



## Luis Santaliz Acosta

On August 8, 1998 and again on September 4, Edgar Cabassa's home in Cabo Roba, Puerto Rico, was burglarized. In the course of the second burglary, Cabassa shot and killed one of the two burglars, Nestor Velez Vargas. Police suspected that José Victor Rodriguez Ramos was the other burglar, and that his brother, Octavio Rodriguez Ramos, drove the getaway car.

On September 10, police questioned the Rodriguez brothers. Octavio implicated his brother, and also told police that Luis Santaliz Acosta was the mastermind behind both burglaries.

José Victor admitted his involvement, but denied that Santaliz was involved. He told police that Octavio was lying about Santaliz's involvement because Santaliz planned to press charges against Octavio for assaulting him several months earlier.

Police continued to question José Victor at length, using suggestive and coercive techniques in an attempt to get José Victor to implicate Santaliz. The police knew that Santaliz, the manager of a commercial refrigerator company, was working as an undercover informant for federal agents investigating corruption among law enforcement in the Mayaguez district of Puerto Rico. But José Victor refused to implicate Santaliz. He was charged with 17 felonies – robbery, conspiracy, weapons laws violations, and first-degree murder. (Because Nestor Velez was killed during the course of the burglary, the burglars were held responsible for the murder under Puerto Rico's felony murder law.)

On September 11, Santaliz was arrested and charged with the same 17 felonies. He denied any involvement in the crime. His trial was set for October 1999. Octavio Rodriguez agreed to testify against him and in exchange was granted immunity from prosecution. In October 1999, José Victor Rodriguez pled guilty to all charges.

Upon hearing about the charges against Santaliz, the FBI requested that Santaliz be given a polygraph test. The results indicated that Santaliz was truthful in denying his involvement in the crime. Based on these results, the federal authorities then asked the Puerto Rico Department of Justice to reinvestigate, and his trial was delayed.

Two prosecutors from the Department of Justice's Public Integrity Unit handled the reinvestigation. They interviewed Octavio, who at first admitted that some of his previous statements were false, but wouldn't specify which ones. After meeting with Ramon Parga Cuevas, the lead prosecutor in the case against Santaliz, Octavio then recanted his admission, returning to his previous version of events.

After completing their reinvestigation in late 1999, the Public Integrity Unit prosecutors recommended that Octavio be subjected to a polygraph test, that his testimony be ruled inadmissible at trial because it was unreliable, and that all evidence uncovered in the reinvestigation be turned over to the defense.

**State:** Puerto Rico

**County:** Mayaguez

**Most Serious Crime:** Murder

**Additional Convictions:** Attempted Murder, Kidnapping, Burglary/Unlawful Entry, Illegal Weapon, Conspiracy, Other Nonviolent Felony

**Reported Crime Date:** 1998

**Convicted:** 2000

**Exonerated:** 2009

**Sentence:** 148 years

**Race:** Hispanic

**Sex:** Male

**Age:** 34

**Contributing Factors:** Perjury or False Accusation, Official Misconduct, Inadequate Legal Defense

**Did DNA evidence contribute to the exoneration?** No  
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Nevertheless, Santaliz went on trial in June 2000, with Octavio as the sole witness against him. None of the evidence uncovered in the reinvestigation was turned over to the defense, and the Public Integrity Unit prosecutors were not allowed to testify. The defense attorney put little effort into the case and did not call witnesses from the FBI who could have testified on behalf of Santaliz.

A jury convicted Santaliz of thirteen felonies, including one count of first-degree murder, two of conspiracy, two counts of burglary, and two counts of violating the Arms Act. He was sentenced to 148 years in prison.

While in prison, he sent dozens of letters seeking help. He took classes in computers and mechanics and received privileges for good behavior. When his mother passed away, he became the only maximum security inmate allowed to attend a funeral.

He filed a motion for a new trial based on perjured testimony and ineffective assistance of counsel, but the Mayaguez Superior Court denied it in 2003. In 2007, his federal petition for a writ of habeas corpus was denied by the U.S. District Court of Puerto Rico.

His lawyers repeatedly asked the prosecutors to hand over evidence uncovered during the 1999 reinvestigation, but no records were ever turned over.

Eventually, Santaliz began to attract supporters. The Archbishop Emeritus of San Juan, Cardinal Luis Aponte Martinez, began to advocate on his behalf. At Aponte Martinez's request, an attorney with the Legal Aid Society, Luis F. Abreu Elias, took on the case.

On September 11, 2009 Abreu finally obtained the records from the Public Integrity Unit reinvestigation undertaken ten years earlier. Based on this new evidence, Abreu filed a motion for a new trial. He met in person with Antonio Sagardia, head of Puerto Rico Department of Justice, and presented him with the evidence that Santaliz had been convicted based on false testimony and that prosecutors had knowingly elicited this false testimony. Sagrada asked Puerto Rico Assistant Attorney General José Frank Nazario to review the case and Nazario issued a written statement acknowledging that Santaliz was innocent.

On October 5, 2009 the Mayaguez Superior Court set aside Santaliz's convictions and granted him a new trial. Santaliz was released on \$13.00 bail. Almost immediately, Santaliz returned to his former job – his boss, Miguel Velez, had always believed in his innocence and promised him a job whenever he was released.

On November 9 2009, the Department of Justice dropped all charges.

On November 8, 2010, Santaliz and his family filed a lawsuit against the police and prosecutors involved in his prosecution.

-- Alexandra Gross

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