

## Jury acquits North Miami man in boating manslaughter case

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C.W. Griffin / Miami Herald Staff

Susana Vilalta, mother of 22-year-old Domingo Manuel Vilalta who died after being pushed overboard by Eulices Barrios after an argument, wipes away tears Sept. 4, 2012.

A North Miami man committed no crime when he hurled a drunk-and-high passenger off a boat to his doom in the waters of Biscayne Bay, jurors decided Tuesday night.

Eulices Barrios, 39, was not guilty of manslaughter by culpable negligence in the July 4, 2010 death of Domingo Vilalata, who was shredded to death by the propellers of a nearby boat.

His body surfaced two days later.

Tuesday's verdict concluded a unique and legally thorny case in a South Florida community rich in boating culture.

"This was a tragedy all around, but Eulices committed not crime and he should have never been charged," said defense attorney Ed O'Donnell IV, who tried the case with his father of the same name.

Prosecutors and defense attorneys agreed on many of the details of the tragedy.

Barrios, a general contractor, had taken several people out on his 32-foot Stamas Express. The group, which included Vilalta and several young women, spent all afternoon drinking vodka and singing karaoke at a popular party sandbar in the Intracoastal Waterway near Oleta State Park.

Vilalta was drunk and smoked pot. Several of the girls also drank heavily.

Around 8 p.m., they were cruising to a dockside restaurant in North Bay Village when Barrios stopped the vessel in a busy waterway to fix some equipment, as one young woman jumped in the water.

Vilalta, 22, who was a friend of the women onboard, inexplicably sat in the captain's seat and thrust the boat's throttle, jerking the vessel forward. Another passenger tumbled overboard, falling in the waters near the boat's churning propellers.

An angry Barrios rushed to shut off the engine and hurled Vilalta off the boat.

The question before jurors was whether that act was unreasonable.

"There were options," said Miami-Dade Assistant State Attorney Chiaka Ihekweba. She told jurors that Barrios could have confined the drunk man to the boat's cabin, or even tied him up with rope to subdue him until they reached dry land.

But defense attorney Ed O'Donnell said Vilalta was a danger, nearly killing the two women in the water.

"Is it reasonable to say, 'You're off the boat, pal?' I think so," O'Donnell told jurors.

Much of the legal scrutiny at trial focused on Barrios' perceptions – and the moments after Vilalta hit the water.

One young woman in the water swam to another nearby boat belonging to Barrios' pal, Alberto Rodriguez.

Barrios claimed he signaled to Rodriguez to take on Vilalta, but Rodriguez testified that he never saw or heard Barrios.

One boat passenger said she saw Vilalta clinging to a metal clip, used for towing, affixed to the boat's bow. Barrios saw that too, but later told detectives he believed the man had boarded the second boat safely.

Prosecutor Marie Mato pointed out that Barrios told police, "I really didn't pay attention and I left," leaving Vilalta hanging on a dangerous spot where he was ultimately sucked under the boat and killed

"Was it OK for the defendant to turn his back the minute he saw him there?" Mato asked. "Or should he have waited to make sure he got on safely?"

But O'Donnell insisted the case belonged in civil court as part of a lawsuit. He also suggested that Vilalta's boorish behavior – pushing the boat throttle – played a role in his death.

"Maybe he thought it was funny. There wasn't anything funny about it," O'Donnell said. "If he hadn't done it, we wouldn't be here today."