

JARAMILLO, Anibal (H/M)

AKA: Jose Bernardo Pineda

DC # 077098

DOB: 02/03/58

Eleventh Judicial Circuit, Dade County, Case # 80-24540

Sentencing Judge: The Honorable Ellen Morphonios

Attorney, Criminal Trial: Terrance McWilliams, Esq.

Attorney, Direct Appeal: Louis Casuso, Esq. & Edward McHale, Esq.

Date of Offense: 11/30/80

Date of Sentence: 04/08/81

Circumstances of Offense:

Anibal Jaramillo was convicted and sentenced to death for the murders of Gilberto Caicedo Reyes and Candelaria Castellanos Marin.

In the early morning hours of 12/02/80, the bodies of Gilberto Caicedo Reyes and Candelaria Castellanos Marin were discovered in a home in South Dade County. Both had been bound, gagged, and killed execution style with three shots to the head. Medical examiners estimated the murders took place between 2:00 a.m. on November 30th and 2:00 a.m. on December 1st. All six of the shots were believed to have been from the same gun, probably a MAC-10 submachine gun with a silencer.

Marin's hands had been bound by handcuffs, upon which, medical examiners identified fingerprints that did not belong to Jaramillo. A coil of hemp cord was found next to Reyes' body. It was apparent that a portion of the cord had been severed by a knife and used to bind his hands behind his back. Packaging for a knife was found next to Reyes' body and the knife itself was found on the dining room table, both of which bore Jaramillo's prints. The house had been ransacked in an apparent search for valuables; however, among the numerous latent fingerprints that police discovered, none of them belonged to Jaramillo.

At trial, Jaramillo testified that he had gone over to the Reyes' residence on November 29th to help Edison Caicedo, Reyes' nephew, clean out the garage. Jaramillo wanted to break down several boxes in order to make them more stackable, so he asked Caicedo for a knife. Caicedo directed Jaramillo to a bag on the dining room table that contained a new knife. Jaramillo stated that he unwrapped the knife, leaving the wrapper on the table, and once finished using it in the garage, returned the knife to the table. Jaramillo reported that he left the Reyes' residence at approximately 10:00 p.m. that night.

A neighbor testified that he heard a series of loud noises, which sounded like fighting, come from the house around 7:00 p.m. on November 30th. Mr. Breslaw, who lived next door, reported that he heard what sounded like furniture being pushed around, a scream, and what could have been a gunshot. When police arrived on the scene during the early

morning hours of 12/02/80, they met Caicedo, who was accompanied by two attorneys. Since he lived with his uncle Gilberto Caicedo Reyes, Edison Caicedo's fingerprints were found all over the house, including the ransacked areas. Caicedo did not testify at Jaramillo's trial, as his whereabouts were unknown at the time.

Jaramillo was convicted of two counts of First-Degree Murder and sentenced to death.

Additional Information:

Jaramillo was arrested on 12/14/80 for allegedly stealing and attempting to use another's passport. On 04/14/81, Jaramillo pled guilty as charged and was sentenced to 2.5 years imprisonment to run concurrent with his death sentences (CC # 80-24540).

Jaramillo was again arrested on 03/13/83 for illegal possession of a firearm and for receiving ransom money from a kidnapping. He was convicted and sentenced to four years and two years imprisonment respectively.

Trial Summary:

12/16/80 The defendant was arrested.
01/07/81 Defendant indicted on the following:
 Count I: First-Degree Murder
 Count II: First-Degree Murder
 Count III: Use of a Firearm in the Commission of a Felony
04/08/81 The jury found Jaramillo guilty of two counts of First-Degree Murder, as charged in the indictment. He was acquitted on Count III: Use of a Firearm in the Commission of a Felony.
04/08/81 Upon advisory sentencing, a majority of the jury voted that Jaramillo be sentenced to life imprisonment.
04/08/81 The defendant was sentenced as followed:
 Count I: First-Degree Murder – Death
 Count II: First-Degree Murder – Death
07/08/82 The Florida Supreme Court reversed the convictions and remanded to the trial court with instructions to discharge Jaramillo.

Appellate Summary:

Florida Supreme Court, Direct Appeal

FSC # 60,570
417 So. 2d 257

05/04/81 Appeal filed.
07/08/82 FSC reversed the convictions and remanded to the trial court with instructions to discharge Jaramillo.

Case Information:

On 05/04/81, Jaramillo filed a Direct Appeal in the Florida Supreme Court. In that appeal, he argued that the State's case was based entirely on circumstantial evidence, and that such evidence was insufficient to support his convictions of First-Degree Murder. Applying the standard set forth in *McArthur v. Nourse*, the high court noted, "where the only proof of guilt is circumstantial, no matter how strong the evidence may suggest guilt, a conviction cannot be sustained unless the evidence is inconsistent with any reasonable hypothesis of innocence." The only evidence offered by the State to show Jaramillo's guilt was the presence of his fingerprints on several items at the murder scene. Jaramillo, however, had a reasonable explanation as to how his fingerprints got on the knife and the wrapper in question. Since forensic experts could not determine that the fingerprints were left at the time of the murder and not some time before, the State's evidence was not inconsistent with Jaramillo's reasonable hypothesis of innocence. As such, the Florida Supreme Court reversed the convictions and remanded to the trial court with instructions to discharge Jaramillo.

Law Enforcement/ Prosecution Statements:

Al Singleton of the Dade County Sheriff's Office provided the following comment on the Jaramillo case:

Through several informants, it was learned that Jaramillo was an 'enforcer' (hit man) from Colombia. He was implicated in two separate homicides in 1980, the first of which involved the shooting death of a woman in November 1980. Although he was charged with this murder, he was never convicted. The second murder involved the execution style killing of a couple in South Dade County. Jaramillo's fingerprints were found inside the house on the packaging of rope/cord. That cord was used to bind the victims' hands behind their backs. Jaramillo was found guilty of the murders, but the Florida Supreme Court ruled that the evidence was insufficient to support his convictions and ordered an acquittal. It is the opinion of the Dade County Sheriff's Office that Anibal Jaramillo was guilty of both homicides.

The State Attorneys Office for the Eleventh Circuit provided the following statement regarding Jaramillo's case:

It is an old case and the original prosecutors are not with the office any longer, but [our] understanding is that Jaramillo, although the evidence was deemed to be sufficient by a jury and a judge to convict him of two counts of first-degree murder (and to sentence him to death), the FSC thought that his fingerprints found on a knife near the victim's bodies and on a grocery bag in the house were insufficient, as the defendant gave a story that despite the State's attempt to rebut it, was deemed insufficient to refute it. See 417 So. 2d 257 (Fla. 1982). Although the victims had been shot, one of the victims had their hands tied behind their

back with a cord. The coil of the cord was found next to the packaging of a knife (the one in which the defendant's fingerprints were on). The State had also prosecuted a codefendant, Jaime Savino, whose fingerprints were found on the handcuffs used to bind one of the victims. The trial court directed a verdict against the State saying that was insufficient. It is our Office's position that two men (one being Jaramillo) got away with a double homicide.

Defense Statements:

Louis Casuso, Jaramillo's defense attorney, commented:

"I thought the Court made the correct decision. The only evidence against Jaramillo was that his fingerprints were found at the scene; however, there was a reasonable explanation as to why they were there."

Current Status:

Anibal Jaramillo was deported to Colombia subsequent to his release and was murdered there.

Report Date: 03/07/02 ew
Approved: 03/12/02 ws
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