

Death sentence overturned in brutal South Beach rape and murder

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The Florida Supreme Court on Thursday overturned the death sentence of a man convicted of the rape and murder of Ana Maria Angel, who was kidnapped along with her boyfriend during a stroll on South Beach in 2002.

Victor Caraballo, 42, was one of five men accused in the brutal attack on Angel, 18, and her boyfriend, Nelson Portobanco, in April 2002.

The couple, high-school sweethearts, were snatched from a Miami Beach street corner after they had taken a midnight stroll on the beach.

Caraballo and the other four men drove the couple north on Interstate 95, taking turns raping Angel while Portobanco crouched on the floor of the truck.

The men slit Portobanco's throat and left him for dead by the side of the highway in Broward County. He survived and alerted police.

After a massive search, Angel's body was discovered on a roadside in Palm Beach County with a gunshot to the back of the head. Her hands were clasped in prayer.

Caraballo was not the triggerman but participated in the attacks. Jurors convicted him in April 2007 on a slew of charges, including first-degree murder, kidnapping and sexual battery.

Claiming he was mentally ill, Caraballo at the time of his conviction asked for the death penalty and jurors recommended it by a vote of 9-3.

The Supreme Court, in Thursday's opinion, said the trial judge was wrong in allowing the testimony of Dr. Lazaro Garcia, a mental health expert, during the penalty portion of the trial after his conviction.

Months before the conviction, Garcia had evaluated Caraballo to determine if he was mentally competent to proceed to trial.

But the Supreme Court ruled that Garcia shouldn't have been allowed to testify in the penalty phase because his conversations with Caraballo were confidential and only to be used in determining if the defendant was competent for trial.

Justices upheld the conviction itself, but ordered the trial court hold new sentencing proceedings for Caraballo.

Two more men arrested for the brutal attacks have been convicted, while two others are awaiting trial.