friend is gay and that he and Bushong, who was heterosexual, were socializing when Poth walked past. Partman said Poth continued walking, and a witness heard him say: "I'm going to stab someone and cut their lungs out."

One video shows Bushong, who was a lance corporal in the Marines' color guard for two years, and his friend looking toward the direction Poth had walked. Another shows Poth walking backward with his arms above his head, speaking to the men. A witness told authorities that Poth had a pocket knife and was waving it at the men, Partman testified.

Witnesses said two Marines stationed as security at the barracks tried to calm Poth, Partman said. Video shows Poth and the Marines laughing. Then Poth, who still had the pocket knife, walked away.

Minutes later, video shows Poth kick over an advertising stand and walk toward Bushong and his friend. Partman said witnesses said Poth then yelled the gay slur.

The video shows Bushong and his friend walking in Poth's direction. Another shows Poth getting up from the ground, but it was not clear how he got there. Video shows Bushong, who was standing, look down at his chest. He lifted his shirt and fell to the ground.

"This was a hate crime," Liebman said. "The victim and his friend were embracing outside."

Poth allegedly shouted "Good, I hope he dies" after hearing that Bushong, who was stabbed once in the chest, was being taken to a hospital, Partman testified.

Benowitz, who unsuccessfully argued that the charges should be reduced to manslaughter, said a witness told police Bushong and Poth got into a fight and that Bushong called Poth a "boot," a Marine term used to describe a poor soldier or someone fresh out of boot camp.

Another witness said Bushong, who had been drinking earlier in the evening, was the first to initiate contact when he put his hand on Poth's soldier, Benowitz said. He also said that Poth was on the ground because Bushong either struck or pushed him.

Judge Ronna L. Beck ordered Poth to remain in jail on the murder charge.

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