

## Miami boating death case goes to trial

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TIM CHAPMAN / MIAMI HERALD STAFF

Eulices Barrios, (left), in court with his attorney Edward O'Donnell as he faces charges of manslaughter in a 2010 boating death.

This is undisputed: After a day of July 4th revelry, Eulices Alvarez Barrios tossed a drunk passenger off his idle 32-foot boat into the busy Intracoastal Waterway.

But was it a crime?

Miami-Dade prosecutors think so, telling jurors Wednesday that Barrios was criminally reckless two years ago when he ejected Domingo Vilalta, who was then slashed to death by the propellers of another nearby vessel.

“He threw him overboard, like a piece of chum, like bait you would throw overboard when you’re fishing,” prosecutor Marie Mato

told jurors during opening statements Wednesday.

Defense attorney Ed O'Donnell calls it a tragic accident.

Barrios, 39, threw a drunk and high Vilalta, 22, overboard after the young man inexplicably thrust the boat's throttle, jerking the vessel forward. Vilalta's actions causing one young woman to tumble overboard and the boat's propellers nearly cut her and another woman “to ribbons,” O'Donnell said.

Barrios believed – as did everyone else in the group – that Vilalta had boarded the nearby boat that accompanied their group.

“He came very close to seriously mutilating two human beings or killing them, by his action, his inexcusable action,” O'Donnell said.

Barrios is charged with manslaughter and faces a maximum of 15 years in prison if convicted.

The July 4th holiday in 2010 started out not unlike countless Miami holiday celebrations. Barrios, a general contractor, met some young women at his North Miami home, where he kept his boat docked alongside a canal.

Vilalta, whom he did not know, came along with the women. Barrios' Stamas Express vessel left for a popular Intracoastal Waterway sandbar near Oleta State Park, where hundreds of revelers waded, drank and listened to music.

"His boat was a party boat. It has speakers hanging from top that provided the music," Mato said. "And he provided the liquor. The alcohol was flowing. They were having a good time."

At the sandbar, Alberto "Popeye" Rodriguez, a friend of Barrios,' met up with the group in his own boat. The party continued throughout the afternoon, with participants drinking Grey Goose vodka and loudly singing karaoke through the boat's speakers.

Vilalta was smoking marijuana. O'Donnell said that he was acting obnoxious, tugging on women's bikinis, "trying to cop a feel."

The group got hungry around 8 p.m. and agreed to motor over to the dockside Shuckers Bar & Grill in North Bay Village. En route, near North Miami's Broad Causeway, Barrios put the boat in neutral to check something. A passenger, Lorena Rodriguez jumped in the water while the boat was stopped.

It was that moment that Vilalta got up and sat in the captain's chair, thrusting the throttle forward. The lurch of the boat caused another passenger, Rosabel Machado, to pitch overboard and fall into the water. The propellers churned dangerously close to both women in the water.

Machado immediately swam over to Albert Rodriguez's boat in front of her and was not hurt.

Both sides agree that Barrios sprang into action, shutting off the engines. He cursed at Vilalta, yelling "You could have cut her into a 100 pieces!" according to O'Donnell.

He hurled Vilalta in the water a few from the other boat – in an act that was "reasonable" because of the danger he posed, O'Donnell said.

Not so, said Mato.

"The victim was without a life vest and was not in a safe location," she told jurors.

The defense says Barrios gestured to the other boat captain, Rodriguez, pointing to Vilalta to signal that he should be the one to take him on board. And at least one witness, a 12-year-old boy, told detectives that the all the passengers believed Vilalta had safely boarded the second boat.

One prosecution witness, passenger Gabriela Dimauro, 21, told jurors that in the confusion of the moment, she saw Vilalta saw clinging to the front of the second boat, a very dangerous spot.

"I didn't think anyone was seeing what I was seeing," said Dimauro, who admitted she though he boarded the other vessel safely.

Both boats cruised away before Dimauro realized Vilalta was not on either boat and she began to yell. Barrios and Rodriguez quickly turned around to search for him.

"We were screaming his name, going around and around, looking for him," Machado said.

They called authorities.

Miami-Dade police, Coast Guard and state wildlife officers mounted a large-scale search.

His mangled body was found two days later floating near Haulover Park Marina.

Trial continues Thursday in front of Miami-Dade Circuit Judge Lisa Walsh.