

# Death penalty case goes to jurors



Allen Eyestone/The Palm Beach Post  
Three Amigos store owner Sian Kiat Koh testifies Friday.



At the trial Friday, surveillance video was played that shows customers being tied up at the Three Amigos check cashing store during the November 2007 robbery.



Allen Eyestone/The Palm Beach Post  
Luis Alfonso Reyes Castillo, 25, could face possible lethal injection if convicted in the Three Amigos robbery and a by-stander's death.



Allen Eyestone/The Palm Beach Post  
Victor Salastier Diaz, 21, listens to an interpreter in court Friday.

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WEST PALM BEACH — Their roles in a violent armed robbery at the Three Amigos grocery were caught crystal-clear on a security videotape, in full color no less.

But their roles in the ensuing chase, shootout and death of an innocent bystander are the ones jurors now must divine.

Luis Alfonso Reyes Castillo, 25, and Victor Salastier Diaz, 21, both face a possible death penalty if convicted of first-degree murder and up to life in prison on 11 other charges, including robbery.

Castillo, Diaz and three others participated in the November 2007 robbery, where the store owner chased down the armed robbers and a bystander was accidentally struck by a bullet fired from the robbers' car at the store owner.

A defense attorney for Castillo told jurors in closing statements Wednesday that identity of the shooter has not been declared— a "white elephant" in the courtroom.

"Who is the shooter? Who is the shooter?" attorney Robert Gershman asked rhetorically. "They (prosecutors) have not committed to who the shooter is... It is not right for justice."

Assistant State Attorney Cheryl Carracuzzo responded in front of jurors that prosecutors don't have to prove who the shooter was.

Caracuzzo pointed to the sweeping "principals" law that says a person aiding in a crime in some way can be held responsible for all the acts committed by the group.

"What matters is what they do col-lec-tive-ly," Caracuzzo told jurors, emphasizing each syllable.

Jurors begin their deliberations Thursday morning.

The case features a brazen lunchtime robbery at the grocery and check cashing store in suburban Boynton Beach, the men caught on videotape holding up the store owner, Sian Koh, and other customers, jumping the counter, and stuffing wads of cash in their pants.

Koh pursued the men in his own car as the robbers fled. An errant bullet fired at Koh struck 70-year-old Samuel Salomon, a retiree out shopping for the day with his wife of 49 years.

But what responsibility do Castillo and Diaz — both seen on the robbery video — have for Salomon's death?

A defense attorney for Diaz, Assistant Public Defender Travis Dunnington, acknowledged Diaz's guilt in the armed robbery — a crime punishable by up to life in prison — but told jurors that is distinct from murder.

"He is not guilty of everything the folks with him did," Dunnington told jurors. "It is not a simple case where state would have you believe if you are in for a penny, you are in for a pound. Don't let the state's argument fool you."

Diaz and Castillo, of Miami, each have their own juries. The men, natives of Puerto Rico and the Dominican Republic respectively, did not testify and listened to the trial through interpreters.

Their attorneys argued each was not the shooter and that the bullet that struck and killed Salomon came from the gun seen on the video in the hands of a co-defendant.

Gershman emphasized that Castillo is seen on the video for a mere 28 seconds, with no gun, speaking to no one, then exiting.

"If you all think 28 seconds is liability for a dozen crimes then there is nothing I am going to say to change your mind," Gershman said. "But that is not equal justice."

Yes, it is, and both are responsible for everything the others do, argued Assistant State Attorney Aleathea McRoberts.

"If you are going to go into a place with guns blazing, be prepared that somebody might die, and you are going to have to answer for it," McRoberts told jurors.

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