

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

NO. 76-8145 Durant

STATE OF FLORIDA,)
)
Plaintiff,)
)
vs.)
)
VALENTIN HERNANDEZ,)
)
Defendant.)
)

Miami, Florida

November 3, 1978

2:30 p.m.

APPEARANCES:

JANET RENO, State Attorney, by
ROBERT KAY, Assistant State Attorney,
on behalf of the Plaintiff.

NATHANIEL BARONE, ESQ., and CARLING
STEDMAN, ESQ., on behalf of
the Defendant.

DEPOSITION

OF

MIKE LEMUS

Q Did you know that man?

A No.

Q Did you know him back in 1973?

A No.

Q Did you ever give any testimony concerning an alleged threat that Mr. Hernandez made against Luciano Nieves at or after a trial or a hearing in an aggravated assault case?

A No. In the courtroom I never spoke to anybody about it.

Q Let me take it one step back further. I know you were a witness in the aggravated assault case.

A Yes.

Q This was an incident that allegedly took place in the Versailles Restaurant on Southwest 8th Street?

A Yes.

Q Outside of that alleged incident have you ever heard Mr. Hernandez make some alleged threats against Mr. Nieves?

A Specifically hear him, no.

Q Were you present when any alleged threat

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by Mr. Hernandez was supposed to have been made against Mr. Nieves other than the aggravated assault case?

A Yes, I was.

Q Was this in this building here?

A Yes.

Q Where were you when the alleged threat was supposed to have taken place?

A I was walking into the courtroom from the corridor and Luciano was walking right behind me. Luciano turned around and spoke to a group of people which Hernandez was in the center. He told them, "I am the one who is going to break your balls." In Spanish, especially the Cubans, the expression, "break your balls" means a threat, like I'm going to kill you or I'm going to do something real bad to you.

Q Mr. Nieves made that statement? *Recipist?*

A Yes, talked back and at that time I asked him, I was trying to avoid any further fights, any further incidents and I signaled him to follow to the front of the courtroom and I asked him what happened. He said, "He is threatening me."

Q Outside of that did you ever hear anything?

every other Sunday. He placed a few ads in the paper and I got to know him that way. He had a few problems with credit or some other personal problems that was under my category of solving problems, like I told you before. It was very similar to the Action Line. I helped him in different problems that he had and the date of the incident I was also solving one of these many problems.

Q Could you give me a little idea what these problems were that Mr. Nieves had?

A Well, he had credit problems. That was the major problem he had. Somebody had repossessed a refrigerator or a stove. I don't remember what it was. I was interfering to get the article back to him.

MR. KAY: I didn't hear what you said.

THE WITNESS: Either a refrigerator or a stove. I'm not sure what it was.

Q (By Mr. Barone) Some appliance?

A Some appliance. I tried to help him that way or with some other paper.

At the time that we were in the restaurant I was helping locate his son. He was divorced. He had a 14 or 15 year old son that he

claims he didn't see in many years. He asked me as a personal favor to locate the son for him, which I did.

In fact, I have located the son in school, followed him from the school to his residence to establish where he was living. On that specific date he was paying me lunch and that was in gratitude to the favor I did to him.

Q In your duties on Replica did you do any political writing?

A None, never.

Q How would you style yourself as to your attitudes towards Mr. Castro, and let's take it at two places in time, back in 1973 and we will say today, if there has been any change?

A Back in those days I was completely into Castro. Anything anybody said in favor of Castro without thinking twice I would go against it even if it was something that will prove otherwise.

At the present time I will give it some thought and see who has the reason, why one side or the other, and just I will hear both sides before I make a decision.

Q In other words, today you are a little

between you and the Latin officer?

A. He wanted to know specifically about the incident in the courtroom, whether there were some threats made or not. My response was the same as my response to you.

Q. That you had actually heard Mr. Nieves threaten Mr. Hernandez?

A. Actually, I knew that Hernandez threatened Nieves and Nieves responded to Hernandez by telling "No. I am the one who's going to break your balls and squeeze you," but I wasn't able to testify whatever Hernandez said.

Q. You never actually heard it?

A. I never actually heard it. I did give a deposition at the State Attorney's Office. In fact, my memory was very fresh at the time.

Q. That was several years ago?

A. Yes, back in '73, one or two weeks after the incident happened.

Q. From that date to this have you given any statement to the State Attorney's Office?

A. No.

Q. Have you received any subpoena advising