

An American's Kafkaesque Encounter With Nicaragua's Justice System

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SAN JUAN DEL SUR, Nicaragua -- He was 27, living in an exotic country and dreaming of a bright future. Now, Eric Volz, a brash and ambitious magazine editor from [San Diego](#), is serving a 30-year prison term for a heinous crime he says he didn't commit: the rape and murder of his ex-girlfriend.

To the natives of this picturesque Pacific Coast village, a budding magnet for tourists and retirees from the [United States](#), there is no doubt that Volz is guilty. He became so jealous of Doris Jimenez, they say, that he and at least one other man hogtied her in the tiny fashion store she ran, then raped and suffocated her, ramming paper and cloth down her throat.

"There was proof," said Xiomara Gutierrez, among the residents certain of Volz's guilt. "And he's in jail, isn't he?"

But court documents, along with interviews with witnesses and lawyers, suggest the verdict was heavily influenced by small-town passions and a desire for swift justice. Facing a relentless media campaign and protests against him organized by the victim's mother, Volz found himself in a Kafkaesque nightmare, his family and other supporters say. An alibi that might have led an American jury to acquit was cast aside.

The judge, meanwhile, appeared convinced by assertions from the victim's relatives that Volz had dangerous obsessions.

"Why were the family and friends testifying that I was a jealous guy?" Volz said in a telephone interview from La Modelo prison outside [Managua](#), the capital. "It was convenient for them. They wanted me to be convicted, but it's not true."

Volz's conviction in February, in the town of Rivas, points to the weaknesses of a highly politicized judicial system, according to legal experts. Eduardo Bertoni, executive director of the Washington-based Due Process of Law Foundation, a policy group that works to improve justice systems in [Latin America](#), said that the lack of judicial independence in [Nicaragua](#) "ends up affecting everything."

"When the judges are not professional, and political considerations lead to their appointments, well, you can await whatever decision," he said.

On the surface, Volz had seemed to have everything on his side. He had an experienced defense attorney, Ram?n Rojas, who had successfully represented the current president, [Daniel Ortega](#), in a criminal case in 1998. He had an alibi, with 10 witnesses telling police they were with him at the time the crime occurred. And he had phone and instant-messaging records that put him at his Managua home, a 2 1/2 -hour drive from the scene of the crime, when Jim?nez was killed.

But Volz found himself in an increasingly volatile climate that spun out of his control, in part because of his own impetuous behavior after the killing. Jim?nez's relatives and

authorities said they saw his offer to pay for an autopsy and his bickering with police as signs of culpability.

The victim's mother, Mercedes Alvarado, railed against Volz, and a Managua newspaper, El Nuevo Diario, mounted an impassioned campaign against him. At one point, dozens of protesters tried to lynch him as he was being transferred from the courthouse.

In the end, Volz was found guilty after a three-day trial, along with a San Juan del Sur surfer, Julio Mart?n Chamorro, with whom Volz said he had only a passing acquaintance.

Upon hearing the news, readers of El Nuevo Diario celebrated.

"Kill that gringo," one reader wrote in a posting on the paper's Web site. "Hopefully he'll be raped in La Modelo."

A fluent Spanish speaker, Volz had moved to this funky hamlet of seaside restaurants and Internet cafes in 2005. He surfed. He sold real estate for [Century 21](#). And he dated Jim?nez, a lithe, black-haired beauty who owned a small store called Sol Fashion.

Though the relationship ended amicably six months before Jim?nez's death, Volz said the two remained close. He moved last year to Managua to start a glossy magazine about ecology and sustainable development.

Then on Nov. 21, Jim?nez was slain in her store, between 11 a.m. and noon. Volz said that he was alerted by one of Jim?nez's friends about 2:45 p.m. and that he then rented a car from Hertz and drove to San Juan del Sur. Two days later, after serving as one of four pallbearers at Jim?nez's funeral, he was arrested.

Later, Jim?nez's relatives told police and reporters that they had never trusted Volz and that he had an obsession with her that hinted at darker motives.

"She told me one day she couldn't put up with him anymore," said Genoveva ?rias, 31, Jim?nez's sister. "I said, 'Why don't you break up?' She said, 'I've tried. He doesn't listen.' "

Jim?nez's mother went further. "She told me, 'What happens is Eric is very jealous and tries to control me,' " she recounted. " 'And I'm afraid, Mama, that Eric will kill me.' "

The nature of the relationship he had with Jim?nez became a major point of contention in court, where Volz's manner -- considered by Nicaraguans to be brusque, even disrespectful -- cost him points with the judge, Ivette Toru?o.

When he spoke to the court about Jim?nez -- against the judge's advice -- he sounded casual and cold. "She loved me a lot," Volz told the judge. "She had fallen for me more than I had fallen for her."

The defense, meanwhile, failed to deflect prosecution evidence. The prosecution showed a photograph of scratch marks on Volz's back; Volz said they were caused by the weight of Jim?nez's coffin. Toru?o scoffed.

"Carrying a coffin would never -- but never -- leave those scratch marks on anyone," Toru?o said in court.

The prosecution also showed that, once Volz became a suspect, an employee of his tried to urge a Hertz worker to sign an affidavit saying someone at the company had seen him when delivering the car to his house. But no one had. The defense later said Volz's employee had acted on her own. They said Volz was inside the house and signed the rental contract, but never saw a Hertz worker.

"They are doubts they gave us, doubts that, coupled with the evidence, gave us the certainty we took the right people to justice," said Isolda Ibarra, the prosecutor.

But Rojas, the defense attorney, said the judge overlooked stronger defense evidence.

The judge heard testimony from Ricardo Castillo, an established journalist in Managua, who said he was with Volz from about noon until 2 p.m. that day. "Ricardo Castillo is not credible," she said.

Toru?o permitted only two additional defense witnesses to testify. Others, including a gardener, a maid, employees of Volz's magazine and a couple of visitors, were not needed, she said, explaining that their testimony would be redundant.

Rojas introduced cellphone and time-stamped instant-messaging records that he said proved Volz could not have been even close to the crime scene at the time of Jim?nez's killing. Toru?o said that someone else could have been using the cellphone and that "technological advances" in instant messaging did not permit the court to know Volz's whereabouts when he was sending messages.

There was no physical evidence tying Volz, or anyone else, to the scene of the crime. The judge and prosecutor both criticized the crime scene worker, Noel Mart?n Corea, with Toru?o saying he "didn't even know what he analyzed, he cannot even describe it, he cannot even read his own report."

But Corea's mistakes didn't hurt the prosecution's case.

"The fact that there is no hair, nor semen, nor saliva, nor fingerprints from Eric Volz or the other young man does not signify they weren't there," said Ibarra, the prosecutor.

The conviction rested largely on the testimony of Nelson L?pez, a 24-year-old surfing instructor who was initially arrested in the crime but was granted immunity for his testimony against Volz. On the witness stand, he rambled and admitted to being a drunk.

L?pez said Volz had asked him to be outside Jim?nez's shop at 1 p.m., just after the slaying. He also said Volz paid him a few dollars to receive a pair of bags that he

carried out of the store. Lopez then walked a few feet, he said, and placed the bags in a car.

Rojas said that it defies logic that a killer would ask someone to be outside the crime scene and would pay someone to carry two bags, which Lopez acknowledged were very light.

Volz is now hoping that a three-judge tribunal in Granada will rule favorably on his appeal, a decision that could be made this month.

Family and friends are not taking any chances. They have set up a Web site for Volz and produced a video about the case that has had nearly 100,000 viewings on [YouTube](#). Volz's mother, Maggie Anthony, has quit her job as an interior designer, devoting herself full time to raising money for the defense and traveling to Nicaragua.

"We spent our life savings in attorneys' fees, hotel rooms and airfares," she said. "This is what you do for your children."

Volz spends his days in La Modelo. He receives frequent visitors, though the authorities have begun to bar reporters. He's read an autobiography by Rubin "Hurricane" Carter, a [New Jersey](#) boxer who has long contended he was framed for murder. And Volz answers notes sent by friends, telling them he tries to remain upbeat.

"I am in prison, but the prison is not in me," he said. "I have learned that I can endure."