

**State of Connecticut  
Division of Criminal Justice  
Conviction Integrity Unit Review**



**Angel Ortiz**

**Hartford Judicial District**

**HHD-CR95-0158621**

**Convicted February 13, 1997**

By letter dated July 5, 2023, the petitioner, Angel Ortiz, requested that the Conviction Integrity Unit (CIU) undertake a review of his convictions stemming from a trial conducted in 1997 in the Hartford Judicial District in case bearing docket number HHD-CR95-0158621.

At the time, the petitioner was an inmate at Cheshire Correctional Facility serving a total effective sentence of life without the possibility of release for convictions relating to a kidnapping and double homicide that occurred on July 27, 1994, and into the early hours of July 28, 1994.

On February 13, 1997, Angel Ortiz was convicted after a jury trial on one count of capital felony in violation of General Statutes §§ 53a-54b (8)1 and 53a-82; two counts of capital felony in violation of §§ 53a-54b (5)3 and 53a-8; two counts of murder in violation of General Statutes §§ 53a-54a (a)4 and 53a-8; two counts of felony murder in violation of General Statutes § 53a-54c5; one count of conspiracy to commit murder in violation of General Statutes §§ 53a-54a (a) and 53a-48 (a)6; two counts of kidnapping in the first degree in violation of General Statutes §§ 53a-92 (a)(2)(A), (B) and (C)7 and 53a-8; one count of robbery in the first degree in violation of General Statutes §§ 53a-134 (a)(4)8 and 53a-8; one count of conspiracy to commit kidnapping in the first degree in violation of §§ 53a-92 (a)(2)(A), (B) and (C) and 53a-48 (a); and conspiracy to commit

robbery in the first degree in violation of §§ 53a-134 (a)(4) and 53a-48 (a).

The trial court sentenced Ortiz to a total effective sentence of life

imprisonment without the possibility of release. In *State v. Ortiz*, 252 Conn.

533 (2000), the Connecticut Supreme Court held that the jury could have

reasonably found the following facts:

*In the late hours of July 27, 1994, and into the early hours of July 28, 1994, the defendants [Diaz-Marrero and Angel Ortiz] carried out a plan to kidnap, rob and kill Hector Alvarado (Alvarado), and his wife Migdalia Bermudez (Bermudez). The victims were abducted and robbed in Hartford, and then taken to Rocky Hill where they were executed by Diaz-Marrero with a twelve gauge shotgun. Alvarado was shot in the head and he died instantly. Bermudez was shot in the back hips and buttocks, she was left for dead in the travel portion of the road, and she died approximately five hours later at Hartford Hospital.*

*Alvarado was a known drug dealer, who conducted an illegal drug selling operation, with the assistance of Ortiz, at a residential apartment building located at 66 Webster Street in Hartford. Ortiz was Alvarado's brother-in-law, and he lived at 66 Webster Street. Alvarado had requested that Ortiz build a secure box in which Alvarado could store his drugs and money. Accordingly, Ortiz built the secure box and Alvarado kept it in the basement of his home at 109 Adelaide Street in Hartford.*

*Diaz-Marrero had come to Hartford from Caguas, Puerto Rico, a few weeks prior to the murders. He stayed for approximately one week at 66 Webster Street with Wilson Rodriguez, who was another resident of the building. At trial, Wilson Rodriguez testified that on July 26, 1994, shortly after Diaz-Marrero had stopped staying with him, his apartment was burglarized and two shotguns and a rifle were stolen. Before the jury, Wilson Rodriguez identified the guns that were found near the crime scene as those that had been stolen.*

*On Wednesday, July 27, 1994, at 8:30 p.m. and again at 9:30 p.m., Diaz-Marrero and Ortiz went to the home of Alvarado's mother, Maria Cruz Rodriguez (Rodriguez), looking for Alvarado. Later that*

night, a van driven by Ortiz stopped on Park Street in Hartford and Diaz-Marrero, who was in the van, asked Ramon Caraballo if he wanted to buy some drugs. Caraballo knew Diaz-Marrero as "Tongo" and testified that they occasionally had used drugs together. Caraballo got into the van and sat in the front seat next to Ortiz.

Another resident of 66 Webster Street, Jesus Roman, who also knew Diaz-Marrero as "Tongo", testified about the events that occurred on the evening of the murders. According to Roman's testimony, at 11 p.m., Tongo pulled up in a van and asked Roman if Alvarado was around and if he had drugs. Roman told him that Alvarado was around and that he had drugs, and Roman offered to buy the drugs for Diaz-Marrero. Diaz-Marrero declined Roman's offer, saying that he wanted to deal with Alvarado directly and he asked Roman to tell Alvarado that Diaz-Marrero would be waiting for him on Campfield Avenue.

Roman conveyed Diaz-Marrero's message to Alvarado and offered to go along. The two men and Bermudez then drove in Alvarado's car to Campfield Avenue and parked behind the van. Diaz-Marrero exited the van, walked toward Alvarado's car and asked him to step out of the car so they could speak alone. Alvarado and Diaz-Marrero walked to the front of the van and Roman and Bermudez exited the car. As Alvarado returned to his car, Diaz-Marrero, holding a shotgun, walked toward Alvarado, Bermudez and Roman. Diaz-Marrero took Bermudez by the arm and fired the shotgun into the sidewalk. Just as Diaz-Marrero fired the shotgun into the sidewalk, Caraballo who was attempting to leave the scene and had just opened the door of the van and placed a foot on the ground, was struck in the throat by a ricocheting shotgun slug or pellet. Roman saw Diaz-Marrero take Bermudez, who was crying, and put her into the van. Still armed, Diaz-Marrero returned for Alvarado, who took money out of his pocket and offered it to him. Roman then saw Alvarado return the money to his pocket and watched Diaz-Marrero point the shotgun at Alvarado, take him by the arm and lead him into the van. Roman watched the van drive away, turning left onto Adelaide Street.

Caraballo, who had reentered the van after being shot, testified that although he was injured and bleeding, he was also alert and conscious. He claimed that Diaz-Marrero had said "[I]et's go to the man's house". The van stopped a short distance later in front of an

*apartment building and Diaz-Marrero, still armed with the shotgun, took Alvarado out of the van and into the apartment building. Caraballo, Ortiz and Bermudez stayed in the van. Several minutes later, Diaz- Marrero and Alvarado returned to the van. Diaz-Marrero carried a paper bag, which he then handed to Ortiz. Diaz-Marrero then ordered Ortiz to drive off.*

*The van traveled through some traffic lights and then entered a highway. After the van had traveled a short distance, it stopped near the side of the road. Diaz- Marrero exited the van and ordered the victims to get out and they complied. Caraballo and Ortiz remained in the van. Several shots were then fired. Diaz- Marrero returned to the van without the victims and said to Ortiz, "[l]et's get out of here". A few minutes later, Diaz-Marrero threw the shotguns out the passenger side window of the van. The van then returned to Hartford. Caraballo was let out on Park Street."*

*Id.* at 537-40.

The petitioner claimed actual innocence and requested that the CIU undertake a review of his convictions. A thorough review of the case commenced. CIU considered the procedural history, police reports were obtained, transcripts and court decisions were reviewed. In addition, the CIU conducted interviews with numerous parties including the police, prosecutor, and the petitioner himself. The CIU review and investigation resulted in discovery of information that is inconsistent with the initial investigation and not supportive of the petitioner's convictions.

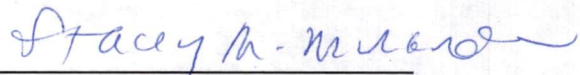
Furthermore, the CIU review uncovered information that may be relevant to the petitioner's alibi and identification as one of the perpetrators.

The investigation, however, did not reveal evidence that supports the legal standard of actual innocence.

CIU also learned that the petitioner was 87 years of age, had been diagnosed with cancer and had numerous other medical problems arguably meeting the burden for a compassionate release. However, based on the petitioner's convictions for capital felonies he was not eligible for any type of relief. In light of CIU's investigation, and the petitioner's age, the matter was referred directly to the State's Attorney for the Judicial District of Hartford for her assessment rather than the Conviction Review Panel. CIU presented its investigation and relevant findings to Hartford State's Attorney Sharmese Walcott.

Based on CIU's investigation, State's Attorney Walcott filed the State's Motion to Set Aside the Judgment for Conviction and Restore the case to the Superior Court Docket (Exhibit A). For reasons put forth in that motion, it was requested that the convictions on three counts of capital felony murder be set aside and that the court restore the case to the docket for resentencing on the remaining two counts of murder, one count of conspiracy to commit murder, three counts of felony murder, two counts of kidnapping in the first degree, one count of robbery in the first degree, and one count of conspiracy to commit robbery in the first degree.

On August 13, 2024, the motion was granted by Judge David Gold and the petitioner was resentenced on the remaining counts making him eligible to be released from incarceration. At 87 years old, with a cancer diagnosis, he was released that same day. He served just shy of 29 years in prison.



Stacey M. Miranda  
Stacey M. Miranda  
Supervisory Assistant State's Attorney  
Conviction Integrity Unit

January 10, 2025

DOCKET NO. HHD-CR95-0158621 : SUPERIOR COURT  
STATE OF CONNECTICUT : G.A. #14  
V. : AT HARTFORD  
ANGEL ORTIZ : AUGUST 2, 2024

**STATE'S MOTION TO SET ASIDE THE JUDGEMENT OF CONVICTION  
AND RESTORE THE CASE TO THE SUPERIOR COURT DOCKET**

Pursuant to the Constitution of the State of Connecticut article four § 27, and Connecticut General Statutes § 51-277, as well as the fundamental obligation of the prosecutor as a minister of justice to guard the rights of the victim, accused, and the public, the State of Connecticut through the undersigned State's Attorney hereby moves this court, in the interest of justice, to set aside a portion of the judgment of conviction in the above captioned matter and restore the case to the Superior Court docket for resentencing.

**I. Brief History of the Case**

Angel Ortiz was convicted at trial on February 13, 1997 of three counts of capital felony murder, two counts of murder, one count of conspiracy to commit murder, two counts of kidnapping in the first degree, one count of robbery in the first degree, and one count of conspiracy to commit robbery in the first degree. The defendant was subsequently sentenced to life without the possibility of release.

In *State v. Ortiz*, 252 Conn. 533 (2000), the Connecticut Supreme Court held the jury could have reasonably found the following facts:

*"In the late hours of July 27, 1994, and into the early hours of July 28, 1994, the defendants [Diaz-Marrero and Angel Ortiz] carried out a plan to kidnap, rob and kill Hector Alvarado (Alvarado), and his wife Migdalia Bermudez (Bermudez). The victims were abducted and robbed in Hartford, and then taken to Rocky Hill*

where they were executed by Diaz-Marrero with a twelve gauge shotgun. Alvarado was shot in the head and he died instantly. Bermudez was shot in the back, hips and buttocks, she was left for dead in the travel portion of the road, and she died approximately five hours later at Hartford Hospital.

Alvarado was a known drug dealer, who conducted an illegal drug selling operation, with the assistance of Ortiz, at a residential apartment building located at 66 Webster Street in Hartford. Ortiz was Alvarado's brother-in-law, and he lived at 66 Webster Street. Alvarado had requested that Ortiz build a secure box in which Alvarado could store his drugs and money. Accordingly, Ortiz built the secure box and Alvarado kept it in the basement of his home at 109 Adelaide Street in Hartford.

Diaz-Marrero had come to Hartford from Caguas, Puerto Rico, a few weeks prior to the murders. He stayed for approximately one week at 66 Webster Street with Wilson Rodriguez, who was another resident of the building. At trial, Wilson Rodriguez testified that on July 26, 1994, shortly after Diaz-Marrero had stopped staying with him, his apartment was burglarized and two shotguns and a rifle were stolen. Before the jury, Wilson Rodriguez identified the guns that were found near the crime scene as those that had been stolen.

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Roman conveyed Diaz-Marrero's message to Alvarado and offered to go along. The two men and Bermudez then drove in Alvarado's car to Campfield Avenue and parked behind the van. Diaz-Marrero exited the van, walked toward Alvarado's car and asked him to step out of the car so they could speak alone. Alvarado and Diaz-Marrero walked to the front of the van and Roman and Bermudez exited the car. As Alvarado returned to his car, Diaz-Marrero, holding a shotgun, walked toward Alvarado, Bermudez and Roman. Diaz-Marrero took Bermudez by the arm and fired the shotgun into the sidewalk. Just as Diaz-Marrero fired the shotgun

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*Id.* at 537-40.

## **II. PRESENT REVIEW**

The defendant requested that this case be reviewed by the Conviction Integrity Unit (CIU) of the Division of Criminal Justice, pursuant to the Conviction Integrity Protocol, as a claim of actual innocence. A review of the case file commenced. Specifically, the review included additional investigation into the underlying claims made by the defendant. The additional investigation resulted in the discovery of information that is inconsistent with the initial investigation and not supportive with a portion of the defendant's convictions. The investigation did not reveal evidence that supports a claim of actual innocence.

The CIU review and investigation uncovered additional information that may have been relevant to the defendant's alibi defense. The defendant was precluded from offering an alibi defense at the time of his trial due to a failure to comply with the notification requirements. Additionally, the co-defendant, Diaz-Marrero, testified at two separate habeas proceedings that he did not know the defendant and the defendant was not involved in the above-referenced crimes. This information was additionally supported by testimony of Diaz-Marrero's attorney when he stated that Diaz-Marrero had made a consistent statement to him privately at the start of the original trial that he did not know the defendant. This statement was not made known to the prosecution, the Court, or the defendant's attorney.

#### **A. The Alibi**

An alibi for the defendant was properly precluded at trial based on failure to comply with the notice requirements. The investigation by CIU uncovered that the defendant was therefore unable to introduce the testimony of his mother-in-law that the defendant was with her the whole night and that the victims, Alvarado and Bermudez, had left the defendant's apartment around 9pm to get milk for the defendant's daughter but never returned.

The defendant's original trial attorney is deceased and there has been no access to his file. Therefore, it is unclear if this information would have come out during testimony at the defendant's trial.

#### **B. Identification**

The defendant was tried with Diaz-Marrero, who was convicted as the shooter. This issue of propriety of a joint trial was raised on appeal by Diaz-Marrero, but not by the defendant. The Court upheld propriety of the joint trial. The first time Diaz-Marrero testified substantively to the facts of the incident was during the defendant's habeas trial. *Ortiz v. Warden*, 2014 WL

5356463 at 1 (2014). Diaz-Marrero testified to a very different version of events than both cooperating witnesses, Caraballo and Roman, testified to at the original trial. Diaz-Marrero's testimony implicated Caraballo and Roman in the crime as opposed to the defendant. *See Id.* at 8-9. While this testimony may have been helpful during the defendant's original trial, it is not confirmation of the defendant's actual innocence. Additionally, testimony uncovered at the habeas trial that Diaz-Marrero stated to his attorney at the start of the original criminal trial that he did not know the defendant, is not confirmation of the defendant's actual innocence. However, it is information that may have been helpful to the defendant during his original criminal trial. Lastly, what may be the most critical piece of testimony provided at the habeas trial was that the above information, pertaining to Diaz-Marrero exculpating co-defendant, was not provided to the defendant, his attorney, the state, or the Court at the time of trial. *See Id.* At 9. It is coming to light now.

The Habeas Court, *Bright, J.*, resolved the matter this way:

*There is no question that had Diaz-Marrero testified at the criminal trial as he did before this court that one or more jurors may have had a reasonable doubt as to the petitioner's guilt. The case against the petitioner was not particularly strong, and counsel has done an admirable job pointing out the weaknesses in the state's case. In fact, this court has some doubt as to the petitioner's guilt in light of some of those weaknesses. Nevertheless, the petitioner stands in a different position today than he did prior to trial. He no longer enjoys the presumption of innocence, and the state no longer bears the burden of proving him guilty beyond a reasonable doubt. The burden is now on the petitioner, and he has failed to meet it.*

*To the extent that what Diaz-Marrero testified to is true, then he must live with the knowledge that not only did he participate in killing two people, his failure to accept responsibility for his actions, when it would have mattered most, has condemned an innocent man to spend the rest of his life in jail. That is not a possible outcome that this court takes lightly. However, the law requires that a petitioner, convicted at a constitutionally sound trial, do more than raise the mere possibility, or even probability, that he is innocent. He must make an extraordinarily high and truly persuasive demonstration, and unquestionably*

*establish his actual innocence with clear and convincing evidence. This, the petitioner has failed to do.*

*Id.* at 16 (citation removed).

### **III. REQUEST FOR RELIEF**

Angel Ortiz comes to the attention of the undersigned State's Attorney at 87 years old. He has been diagnosed with cancer and has undergone treatment while incarcerated. He has served days shy of 29 years of incarceration. At the same time, the defendant has not met the threshold of an actual innocence claim. He has also not met the burden, in the state's opinion, of new evidence necessitating a new trial. What he has done, arguably, is meet the burden that may be applied to compassionate release.

In this case, this State's Attorney can represent to the court that justice is satisfied with convictions of two counts of murder, one count of conspiracy to commit murder, two counts of kidnapping in the first degree, one count of robbery in the first degree, and one count of conspiracy to commit robbery in the first degree. At 87 years old with a cancer diagnosis, this defendant is unlikely to present a danger to the community. He has served days shy of 29 years of incarceration.

Therefore, the undersigned State's Attorney respectfully moves this court to set aside the conviction of Angel Ortiz for the three counts of Capital Felony and restore the case to the Superior Court docket for resentencing on the remaining two counts of murder, one count of conspiracy to commit murder, two counts of kidnapping in the first degree, one count of robbery in the first degree, and one count of conspiracy to commit robbery in the first degree.

Respectfully Submitted,

THE STATE OF CONNECTICUT

By: 

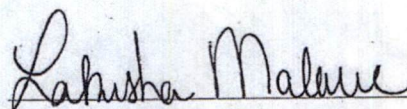
SHARMESE WALCOTT

STATE'S ATTORNEY

Judicial District of Hartford

CERTIFICATION

I hereby certify that a copy of this document was delivered via mail to Kirschbaum Law Group, LLC, 935 Main Street, Level A, Manchester, CT 06040, on August 2, 2024.

A handwritten signature in black ink that reads "Lakisha Malave". The signature is written in a cursive style and is positioned above a horizontal line.

Lakisha Malave

Paralegal Specialist