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Diaz found not guilty of murder

By *PETE DALY*

The jury returned the verdict around 5 p.m. after deliberating over Diaz's fate all day yesterday and part of Wednesday.

Diaz was also found not guilty on the charge of possession of a weapon for an unlawful purpose, but the jury said he was guilty of unlawful possession of a weapon at Mercer County Superior Court in front of judge Maryann Bielamowicz.

Prosecutors claimed Diaz gunned down Jose "Chucho" Rodriguez in Trenton's South Ward in March 2002 for revenge after Rodriguez robbed and pistol-whipped him 11 days earlier.

But the jury found Diaz acted in self-defense.

A sobbing Diaz thanked God after the verdict and said he wanted to move on with his life.

"This happened through the hands of God," Diaz said through his tears. "He worked through the jurors and as a result I was saved. They believed in me. I have to close this chapter of my life and move on."

"My client would not take another life if he didn't believe his own life was in danger," said Robin Lord, Diaz's lawyer, after the verdict last night.

Had he been found guilty of the murder charge, Diaz would have faced a sentence of 30 years to life in prison.

Diaz, 21, testified during the weeklong trial that he shot Rodriguez on Stokley Avenue by Lalor Street on March 24 because he felt the victim regularly carried a gun and was after him for reporting Rodriguez to police for the robbery.

But assistant prosecutor James Scott said revenge prompted Diaz to fire the gun into Rodriguez's abdomen at close range.

The two met at night on Stokley Avenue after their cars passed each other and Rodriguez told Diaz to pull over, Diaz testified.

Diaz said he saw Rodriguez grab something from the trunk of a car belonging to his girlfriend, Laura Santiago.

Rodriguez later handed a thin, black object to Santiago, which she testified was a remote control to the car's CD player, and told her he was going to beat up Diaz, Santiago said in her testimony last week.

But Diaz said Rodriguez lifted up his T-shirt and reached into his pants pocket, prompting him to shoot first.

The bullet pierced Rodriguez's heart and he died a short time later at the hospital.

Lord said last night that the jury rejected the testimony of Santiago, who was the only witness to the shooting other than Diaz.

"They were able to see through the silly story told by the sole prosecuting witness and size it up for what it's worth," Lord said.

"(Santiago) claimed (Rodriguez) had his hands up and was backing up at the time he was shot and that he didn't have anything in his hands. It was just not true."

During the trial, Lord painted the victim as a thug who terrorized the South Ward.

Lord claimed Rodriguez referred to himself by the name Pablo Escobar -- his drug kingpin idol -- and character witnesses petitioned to court affirmed accusations that he terrorized the neighborhood.

Bielamowicz will sentence Diaz on Jan. 7 for the weapons violation. He faces probation up to five years in prison for the crime.