

Xbox murders ringleader claims he didn't get fair trial

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TALLAHASSEE -- For more than four years, Troy Victorino has been described as the ringleader behind the murders of six people in a Deltona home.

But Tuesday, his attorney told Florida Supreme Court justices that Victorino did not receive a fair trial before being sent to death row.

Attorney Jeff Dowdy said Victorino should have been tried separately from co-defendants Jerone Hunter and Michael Salas, who testified in the case and blamed Victorino for their involvement.

"Not only did Mr. Victorino have to defend against the prosecution," Dowdy said. "We had to defend against Jerone Hunter and Michael Salas."

But justices appeared skeptical, at least in part because they rejected an appeal last year by Hunter that also contended the defendants should have received separate trials.

Senior Assistant Attorney General Kenneth Nunnelley said other evidence during the trial pointed to Victorino as the leader behind the August 2004 bludgeoning deaths of six people and a dog that drew national attention.

"You have evidence before Hunter and Salas got on the stand that says Victorino is the one who was planning the attack on the Telford Lane home," Nunnelley said.

If the appeal is successful, Victorino could receive a new trial. Justices typically take months to rule on cases after hearing the arguments.

Victorino, now 32, was convicted in 2006 on six counts of first-degree murder and received death sentences for four of the murders. He is being held at Union Correctional Institution.

Hunter also was sentenced to death, while Salas received a life sentence. A fourth defendant, Robert Cannon, accepted a life sentence in exchange for his testimony, though he later refused to fully testify at trial.

Victorino and the others were accused of breaking into the Deltona home and using aluminum baseball bats to beat the victims, who also suffered numerous stab wounds.

The case became known as the "Xbox murders" because it stemmed, at least in part, from a dispute about video-game systems taken from a home where Victorino had been living as a squatter.

The victims in the case were Erin Belanger, 22; Jonathan Gleason, 17; Michelle Nathan, 19; Roberto "Tito" Gonzalez, 28; Francisco "Flaco" Ayo-Roman, 30; and Anthony Vega, 34.

Dowdy said Tuesday that Hunter and Salas testified they participated in the murders because they were afraid of Victorino, who had been in prison earlier and was reputedly a member of the Latin Kings gang. State records indicate Victorino is 6 foot 6 inches tall and weighs 314 pounds.

Dowdy also said Cannon implicated Victorino in front of the jury but refused to answer questions and be cross-examined. He said that combined with the testimony from Hunter and Salas to prevent Victorino from getting a fair trial.

Justice Barbara Pariente said she had concerns during Hunter's appeal about the three defendants being tried together. She also said it appeared that Victorino got a "triple whammy," with the others blaming him.

But Pariente and Justice Charles Wells raised questions about why the court should treat Victorino's arguments about a separate trial differently than their rejection of Hunter's appeal last year.

Also, Pariente said jurors were able to make "reasoned distinctions" after hearing the testimony. Along with not getting sentenced to die for two of the murders, Victorino also was found not guilty of some charges in the wide-ranging case.

"They didn't just take Victorino and say he's guilty of everything," Pariente said.