

Miami Man's Battery Charge Dropped Under Florida's 'Stand Your Ground' Law



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Gabriel Astengo in court on Monday, Oct. 19, 2015.

A man facing a battery charge stemming from a fight in an elevator in a Miami building had the charge dropped Monday under Florida's "Stand Your Ground" law.

Gabriel Astengo, 68, had been facing an aggravated battery with a deadly weapon charge in the January incident involving Juan Alvarez.

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Astengo was going to a doctor's appointment at the building at 330 Southwest 27th Avenue when he got into an argument with Alvarez, an employee of the building, court records showed.

During the fight, Astengo pulled out a gun and hit Alvarez on the head with it, but Alvarez continued to fight. Bystanders held Alvarez until officers arrived.

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"I pushed him twice, he then threatened to kill me. I tried calling police but I didn't have time because he threatened me," Astengo said in Spanish.

The incident was captured on the building's security cameras as the fight moved from the elevator and into the lobby.

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"I'm extremely grateful that the judge saw things for the way they were, very thankfully everything was caught on video," defense attorney Susy Ribero-Ayala said after Monday's hearing. "This was a case that should not have been litigated, it took us a lot of time to go frame-by-frame through the video to be able to prove that Mr. Astengo was in fact just minding his own business and defending himself."

Alvarez didn't attend Monday's hearing where Miami-Dade Judge Yvonne Colodny dropped the charge.

"It was clearly self-defense, it was very clearly self defense, he really was minding his own business and this other man came and starting insulting him and starting getting in his face," Ribero-Ayala said. "It was a very very clear-cut case of self-defense and 'Stand Your Ground,' you don't have to sit there and take somebody assaulting you."

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