

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

CRIMINAL DIVISION

CASE NO.: 81-17247

THE STATE OF FLORIDA,

Plaintiff,

v.

Part III

ALFREDO ARIAS, et al.,

Defendants.

\_\_\_\_\_ /

1351 Northwest 12th Street,  
9th Floor,  
Miami, Florida,  
Tuesday, April 6, 1992,  
11:05 a.m.

DEPOSITION OF RICARDO MORALES NAVARETTE

Taken before JOYCEE WAX, Shorthand Reporter  
and Notary Public in and for the State of Florida at  
Large, pursuant to a Notice of Taking Deposition,  
filed in the above-styled cause.

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INDEXED*

*Joycee Wax*

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APPEARANCES:

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RINA COHAN, Assistant State Attorney,  
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PETER OUTERBRIDGE, Assistant State Attorney,  
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ALSO PRESENT:

FRANK CASTRO, Defendant  
CARLOS QUESADA, Defendant  
MIGUEL A. FERNANDEZ, Defendant  
JOSE MARCOS, Defendant  
LILLY MESTRE  
RAUL VILLAVERDE, Defendant  
ANA CASTRO  
OFFICER D. C. DIAZ

- - - - -

I N D E X

Witness

Direct

Ricardo Morales Navarette

3

CERTIFIED QUESTION

PENGAD CO., BAYONNE, N.J. 07002 - FORM FL 19

1 Thereupon--

2 RICARDO MORALES NAVARETTE,  
3 was called as a witness on behalf of the Defendants  
4 and, having been first duly sworn, was examined and  
5 testified on his oath as follows:

6 DIRECT EXAMINATION

7 BY MR. WILLIAMS:

8 Q Would you identify yourself for the record,  
9 please?

10 A Ricardo Morales Navarette.

11 Q Are you the same person who has been in  
12 deposition with Ms. Cohan, Mr. Carhart, and me, among  
13 others, since this past Friday?

14 A Yes, sir.

15 Q Have you had the opportunity since we  
16 finished yesterday afternoon to reflect upon anything  
17 that you said in the course of testimony yesterday  
18 to the extent that you feel it necessary to correct or  
19 modify anything that you said yesterday in the course  
20 of testimony?

21 A Yes, on two questions that were put up to me  
22 by at least two questions, I believe, that were put up  
23 to me by Mr. Carhart with regard if I, during my stay  
24 in Caracas, Venezuela, if I recruit or attempt to recruit  
25 members of the Cuban Intelligence Service, which I do

1 recall that I answered yes.

2 I want to point out that there is a very  
3 sensitive matter, that that kind of intelligence can  
4 be gathered very easily by the Counter Intelligence  
5 Service, the Communist Government of the Republic of  
6 Cuba, and that I do believe that, according to my  
7 old profession, that those two questions might be  
8 taken in the context of my philosophy as being put up  
9 by Mr. Carhart performing the job of a surrogate.

10 Q For whom?

11 A That, I would like to know.

12 MR. CARHART: In other words, you are  
13 accusing me of being a surrogate for somebody?

14 THE WITNESS: I'm not accusing you of any-  
15 thing, Mr. Carhart.

16 MR. CARHART: Let me tell you something,  
17 Mr. Morales: When it comes time for you to  
18 accuse me, that will be the day.

19 MS. COHAN: Objection.

20 Mr. Carhart and Mr. Morales, please remain  
21 civil.

22 MR. WILLIAMS: Okay.

23 MR. CARHART: That was civil.

24 THE WITNESS: That was civil.

25 MS. COHAN: Let's hope it doesn't get any

1 worse.

2 MR. WILLIAMS: Well, they seem to have  
3 reached an agreement.

4 MS. COHAN: Okay.

5 BY MR. WILLIAMS:

6 Q Ricky, let me ask you this: Because while  
7 I certainly want and need and intend to examine you  
8 as thoroughly as I am able to on behalf of my client,  
9 I still want to be fair to you in your posture or  
10 capacity as a witness--

11 A What?

12 Q In your capacity as a witness--

13 A All right.

14 Q The record is going to reflect the presence  
15 of several of the defendants and/or members of their  
16 immediate families for this session, and especially  
17 because we are in what, although by the State  
18 Attorney's standards is a lavish, is nevertheless a  
19 relatively small space, I want to know for the record,  
20 whether the presence of these parties to this action  
21 causes you any kind of a problem that might bear upon  
22 your ability to testify comfortably and openly?

23 A Not as far as not being interrupted by  
24 any one of them.

25 Q Nobody is going to interrupt you. Nobody

1 is going to say a word, and you don't have to be  
2 concerned about that, because between Mr. Carhart  
3 and me and Ms. Cohan, we will run this deposition the  
4 way the law says it should be run, but I want to know  
5 whether the mere fact of the presence of any of these  
6 people or the numbers of people who are present in a  
7 relatively small room like this, if either of those  
8 things is distracting to you to the extent that it  
9 would affect your ability to reflect and give accurate  
10 testimony?

11 A. Not so far.

12 Q. Okay.

13 If it becomes a problem, you let me know,  
14 and we will try to work it out, because I want to  
15 make sure that the record clearly says that nothing  
16 is taking place that, you know, would impede or  
17 otherwise affect you ability to recall and give testi-  
18 mony; okay?

19 A. That is correct.

20 Q. Why don't you and I just work as though  
21 there was nobody else present except for the other  
22 lawyers and go on that way?

23 MS. COHAN: Objection. Self-serving.

24 There are other people present. Mr. Morales  
25 will answer questions put to him.

BY MR. WILLIAMS:

1           Q     You told me yesterday, Ricky, that you have  
2 recalled participating in some way or another in the  
3 bombing of the home of John Clarence Cook, and it was  
4 on that note that we recessed.

5           A     That we were recessed.

6           Q     What was the nature of your participation in  
7 those episodes, and can you put a date to them to  
8 begin with?

9           A     Okay. I am going to answer to your question.

10                     Sometime around 1967, a friend of mine by the  
11 name of Luis Posada, who was in the process of moving  
12 to Caracas, Venezuela, to assume the position of  
13 inspector of DISIP at the time over there, and sub-  
14 secondary, he wound up by being a commissar in charge  
15 of the same division that later on I took over, made  
16 a phone call to my home, and he asked me for some help.  
17 Actually, was not help.

18                     He told me that he has some technical  
19 problems, problems with a couple of bombings that he  
20 has performed.

21                     One was over at Treasure Island, which is  
22 in the North Bay Village area, and the second one--  
23 it was a case of sort of mistaken identity when he  
24 bombed the Epicure Restaurant.

25           Q     Go ahead.

1           A     He asked me if I could do the first job.  
2 It was the intended target--a car, and I told him,  
3 "Listen, this is going to be the second time, so it's  
4 going to be a little risky," and he say, "Yes, I know,  
5 but I can't go into the place no more," so he provided me  
6 with the location of the building.

7           He provided me with the information about  
8 what kind of a car it was and the license plate of the  
9 car, and he said that if I would need--he asked me if  
10 I would need any equipment to perform the bombing of  
11 that car and I said, "No, I have enough resources to  
12 do it on my own," so I went over there, you know, and  
13 blew the car apart.

14           Q     Whose car was it?

15           A     Huh?

16           Q     Whose car did you know it to be?

17           A     According to the newspapers, it belonged  
18 to a bookie.

19           Q     By the name of?

20           A     I don't remember the name of the person.

21           Q     Was it the car that Mr. Posada has targeted  
22 for you?

23           A     Yes.

24           Q     Did he let you know afterwards that you had  
25 gotten the right car?



1 A Yes.

2 Q You weren't paid anything for that; were  
3 you?

4 A He split--he told me I would be compensated,  
5 and he split 800 with me.

6 Q Did he tell you the purpose of the bombing?

7 A No. Well, the purpose was to destroy a car.

8 Q Yes, well past that. It was obviously to  
9 have some kind of an effect on the owner of the car.  
10 Did he tell you what the effect was?

11 A Not at that moment.

12 Then, a few days afterwards--

13 Q Let me ask you this about that, Ricky, before  
14 you go on: As I understand, then, the situation was one  
15 in which--was Posada a good friend of yours?

16 A Yes.

17 Q So, the situation was one in which a good  
18 friend of yours came to you and said, "Do this. It's  
19 a bombing"?

20 A "I already failed." There was misfire of  
21 some kind.

22 Q And because he was a friend of yours and  
23 you wanted to help him out, you went ahead and did it;  
24 is that essentially it?

25 A That is essential.

1 Q So, a couple of days after, a few days  
2 after that--

3 A A few days after that, whenever he came  
4 again to me, and he referred to the Epicure affair,  
5 and he told me the main target was Alfie's Newsstand,  
6 that it would require some expertise since the purpose  
7 was to place a device inside the newsstand that was  
8 being run by some bookie, but at the same time, that  
9 this place was supposed to get a lot of damage, a full  
10 mirror was also to be broken apart, so the bookie  
11 operation would be uncovered, which was being performed,  
12 which it was going to be performed there, so by this  
13 time, I asked him, you know, "Well, this--you know,  
14 that will require, you know, some inside recognizance  
15 of the place."

16 He also mentioned that I would be compensated  
17 for that job, and then, I asked him, "Listen, Luis,  
18 you know, who's after all this bombings and things,"  
19 and he said this fellow by the name of Frank Rosenfeld.

20 Q Is that the fellow also known as Lefty?

21 A Later on, I found out that his nickname is  
22 Lefty, so I went into Alfie's, which was located at  
23 Alton Road, and did a recognizance from the inside,  
24 and saw, that mirror partition that was there, that  
25 was supposedly, you know, hiding the booking operation

1 of whoever was the owner of the place or whoever were  
2 the people involved in that kind of operation, and  
3 I went back to Luis and I said, "Luis, the job can be  
4 done. I can do it the way that, you know, this fellow,  
5 you know, is requiring you to do it. There's a lot of  
6 cops there. For all I can tell you, it's because it's  
7 obvious by this time that there was a case of mistaken  
8 identity in the Epicure, which was located either next  
9 to it or some other places in between, and I would  
10 like to meet this guy and know who he is--you know,  
11 who he works for--you know, what the intentions are,  
12 you know, and things like that, because it's a very  
13 risky proposition now," and he set up a meeting at the  
14 Fun Fair on the Causeway and 79th Street, which I knew  
15 very well, because I used to park cars at the Luau  
16 Restaurant on 79th Street.

17 Q This is going back a long way?

18 A Yes. Sidney Mass was the owner, and I met  
19 Lefty, and I talked to him.

20 He told me that he was from Jewish extraction,  
21 that he was an affiliate member of the organized  
22 crime family in Chicago, that currently he was the  
23 owner or co-owner of a place known by Multiply Sports  
24 or something like that, that they were putting out a  
25 sheet, s-h-e-e-t, where the orders for gambling, or

1 whatever, you know, race horses or whatever, you know,  
2 that he was not exactly a convict, basketball fixer,  
3 but he pled no contest to a charge of fixing a basket-  
4 ball game sometime in the past, that he was a former  
5 sergeant in the United States Army, that he fought in  
6 Korea, that he was an usher in Chicago theater, that  
7 Chicago was his kind of a town, and that--

8 MS. COHAN: That's a song--My Kind of Town,  
9 Chicago Is.

10 THE WITNESS: That's what he said, and at  
11 the time, there was sort of a bookie war goign on,  
12 and I have been recommended to him very highly  
13 by Luis as the right man to do that kind of a,  
14 you know, tricky job, you know, and he explained  
15 to me that the fellow running Alfie's has refused  
16 to buy the sheet that they were putting out.

17 He also mentioned his partner, Solomon  
18 Green, or Sam Green--whatever was the name.

19 BY MR. WILLIAMS:

20 Q Lefty's partner?

21 A Lefty's partner in that Multiplies Sports  
22 System or whatever was the name, and that he didn't  
23 want anybody to get hurt, but the main purpose was to  
24 drop that partition, mirror partition, or whatever it  
25 was, so by the time when, you know, he told me that they

1 had, a very good understanding with law enforcement  
2 officers and things like that, and that some people  
3 were, you know, ready to go into the place, you know,  
4 and make arrests, you know, after the bomb destroyed  
5 that partition and uncovered the operation; that also,  
6 I mentioned to Lefty, "Listen, the whole place is  
7 crowded with cops, you know. It is obvious, according  
8 to the newspapers, that they are expecting Alfie to  
9 get hit, so it's a very risky proposition," and Luis  
10 said, "Well, Ricky, you can do it. You know, you have  
11 the expertise," and I said, "Well, okay, I am going to  
12 give it a try," so I did it, and everything went  
13 according to my plans.

14 The partition was destroyed by the blast.

15 I placed the device in a phone booth that  
16 was inside the place.

17 The partition came down, the bookie operation  
18 was uncovered.

19 Q What kind of explosive device did you use?

20 A Oh, I used C4 and time delay pencil.

21 Q Were you paid for that, Ricky?

22 A I was compensated with a thousand.

23 I don't know how much Luis got out of it.

24 Q Now, you put this back around in 1967 or

25 so?

1           A     1967, yes.

2                     It was--if you go to the papers, you will  
3 know when the whole affair started.

4           Q     I think I have an independent recollection  
5 of it.

6           A     I believe that Mr. Carhart would have a  
7 very good recollection about it.

8                     MR. CARHART: (Nodding in the affirmative.)

9                     BY MR WILLIAMS:

10           Q     How does the time with the John Clarence Cook  
11 episode--

12           A     Oh, that came afterwards.

13                     At that time, Luis, who was in the process of  
14 leaving the country to go to Venezuela to work for the  
15 DISIP, and he was building homemade time delay pencils,  
16 and he had sold about eight of those to Lefty and he  
17 never told me that, so when Lefty showed me the time  
18 delay pencils, right away, I told him, "Listen, these  
19 are not the ones, you know, that I know. I don't know  
20 where this came from or whatever," so he got very  
21 pissed off with Luis, but by the time that he tried to  
22 reach Luis, Luis was already in Venezuela.

23           Q     There was something wrong with the pencils;  
24 they weren't properly made?

25           A     They were homemade. I mean, that means that

1 they could go off, you know, at the same time that  
2 you crush the capsule, or maybe five days after, later,  
3 or ten days later, or whatever, and it was sort of a  
4 scam that Luis put up to him.

5 Q When you want to get time delay fuses around  
6 that period of time--

7 A Not fuses--time delay pencils.

8 Q Pencils.

9 When you wanted to get them, what was your  
10 source for them?

11 A Oh, there was a market for that all over town.

12 Q Were they, at the time, commercially manu-  
13 factured?

14 A The first time that I saw them was during  
15 training with the company.

16 Q What I am asking is whether they were  
17 commercially manufactured by some munitions company or  
18 something like that?

19 A I am not aware of that.

20 Q Who made them if not the people?

21 A I don't know.

22 I believe that somebody have to make it,  
23 but I don't know the name of the company or where  
24 they are built or whatever.

25 Q But, in any event, the stuff that you saw

1 in Lefty's possession, which he apparently had gotten  
2 from Posada, was in your judgment, poorly made and  
3 not adequate?

4 A Not the real McCoys.

5 Q When you mentioned that to Lefty, did you know  
6 at the time that it would get him irritated with Posada?

7 A Well, I didn't know that Posada was the one  
8 who gave him those pencils, and he didn't say nothing.

9 He got really pissed off, and he said, "I  
10 would get back to you later on," that he was going to  
11 do some of research on his own, whatever, so finally,  
12 he came back to me, and he said that, you know, "Your  
13 friend, Luis, you know, took me. I have been had,"  
14 and I just laughed to that.

15 Q Did Posada ever confront you afterwards and  
16 say, "Hey, creep, you planted me up to Lefty," or  
17 something like that?

18 A Well, in Venezuela, we talk about it.

19 Q Did he ever complain that you got him in  
20 trouble to Lefty?

21 A No, because he was in the process to leaving  
22 the country, so he couldn't care less.

23 Q How does that tie into John Clarence Cook?

24 A Wait.

25 I developpe sort of a friendship with Lefty,



1 and I used to go down with him to places where he was  
2 meeting with, you know, his so-called organized crime  
3 friends, you know.

4 I used to go almost every night with him,  
5 you know, for dinner in Capra's Restaurant.

6 Q When he told you that he was associated with  
7 organized crime out of Chicago, did you believe him?

8 A Well, it was interesting anyway. It was sort  
9 of fascinating. I never been exposed to that kind of  
10 a situation.

11 I had--he was a Jew, and he told me that he  
12 was affiliated--that actually, he was not a Spaghetti,  
13 but he was--

14 MS. COHAN: Is this the way you phrased it?

15 THE WITNESS: But, he was meeting--Douglas,  
16 for Christ's sake, I mean, don't crack me up.

17 BY MR. WILLIAMS:

18 Q I am not saying a word. I am just listening.

19 A He was, you know, meeting with him, and they  
20 hold their little meetings, you know.

21 To me, it was fascinating to see all those  
22 things happening.

23 Q Did you ever get to the spot where you were  
24 satisfied that he was really organized crime connected  
25 and not just giving you a line?

1 A No, definitely.

2 I was truly satisfied that he was really  
3 connected with Italians.

4 Q Okay.

5 John Clarence Cook?

6 A Okay. They were friends. They were friends  
7 apparently, and he introduced me to John in one of  
8 those dinners that we used to have at The Place for  
9 Steak at 79th Street, and just happened that John was  
10 living close by the place--you know, not across the  
11 Bay, but if you are going down on Biscayne Boulevard  
12 and 83rd or 81st--whatever was his address, everybody  
13 knows where his address was, and John's wife was a  
14 former bunny in a Playboy Club, that John was the  
15 best jewelry thief in the whole nation, and master of  
16 disguise and things like that, so there came a time  
17 when Lefty called me up one night, and he was living  
18 around that San Souci neighborhood in North Miami--  
19 it was a line of townhouses there, and there was, at  
20 the end of the line on the back part of that line of  
21 townhouses, there was a 7-Eleven, and we used the  
22 public phone there as means and ways of communications,  
23 and I went down there, and he said, "Listen, you know,  
24 I want to bomb John Clarence Cook's house," and so,  
25 go down and case, you know, and he told me, "There is

1 going to be a Cadillac parked in front of the house.  
2 There is a Donzi Boat underneath sort of a carport,"  
3 and that he wants the car, the front of the house,  
4 and the Donzi Boat demolished, and that if I was able  
5 to do it--you know, all those things at the same time,  
6 and I said, "Yes, I will use a standard charge to do  
7 that," and that was the first time, and--

8 Q And did you?

9 A Yes, I did.

10 Q Did Rosenfeld tell you why he wanted Cook's  
11 car and boat blown up?

12 A No.

13 He had developed some sort of animosity  
14 with the guy.

15 Later on, I found out that it was because of  
16 the wife or whatever.

17 Q Why don't you do this: Why don't we wait  
18 until the prosecutor gets back?

19 All right. Go ahead, Mr. Morales.

20 You were telling us that, so far as you  
21 could tell, there was some kind of animosity?

22 A Animosity, bickering--you know, some money  
23 that was not split between the two of them--somebody  
24 that, you know, has robbed somebody else; that, at  
25 one point, John was kidnapped by somebody, and that

1 some money was taken out of the place, that, you know,  
2 many war stories, you know that you know, cannot  
3 relate it to you in the proper manner because of the  
4 years have passed, so I did the first job there.

5 Q Let me ask you this: Lefty made it plain to  
6 you that for some reason or another, whatever the  
7 reasons were, he was angry at Cook or wanted to do  
8 something to upset Cook in some way?

9 A Well, if you call to be upset, about you  
10 know, being bombed, you know.

11 Q That would do it, I think.

12 A That will do it.

13 Q Works every time?

14 A Yes.

15 Q Did you and Lefty talk about your getting  
16 paid for it?

17 A Of course.

18 I asked him because since he was not providing  
19 for equipment, I was to have to use a lot of equipment  
20 to get it over with.

21 I have to use a standard charge. I would  
22 employ the use of prime cord on different charges.

23 Q So, what conversations did you have? What  
24 was finally worked out with Rosenfeld about getting  
25 paid?

1           A     A thousand.

2           Q     Was that to include your equipment?

3           A     Yes, include everything.

4           Q     Did Lefty tell you anything about, or did  
5 you know anything about Cook's family situation aside  
6 from his wife?

7                     Did he have kids, did he have dogs, were  
8 there other people living in the house--that sort of  
9 thing?

10          A     No, I found out later. I know that he had  
11 got a wife.

12          Q     When Lefty made it apparent to you--did he  
13 tell you this time around that he didn't want anybody  
14 to be hurt again?

15          A     Yes. Specifically, he pointed to me the  
16 Cadillac, the front of the house, and the Donzi Boat  
17 and the carport or the partition that was there.

18          Q     Did that pose any kind of a technical problem  
19 for you to fashion and locate an explosive device that  
20 would do those things, but not go further, or was  
21 that something within the area of your expertise?

22          A     That is in the area of my expertise. I know  
23 how to do that without causing bodily injury to some-  
24 body.

25          Q     So that you were satisfied that you weren't

1 running a risk of doing physical harm to folks if that  
2 wasn't your intent; correct?

3 A Definitely not.

4 Q That was something that you could handle,  
5 because you knew how to--

6 A Oh, yes.

7 Q (Continuing) -- make that kind of a bomb?

8 A Oh, yes.

9 Q All right.

10 A So, the first job was done, and--

11 Q Do you remember when that was, Ricky?

12 A No.

13 1967, Douglas. I'm sorry. I don't have a  
14 specific date for that. 1967.

15 Q What happened after that?

16 A Well, that was done sometime around three  
17 o'clock in the morning, and the next day, at three  
18 o'clock in the afternoon, Lefty was again on the horn  
19 asking for me, and he said that he wants the boat,  
20 also, that was marooned in a canal on the back of the  
21 house.

22 The boat went by the name of MARIANNE or  
23 something because related to John Clarence Cook--

24 Q Wife?

25 A Wife.

1 I believe it was Marianne, and so, I  
2 went over to the place.

3 I make a reci of the area.

4 MR. CARHART: A what of the area?

5 THE WITNESS: Recognizance.

6 BY MR. WILLIAMS:

7 Q What is the term that you used?

8 A A reci, recognizance of the area.

9 I went back to him, and I said, "I will have  
10 to swim to get over there," and he said, "But I want  
11 the boat," and I said, "There is a lot of cops over  
12 there," and he said, "Don't worry. You are going to  
13 have support from police officers, you know, that are  
14 friendly with us, who are going to secure the area for  
15 you," and I said, "Well, you know, but the other not-  
16 so-friendly police forces, you know, might be around  
17 them, or whatever," and he said, "Don't worry. Go  
18 ahead and do it"--that you have support from friendly  
19 forces.

20 Q Did Lefty tell you; I mean, in terms that  
21 were clear to you, that you could count upon support  
22 from police officers in the vicinity?

23 A I already knew who was going to be my  
24 support in police officers.

25 Q How did you know that?

1           A       Because I had seen him meeting with Lefty  
2 and with Peanuts Cacciatore and a lot of other  
3 Italians over Capra's.

4           Q       Who was it that he was talking about?

5           A       Lieutenant Black.

6           Q       Charlie Black?

7           A       Yes, sir.

8           Q       From the Public Safety Department?

9           A       Yes, sir.

10          Q       Did you confirm that on your own; I mean,  
11 either in the course of this second bombing of the  
12 Cook area or from some other way?

13                   Did you eventually obtain objective  
14 information that Black was, in fact, covering Lefty?

15          A       Yes.

16          Q       Go ahead.

17                   Let me ask you this: Did Rosenfeld tell  
18 you why it was that he wanted to come back on Cook  
19 the second time so quickly?

20          A       No.

21                   It was--listen, Lefty is a very enjoyable  
22 character, you know, and he was so elated with, you  
23 know, the first job, that he wants to show, you know,  
24 how his power. He said that some New York families  
25 were complaining about what the Chicago people were



1 doing, that he was going to teach them a lesson, you  
2 know, and things like that, and he was riding on  
3 Cloud Nine, and so, that same night, I went over to an  
4 open space that is no longer there anymore because  
5 there is construction have been built up there, and  
6 I jumped into the Bay, and I swam with five pounds of  
7 C4, a time delay pencil inside a prophylactic, and a  
8 cord that I hold, you know, with my teeth, and you know,  
9 I swam very slowly through the canal.

10 There was a row of houses on that one side,  
11 and then, I finally, reached the MARIANNE, which by  
12 this time, has been out of the water. It was--you know--

13 Q On davits?

14 A Right, those things there, and I used to  
15 remember there was a house across the canal, and there  
16 was a lady there, you know, washing her china, and I  
17 have to wait about 45 minutes until she finish off,  
18 because, you know, I didn't want any flying glass to  
19 hurt the woman, so I remain there for about 45 minutes,  
20 you know, until, you know, this lady, you know,  
21 finished in the kitchen, and I dumped it, the device,  
22 and I swam away from the place.

23 Q WAS the lady cleaning the china at another  
24 house; not at Cook's house?

25 A No, not at Cook's house. It was across from

1 the canal.

2 Q Go ahead, sir.

3 A That's about it.

4 Q So, you blew up the boat?

5 A That's right.

6 Q Did Rosenfeld ever tell you that he was  
7 going to let Cook know that the bombs had come from  
8 him, Rosenfeld?

9 A That happened later, because there is other  
10 bombing involved that it was John's idea, which I  
11 cannot place in time and space of, you know, the  
12 bombings that I have been mentioning to you.

13 Q But, doesn't it seem--I mean, it seems to  
14 me that if somebody is going to do that kind of thing  
15 in that context, like people involved in different  
16 criminal enterprises, or business, or whatever,  
17 where one wants somebody else to be bombed, that  
18 there is a purpose in doing it to let the recipient  
19 of the bomb know where it comes from?

20 A I will get to that, if you let me answer  
21 the question.

22 Q Is my assumption correct in that regard--  
23 it wouldn't have any effect, wouldn't have the desired  
24 effect?

25 A Lefty was the first one at the scene everytime

1 after the bombings giving a helping hand to his friend.

2 Q That was Lefty's way of letting Cook know  
3 that--

4 A No, no. Let me keep going with, you know,  
5 my association with Lefty and what happened there.

6 In between or after, you know, all that  
7 mess that I am talking about, one day, Lefty got on the  
8 horn again with me--I mean, telephone, and he asked me  
9 to meet him at the front there.

10 I don't know if this happened before John  
11 was bombed or afterwards; okay, but it's part of  
12 what happened there, and he says that one of John's  
13 kids has been threatened by somebody who has, you know,  
14 threatened the kid with death or something like that  
15 or the wife, or you know, somebody that was really  
16 pissed off, that he was, you know, being harassed by  
17 somebody and then you know, John wants to send a  
18 message back, you know, in the form of a bomb to  
19 somebody, but that they have to wait for a police  
20 officer who will come up with the address of the  
21 intended target, so we were waiting in different  
22 cars there.

23 Q Is that police officer somebody that you  
24 knew?

25 A When the so-called police officer arrived,

1 I identified him immediately.

2 Q Who was it?

3 A Guillermo Zamora.

4 Q Did you know Zamora before that?

5 A In fact, yes, because he arrested Alberto  
6 Perez, who was one of my friends in the Congo after  
7 we returned, and on sort of a traffic charges, and I  
8 was the interpreter for Alberto Perez in court.

9 He was represented by an attorney by the  
10 name of Richard Barrett who was--do you know who I am  
11 talking about?

12 Q I have heard the name.

13 A Okay. That was the attorney that was  
14 recommended to Alberto by the CIA.

15 MR. CARHART: By whom?

16 THE WITNESS: By the Central Intelligence  
17 Agency, and Mr. Barrett, or whatever was his  
18 name, mentioned that he was Officer Zamora's  
19 company commander while Zamora was serving in  
20 the Marine Corp, that he was his company  
21 commander, that he will have no problems dealing  
22 with Mr. Alberto Perez' traffic charges.

23 BY MR. WILLIAMS:

24 Q So, your Fun Fair with Lefty Rosenfeld  
25 and Guillermo Zamora's traffic charges come up, and

1 gave Lefty an address; correct?

2 A Not to me. To--

3 Q No, to Lefty?

4 A To John~Clarence Cook.

5 Q I thought--I'm sorry.

6 A We were sitting in different cars, and  
7 you haven't asked me who was who with whom.

8 Q All right.

9 It was Lefty who had called you to meet at  
10 Fun Fair; correct?

11 A Right.

12 Q By what you say, obviously Cook was also  
13 there?

14 A Yes, Cook was there.

15 Q In his own car?

16 A Yes.

17 Q (Continuing) --or in a different car from--

18 A Yes, everybody has a car.

19 Q Who else was there besides the three of you,  
20 and when he arrived, Guillermo Zamora?

21 A And nobody else.

22 Well, there was the customers at the Fun  
23 Fair, you know.

24 Q Obviously.

25 So, when Zamora arrived, it was for the

1 purpose of giving an address to Lefty and Cook?

2 A Not to Cook.

3 Q Okay.

4 A He never came over to our car. I mean,  
5 by this time, Lefty and myself--we were in one car,  
6 and John was in his car.

7 MR. CARHART: And Zamora is in still a  
8 third car?

9 THE WITNESS: Oh, yes.

10 BY MR. WILLIAMS:

11 Q And went over to John Clarence Cook?

12 A That is right.

13 Q And obviously, had some conversations?

14 A The two of them were inside the same car.  
15 I dodged, you know.

16 Q You ducked?

17 A Yes, definitely.

18 Q You didn't want Zamora to see you?

19 A No, just in case that he might recognize  
20 me, because he has seen me, you know, during that  
21 traffic proceeding in court, or whatever.

22 Q How long did that conversation last--a  
23 brief period of time?

24 A A brief period of time.

25 Q When Zamora left, did you, Cook, and

1 Rosenfeld get back together again?

2 A No, Cook walked over to the car that we  
3 were in, and Lefty stepped out of the car, talked to  
4 him.

5 Q When Lefty got back in the car, did you then--

6 A No, both of them came back into the car,  
7 and John said, "I got the address," and he gave it to me.

8 Q Do you remember who the target was, and what  
9 the address was?

10 A Wait. I got the address, and he says,  
11 "I want to be this thing done tonight," and I said,  
12 "Well, but what you want?" He said, "Just throw some-  
13 thing there--a hand grenade, a piece of explosive. I  
14 want an explosion over this fellow's house," so you  
15 know, I ran down to my--me, you know, through this  
16 Little Havana, whatever, and picked up the explosive  
17 device.

18 I went over.

19 Q Did you pick up something that was readymade,  
20 or did you fashion your own?

21 A I just grabbed a piece of C4, a safety fuse,  
22 and a blasting cap, and I went over to that address,  
23 you know, and threw it in the front yard, the front lawn  
24 of the house.

25 Next day, I found out from the papers that

it was the house belonged to a Miami police officer.

1 Q Who?

2 A (No response.)

3 Q You don't recall?

4 A I don't recall.

5 There was even a reward put out for the  
6 apprehension and conviction of the bomber.

7 Q Was anybody hurt?

8 A Nobody.

9 Q Was it, in any event, the right house for  
10 Cook's purposes?

11 A Yes.

12 Q Was it, in fact, the house?

13 A Well, according to the papers, yes.

14 Q Were you paid for that?

15 A I was damn upset.

16 Of course, I charged the guy 500 right on the  
17 spot, because, you know, I took off and said, "Well,  
18 let me have 500, you know, because since you want, you  
19 know, is really no cheap, you know, the materials are  
20 really going to be used and the time."

21 MR. CARHART: Ask him what he was upset  
22 about.

23 THE WITNESS: Okay. Just--

24 MS. COHAN: Finish the answer, and then you  
25



can get some coffee.

1 BY MR. WILLIAMS:

2 Q Why were you upset?

3 A About the police officer.

4 (Off the record.)

5 BY MR. WILLIAMS:

6 Q What upset you about the fact that it was a  
7 policeman?

8 A A police officer and a little girl that was  
9 inside the house.

10 Q Well, did your upset because the guy who  
11 was in the house was a police officer arise from the  
12 fact that since it was a policeman, you assumed that  
13 there would be more pressure put out to find the  
14 person who placed the bomb; wasn't it?

15 A It was the fact that I had seen a police  
16 officer giving the address of another policeman, and  
17 the fact that there was a little girl inside the house.

18 Q I can understand the little girl part,  
19 obviously.

20 What I am trying to find out is what  
21 bothered you about the fact that it was a policeman's  
22 house? Was it that you just tried to make your  
23 business not to bomb police, or because you assumed  
24 that it was a policeman's house, that there would be  
25

1 more pressure brought to bear to find the person who  
2 planted the device?

3 A Not because it was going to be more pressure,  
4 because since I have known Lefty's association, with,  
5 you know, law enforcement individuals and things like  
6 that, when I went back to Lefty and I made, you know,  
7 known to him, how upset I was, he told me not to worry,  
8 that it was an authorized hit, that he had checked it  
9 previously.

10 I complained to him that this is the first  
11 time that you actually have never tell me, you know,  
12 who the intended target was, you know, and why, and  
13 things like that, and I also made clearly to him that  
14 if I had known that it was a police officer involved,  
15 you know, I should never have done it.

16 Q At that time, did you have some code or  
17 some personal value or commitment that made you avoid  
18 doing harm to the persons or properties of law  
19 enforcement officers?

20 A Oh, definitely, and I still have.

21 Q That, I guess, is because of the close  
22 working relationship that you have always had with  
23 law enforcement people?

24 A I didn't have a close relationship with law  
25 enforcement people in 1967.

1           The only relationship that I had was with  
2 the company previously.

3           Q     Then, what was it, Ricky?

4           A     I mean, law enforcement, they do their job,  
5 you know. I mean, it's out of context--anything like  
6 that.

7           Q     Now, you told us of that episode in connection  
8 with your describing to us your association with Lefty  
9 Rosenfeld, but I had asked you about the purpose of  
10 exploding a device like that if the recipient or the  
11 target didn't know where it came from. Do you recall  
12 I asked you a while ago in that context, of one person  
13 wanting to get revenge against or harm another or warn  
14 another or threaten or intimidate or something like  
15 that, I had asked you if it was correct that it didn't  
16 make any sense to do that unless the recipient or the  
17 target eventually knew where it came from; huh?

18          A     Right, so eventually, Lefty, one day, told  
19 me, "Go by John's place, you know, and tell him that  
20 you were the one who bombed him."

21          Q     That was easy for him to say.

22          A     Yes, and you know, it was not so easy for  
23 me to do it, but I did it.

24          Q     Why? What did Lefty tell you his reason was  
25 for wanting you to do that?

1           A       So because Anthony Espilotro was flying  
2 down from Chicago. Also known as the Ant or the  
3 Thing, or whatever. He's a very short fellow--was  
4 flying in from Chicago.

5           Q       Was he Italian?

6           A       Yes, he is and was associated with--I just  
7 can't recall the name of it. It was Fifi--the nick-  
8 name of that Italian--Felix Alderezio (phonetic), or  
9 something like that.

10           He was flying in, and they were going to  
11 have John to agree to split the percentage of whatever,  
12 you know, jobs, scores he was pulling out, to split that  
13 he was going to make, that he was going to be able to  
14 work his profession as a jewel thief in Vegas, where he  
15 was barred from working.

16           Q       Cook was?

17           A       Yes, Cook was.

18           Q       Go ahead, sir?

19           A       So, I was the messenger boy for Cook to tell  
20 him I am the bomber, and I knocked at the door of the  
21 house, I went into, he was in the company of Mr.  
22 Manson Hill, and he was giving, or Cook was giving to  
23 him a saddle horse, because he was going back to  
24 Georgia or wherever he was going.

25           Q       Let me see if I understand this, Ricky.

1                   Were you told by Rosenfeld or by somebody  
2 else the purpose of the bomb? Were you told by the  
3 man from Chicago, himself, or were you told that?

4           A       No, no, no.

5                   I found out later. When Tony came down from  
6 Chicago, we had a meeting.

7           Q       And it was Tony who told you this fellow  
8 from Chicago--

9           A       Yes.

10           Q       If I understand you correctly, the purpose of  
11 the bomb at Cook's place was to let Cook know that the  
12 people from Chicago who were going to, in effect, give  
13 him permission to work in Las Vegas meant business  
14 and should be taken seriously, and he should do what  
15 they expected of him; is that correct, and not get cute;  
16 is that about it?

17           A       No, he had to split every score, that they  
18 will give him a percentage, and they will show him  
19 the targets and everything like that.

20           Q       And your bomb was to let him know that those  
21 people were real folks and meant business, just to  
22 keep him in tow?

23           A       No, he knew all of them from before, so  
24 since to me, what I gathered after--don't sidetrack  
25 me off my recollection.

1 Q I'm trying to have you explain something,  
2 now, Ricky, so that I understand it.

3 A There was a meeting between Tony, Lefty,  
4 Cook, and myself present now; okay, first, it was  
5 Lefty, Tony and myself. Then, I went over to Cook's  
6 house. I bumped into this guy Hill, and I relayed the  
7 message to John that I was the bomber, and so forth.

8 Q What else did you tell him besides the  
9 fact that you were the bomber?

10 A That there was this guy Tony already in town  
11 with an assorted, you know, squad of Italians which,  
12 in fact, there were, and that they were requesting a  
13 meeting with him, and that he was supposed to go down  
14 with me to that meeting.

15 Q What did he say when you told him that you  
16 were the one who bombed his house, his boat?

17 A Nothing.

18 He went back to Manson Hill, and told  
19 Manson Hill, "There's my bomber."

20 The guy picked up the saddle horse and  
21 left the house, and we drove back to--it was the row  
22 of townhouses at the end of townhouses was some  
23 kid that was Lefty's stockbroker that because they  
24 were investing heavily at the time in Lums, in the  
25 Lums food chain. They were investing heavily on, so

1 there was this kid was a broker for Lefty, and that's  
2 the place where the meeting was held.

3 Q You said that Manson Hill left with a  
4 saddle horse. Did you mean a horse saddle?

5 A A horse saddle, saddle horse.

6 Q There wasn't a horse in the house; it was a  
7 saddle for a horse?

8 A Yes.

9 Q Okay.

10 MR. CARHART: What was the name of the  
11 stockbroker?

12 THE WITNESS: I don't remember.

13 He was--his office was in Bal Harbour.

14 It was a young fellow.

15 MR. CARHART: Cuban?

16 THE WITNESS: No, no, no. American.

17 BY MR. WILLIAMS:

18 Q Then, you attended a meeting with Tony and  
19 Lefty and Cook?

20 A Yes.

21 MR. WILLIAMS: All right. I think that  
22 that's a good place to recess for lunch, and  
23 well, unless there are other things that you  
24 want to do now, we will get into the meeting  
25 when we come back, because otherwise, we will

1           be another half hour, 45 minutes.

2           MS. COHAN: Fine.

3           MR. WILLIAMS: Two o'clock?

4           MS. COHAN: Two o'clock.

5           MR. CARHART: Okay with me.

6           (Whereupon, a short recess was taken,  
7 after which the following proceedings were had:)

8           (The witness was sworn.)

9 BY MR. WILLIAMS:

10           Q     Mr. Morales, when we recessed for lunch,  
11 you were in the process of telling us of a meeting  
12 that you attended at the home of a stockbroker, whose  
13 name you couldn't recall, that was attended by  
14 Lefty Rosenfeld, John Clarence Cook, the one from  
15 Chicago who you refer to as Tony, and yourself?

16           A     Anthony Espilotro.

17           Q     Now, as I understand it, the purpose of the  
18 meeting was to discuss among Mr. Espilotro and  
19 Mr. Rosenfeld and Mr. Cook, Mr. Cook's participation in  
20 the Las Vegas burglary business?

21           A     More or less.

22           Q     You were present kind of what--in the role of  
23 enforcer or physical presence to remind Cook of the  
24 prior bombings and what could happen in the future--  
25 that kind of thing?



1 MS. COHAN: Please note my continuing  
2 objection to relevancy and materiality.

3 You may answer.

4 THE WITNESS: I was there because I drove  
5 Mr. Cook to that place, you know, and I just sat  
6 there.

7 BY MR. WILLIAMS:

8 Q You knew what the order of business was at  
9 the meeting; didn't you, or what it was to be?

10 A Not offhand. Not previously, but I could  
11 imagine by this time that--

12 Q Did you participate at all in the conversation?

13 A NO.

14 I was--they went into, you know, a room, and  
15 they pushed me out of the meeting.

16 Q Were there any more incidents or episodes  
17 of bombings either with regard to the placing of any  
18 bombs or the fabrication of any bombs by you that you  
19 can recall in addition to those which you have been  
20 describing to us over the last couple of days?

21 A No, Douglas.

22 Q That's it?

23 A That's it.

24 MS. COHAN: You sound disappointed.

25 THE WITNESS: You sound disappointed.

1           MR. WILLIAMS: Oh, I should have thought  
2           that a person of your reknown, there would be  
3           more than that. That's only 15 or 20, Ricky.

4 BY MR. WILLIAMS:

5           Q     All right. Now that we have categorized  
6           or catalogued all of the bombing episodes that you  
7           can recall in which you participated, tell me, please,  
8           sir, how and when you first came to know Diosdado Diaz,  
9           the lead investigator in this case, the gentleman who  
10          is seated behind you to your left?

11          A     Way back in 1973, I spotted a police officer  
12          driving a patrol car around a nightclub by the name of  
13          My Other Place, which was located on 27th Avenue  
14          south of Dixie Highway across the Lady Bug, and since  
15          he was patrolling the area and he was very well known  
16          among customers there, I just happened to find out that  
17          there was a Diosdado who was related to another police  
18          officer by the name of Orlando Martinez.

19          Q     What did you learn the relationship to be?

20          A     Cousins.

21          Q     We'll talk some more late on about the  
22          development of your acquaintanceship with Officer Diaz,  
23          but for the time being, is it accurate to say that  
24          by the fall of 1980, in September, October, November  
25          of 1980, you had gotten to the spot where you had

1 established a good close working rapport with Officer  
2 Diaz?

3 A You are putting words in my mouth.

4 Q Describe it to me how you would? How would  
5 you describe your relationship with Officer Diaz?

6 A When?

7 Q In the fall of 1980, fall going into winter  
8 of 1980, September, October, November, December of 1980?  
9 How would you describe your relationship?

10 A Well, in November, actually, I was supplying  
11 him with the information.

12 Q Here's what I need to know, Ricky: I want  
13 you to tell me whether it is accurate to say that,  
14 at that point in time, your relationship with Officer  
15 Diaz was a confidential one based upon mutual trust--  
16 you and Officer Diaz? Would you say that?

17 A Yes.

18 Q Had you gotten to the spot where, because  
19 of your contacts with him over the years regardless of  
20 how those contacts occurred, you had a good working  
21 relationship with him?

22 A I never worked with him.

23 Q You know what I mean.

24 A I never worked with him.

25 MS. COHAN: Objection. He will answer your

1 questions and not impute meaning to words other  
2 than that they have.

3 MR. WILLIAMS: All right. I am trying to  
4 make the thing flow a little bit.

5 MS. COHAN: Then, ask him what his relation-  
6 ship was.

7 MR. WILLIAMS: It didn't work the first time.

8 BY MR. WILLIAMS:

9 Q Ricky, was your relationship with Officer  
10 Diaz such that, on a day-to-day basis, you all were  
11 able to get along with each other?

12 A Everytime that I saw him, I got along well  
13 with him.

14 Q When you were providing information to him  
15 either on this case or in any other instance that you  
16 had given him information in the past, did you feel  
17 able to be forthright and honest with him?

18 A Of course.

19 Q Did you feel the need to protect yourself  
20 by withholding from him information that was pertinent  
21 to the subject you were discussing, but which might  
22 put you in a bad light?

23 A I never withhold anything from him.

24 Q Did you have the feeling or the understanding  
25 based upon what you could objectively perceive that

1 he was forthright with you?

2 A Yes.

3 Q Is it accurate to say that at the time  
4 that we are discussing now, fall into winter of 1980,  
5 that you trusted Officer Diaz?

6 A Yes.

7 Q Based upon what you could perceive by the  
8 way in which he dealt with you, did he trust you?

9 A That's for him to know, and for me to find  
10 out.

11 Q My question to you is based upon what you  
12 could perceive about the way in which he dealt with  
13 you, were his actions and his words such that they  
14 conveyed to you--

15 A Oh, yes.

16 Q (Continuing) -- that he trusted you?

17 A Oh, yes, now I got the meaning of your  
18 question, Douglas. Yes, the answer is yes.

19 Q Okay. Tell me if you could, please, Ricky,  
20 starting with those various bombing episodes that you  
21 have described for us over the last couple of days  
22 which of them you have previously described or dis-  
23 closed to Officer Diaz?

24 A Say that again.

25

1 (Whereupon, the question referred to was  
2 read into the record by the court reporter.)

3 THE WITNESS: Will you set a time and  
4 date about previous disclosing because, you  
5 know, I have discussed with him so many things,  
6 you know, since November up to now. Are you  
7 saying before November or after November?

8 BY MR. WILLIAMS:

9 Q Yes, prior to November?

10 A I never discussed, you know, specific  
11 bombings with Diosdado Diaz.

12 Q Is it your testimony, then, sir, that to  
13 your knowledge, the first time that he has heard you  
14 make reference to or describe any of these incidents  
15 that you have been telling us about over the last  
16 couple of days has been as he sat here in the course  
17 of this deposition?

18 A No, sir.

19 MS. COHAN: Objection. Misstatement of  
20 testimony.

21 He said prior to November of 1980.

22 MR. WILLIAMS: Ms. Cohan, Mr. Morales is  
23 quite able to handle himself.

24 MS. COHAN: Mr. Williams, I will continue  
25 to make objections as required.

1 MR. WILLIAMS: The witness doesn't need any  
2 help. He doesn't need any coaching.

3 THE WITNESS: She's not coaching me.

4 MR. WILLIAMS: Make a legal objection,  
5 and try not to help the witness out.

6 Go ahead, Mr. Morales.

7 THE WITNESS: Not prior.

8 I already answered your question that prior  
9 to November, 1980, or September, or whatever that  
10 date, that he learned about what I already testi-  
11 fied so far.

12 BY MR. WILLIAMS:

13 Q Was there any time during October or  
14 November of 1980 or any time before that when Officer  
15 Diaz said to you something to this effect; "Since  
16 you are going to be our informant in this case because  
17 it might become pertinent at some later point in time,  
18 we need to know about everything in your background"?  
19 Did he say anything like that to you?

20 A Not that I recall.

21 Q Has there ever been a time when either  
22 Officer Diaz or any other City of Miami Police Officer  
23 who is presently involved in any way in this investi-  
24 gation has asked you to describe to him or her all of  
25 the various acts or episodes in your background that a

1 third person might refer to or describe as being  
2 criminal? Has there ever been such a time?

3 A Of course. I went into debriefing by  
4 Rina Cohan here.

5 Q My question to you at the moment, however,  
6 was whether there has ever been a time when any police  
7 officer with the City of Miami Police Department  
8 or any other police department that has anything  
9 directly to do with this series of cases, Tick+Talks,  
10 has ever asked you to describe to him or to her--  
11 police officer--the various episodes or events in your  
12 background that a third person might regard as being  
13 criminal?

14 A Mr. Williams, not before I went into direct  
15 contact with the State Attorney's Office.

16 Q All right.

17 Now, insofar as Ms. Cohan is concerned, is  
18 she the only, or in any event, principal representative  
19 of the Dade County State Attorney's Office with whom  
20 you have had contact concerning this case, this Tick-  
21 Talks case?

22 A Well, I have seen a lot of Assistants.

23 Q That's why I said principally.

24 A Principal, oh, yes.

25 Q It has been Ms. Cohan either exclusively or



1 principally from the time that your participation in  
2 the case first started?

3 A Yes.

4 Q Did there ever come a time when Ms. Cohan  
5 said to you that, in order for the prosecution to  
6 determine the usability of your evidence or the  
7 ability to use you as a witness at all, it would be  
8 necessary for you to make a full disclosure to her or  
9 some other law enforcement officer of all of the acts  
10 or episodes in your past that a third person might  
11 regard as criminal?

12 MS. COHAN: Objection. ~~Work~~ product.

13 You may answer.

14 BY MR. WILLIAMS:

15 Q Do you have the question, Ricky?

16 A Douglas, I made a purpose of myself when I  
17 went into--the first time that I went to see Ms.  
18 Cohan, to get the whole thing out of my chest.

19 Q Here's my question: Let's handle the ques-  
20 tion first, and then, we will take any explanation that  
21 it needs.

22 Was there a time when Ms. Cohan told you  
23 that it would be necessary for you to disclose to her  
24 all of the episodes in your past or in your background  
25 that might be regarded by a third person as criminal?

1 A It was a time when I told her that I was  
going to tell everything in my past.

2 Q But, she didn't ask you to?

3 A Nope.

4 Q It was something that you volunteered on  
5 your own?

6 A Yes.

7 Q When in point of time was that, Ricky?

8 A The first time that I met Rina Cohan at  
9 the HOLIDAY Inn.

10 Q Do you remember the date of the meeting,  
11 Ricky?

12 A It's a matter of public record.

13 Q Well, I'm trying to find out, though, if  
14 you have an independent recollection of the date?

15 A Well, no.

16 Q Well, who was present at the meeting,  
17 Ricky?

18 A There was a court reporter, Ms. Cohan,  
19 Sergeant Raul Martinez, and D.C. Diaz.

20 Q All right.

21 Ricky, let me show you a copy of a transcript,  
22 or actually, just the first page of a copy of a  
23 transcript that the prosecutor has previously furnished  
24 to me in the course of deposition discovery (handing to  
25

1 Ms. Cohan).

2 MS. COHAN: I do respond to verbal cues  
3 (handing to the witness).

4 BY MR. WILLIAMS:

5 Q (Continuing) -- and see if, looking at that  
6 cover page, refreshes your recollection.

7 Was there more than one occasion when you  
8 met Ms. Cohan in the presence of Officer Diaz, Sergeant  
9 Martinez, and a court reporter in the Holiday Inn, or  
10 was this the only occasion?

11 A It was the only occasion.

12 Q The date of the transcript was reflected as  
13 being December 16, 1980. Does that refresh your  
14 recollection, tell you that that is an accurate date,  
15 as a matter of fact?

16 A I believe so.

17 Q Then, was it in the course of this meeting  
18 that you made the disclosures to Ms. Cohan that you have  
19 been describing to us a moment ago?

20 A Yes, sir.

21 Q Did you, sir, tell her of all of these  
22 various incidents or episodes of bombing or participation  
23 in bombing that you have described to us over the last  
24 couple of days?

25 MS. COHAN: Objection. The record speaks

1 for itself.

2 BY MR. WILLIAMS:

3 Q Did you, sir?

4 A The record speaks for itself.

5 Q No. We don't have to worry about the record,  
6 because that's a legal objection and in regards to--

7 A I believe that I already answered to that  
8 question.

9 You know, if you start asking the same  
10 questions again, and she starts objecting to questions  
11 that you put up, then, you get me off balance, so you  
12 know, I will appreciate for both of you not to get me  
13 off balance and off track.

14 Q Are you off balance, now, Ricky?

15 A Right.

16 Q Do you want to take about five minutes?

17 A No, I want to hear the same question that  
18 I was asked before; okay?

19 Q Here it is. Ready?

20 MS. COHAN: Let Joyce read it back.

21 THE WITNESS: Previously read it back.

22 BY MR. WILLIAMS:

23 Q Do you want to hear the reporter read it  
24 back?

25 A Of course.

1 Q You don't trust me?

2 A No.

3 Q Have I given you some objective reason to  
4 not trust me?

5 A Right now, you are giving me one.

6 MR. WILLIAMS: Ms. Reporter, read the  
7 pending question back to Mr. Morales, please.

8 (Whereupon, the question referred to was  
9 read into the record by the court reporter.)

10 BY MR. WILLIAMS:

11 Q Now, Ricky, what I am trying to do here is  
12 to get a question and answer that match for record  
13 purposes, and as is always the case, you can explain  
14 any answer that you are obliged by the question to  
15 give, but I'd like to have a head-on question and  
16 answer first, so the question that I will put to you  
17 is whether you are telling me now that, on the occasion  
18 that you met with Ms. Cohan and Sergeant Martinez  
19 and Officer Diaz at the Holiday Inn on December 16,  
20 1980, you did tell Ms. Cohan of all of these episodes  
21 involving bombings that you have described to us over  
22 the past couple of days?

23 A No.

24 MS. COHAN: Ricardo, forgive me. I object.  
25 The record speaks for itself.

You may answer.

1 THE WITNESS: Okay. Thank God.

2 No, when I told them about all those things  
3 were afterwards when we moved to this building  
4 subsequently, you know, and I told Sergeant  
5 Martinez and D. C. Diaz and Raul Diaz and Rina  
6 Cohan and the polygraph guy--I believe that was  
7 somewhere along those lines, you know, and I  
8 went into this kind of--

9 BY MR. WILLIAMS:

10 Q So as I understand it, are you telling me  
11 you didn't disclose these things to Rina?

12 A On the 16th.

13 Q On the 16th?

14 A Well, there is a translation there of  
15 everything.

16 Q Ricky, yes, but give me the answer.

17 Did you or not?

18 A No, because otherwise, it would have been  
19 there.

20 Q Then, it was on the occasion of some other  
21 meeting with Ms. Cohan?

22 A Yes.

23 Q When you disclosed these bombings to her?

24 A Yes.

25 Q Was that on the first occasion of your

1 coming here to this State Attorney's Office for the  
2 purposes of being polygraphed?

3 A No, it was before, during, and after, and  
4 also--I don't know. There were so many meetings, you  
5 know.

6 Q How long after your first meeting with  
7 Ms. Cohan and the policeman at the Holiday Inn was it  
8 when in the course of another meeting with Ms. Cohan  
9 you did make these disclosures to her? How much time  
10 had gone by?

11 A I can't pinpoint it.

12 Q Well, Ricky, are we talking about a month  
13 or a year or a week?

14 A No, less. In the following two weeks.

15 Q Within the following two weeks?

16 A Uh-huh.

17 Q Then, at some point before the end of  
18 December of 1980, you had told Ms. Cohan about all of  
19 these episodes of bombing that you have described to  
20 us over the last couple of days?

21 A That is right.

22 Q Was there a court reporter present when  
23 you told her?

24 A I don't believe so.

25 Q Was Officer Diaz present?

1           A     On one occasion, he left, and I still  
2 remember that I told him, "You missed a lot of it."

3           Q     Was Sergeant Martinez present?

4           A     On some of it.

5           Q     Between the two of them, was one or another  
6 of them present for the entire meeting during which  
7 you were telling these things to Ms. Cohan?

8           A     Not exactly.

9           Q     Then, the only one who heard the entire  
10 list of disclosures about the bombings that you have  
11 described to us previously was Ms. Cohan, the pro-  
12 secutor; is that correct?

13          A     Basically.

14          Q     Was there anybody else at the meeting  
15 besides Ms. Cohan, Officer Diaz, and Sergeant Martinez  
16 when you made the bombing disclosures to her?

17          A     Lieutenant Raul Diaz was present at one,  
18 I believe, or two or three.

19          Q     Lieutenant Raul Diaz from the Public  
20 Safety Department?

21          A     Homicide.

22                   MS. COHAN: It's Metro Dade now.

23                   MR. WILLIAMS: Yes.

24 BY MR. WILLIAMS:

25          Q     You said that he was present for one or two



or three of them.

1                   Is that to say that there were on or two  
2 or three different meetings?

3           A       There were a lot of meetings, Douglas.

4           Q       But, all of them within the two week period  
5 following your first meeting with Prosecutor Cohan  
6 at the Holiday Inn?

7           A       Before and after.

8           Q       I'm trying to find out when?

9           A       In December and part of January.

10          Q       Was it before you went with Agent DeArmas  
11 for the purpose of going into the Witness Protection  
12 Program?

13          A       Actually I never met with Raul DeArmas until  
14 the day that he picked up to be spirited away.

15          Q       That was the day when you gave the machine  
16 gun to Officer Diaz and Sergeant Martinez; correct?

17          A       That I gave what?

18          Q       The Mac 10 machine gun?

19          A       And what else?

20          Q       Well, the silencer and the bag and everything  
21 that was with it-- the ammunition?

22          A       But, it should reflect that in the record;  
23 right?

24          Q       Oh, the record reflects that.

25                   I will tell you, for the purpose of helping

1 you get your dates straight, that the information that  
2 the prosecutor has given us preparing for this trial  
3 reflects that that occurred on February 5th of 1981;  
4 okay?

5 Now, do you have any reason to disbelieve that  
6 date?

7 A If it's there, that's the date.

8 Q Take a look at the report written by  
9 Sergeant Martinez dated February 5, 1981 (handing to  
10 the witness).

11 A That's the day that he wrote it or the date  
12 that the information happened?

13 Q Look here. The date of the report is  
14 February 5th, 1981, and it starts out, "On Thursday,  
15 February 5, 1981"; okay?

16 A Then, that's the date.

17 Q So, in any event, you are telling me that  
18 the disclosures that you made to Sergeant Martinez,  
19 Officer Diaz, Lieutenant Raul Diaz, and Ms. Cohan had  
20 been completed by February 5th, 1981; is that correct?

21 A Basically.

22 Q Well, how would you depart from that, Ricky?  
23 What about it isn't accurate?

24 A It's not accurate because months afterwards,  
25 you know, I have a meeting with Ms. Cohan.

1 Q That's the one in Atlanta?

2 A That is correct.

3 Q My question to you still is whether, by  
4 the time you met with Agent DeArmas to go into the  
5 Witness Protection Program, had you, by that time,  
6 disclosed all of these incidents of participation  
7 and bombing episodes to Ms. Cohan?

8 A Basically, yes.

9 Q Which ones had you left out?

10 A None.

11 Q Does the date January 26, 1981, have any  
12 significance for you?

13 A What date?

14 Q January 26, 1981--that would be approximately  
15 ten days before you went into the Marshall's  
16 Protection Program?

17 A Not now.

18 Q As you sit here and reflect upon it, does  
19 the date have any significance to you?

20 A Nope.

21 Since there is a mass of dates and papers  
22 and reports, and you know, disclosures, and undis-  
23 closures, and things like that.

24 Q Have you ever seen any police reports or  
25 transcripts of testimony like the one from December 16th

1 that refer to meetings had with you by either the  
2 prosecutor or officers Diaz and Martinez that pertained  
3 to the time when you made these disclosures of this  
4 information to them?

5 A I can't recall.

6 Q If the police officers; particularly  
7 Officer Diaz, said that there was no meeting of sub-  
8 stance with you in the course of which anything of  
9 significance was discussed after, say, January 10,  
10 1981, would his statement in that regard be accurate?

11 A Could be.

12 Q Do you have any reason to disagree with it?

13 A Not basically.

14 Q Do you recall how many different meetings  
15 there were?

16 A Oh, no, Douglas. You know, there were so  
17 many of them that--I just cannot give you ten, twelve--  
18 exact amount.

19 Q When did you start making this information  
20 about these bombings known to Ms. Cohan and/or  
21 Officer Diaz and/or Sergeant Martinez, Ricky?

22 A I already answered to that question,  
23 Douglas.

24 Q Your testimony, Ricky, was that you gave  
25 them information in bits and pieces over a period of

1 several days?

2 A I already answered to that question, and  
3 you already pinpoint a certain span of time, which I  
4 agree with you that it was during that span of time  
5 that I told them about my connections with the bombings  
6 that you are referring to.

7 Q But, we haven't really narrowed it, and that  
8 is what I'm trying to do, Ricky, so that we can have  
9 as clear a record of it as possible.

10 You have told us that it started on  
11 December 16th when you met Ms. Cohan; is that correct?

12 A Basically.

13 Q Tell me your best and most clear recollection  
14 of the latest point in time at which you had any such  
15 meeting in the course of which you discussed these  
16 things with Ms. Cohan, Officer Diaz or Sergeant  
17 Martinez--the latest point in time?

18 A I already answered to that, that it was  
19 covering up to the time that I was snatched by  
20 Special Agent Raul DeArmas--I'm sorry--snatched--  
21 spirited.

22 Q By Special Agent Raul DeArmas?

23 A That is right. That is the span of time.

24 Q Did you describe the episodes to Ms. Cohan  
25 and anybody else who may have been present in the

1 course of these meetings with the same degree of  
2 detail that you have described them to us over the  
3 past day and a half or two days?

4 A No, sir. That is for sure.

5 Q Did you go through them individually with  
6 Ms. Cohan and/or Officer Diaz and/or Sergeant Martinez  
7 as you have gone through them individually with me  
8 now?

9 A Well, I never talk with Ms. Cohan in private  
10 or D.C. in private. There was always somebody else  
11 present.

12 Q At any time that you were having these  
13 discussions with Ms. Cohan and the others between  
14 December 16th, 1980 and February 5th, 1981, did you--

15 A Wait, wait, wait.

16 Let me straight you about something.  
17 Let me straight you to something.

18 After I went into the Witness Program, I  
19 gave Joe Rosenthal, who was an Assistant United  
20 States Attorney, a very accurate description of the  
21 events that I already disclosed to you today.

22 Q Here's my question to you, sir: At any  
23 time that you were having conversations about these  
24 prior bombing incidents with Ms. Cohan and anybody  
25 else who might have been present between December 16th

1 of 1980 and February 5th of 1981, did you describe  
2 them in the same degree of detail?

3 A No, no, no. I already answered to you that  
4 question.

5 Q Did Ms. Cohan or anybody else between  
6 December 16th and February 5th ask you any questions  
7 about the information that you had given for the  
8 purposes of obtaining more information?

9 A There were discussions with Joe Rosenthal.

10 Q I am only asking you now about the conver-  
11 sations that you had with Ms. Cohan?

12 A The answer is no.

13 Q Did you describe them individually; them,  
14 meaning the bombing episodes?

15 A To whom?

16 Q To Ms. Cohan and anybody else who was present  
17 in the course of those meetings between 16 December and  
18 5 February in the same way that you have separated  
19 them individually for us over the past day and a half?

20 A No, sir.

21 Q How did you do it, Ricky? Tell me how you  
22 did it, how you made these disclosures?

23 A In a general basis, Williams.

24 My involvement with the organized crime  
25 situation, the bombing of John Clarence Cook, the

1 bombing of the police officer, the bombing--oh, the  
2 guy at Treasure Island, and Alfie.

3 Q Did you tell them; meaning Ms. Cohan and  
4 anybody else who was present between December 16th and  
5 February 5th of the activity you had had involving  
6 the Cuban airplane? Did you tell them of the activity  
7 you have had involving the Cuban airplane?

8 A Not at the way that I talked to you.

9 Q Did you make any reference to it at all?

10 A I have been making reference about that,  
11 you know, throughout the past five or six years.

12 Q My question to you, sir, is whether you told  
13 Ms. Cohan and/or Officers Diaz and/or Sergeant  
14 Martinez between December 16th and February 5th of  
15 your involvement in the bombing of the Cuban airplane?

16 A Yes.

17 Q Did you also tell those same people during  
18 that same period of time of the involvement you had  
19 had in the various bombings that had taken place here  
20 in the City of Miami between the early to middle  
21 sixties and the early seventies?

22 A Yes, in general terms.

23 Not one by the one the way that, you know, I  
24 have been going through you with it.

25 Q Are there yet other bombing instances or



1 episodes that have occurred at one point or another  
2 place in the western hemisphere in the past 15 years  
3 that you might have forgotten to mention in the course  
4 of the catalogue that you have been giving us?

5 A In the western hemisphere?

6 Q Yes, in which you were involved?

7 A That I was involved?

8 Q Yes, that you haven't told us about?

9 A (No response.)

10 Q Let me ask one for example.

11 Were you ever involved, in any way, in a  
12 bombing incident that occurred in Washington, D.C.,  
13 in approximately 1976 or 1977?

14 A No.

15 Q Do you know which one I am referring to?

16 A No.

17 Q Does the name Letelier do anything to you?

18 A To me, it gives me nothing. Just  
19 pleasantness.

20 Q Do you know who the man was?

21 A A social pinko, a communist agent.

22 Q Do you know him to have been somebody who  
23 was killed in the bombing of an automobile in  
24 Washington, D.C., in the middle or latter seventies?

25 A I know that he became a good communist that

day which is that he died.

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Q Did you have anything to do at all either directly or indirectly with that bombing, Ricky?

A None whatsoever, my friend.

Q Do you regret not having anything to do with it?

A Yes.

Q Are there any other bombing incidents, for example, that occurred in South American countries during the early or middle seventies that you haven't yet disclosed to us in the course of this catalogue over the last couple of days in which you participated?

A Nope.

Q In Chile?

A I never been to Chile.

Q Did you ever provide materials to be used in the detonation or placing of any explosive devices in Chile, to your knowledge?

A Nope.

Q Argentina?

A Nope.

Q Brazil?

A Nope.

Q Peru or Bolivia?

A Nope.

Q No to both?

1 A What?

2 Q No to both?

3 A Who?

4 Q Are you say no both to Bolivia and Peru?

5 A Yes.

6 Q When you told Ms. Cohan that you wanted to  
7 get all of these things off of your chest during a  
8 period between December 16th of 1980 and February  
9 5th of 1981, did you tell her the reason why you wanted  
10 to do that?

11 A It was my decision.

12 Q What did Ms. Cohan say to you when you let  
13 her know that you wanted to tell her about all of these  
14 things?

15 A She must have been elated.

16 Q Well, did she express elation to you?

17 A That's the way that I took her expression on  
18 her face.

19 Q While you were giving her this information,  
20 did you observe her to be making notes as she is  
21 making notes and as I have been making notes throughout  
22 the course of this deposition?

23 A I believe so, that she made notes, and there  
24 might have been microphones, tape recorders, going.

25 Q Did you perceive the presence of any

microphones?

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A Down here in the State Attorney's Office?

Q Wherever you had the meeting?

A Oh, yes, I perceived, you know, tape recordings and notes being taken, and things like that.

Q Were they concealed tape recorders, the presence of which you detected?

A No, not concealed. Everything was very open. If there was any concealment, you know, I don't know.

Q Who had the tape recorders?

A They were on top of the tables.

Q With whom did they come and go; if you could tell?

A What do you mean "come and go"?

Q Well, were the tape recorders over here always in the room when you came in?

A Yes.

Q Did you see any particular person operating the tape recorders in the course of your conferences-- changing the tapes or adjusting the volume or adjusting the microphones or anything like that?

A Ms. Cohan and Dudley Dixon.

Q Dudley Dixon, the polygraph examiner?

A Yes.

Q So far as you could tell, then, it was Ms. Cohan and Mr. Dixon who were making and controlling

1 the tapes?

2 A That is correct.

3 Q Was there ever a time when you conferred with  
4 Ms. Cohan about your participation in these bombings  
5 when there was not a tape recorder present?

6 A Yes.

7 Q On how many of the occasions?

8 A I can't say.

9 Q Can you tell us the total number of times  
10 that you met with Ms. Cohan during the period that  
11 we have been referring to?

12 A I believe that I already answered to that  
13 question that I cannot come down to a specific number  
14 of times.

15 Q Was it as many as a dozen, Ricky?

16 A Could have been as many as a dozen, less  
17 than a dozen.

18 Q On the occasions when Officer Diaz and  
19 Sergeant Martinez were present during these conferences  
20 pertaining to the bombings, did you observe either of  
21 them to be making notes?

22 A Yes.

23 Q Have you ever told anybody prior to today,  
24 Ricky, that you did have participation in the Orlando  
25 Letelier bombing?

1 A The what?

2 Q Was the name Orlando--

3 OFFICER DIAZ: Orlando what?

4 BY MR. WILLIAMS:

5 Q Had you ever told anybody prior to today  
6 that you had anything to do with the bombing of Orlando  
7 Letelier?

8 A How come?

9 Q I'm asking you if you ever told anybody?

10 A You mean, bragging?

11 Q I don't know, Ricky. Maybe bragging or  
12 maybe including it in the catalogue or maybe discussing  
13 it technically with other explosivists? Have you ever  
14 told it to anybody?

15 A What?

16 Q That you had any participation in the  
17 Letelier bombing?

18 A In the killing?

19 Q Yes.

20 A In the demise--whatever it is?

21 Q Yes, have you ever told anybody that you had  
22 any participation in it?

23 A No.

24 Q Now, when you made the disclosures that you  
25 did to Ms. Cohan and Officer Diaz and Sergeant

1 Martinez about your participation in the bombings  
2 during December and January of 1980 and 1981, did  
3 any of the three of them tell you that it was going  
4 to be necessary to disclose any of those things either  
5 to law enforcement agencies or to defense attorneys in  
6 any cases that resulted from the information you were  
7 giving them?

8 A Of course.

9 Q Who told you that?

10 A Joe Rosenthal and Rina Cohan.

11 Q Was Mr. Rosenthal ever present while you  
12 were meeting with Ms. Cohan, Officer Diaz, and  
13 Sergeant Martinez in the State Attorney's Office?

14 A No.

15 Q I'm only concerned with the meetings that  
16 you had with Officer Diaz, Sergeant Martinez, and  
17 Ms. Cohan here in the State Attorney's Office in  
18 December of 1980 and January of 1981.

19 Did any of those three persons or any other  
20 Assistant State Attorney who works with Ms. Cohan  
21 ever tell you that it is going to be necessary  
22 to disclose the information that you gave about the  
23 bombings and your participation in them either to  
24 law enforcement or to defense attorneys in any cases  
25 that arose out of the information?

1 A They told me I was going to be questioned  
2 about my whole life.

3 Q I'm asking you specifically about--

4 A The answer is yes.

5 Q Thank you.

6 Now, I guess I should ask you just to  
7 complete the travelogue of Latin America--

8 A You already did.

9 The record reflects that.

10 Q Shush.

11 A Don't shush, shush, shush.

12 Q Did you ever participate in any bombings  
13 in the Republic of Colombia?

14 A No.

15 Q What about any of the Central American  
16 countries, Panama, El Salvador, Costa Rica, Guatamala--  
17 any of those?

18 A No.

19 Q Were you told, Ricky, that if otherwise--

20 A I can't hear--cha, cha, cha.

21 Q Were you ever told by Ms. Cohan or any  
22 police officers that if otherwise any of the bombings  
23 that you were disclosing to them--

24 A I am getting distracted, you know.

25 Douglas, I just can't help it. What can I tell you?



Either we recess, you know, but--

1 MS. COHAN: Why don't you let him finish,  
2 and then, we will ask the questions?

3 THE WITNESS: This is very objective. I've  
4 never been subjected to questioning while cha,  
5 cha, cha.

6 MR. WILLIAMS: The record should reflect--

7 THE WITNESS: You are shining your shoes.

8 MR. WILLIAMS: (Continuing) --that a shoe  
9 shine is being administered in the course of this  
10 deposition.

11 (Off the record.)

12 BY MR. WILLIAMS:

13 Q Before we recessed--not this time, but the  
14 last time, Ricky, you had told us that the conversations  
15 that you had had with Ms. Cohan about the bombings  
16 occurred on December 16th, and then, after the recess,  
17 you came back, and you apparently had your recollection  
18 enhanced or improved in some fashion?

19 MS. COHAN: Objection. Misstatement of  
20 the testimony.

21 BY MR. WILLIAMS:

22 Q Did something occur during not this recess,  
23 but the last one that we took?

24 A Which one, Douglas?

25 Q The one where it was kind of unilaterally

1 declared where you got up and walked out of the room?

2 A I went out to pee.

3 Q Okay. Fine. Better there than here.

4 Did anything occur during the course of that  
5 recess that affected your recollection, in any way,  
6 aside from the lessening of pressure on your bladder?  
7 Did anything else happen that affected your recollection?

8 A Nothing whatsoever.

9 Q Now, that we have finished having you tell  
10 us about bombings, there is one other matter that I  
11 want to explore with you before we talk about Mr.  
12 Quesada, himself, and that is the collective or combined  
13 matter of shootings or killings, murders.

14 You have told us about bombings in which you  
15 participated. Now, I should like for you to tell us--

16 A Let the record reflect that Mr. Williams is  
17 the one mentioning the words "murders," and "killings."

18 MR. WILLIAMS: The record will show that  
19 quite clearly.

20 MS. COHAN: We have already decided that  
21 ~~Mr. Morales terms those inflicting casualties~~  
22 upon enemy troops.

23 BY MR. WILLIAMS:

24 Q I should like you to tell me, sir, apart  
25 from circumstances that arose in the Belgian Congo,

1 apart from any time that you spent in the Belgian  
2 Congo, in any order that you think appropriate,  
3 logical, chronologically coming forward or chrono-  
4 logically going backward, or alphabetically, or in  
5 any other fashion that you think appropriate of the  
6 various incidents in which you have either participated  
7 directly in, or assisted in the perpetration of the  
8 shooting or attempt to shoot, or otherwise, inflict  
9 death or bodily harm upon any other person? You can  
10 start anyplace you want.

11 A Mr. Aton Costanzo.

12 Q What was the name, please, sir?

13 A Aton Costanzo.

14 Q A-t-o-n?

15 A A-t-o-n.

16 Q When was that, please, sir?

17 A That was November the 22nd, 1968.

18 Q Where was that, please, sir?

19 A Little Havana.

20 Q Here in Miami?

21 A That is correct.

22 Q What is the nature or the way in which  
23 Mr. Costanzo was harmed or killed, as the case may  
24 be?

25 A No, he was not killed.

Q Shot?

1 A Yes.

2 Q Who did the shooting?

3 A I did.

4 Q Did you act by yourself, or were you  
5 acting with others?

6 A I had a driver.

7 Q For what purpose or reason, if one there was,  
8 did you shoot the man called Costanzo?

9 A I was protecting my life.

10 Q How did the situation develop? What were  
11 the basic details of it?

12 A I pick up the information, and I saw him--

13 Q I'm sorry--what information?

14 A If you let me finish, I will give you the  
15 case.

16 He picked up a contract on my life right  
17 after the Orlando Bosch trial in 1968.

18 MS. COHAN: I'm sorry. Did you say  
19 "picked up," or "put up"?

20 THE WITNESS: Picked up. It was put out  
21 by somebody else.

22 BY MR. WILLIAMS:

23 Q At the time that you shot the one called  
24 Costanzo, was he then engaged in an actual effort to  
25 harm or kill you at that moment?

1           A     Oh, yes.

2           Q     What was he doing at the moment that you  
3 shot him?

4           A     Trying to find out where I was living,  
5 trying to find out what kind of car I was driving,  
6 trying to find out actually where I was, you know,  
7 was staying, or places that I frequent, and making  
8 all kinds of threats over the community.

9           Q     Here's my question, Mr. Morales: At the  
10 moment that you shot him, was he, at that moment,  
11 engaged, so far as you could perceive, in some actual  
12 physical imminent effort to harm you or kill you at  
13 that moment?

14          A     At that moment?

15          Q     Yes.

16          A     No, I was the one trying to kill him.

17          Q     You weren't then acting to keep yourself  
18 from being harmed at that particular second?

19          A     Of course, I realize that he really was  
20 posing a threat to my life.

21          Q     Here's my question to you, sir: At the  
22 moment that you shot him, was he physically threatening  
23 or menacing you with some weapon or with other cir-  
24 cumstances that made you think at that particular  
25 moment--

1 A Well, he had a .45 caliber pistol with  
2 him, and I challenged him, you know, draw, and he  
3 didn't.

4 Q He didn't have a gun in his hand at the  
5 time you shot him?

6 A He has it with him.

7 Q Did he have it in his hand?

8 A He never pulled it out.

9 Q Did he have a knife in his hand?

10 A No.

11 Q Was he behind the wheel of a car?

12 A No.

13 Q So, there weren't any circumstances which  
14 would normally or realistically cause you to think  
15 that, at that particular moment, if you hadn't shot  
16 him, that you were going to be killed or harmed; is  
17 that correct?

18 A That is correct.

19 Q Was the matter investigated by the police?

20 A Yes.

21 Q City of Miami?

22 A Yes.

23 Q Who was the lead investigator?

24 A I don't recall.

25 Q On what part of his body was the man

Costanzo shot?

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A Well, I shot him 17 times all over.

Q And he lived?

A He's still walking the streets of Miami.

Q You ought to be ashamed of yourself.

A Why?

Q Was it bad marksmanship or bad ammunition or what?

A Beats me.

Q Can you tell me with any degree of accuracy or particularity where you got him on the 17 different shots?

A All over.

Q Leave any place untouched?

I mean, did you get him in both arms, both legs?

A I believe that 11 times in the chest, and you know, the other six, you know--it was 17 times.

Q What kind of weapon were you using?

A An M3, .45 caliber, sub-machine gun with a silencer attached.

I don't have to hide nothing.

Q Do you remember who was the police officer who investigated the shooting?

A No.

Q Were you charged criminally with it?

1 A Wait, wait, wait.

2 I believe that I was picked up that night  
3 by--there were two brothers.

4 Q Officer Diaz can't participate in the depo-  
5 sition.

6 A Weaver.

7 Q W-e-a-v-e-r, Weaver?

8 A Right, Weaver.

9 I can't pinpoint which one of them .

10 Q Were you actually arrested by the police?

11 A No.

12 Q No?

13 A No.

14 Q Were you ever prosecuted criminally for the  
15 shooting?

16 A No..

17 Q Do you know why?

18 A Mr. Costanzo never pressed charges.

19 (Off the record.)

20 BY MR. WILLIAMS:

21 Q Were you arrested or prosecuted for any  
22 firearms violations arising out of the Costanzo  
23 shooting such, for example, as being in possession of  
24 an illegal fully automatic weapon or silencer?

25 A No, I was never arrested or prosecuted for



1 the assumed charges that you are referring to.

2 Q Did you know at the time that you shot  
3 Mr. Costanzo that you were committing acts which  
4 appeared to be or were a violation of the laws of the  
5 State of Florida and of the United States?

6 A Without getting into more semantics, Douglas,  
7 and make it easy for you and for the expense of the  
8 record, yes.

9 Q In 1968 when the shooting occurred, Ricky,  
10 had you already made the acquaintance of Raul Diaz?

11 A No. I was not even aware that Raul Diaz  
12 was alive.

13 Q Had you already made the acquaintance of  
14 George Roberts?

15 A Who is George Roberts?

16 Q I'm sorry--what was the fellow's name in  
17 the Bureau--George--the old man?

18 A Davis?

19 Q Davis. Have you ever made the acquaintance  
20 of George Davis?

21 A He was one of the case agents in the  
22 Orlando Bosch trial, but he was not my CO at the time.

23 Q Who was?

24 A At the time, was Joe Ball.

25 Q Now, there have been other occasions,

1 Mr. Morales, upon which it has happened, for whatever  
2 the reasons were in motion, that when you have been  
3 observed or detected by people connected with law  
4 enforcement to have been at or near someplace where  
5 something that occurred that attracted law enforcement's  
6 attention that, all of a sudden, one or another of the  
7 policeman with whom you have had contact over the years--  
8 Mr. Davis, Mr. Ball, Raul Diaz--somebody like that--kind  
9 of mysteriously appears on the scene, and we will talk  
10 about that later on, but my question to you presently  
11 is, at or immediately after the time of the Costanzo  
12 shooting, were there any police officers, either state  
13 or federal, who came to the scene of the episode who  
14 were not directly involved in the actual investigation  
15 of it as part of their official duties?

16 MS. COHAN: Objection to counsel testifying.

17 You may answer.

18 THE WITNESS: As far as I know, Mr. Costanzo  
19 was picked up by an ambulance and transported to  
20 the Jackson Memorial Hospital.

21 BY MR. WILLIAMS:

22 Q Were you contacted at any point within the  
23 three days after the Costanzo shooting by any law  
24 enforcement people who wanted to discuss it with you?

25 A I was contacted by this Sergeant Weaver or

1 Officer Weaver or another police officer that I cannot  
2 recall who he was on the same date, let's say, some  
3 time around two o'clock in the morning.

4 Q Did Mr. Ball contact you?

5 A Nope.

6 Q Did you contact him?

7 A Nope.

8 Q When you shot Costanzo, Ricky, were other  
9 persons present?

10 A The driver.

11 Q Were there pedestrians or passersbyers on the  
12 street?

13 A No.

14 Q Was it within the predictable sight or  
15 vision of anybody else?

16 A The--how can I describe it? The clean car.

17 Q I missed it.

18 A Well, there was a car that was used for the  
19 purpose of blocking any pursuing cars.

20 Q What was the terms that you used--the what  
21 kind of car?

22 A Clean car.

23 Q Clean, C-l-e-a-n?

24 A Yes, the clean car.

25 Q Who was in the clean car?

A. Aguedo Lugo.

1 For your information, he is dead, and for  
2 your information, the driver of the car, last name  
3 Gonzalez, and he was subsequently killed by Mr.  
4 Costanzo.

5 Q That's the way it goes.

6 Did you have any contact, yourself, with  
7 either Mr. Costanzo or members of the family during  
8 the seven days immediately following the shooting?

9 A No.

10 Q Did you ask or request or instruct anybody  
11 else to have any contact with Costanzo or any members  
12 of his family during the seven days following this  
13 shooting?

14 A Not me.

15 Q Did anybody?

16 A I don't know.

17 Q Would you please tell me, Ricky, the next  
18 occasion or episode after November of 1968 in the  
19 course of which you either shot or shot at somebody,  
20 or did anything else in an effort to harm or kill a  
21 person?

22 A What?

23 Q Next episode after November of 1968 in which  
24 you shot somebody or shot at somebody or did anything  
25 in the course of an effort to harm or kill someone?

1           A     I was--as you know, firsthand, I was arrested  
2 and charged for first degree murder offense, which you  
3 were the prosecutor of that case.

4           Q     Refresh my memory. Who was the person?

5           A     Do I have to refresh your memory?

6           Q     Yes, just for the record, Ricky.

7                     Who was the person whose death caused your  
8 arrest?

9           A     Armando Ruiz.

10          Q     Was he also known as Eladio Ruiz?

11          A     Also known as James Bond.

12          Q     Was he also known as Eladio Ruiz?

13          A     Also known as Eladio Ruiz.

14          Q     Did you shoot him?

15          A     Yes.

16          Q     That would have been in the middle or  
17 latter part of 1973, as I recall; is that correct,  
18 or 1972--which?

19          A     I believe it was August.

20          Q     Of 1973?

21          A     August the 2nd, 1973.

22          Q     Why did you kill him?

23          A     He put a bullet right here (indicating)  
24 on May the 25th, 1973 and on that occasion he was  
25 bent into--

MS. COHAN: Indicating the top of his head.

1  
2 THE WITNESS: (Continuing) --into killing  
3 me with a chain and a big lock that he has around  
4 his waist, which you should remember about as  
5 being taken out of his corpse.

6 BY MR. WILLIAMS:

7 Q Did Ruiz actually shoot or did he put a gun  
8 to your head?

9 A I was the one who shot.

10 Q I know, but you said a minute ago, Ricky,  
11 that he put a bullet in the top of your head?

12 A On May the 25th, 1973.

13 Q My question to you is, did he actually shoot  
14 you in the head, or did he actually put a gun to your  
15 head?

16 A No, he shot me from a car. I was parking  
17 my car somewhere on 6th Street and close to 5th  
18 Avenue, and by the time that I was parking the car,  
19 you know, I looked to the--you know, to this little  
20 mirror next to the door of the car, and I saw the  
21 headlights of a car, you know, turning on the other  
22 corner, the corner behind, and while motions to park  
23 my car, I took a look again. The lights were gone,  
24 so the next thing that I knew, it was that I was shot.  
25 I touched underneath the dashboard of the car,

1 and I count until three expecting a barrage. When  
2 that didn't happen, you know, I managed somehow to  
3 crawl underneath a car and run into a building where  
4 I--you know, I faint due to the loss of blood, you  
5 know, and then, I managed to get to a phone in that  
6 building, and I called the FBI and the DEA and  
7 informed them what has happened to me, and that I  
8 believed that I was not going to die, that I was  
9 bleeding profusely.

10 Q I'm sorry--did you tell them that you  
11 thought you were going to die or that you were not  
12 going to die?

13 A That I was not going to die, that I was  
14 bleeding heavily, and that I request, you know, an  
15 ambulance and the police cars, you know, to be present  
16 at the scene, and that I was not coming out of that  
17 apartment until I see the blue lights, you know, and  
18 so on.

19 I mean, the red lights. They were red in  
20 those times.

21 Q Did you receive medical treatment, Ricky?

22 A I received medical treatment by the paramedics  
23 at the spot.

24 I was placed in an ambulance, and I was  
25 taken down to Jackson Memorial Hospital, and they took

1 X-rays of my head, and part of the bullet was still  
2 lodged between my scalp and my skull.

3 Q Were you admitted to the hospital?

4 A I was admitted and released.

5 Q I'm sorry, sir.

6 A I was admitted and released.

7 Q Under what name were you treated?

8 A Ricardo Morales.

9 Q How did you know that it was Ruiz who had  
10 shot you in May? Did you see him?

11 A Because I saw the kind of a car, and I  
12 did a long investigation about it, and it just happened  
13 that he was riding with three more fellows, and since--  
14 this is the time without secrets, you know.

15 Q Amen.

16 A Amen.

17 Q Go ahead.

18 So, your investigation on your own eventually  
19 led you to the conclusion that it was Ruiz who had  
20 shot you?

21 A Yes.

22 Q What kind of gun did you use to kill him,  
23 Ricky?

24 A Huh?

25 Q What kind of a gun did you use to kill him?



1 A I killed him with a Browning.

2 Q That fully automatic .9 millimeter that  
3 you carry?

4 A The one that I registered with the ATF during  
5 the register period.

6 Q It was a fully automatic handgun; wasn't it?

7 A And it was registered with ATF as a fully  
8 automatic pistol in 1968.

9 Q It was silenced; wasn't it?

10 A No, that is incorrect.

11 Q Who was the fellow, Ricky, who, at the time  
12 you were arrested and charged with Ruiz' killing, was  
13 the one who supposedly was the State's only eyewitness  
14 who could identify you? Do you know the man's name?

15 A Beats me.

16 Q Ruiz, Eladio Ruiz, had supposedly killed a  
17 man named German Lamazares; isn't that correct?

18 A He was charged with it.

19 Q Did you learn on your own or from any  
20 other source the reason that Ruiz had killed  
21 Lamazares?

22 A He told everyone.

23 Q Was that a yes, please, sir?

24 A Yes.

25 Q Did you know Mr. Lamazares?

1 A Yes.

2 Q Was he a friend of yours?

3 A Sort of.

4 Q Did you know his wife?

5 A Yes.

6 Q Nancy?

7 A Yes.

8 Q Was she a friend of yours?

9 A Yes.

10 Q How would you describe your friendship with  
11 Nancy?

12 A How gory do you want me describing myself,  
13 my friendship with Nancy Lamazares.

14 Q Just as expressly as I need you to answer the  
15 question.

16 A Very close friend.

17 Q Were you intimate?

18 A We were very close friends.

19 Q Were you intimate with her?

20 MS. COHAN: Objection to the relevance and  
21 materiality.

22 BY MR. WILLIAMS:

23 Q Go ahead.

24 A It was close friends.

25 Q Were you intimate with Nancy Lamazares,  
Ricky?

1 A We have an intimate relationship.

2 Q Did your friendship with German Lamazares  
3 and your close relationship with Nancy Lamazares have  
4 anything to do with your having killed Eladio Ruiz?

5 A No, sir.

6 Q It was only out of retaliation for his  
7 having shot you some three months or four months  
8 earlier; is that correct?

9 A And his intent to do me away anyway.

10 Q Do you know now or have you in the past known  
11 anybody else who, at one time or another, has main-  
12 tained an intimate or close personal relationship with  
13 Nancy Lamazares aside from yourself and German?

14 MS. COHAN: Objection to the materiality  
15 and hearsay that the question calls for.

16 MR. WILLIAMS: Please instruct him not to  
17 answer. I would love to litigate that one.

18 I'm being facetious, of course. I certainly  
19 want an answer to the question.

20 MR. COHAN: He may or may not answer what  
21 he chooses to answer.

22 THE WITNESS: I have never seen her in bed  
23 with another man.

24 BY MR. WILLIAMS:

25 Q Do you rely through your knowledge and  
awareness of the things going on in your day-to-day

1 life solely upon the things that you have seen with  
2 your own eyes, or do you also give credence to things  
3 that you have heard?

4 A Referring to sexual relations, I only  
5 am aware of anybody else, you know, doing sex with  
6 somebody else, you know, upon my eyes.

7 Q Well, regardless of what you have seen,  
8 Ricky?

9 A No, it's not regardless what I seen.

10 Q Tell me whether you have heard from any  
11 source--

12 A Oh, no, no, no. Third parties and things  
13 like that, you know, for Christ's sake, you know, I  
14 mean, that's hearsay, you know.

15 Q Let me make it easy for you.

16 A Oh for God, you know. Why don't you ask her?

17 Q I am going to help you out.

18 A Don't help me nothing. Ask her.

19 Q Here's the question, Ricky: Have you ever  
20 heard or learned from any source, whatsoever, that  
21 Ms. Lamazares had, at any point in time, maintained  
22 an intimate relationship with any police officer?

23 MS. COHAN: Same objection to the materiality  
24 and relevance of Ms. Lamazares' personal life.

25 THE WITNESS: Douglas, I am a gentleman,

and I don't--

1  
2 BY MR. WILLIAMS:

3 Q I'm a defense lawyer, Ricky.

4 A That's your problem.

5 Q That's my job.

6 A That's your problem, and you know, I am not  
7 in the defamation bureau side of spreading boyfriends,  
8 lover, or whatever, you know, to whom who presently  
9 might be married, have a family, or whatever.

10 Q Now, we have given you the opportunity  
11 to express your philosophy into the record. Now,  
12 can you please answer my question, please, sir?

13 A I already answered the question.

14 Q The question is, sir, whether you have  
15 learned, from any source, that the one called Nancy  
16 Lamazares has, at any time in the past, maintained  
17 an intimate relationship with any police officer whom  
18 you know?

19 MS. COHAN: I am going to object to the  
20 relevancy of the question and instruct the  
21 witness if you do not choose to answer, you may  
22 do so, and ask for a proffer of relevancy.

23 THE WITNESS: I will join her.

24 BY MR. WILLIAMS:

25 Q Are you refusing to answer a question?

A Yes.

1 MR. WILLIAMS: All right. You and the  
2 witness and I had best confer off the record  
3 privately, and if you want Mr. Diaz to be there,  
4 I have no objection to that, but I should think  
5 that you would have enough confidence, aside  
6 from anything else, that you can keep the con-  
7 versation to the witness to yourself, and me.

8 MS. COHAN: I don't see what self-  
9 confidence has to do with it, Mr. Williams.

10 MR. WILLIAMS: As you wish, but I think it  
11 might be in everybody's better interest if we  
12 chatted first before we go downstairs.

13 MS. COHAN: Let's go next door.

14 Peter, can you stay here, please?

15 MR. OUTERBRIDGE: Sure.

16 (Whereupon, an off-the-record discussion  
17 was had between Mr. Williams, Ms. Cohan, the witness  
18 and Officer Diaz.)

19 BY MR. WILLIAMS:

20 Q Ricky, do you have the pending question,  
21 or do you want me to restate it?

22 A What?

23 Q The pending question?

24 A What question? I believe that I already  
25

answered it.

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MS. COHAN: No, there is a pending question.

BY MR. WILLIAMS:

Q The question is, whether you have learned from any source whatsoever--

A I already answered it, you know.

MS. COHAN: Wait a minute.

BY MR. WILLIAMS:

Q (Continuing) --that the one named Nancy Lamazares has, at any time in the past, maintained an intimate or close relationship with somebody in law enforcement known to you?

MS. COHAN: Ricardo, I am going to object to the relevancy and materiality.

You may or may not answer, as you choose.

THE WITNESS: I am not going to answer.

BY MR. WILLIAMS:

Q Are you relying upon--

A On what?

Q Are you relying upon any legally recognized privilege in declining to answer?

A I do not understand that kind of legality that you are putting up to me, so I will consider that if I answer to you, you know, it might be, you know, breaking something or what.

MR. WILLIAMS: Certify it.

(Off the record.)

(Whereupon, the following proceedings were had before the Honorable Geràld Kogan in Chambers:)

THE COURT: Okay, everybody.

MR. WILLIAMS: Judge, you know Mr. Morales?

THE COURT: Yes.

Why doesn't everybody sit rather than stand up.

Now, tell me what is happening.

MR. WILLIAMS: Mr. Puig is with us.

THE COURT: I recognize Mr. Puig.

MR. WILLIAMS: To protect me.

Your Honor, we've been making inquiries in the course of deposition concerning one particular homicide that Mr. Morales committed about oh, nine years ago or so in which the victim was a man named Eladio Ruiz.

Mr. Morales has testified that in addition to having attempted to kill him, Mr. Morales previously, the one called Ruiz is thought to have shot and killed a man named German with a "G" Lamazares.

At the time of his death, German Lamazares was married to a woman named Nancy Lamazares.



1 I have asked Mr. Morales to describe the  
2 relationship that he had with both German  
3 Lamazares and Nancy Lamazares, and he has done  
4 that.

5 I then asked him whether he had knowledge  
6 or has knowledge presently whether the woman  
7 named Nancy Lamazares had, at any time, been  
8 involved in and/or maintained an intimate rela-  
9 tionship with somebody known to Mr. Morales in  
10 law enforcement, and Mr. Morales, on his own,  
11 has declined to answer the question.

12 To the extent that one has subjective  
13 knowledge about such things, I believe I know  
14 the answer to the question, although I need it  
15 to be of record, because my understandings of  
16 the inner working of the relationships involved  
17 is such that my belief is that the one with whom  
18 Ms. Lamazares has in the past been intimately  
19 involved is the law enforcement police officer  
20 in this community who, for ten or twelve years  
21 has had ongoing, direct, very intimate, and  
22 very significant constant contact with Mr.  
23 Morales.

24 THE COURT: Before we do that, let's  
25 stop right here.

1 Read to me the particular question that  
2 was asked, and Mr. Morales, then, we will get  
3 back to--

4 (Whereupon, the certified question was  
5 read into the record by the court reporter.)

6 THE COURT: And Mr. Morales said he wouldn't  
7 answer the question?

8 THE COURT REPORTER: Yes.

9 THE COURT: Now, this is not the State  
10 directing him not to answer; this is Mr. Morales  
11 stating he wouldn't answer?

12 MS. COHAN: No, I objected on the grounds  
13 of materiality and relevancy.

14 THE COURT: That was it, and Mr. Morales  
15 just refused to answer it?

16 Go on back, Mr. Williams, and tell me what  
17 you were telling--obviously, the first thing that  
18 comes to my mind what Ms. Cohan is raising the  
19 materiality and relevancy as to whether or not  
20 this individual, Nancy, has any intimate  
21 relationship with any law enforcement officer,  
22 why would that be material or relevant to this  
23 particular case?

24 MR. WILLIAMS: Franks versus Delaware,  
25 Judge, in several particulars.

1           The policeman in question is Raul Diaz,  
2 who is presently a lieutenant with the Public  
3 Safety Department's homicide section.

4           Raul Diaz, as I said before, has had what,  
5 from the part of the iceberg that has been  
6 visible above the surface from over the past  
7 several years, has had a very close, and in its  
8 own way, and I don't mean any sexual implication  
9 in that, intimate relationship with Mr. Morales.

10          Lieutenant Diaz has, to our knowledge and  
11 belief, figured prominently, in a behind-the-  
12 scenes way, in some aspects of preparation or  
13 development of this case.

14          Mr. Morales has also told us of certain  
15 conversations that he had with Lieutenant Diaz  
16 in the prosecutor's presence pertaining to this  
17 case and pertaining to preparation for this case.

18          Mr. Morales was never tried for the Ruiz  
19 shooting. He was arrested and charged, and  
20 at the last minute, the only witness who was  
21 able to make an identification of him changed  
22 his mind.

23          I even remember the fellow's name.

24          THE COURT: Did Mr. Raul Diaz work that  
25 case as a homicide investigator?

1 MR. WILLIAMS: No, it was worked by the  
2 City of Miami, but then, Officer Diaz was  
3 present on the scene shortly after the shooting  
4 and--

5 THE COURT: Now, when you say "Diaz," we  
6 have a couple of Diazes.

7 MR. WILLIAMS: I am talking about Rauf  
8 Diaz, who was then a police officer, as I recall  
9 was present shortly after the shooting, was  
10 involved, had contact with other law enforcement  
11 officers between the time of the shooting and  
12 the time of the preliminary hearing, has had  
13 substantial contact with Mr. Morales since then,  
14 and the Franks question, which I really don't  
15 want to have to articulate any more precisely  
16 than that, right now, because I don't think it  
17 necessary to give away specific areas of defense  
18 strategy, become very right from the point of  
19 view of the existence of any understanding or  
20 relationship which, perhaps, would cause Mr.  
21 Morales to have been accorded, in the past and  
22 presently, more latitude and more prerogative  
23 than would otherwise be accorded to a person  
24 walking the streets of Dade County.

25 THE COURT: Be that as it may, how would

1 that come out of the fact that if, in fact, it  
2 is true that Raul Diaz does have an intimate  
3 relationship with Nancy--whatever her name is--

4 MR. WILLIAMS: Lamazares.

5 THE COURT: What difference does that make?

6 MR. WILLIAMS: Well, let me construct one  
7 possible easy scenario.

8 Consider the likelihood that--oh, could we  
9 have Mr. Morales and Mr. Puig step out for a  
10 second?

11 THE COURT: All right.

12 Mr. Morales and Mr. Puig, step out for a  
13 moment.

14 (Whereupon, Officer Raul Puig and  
15 Ricardo Morales left the room.)

16 THE COURT: Okay.

17 MR. WILLIAMS: Having in mind, Judge, the  
18 very liberal construction that has been given to  
19 the discovery rules in both civil and criminal  
20 cases because, as I understand it, the rules of  
21 civil procedure govern the scoping of taking  
22 depositions in criminal cases.

23 THE COURT: That is right.

24 They do, but even on my stretching the  
25 imagination--all right--first of all, are you

1 saying that Mr. Morales was intimate with  
2 Nancy way back when, seven years ago?

3 MS. COHAN : He's admitted to an intimate  
4 relationship with her nine years ago.

5 THE COURT: And now, you are claiming,  
6 although he has not answered the question,  
7 that if he did answer that question, if he  
8 knows the answer, that he would be saying that  
9 Raul Diaz had an intimate relationship with her,  
10 and you are saying that Raul Diaz has helped  
11 Mr. Morales in the past?

12 MR. WILLIAMS: Of course he has.

13 He has been one of his two controls  
14 insofar as the use of Morales as an informant  
15 not only by Public Safety, but by virtually  
16 every other law enforcement agency in the  
17 Southeastern United States save the FBI is  
18 concerned.

19 MS. COHAN: Point of order.

20 I believe that what Mr. Williams is seeking  
21 from Mr. Morales is whether, nine years ago  
22 or eight years ago or seven years ago, Lieutenant  
23 Diaz had a relationship with Nancy Lamazares;  
24 not whether he currently does.

25 THE COURT: Is that it?

1 MR. WILLIAMS: Well, I want responses in  
2 two areas--at the time of Ruiz' shooting, and  
3 within the past year.

4 Now, let me just finish the easy super-  
5 ficial thought, Judge, and Your Honor, I ask  
6 you to keep in mind that this area of inquiry  
7 introduces one into an extremely complicated,  
8 very tightly interwoven nest of interrelationships  
9 that has been in existence now for a dozen years,  
10 at least, and maybe more; all of which have  
11 directly borne upon the ability of Mr. Morales  
12 to do certain things with and to law enforcement  
13 that nobody else in this part of the world has  
14 ever done before.

15 THE COURT: All right. Give me a for  
16 instance, so I've got something to see what you  
17 are trying to get at.

18 MR. WILLIAMS: Let's say, for instance,  
19 that the time that Eladio Ruiz was shot by  
20 Mr. Morales, and he now admits to doing it,  
21 that it was done with the knowledge and/or  
22 approval of Raul Diaz, then a policeman, now  
23 a homicide lieutenant, either before or after  
24 the fact, but that because of the inter-  
25 relationship among Diaz, the Lamazares woman,

1 and Morales, Diaz did something less than what  
2 would have been done or he should have done in  
3 the course of the normal exercise of his duties,  
4 as a result of which Morales was not prosecuted  
5 as fully as he might have been for that matter  
6 or as a result of which, in the future, up until  
7 now, Morales has been allowed through the use of,  
8 in effect, the cover of a policeman, who has been  
9 a buffer for him, one who intercedes between  
10 Morales and law enforcement, if otherwise  
11 law enforcement wants Morales to do things that  
12 regular citizens ought not do or couldn't do  
13 with the knowledge and the condonation of a  
14 high ranking County policeman.

15 THE COURT: Are you saying Morales may  
16 be holding over Raul Diaz' head this particular  
17 relationship if it does exist with Nancy?

18 MR. WILLIAMS: That certainly is one  
19 possibility, Judge, and although it is not the  
20 only one that comes to mind, it is enough of a  
21 distinct possibility given that Raul Diaz has  
22 participated directly, albeit, behind the  
23 schemes in the development of this case to the  
24 extent that Morales has had an involvement in  
25 it, and given that Morales has discussed this



1 case with Diaz during the periods of time  
2 that the State Attorney's Office was preparing  
3 the first application and affidavit for the  
4 intercept order.

5 THE COURT: This you've already developed  
6 on deposition?

7 MR. WILLIAMS: Yes, sir.

8 MS. COHAN: That question has been developed.  
9 Judge, can I state a few things?

10 THE COURT: Yes, sure.

11 MS. COHAN: First of all, any relationship  
12 that Nancy Lamazares may have had intimately  
13 with another person nine years ago, I would  
14 suggest is immaterial and irrelevant unless--

15 THE COURT: Although, he says he wants to  
16 develop it right now.

17 MS. COHAN: (Continuing) -- unless Mr.  
18 Morales will testify and has not yet been  
19 asked if, in fact, Raul Diaz does owe him any  
20 debts, any favors, anything at all, because of  
21 some act he may or may not have taken.

22 I would suggest that it is a total  
23 invasion of Nancy Lamazares' privacy to allow  
24 these kinds of questions to be asked of a third  
25 party.

1 He, being Mr. Williams, has indicated he  
2 intends to subpoena Raul Diaz.

3 If Raul Diaz was having an affair with  
4 Nancy Lamazares nine years ago or today, that's  
5 the appropriate party to ask, but instead  
6 Nancy Lamazares, it is my understanding, is  
7 currently happily remarried with a family, and  
8 I just think this is a total invasion of her  
9 privacy.

10 I would suggest that Mr. Williams can  
11 inquire of the witness as to whether Detective  
12 or Lieutenant Diaz was present or had any  
13 knowledge of the Eladio Ruiz shooting, and if so,  
14 how that knowledge was obtained, and whether  
15 Mr. Morales took any acts or refrained from  
16 taking any acts because of Mr. Diaz' involvement  
17 in the situation?

18 I would also indicate that everything right  
19 now is totally hypothetical. It is a defense  
20 construct. There is no evidence right now that  
21 Mr. Morales has any knowledge of Raul Diaz  
22 having or not having an affair with Nancy  
23 Lamazares, and that the only appropriate party  
24 to ask that question to is Raul Diaz or Nancy  
25 Lamazares, but not certainly as to whether Mr.  
Morales may have heard anything about any law

1 enforcement officer having an affair with a  
2 woman who has nothing to do with this case.

3 THE COURT: Well, of course, under ordinary  
4 circumstances, hearsay at a deposition is  
5 permissible since it is discovery.

6 MS. COHAN: Under normal circumstances,  
7 yes.

8 MR. WILLIAMS: Your Honor, what is the  
9 standing or the justification for the State's  
10 interposing itself in this kind of litigation  
11 where there is not some recognized privilege  
12 of which the State can avail itself?

13 MS. COHAN: To be perfectly candid, I  
14 am personally offended.

15 MR. WILLIAMS: Well, you know, unfortunately,  
16 that kind of thing can't guide us in the course  
17 of the performance of our professional duties or  
18 responsibilities.

19 I, myself, have, on several occasions,  
20 been outraged by things that police officers and  
21 prosecutors have done in the courts of this  
22 county and on the streets of this county, but  
23 I don't get personally involved in it.

24 THE COURT: Here's what I am going to do.  
25 I can understand Ms. Cohan's reservations about

1 the situation if someone is no longer in that  
2 relationship, if someone, in fact, is remarried,  
3 for example, and has no association with any of  
4 these particular parties, and the Court, if I  
5 did tell Mr. Morales to answer it, would, quite  
6 frankly, seal this portion of the deposition;  
7 at least seal the answer to that particular  
8 question.

9 I don't want to go ahead and put somebody  
10 in a position where a third party, although I  
11 don't know--he may have firsthand knowledge, he  
12 may have seen them together, she may have  
13 admitted to him that she did.

14 MS. COHAN: He has already testified he did  
15 not.

16 THE COURT: That he did not what?

17 MS. COHAN: See them together.

18 THE COURT: All right.

19 MR. WILLIAMS: Judge, what I cannot under-  
20 stand, I cannot understand the legal basis upon  
21 which some people, who are extremely significant  
22 participants in this situation, and in its  
23 development, in a manner that is substantially  
24 more far-reaching than normally comes into  
25 the courts of this county, are being given

1 prerogatives and considerations by the  
2 prosecutor's office that under all those  
3 circumstances, wouldn't even be considered by  
4 the prosecutors or by the court.

5 THE COURT: For example?

6 MS. COHAN: Let's not "for example,"  
7 Your Honor. I would ask for a specific.

8 I don't know Nancy Lamazares.

9 THE COURT: When I say "for example," I  
10 am asking for a specific.

11 MR. WILLIAMS: All right.

12 It is apparent that regardless of what the  
13 prosecutor says, the State's intention here is  
14 to shield Lieutenant Diaz, because nobody could  
15 give a hoot less about the life and times of  
16 Nancy Lamazares.

17 THE COURT: No, she says it's to shield  
18 Nancy Lamazares.

19 MR. WILLIAMS: Fine, Judge, and I am  
20 really touched and moved by that, but Nancy  
21 Lamazares is a woman whose name the prosecutor  
22 has never heard up until it came out at some  
23 point in the course of this case.

24 MS. COHAN: That is incorrect.

25 MR. WILLIAMS: (Continuing) -- and is no

1 different from any one of the million and a half  
2 other people who walk the streets of Dade  
3 County whose comings and goings are fair game  
4 when it comes to their being participants in  
5 one or another aspect of the situation that gets  
6 the attention of law enforcement in the courts,  
7 and for the prosecutor to say, all of a sudden,  
8 that the State is litigating this matter out of  
9 concern for the privacy of this person, who is a  
10 stranger, in effect, to these proceedings, when  
11 rape victims are allowed and required to testify  
12 to intimacies that occurred in their lives 15  
13 years previously, simply because everybody thinks  
14 it's a fair thing to do, is, I think, a little  
15 bit of hypocrisy.

16 MS. COHAN: May I respond, Your Honor,  
17 briefly?

18 THE COURT: Rather than do that, let me  
19 tell you what my inclination is, and this is  
20 the way I am going to rule.

21 I am going to require him to answer the  
22 question. However--

23 MS. COHAN: Can we get him in here for your  
24 ruling?

25 THE COURT: Yes, I will bring him in and

tell him what the ruling is.

1 I am going to require him to answer the  
2 question, but I am going to seal the answer.

3 If it becomes necessary or relevant during  
4 any hearing or further proceeding in court,  
5 upon showing that it is by the parties seeking  
6 to use that particular statement, then, the  
7 court, of course, will unseal it, but this  
8 accomplishes what you both want.

9 It accomplishes--it allows you, on your  
10 deposition, to discover material that you feel  
11 will show that the interrelationship of all  
12 these parties, and perhaps go to Mr. Morales'  
13 credibility, and at the same time, it affords  
14 the State the opportunity that, if this par-  
15 ticular woman is, in fact, someone who is  
16 innocent, and in fact, may have had a relationship  
17 with any of these parties, that is not material  
18 at all to this case, and would also protect her  
19 at the same time.

20 MR. WILLIAMS: I assure you that I have no  
21 interest or intention in giving currency to  
22 any information or testimony that Morales might  
23 give that could bring embarrassment or dis-  
24 comfort to the woman, who I have never in my  
25 life met, and wouldn't know if she, by the way,

1           came up and kicked me.

2           MS. COHAN: As I have previously indicated,  
3           Mr. Williams can subpoena Lieutenant Raul Diaz  
4           and ask him those questions, and then, at that  
5           time, we will see where we are.

6           I have no intention of shielding Lieutenant  
7           Diaz from a subpoena or from responding to any  
8           questions as I previously indicated during this  
9           conference.

10          THE COURT: Let's bring Mr. Morales in,  
11          and I will tell him what my ruling is going to  
12          be, and then, we'll go from there.

13          MS. COHAN: If this is going to be sealed,  
14          may I suggest that the answers be given down  
15          here, because in my office are Frank Castro,  
16          Raul Villaverde, Carlos Quesada, and Jose Marcos.

17          THE COURT: May I say, I can't help that.  
18          They are defendants and they are entitled to  
19          be present at any stage of the deposition.

20          MS. COHAN: Including this portion?

21          THE COURT: Any portion of the deposition.

22          This is sealed from public review.

23          I cannot prevent defendants from being present  
24          at the taking of a deposition. They have the  
25          absolute right to be present.



1 I am sure they are not going to go outside  
2 and tell everybody in the street about it.

3 (Officer Puig and Ricardo Morales reentered  
4 the room.)

5 THE COURT: Okay.

6 Mr. Morales, the question that was read back,  
7 and Ms. Reporter, you will read it back at this  
8 time to Mr. Morales, so he will know what ques-  
9 tion I am talking about.

10 (Whereupon, the certified question was  
11 read into the record by the court reporter.)

12 THE COURT: You will answer that question.  
13 The Court is ordering you, at this time, to  
14 answer that question.

15 If you fail to answer that question, then,  
16 you will be in contempt of this particular  
17 court. Do you understand, sir?

18 THE WITNESS: Yes.

19 MS. COHAN: Would you also tell him what  
20 provisions you have made for the answer?

21 THE COURT: Yes. Whatever the answers are  
22 to that particular question, the court is going  
23 to seal the answers. In other words, they will  
24 not be made available to the public, unless and  
25 if it is shown to the court later on in these

1 proceedings, that these matters, in fact, are  
2 material and relevant to any public hearing;  
3 by that, I mean, a courtroom hearing that may  
4 take place.

5 THE WITNESS: Yes. Somewhere in--

6 THE COURT: I don't want you to answer  
7 the question in front of me. You will answer  
8 it when you go back upstairs.

9 Is there anything that you want to tell me  
10 at this time?

11 THE WITNESS: Well, I was going to answer  
12 the question to you.

13 THE COURT: Don't answer in front of me.

14 They will take you upstairs, and you will  
15 answer in front of them.

16 THE WITNESS: Your Honor, what you want me  
17 to say that I was able to tell you?

18 THE COURT: No, I just want you to answer  
19 that particular question.

20 THE WITNESS: Okay. I will answer.

21 THE COURT: All right. Fine.

22 MR. WILLIAMS: May I be excused?

23 THE COURT: Yes.

24 MR. WILLIAMS: Thank you, Your Honor.

25 (Off the record.)

1 (The questions and answers which followed  
2 the above and which would otherwise appear here have  
3 been sealed by order of Court. The original transcript  
4 of these proceedings has been delivered to the Court  
5 under seal; and copies have been provided to the  
6 following counsel: Rina Cohan, Assistant State  
7 Attorney, Douglas L. Williams, Esquire, and Edward  
8 R. Carhart, Esquire.)

9 BY MR. WILLIAMS:

10 Q Let me just close out this segment here.

11 Ricky, you have answered the certain  
12 questions that the court suggested that you answer.

13 Now, are the answers that you have given  
14 and which the court has ordered to be sealed, would  
15 those answers apply to the point in time at or in  
16 the vicinity of which you shot Eladio Ruiz?  
17 Was that true back then?

18 A It applies to my whole life.

19 Q Here's the question: You just responded to  
20 certain questions that the court told you to answer  
21 by describing the existence of a situation; okay?  
22 You know what I am speaking of?

23 A I'm going to make it shorter for you.

24 Q Here's the question: The situation that you  
25 have just described exists at or about the time that

1 you shot and killed Eladio Ruiz?

2 A Yes.

3 MR. WILLIAMS: Okay. Let's get our  
4 schedule straight for the next couple of days.

5 (Off the record.)

6 (Whereupon, at five o'clock p.m., the  
7 deposition was recessed until Wednesday, April 7, 1982,  
8 at ten o'clock a.m.)

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STATE OF FLORIDA )  
                                      : SS.  
COUNTY OF DADE )

I, JOYCEE WAX, Shorthand Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that I reported the deposition of RICARDO MORALES NAVARETTE, a witness herein; that said witness was duly sworn by me; and that the foregoing pages, numbered from 1 to 115, and 119, are a true and correct record of the deposition given by said witness.

I further certify that I am not an attorney or counsel of any of the parties; nor a relative or employee of any attorney or counsel connected with this action; nor financially interested in said cause.

WITNESS My hand and official seal at Miami, Dade County, Florida, on this 16th day of April 1982.

*Joycee Wax*  
\_\_\_\_\_