

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 5

ALFREDO ARIAS, et al.,

Defendants.

1351 Northwest 12th Street,
Miami, Florida,
Thursday, April 8, 1982,
10:35 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.

INDEXED
R-610

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1 APPEARANCES:

2 RINA COHAN,
3 Assistant United States Attorney,
4 Attorney for Plaintiff.

5 DOUGLAS L. WILLIAMS, ESQ., of the firm of
6 NATHAN, WILLIAMS & REICHENTHAL,
7 444 Brickell Avenue,
8 Miami, Florida,
9 Attorney on behalf of Defendant Arias.

10 ALSO PRESENT:

11 RAUL VILLAVARDE, Defendant
12 JOSE MARCOS, Defendant,
13 OFFICER D. C. DIAZ
14

15 - - - - -

16 I N D E X

17 Witness

18 Ricardo Morales Navarette

19 Direct

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24
25

Thereupon--

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

5 DIRECT EXAMINATION

6 BY MR. WILLIAMS:

7 Q Identify yourself for the record, please?

8 A Ricardo Morales Navarette.

9 Q Are you the person whose deposition
10 commenced on April 2nd, 1982?

11 MS. COHAN: On or about?

12 THE WITNESS: On or about.

13 BY MR. WILLIAMS:

14 Q Before Ms. Cohan and me?

15 A Yes.

16 Q And therefore, the same person who has been
17 testifying on successive business days since then?

18 A Yes.

19 Q Will you tell me, please, Mr. Morales,
20 during the months of August, September, October,
21 November and December of 1980 and January of 1981,
22 what were your personal habits concerning the use of
23 alcohol or any chemicals internally?

24 A Before answering to your question, Mr.
25 Williams, since previously, you always, you know,

1 advise me if I have recalled from a previous depo-
2 sition, you know, something that I would like to
3 straight up for the record.

4 Q Exactly.

5 A And you have failed to do so today.

6 You know, I would like you to instruct me
7 again about that, about those issues, so I can refer
8 for you whatever recollection has been made in my
9 mind concerning past--

10 Q How about if you answer the pending question,
11 and then, we will go back and do that?

12 Let's get that question out of the way.

13 A What question?

14 Q The question is--

15 A No, I would like to--since it was your
16 normal procedure every day to ask me if I have to make
17 any corrections--

18 Q Allude you into a false sense of security;
19 didn't I?

20 A No, I thought it was the proper procedure
21 for you since it's been established.

22 Q No procedure.

23 A Well, today, I have to make a few.

24 Q A correction?

25 A A correction.

1 Q All right.

2 Mr. Morales, what is it that you wish to
3 correct?

4 A I would like to correct the part that you
5 asked me if I ever received any moneys from the
6 Public Safety Department, and I have recollected that
7 somewhere in 1973, I, myself, on or about the mid-
8 1973, I was the guest lecturer in a class of bomb
9 disposal and bomb techniques that was held at the
10 north campus college, you know, Dade College in north
11 campus.

12 Q Miami-Dade Community College?

13 A Dade Community College, north campus,
14 which was attended by more than a dozen police officers
15 from different municipalities including City of Miami,
16 Miami Beach, and I just can't recall exactly how many
17 of them, and then I was formally invited by the Public
18 Safety Department, and then I was compensated for my
19 lecturing there.

20 Also, that besides my testimony to the
21 effect that I was instructed by the Federal Bureau of
22 Investigations to assist in the cuing--

23 Q To assist in the what?

24 A In the cuing of the new police officers.

25 Q Cuing?

1 A Yes, since--well, since, sometimes, I
2 understand your terms, you know. Then, you understand
3 my terms.

4 Q What do you mean when you say "cuing"?

5 A Cuing means assisting them, breaking them in,
6 you know, streetwise, especially of--you know, some
7 things like that.

8 Q We already talked about that.

9 A Right, besides the Federal Bureau of
10 Investigations. I was also told that by the Counter-
11 intelligence Section of the Central Intelligence Agency
12 down here in Miami.

13 Q Who, please?

14 A Joaquin Garcia, who was the head of that
15 counterintelligence office.

16 Q Was this at about the same time as those
17 activities that you had described yesterday?

18 A Yes.

19 Q Are there any other particulars in which
20 your recollection has changed?

21 A No, I haven't changed recollections.
22 There have been no change in recollection. It has
23 been additions to my recollections.

24 Q Any other particulars in which your
25 recollection presently makes you think it appropriate
to make, modify, or to add to any testimony that you

gave yesterday?

1 A No, sir.

2 Q Now, would you please tell me, sir, during
3 the months of August, September, October, November,
4 and December of 1980--

5 A August--

6 Q August to December of 1980.

7 A August through--that's more easy--August
8 through December or you're keeping adding months?

9 A Or January of 1981?

10 A Up to from August--give me a definite span
11 of time. From where to when? I am going to answer
12 the question to you, Douglas. You know that.

13 MS. COHAN: What's the question?

14 MR. WILLIAMS: There is none pending,
15 because the witness has not allowed us to finish
16 the question.

17 MS. COHAN: Is this royal "we"--us?

18 MR. WILLIAMS: Yes. We would like to know
19 what, between August of 1980 and January of 1981,
20 inclusive--

21 THE WITNESS: Inclusive, January, 1981,
22 right.

23 BY MR. WILLIAMS:

24 Q Was your--
25

1 A Including up to the 31st--I mean, to the
2 end of January, 1981, right?

3 Q The fellow is frisky this morning.

4 MS. COHAN: So are you.

5 MR. WILLIAMS: He must have had a boost
6 from something.

7 Are you ready?

8 THE WITNESS: What do you mean by a boost
9 from something?

10 What are you implying by a boost from some-
11 thing, since I'm not a rocket, and rockets are
12 the ones that usually, you know, are boosted,
13 or blasted is a different expression.

14 BY MR. WILLIAMS:

15 Q Are you ready to go with the question, now?

16 A Yes, I'm ready to go to the question, but
17 I am not ready to go through, you know, your things.

18 Q The question is, what, between August of
19 1980 and January of 1981, was your regular, personal
20 process concerning the use of alcohol or any chemicals
21 internally including, but not limited to marijuana,
22 heroin, cocaine, barbituates, amphetamines, or any
23 other chemical substance that one might inject for
24 whatever one's purpose? What was your regular habit?

25 A My regular habits?

Q Or practice?

A My regular habits, practice, or enjoyments or pleasures concerning your question, I would drink Johnny Walker Black. I drink heavily.

I was snorting cocaine. I was smoking marijuana, and I was using Valium to get sleep, my nerves down, and that's about it.

Q You described your consumption of Johnny Walker Black as being heavy.

On a regular basis, how would you describe quantitatively your cocaine use during the time in question?

A On a daily basis?

Q Did you use it daily?

A Not precisely, you know.

Q More or less?

A More or less, you know, I would say that I will take a gram.

Q Each day?

A Nope.

Q How frequently?

A Oh, every time that it was available or somebody went by the table and said, "You want to take, you know, a snort," and I say, "Yes, you know, let me have some," and I will take a quick snort, you know, and that will stabilize my alcohol level.

MS. COHAN: Maybe I missed something.

Are we talking August, 1980, to January of
1981?

MR. WILLIAMS: Yes.

MS. COHAN: Okay.

BY MR. WILLIAMS:

Q Can you describe for me some quantity for
some specific period of time on an average that would
reflect or describe your cocaine usage during that
period? Were you using a gram a day or a pound a day?

A No, no, you cannot use a pound a day,
Douglas, and you know that.

Q Well, no, I don't.

A Well, you should know that by now.

Q Well, educate me.

How much is a gram; if you could?

MS. COHAN: It's a Sweet 'n Low packet.

MR. WILLIAMS: Oh.

THE WITNESS: I agree a Sweet 'n Low,
Sweet 'n Low.

BY MR. WILLIAMS:

Q That's about a gram of cocaine?

A That's about a gram of cocaine.

MS. COHAN: Sweet 'n Low comes in grams, too.

THE WITNESS: That was also a terminology

for bad quality, bad cocaine.

1 BY MR. WILLIAMS:

2 Q What?

3 A Sweet 'n Low.

4 Q In other words, if somebody told you or
5 gave you bad cocaine, it would be described as Sweet
6 'n Low?

7 A That usually the ones that you get at bars,
8 you know, at night spots and so forth.

9 Q With what degree of frequency were you using
10 cocaine during the period in question?

11 A Well, every time that I was drinking I
12 was by the Mutiny. Since cocaine was there, you know,
13 readily available, I would take a couple of shots
14 of cocaine through my nose, one nose. I only used
15 one, the right one.

16 I always use the right one, so instead of
17 getting the right one clogged if it got clogged, I
18 still got the other one to breathe.

19 Q You only use one nostril?

20 A Only one nostril, right, so that way,
21 only half of your peripheral gets high, so the other
22 one still controls, you know, whatever you got high
23 on, for your own edification.

24 Q Cute.
25

A Cute.

1 MS. COHAN: I don't think that's how it
2 works.

3 MR. WILLIAMS: I tend to doubt it, myself.

4 THE WITNESS: You have experience why you
5 are doubting what I am saying?

6 BY MR. WILLIAMS:

7 Q Who's asking the questions, and who is
8 answering?

9 A No, because you are saying that you doubt
10 it, you know.

11 I mean, how come you are going to doubt it
12 if you don't have experience?

13 Q We agreed that I was going to be the lawyer
14 and you were going to be the witness.

15 A Oh, but don't--what I am saying without
16 proper qualifications.

17 The record will reflect, you know, that
18 you are doubting what I am saying.

19 MS. COHAN: Right.

20 MR. WILLIAMS: I don't like this anymore.

21 THE WITNESS: Neither I, Douglas.

22 I am giving a straight answer.

23 I drink alcohol, you know, heavily, you
24 know, during that fine period, that time period,
25 that you are saying, which is going to be cut

by December.

1
2 BY MR. WILLIAMS:

3 Q Here's the question--

4 A No, no, which is going to be cut by
5 December of 1980.

6 Q Here's the question: With what frequency,
7 in terms of days or weeks or using any other factor
8 that you would to describe it, were you using cocaine
9 during the period in question?

10 A Well, it was not on a daily basis, you know.
11 It may have been three, four days, without using
12 any one. Maybe, I will take, you know, a couple of
13 snorts, one day, and then, maybe I will bomb myself
14 out, you know, three or four grams in a party.

15 Q Is it accurate to say that whenever it
16 was available, whenever it was close at hand, you
17 would use it?

18 A Well, not exactly, you know. Sometimes,
19 it was there, and I didn't have, you know, the desire
20 for it.

21 Q Is it accurate to say that it was, in
22 any event, a regular feature of your life during that
23 period of time?

24 A Of course.

25 Q All right.

1 A It was there like food and alcohol, and
2 women, you know.

3 Q To what degree of frequency were you smoking
4 marijuana?

5 A Well, that's different. Marijuana, I was
6 using it on a daily basis.

7 Q What quantity of marijuana were you smoking
8 on a daily basis during the period in question?

9 A Three, four joints a day, because, you know,
10 pot--you get a high from one joint, and you could
11 smoke a joint, and you wpn't go higher.

12 Q What time of the day did you normally
13 start using any of the chemicals that you have des-
14 cribed? When, during the day, for example, would you
15 normally start drinking?

16 A Well, at that time, I was a night person,
17 so I was not a day person.

18 There is a difference between day person,
19 day people and night persons, night people.

20 Q You are describing to me a situation in
21 which your general practice was to be awake most of
22 the night, and you would sleep during the early or
23 middle part of the day?

24 A No. Usually, I, you know, I get out of
25 bed sometimes around, you know, let's say around five,

5:30.

Q In the afternoon?

A In the afternoon and then, I will, you know, go through the normal procedures of any person who is waking up at that time exactly as whoever, you know, wakes up at five o'clock in the morning.

Q Oh, what for you is a regular day? When relative to whatever the time was you arose would you start using any of the chemicals in question?

A No, I was using toothpaste.

Q Here is my question: Relative to the time that you arose, whenever it was, if it was five in the afternoon or the noontime or five in the morning-- whenever, relative to that time, when would you begin to use any of these various chemicals for whatever? When would you start to drink scotch relative to the time that you awakened?

A Oh, I have to go to breakfast, you know, and my hygiene, my personal hygiene, and then, I will have to go for my breakfast, so usually, after breakfast, which will be between 6:30 and 7 o'clock at the evening at the Mutiny, you know, I will get out of there, you know, and ride in my car, you know, or just walk around the place; I mean, the gardens, you know, and smoke a joint, you

1 know, which was very relaxing, you know, and very
2 enjoyable, will return to the place, you know, with
3 high spirits.

4 Then, I either will ask for a bottle of
5 wine, or you know, a bottle of champagne or I will
6 start drinking, you know, my Johnny Walker straight up,
7 or you know, in preparation for having a regular meal,
8 which will amount to your lunch.

9 Q What about the cocaine? When would you
10 start to use cocaine?

11 A Oh, that was later on. Later on, because,
12 you know--

13 Q Later on in whatever that period of awakeness
14 would be, later on in the cycle?

15 A That will be close to, you know, getting to
16 the point of the other side of midnight.

17 Q In other words, about halfway through
18 that 24-hour period's cycle of being awake; is that
19 right?

20 A Right.

21 Q What about now, Ricky? For the past month
22 or six weeks?

23 A For the past month?

24 Q Month or six weeks?

25 A Month of what year?

1 Q Right now. For the past month or six
2 weeks preceding today?

3 A Preceding today? We are in 1982 now.
4 April the 8th.

5 Q Are you asking me or telling me?

6 A No, I'm just, for the record, where we
7 are staying now.

8 Q The record is going to show all of the time
9 where we are and what we are doing.

10 MS. COHAN: And what you are saying.

11 BY MR. WILLIAMS:

12 Q When it is so, you tell me, within the
13 past four to six weeks, what has been your regular
14 routine or practice concerning the use of all these
15 various chemicals that I have mentioned before?

16 A I have only used alcohol, Johnny Walker
17 Black.

18 Q During the period between August of 1980
19 and January of 1981, how often were you using Valium
20 or any other generic that had Diazepin as its base--
21 whatever you want to call it.

22 A Say that again--about the head and what?

23 MS. COHAN: Diazepin.

24 THE WITNESS: But, you never mentioned
25 the word head?

BY MR. WILLIAMS:

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Q No, I never did.

A Diazepin?

Q Yes, Valium, or any other pharmacological product that had Diazepin as its base.

A Valium. That's it.

Q With what degree of frequency?

A That was not a frequency that was--maybe, you know, one Valium to go to bed, because I suffer from nightmares, you know, and really depressed me.

Q What strength Valium, Ricky?

A Huh?

Q What strength Valium? They come in two, five and ten?

A Yellows and blue. Yellows are fives, and blues are tens, so makes no difference. Either you can have a yellow one, or split a blue one. That means a five.

Q So, you use on an average of five milligrams whenever you used it?

A Whenever I use it.

Q Did you have a prescription for the Valium?

A Of course.

Q From whom?

A Oh, I don't recall. Somebody--you know,

1 I will ask, you know, to give me Valiums.

2 Well, if you are going to come to that
3 point, I never went to a pharmacy, you know, with a--

4 Q Prescription from the doctor?

5 A With a prescription for the Valiums, you
6 know, but it's like you never go to a pharmacy with
7 a prescription for alcohol, which is a drug, or with
8 cocaine, which is a drug. The only difference, it's
9 a controlled substance, and Valiums, you can buy them
10 over the counter.

11 Q So, you were getting your Valiums from
12 anybody who might be a source of it for you, however
13 they would come by; is that correct?

14 A It's no big deal about that. You can go
15 around. You know, you have Valium, and that's it.

16 Q I'm not making a value judgment, Ricky.
17 I am just trying to get some information from you.
18 I'm just trying to find out who you go about getting
19 your Valium.

20 If not from prescription, were you getting
21 it from somebody else whom you thought to have,
22 however they got it, and make them available to you;
23 is that what it was?

24 A Yes.

25 Q Have you been using Valium in the past four

to six weeks?

1 A Oh, let me see. Yes.

2 Q With what degree of frequency?

3 A Every time that I could feel that I am
4 going to be restless, you know, or hyper that night.

5 Q Where these days are you getting your
6 Valium from?

7 A The prescription.

8 Q Do you have a physician's prescription for
9 Valium?

10 A No, I don't.

11 Q Where are you getting them from?

12 MS. COHAN: You can leave the room for a
13 few minutes.

14 MR. WILLIAMS: Let the record reflect the
15 witness has, for the present, declined to
16 answer the question, and has left the room.

17 (The witness left the room.)

18 MS. COHAN: Can you read back the last
19 couple of questions and answers, please?

20 MR. WILLIAMS: Rina, the question was
21 where he was getting his Valium.

22 MS. COHAN: Mr. Williams, I want to hear
23 it from Joyce; not from you.

24 MR. WILLIAMS: Well, I don't much care.
25

1 The question is, where is he getting his
2 Valium from now? That's what it is.

3 MS. COHAN: May I please hear the
4 question and answer from the witness?

5 MR. WILLIAMS: That's much better.

6 (Whereupon, the questions and answers
7 referred to were read into the record by the court
8 reporter.)

9 (The witness entered the room.)

10 THE WITNESS: Mr. Williams--

11 MR. WILLIAMS: Wait until the prosecutor
12 comes back.

13 THE WITNESS: Yes.

14 MS. COHAN: Let me, once again, advise you,
15 Ricardo, that you have the right to assert the
16 Fifth Amendment any time you so desire.

17 MR. WILLIAMS: Mr. Williams, I went to the
18 hospital to visit a close relative, and I
19 bumped into some other relatives there, and I
20 asked them do they have any Valiums, and somehow,
21 my close relative, you know, produced, you know,
22 four or five of them, and those are the ones that
23 I have used in the time that you have mentioned
24 it.

25 That happened in the past four months.

1 BY MR. WILLIAMS:

2 Q Have you been getting Valium or any other
3 substance that you've been using from any person
4 aside from the relative you have just described whom
5 you encountered at the hospital?

6 A Just alcohol.

7 Q No. Here's my question to you--

8 A What do you mean no? Alcohol is a drug.

9 Q You misunderstood my question.

10 You told me a minute ago that you bumped
11 into a relative at a hospital at some point in the
12 past and got some Valium from that relative, and that
13 is what you have been using over the past?

14 A That is what I had already used.

15 Q Okay.

16 A Used, past tense.

17 Q How much Valium did you get from that
18 relative?

19 A I already answered to that question.

20 MS. COHAN: Objection. Repetitious.

21 BY MR. WILLIAMS:

22 Q Once you used those few pills, did you then
23 acquire Valium from any other source?

24 A Nope.

25 Q Is it your testimony, then, that apart from

1 the few pills that you were given by your distant
2 relative in the hospital--

3 A I never said distant relative.

4 Q Your relative in the hospital, that you have
5 not received or been given or acquired Valiums from
6 any other source?

7 A That is right.

8 Q When, most recently, have you used Valium?

9 A Three months ago, two months ago.

10 Q Were you aware, during the time that you
11 were regularly using cocaine and marijuana, that
12 it was a violation of the laws of the state of Florida
13 to possess those controlled substances?

14 A Yes.

15 Q Are you aware that it is a violation of
16 the laws of the state of Florida to be in possession
17 of a pharmaceutical product that is dispensed by
18 prescription only if one does not have a prescription
19 for it?

20 A It's obvious.

21 Q Between the time your deposition started
22 this morning and the time we recessed yesterday
23 afternoon, have you discussed any of the testimony
24 that you have given or any of the questions that have
25 been asked of you?

1 A No.

2 Q With anybody?

3 A No.

4 Q Have you been in touch with Lieutenant
5 Diaz over the past 18 hours?

6 A No.

7 Q Have you, at any time since this deposition
8 started, which is to say, on Friday, April 2nd,
9 had any conversation with any third persons about
10 any of the defendants in this case? When I say
11 "third persons," I mean, anybody with whom you have
12 had personal contact, whether it was contact that you
13 generated or somebody else generated?

14 Have you had any discussion about any of the
15 defendants in this case with any third person?

16 A I'm not in the practice to discuss these
17 proceedings with any third parties because I am well
18 aware that those are one of the questions that will
19 be put up to me, so the answer is no.

20 Q Specifically, have you had any conversations
21 or discussions with anybody that pertained in one way
22 or another to Mr. Quesada, Mr. Arias, Mr. Castro,
23 Mr. Villaverde?

24 Have you discussed any of those people with
25 anybody since the beginning of your deposition?

1 A The answer is no, Douglas.

2 Q Do you want any time to think about that,
3 Ricky?

4 A The answer is no, Douglas. For Christ
5 sakes.

6 MS. COHAN: For the record, I take your
7 third person's term to mean persons not involved
8 in the instant litigation?

9 MR. WILLIAMS: That is correct.

10 THE WITNESS: Oh, I bumped into this guy
11 from the Miami Herald the other day that we
12 were at the 1800, Guillermo Martinez, and I
13 said, "I cannot talk to you about anything,
14 you know, because, you know"--

15 BY MR. WILLIAMS:

16 Q You were telling us yesterday?

17 A I would like to be advised by you or by
18 somebody if, you know, since this is a free country
19 and freedom of speech, you know, is protected by the
20 Constitution, you know, it's like I have a gag in
21 my mouth that I cannot even--you know, it's come to
22 the point where I don't even talk to myself. I just
23 want to know if somebody can refer to that because,
24 otherwise, I am going to stop everybody in the streets,
25 you know, and tell them, you know, "I am on depositions,

1 and they are asking me questions which are a matter of
2 public record for the future and now, anybody can get
3 ahold of them," and things like that.

4 You know, I just wanted to be advised, you
5 know, if I can talk to somebody or I have to be,
6 you know, gagged or intimidated all the time, you know,
7 and going to bed thinking who I talked to today, what
8 was my conversations because, you know, it's getting
9 to be ridiculous.

10 I want an answer from somebody to that, or
11 if I need an attorney to be, you know, present with
12 me, you know, to advise me of my rights about, you
13 know, if I can open my mouth, or I have to get my
14 mouth shut all the time; right?

15 Q Do you presently have private counsel,
16 Mr. Morales?

17 A I can hire private counsel any time that
18 I want.

19 Q Here's my question now, do you presently
20 have private counsel?

21 A No.

22 Q Didn't you consult with Attorney John
23 Komorowski shortly before the commencement of this
24 deposition last Friday?

25 A I saw John Komorowski, and whatever conversa-
tion I had with John--

Q I am not asking you about the conversation.

A Listen. Whatever conversation I had with John Komorowski is private to John Komorowski and myself, and you know that.

Q It certainly is, and I wasn't about to ask you what you discussed with your lawyer.

A What lawyer?

MS. COHAN: Objection to the assumption that Mr. Komorowski is Mr. Morales' attorney.

BY MR. WILLIAMS:

Q When you had conversations with Mr. Komorowski, Mr. Morales, before the commencement of this deposition, the conversations that you had with him are privileged if you were talking to him as your lawyer. If you were not talking to him as your lawyer, then, the conversation isn't privileged. So, were you talking to Mr. Komorowski regarding him as your lawyer?

A Nope.

Q Well, then, why don't you tell us of the conversations you had?

A How his kid was doing, you know, when he was leaving Florida, you look good, you know, you are in good health, how old Paul is going on, and things like that.

1 Q Then, what you are telling me is that
2 you did not consult Mr. Komorowski for the purpose
3 of obtaining his legal advices or assistance in
4 preparation for either your deposition, testimony on
5 deposition, or any other facet of this case; is that
6 correct?

7 A No, Williams.

8 Q Not correct?

9 A No, Williams. It is correct.

10 Q It is correct? Okay.

11 Well, in response to your question,
12 Mr. Morales, I will tell you these things: No. 1,
13 it is not my function to give you legal advice, and
14 if otherwise your question to me was tantamount to
15 asking me for legal advice, with all due respect to
16 you I decline to give it to you.

17 No. 2, you certainly have the right to
18 consult counsel of your own choosing at any time
19 you want, as you well know, by virtue of your
20 familiarity with the legal system over the past 20
21 years.

22 If you think you need to consult with an
23 attorney at any time during the course of this
24 deposition, because some personal legal right that
25 you possess is in some way jeopardized or threatened

1 by the procedure that is taking place, the questions
2 that are being asked of you, you tell me that, and
3 we will take a recess for as long as you think it
4 necessary in order to let you have access to counsel
5 of your choice.

6 A I believe that since the State is repre-
7 sented here in the person of Ms. Rina Cohan, and
8 since you are the one who, you know, is--I'm being, feel
9 you know, like putting a gag over--you know somebody--
10 I would like somebody to have an explanation to why,
11 you know, is the matter that I feel that I cannot even
12 talk to myself in the mirror?

13 Q Before I was interrupted, I was going to
14 continue by way of saying that though Ms. Cohan,
15 as prosecuting attorney for the State of Florida--

16 A Can I be provided with a book which might
17 be around here, you know, to inform myself about the
18 rules and regulations, the dos and don'ts of, you know,
19 deposition, and things like that, because this is the
20 first time that I have been in a deposition, and you
21 know that.

22 Q Let me give you a do. The do is sit down
23 and answer questions unless you think that your legal
24 rights are being infringed upon, in which event, you
25 can talk to a lawyer.

1 The don't is, don't make demands on me, or
2 for that matter, the prosecutor or anybody else what
3 you want to have done or not have done during the
4 course of the deposition.

5 I am going to continue to ask questions
6 unless you want to get up and walk out to go to
7 talk to a lawyer.

8 A Mr. Williams, as soon as I feel that you
9 are violating my civil rights with that crap about,
10 you know, not talking to anybody or that kind of
11 thing, that if I feel that I am being intimidated
12 by you, I'm going to make a complaint with the
13 Civil Rights Division of the U.S. Attorney's Office.
14 That is first; okay?

15 Now, you can continue with your session
16 today.

17 Q Does Ricardo Morales Navarette presently
18 feel intimidated by me?

19 A Yes, I do.

20 Q Did you feel intimidated in the Belgian
21 Congo, Ricky?

22 MS. COHAN: Objection. Argumentative.

23 MR. WILLIAMS: No, absolutely. I want to
24 know your frame of mind when you were doing
25 war maneuvers in the Belgian Congo.

1 Did you feel intimidated by the presence of
2 guns or bombs?

3 THE WITNESS: I was scared to death.

4 BY MR. WILLIAMS:

5 Q Are you scared to death now?

6 A I feel intimidated.

7 Q By?

8 A You.

9 MR. WILLIAMS: The record should reflect
10 that the witness pointed at me.

11 MS. COHAN: Do you feel threatened,
12 Mr. Williams?

13 MR. WILLIAMS: I have never felt less
14 threatened in my entire life.

15 THE WITNESS: Shall we continue?

16 BY MR. WILLIAMS:

17 Q Would you like presently to recess the
18 deposition, so that you can have the benefit of
19 conferring with counsel of your choice?

20 A Not now.

21 Shall we continue?

22 Q I thought you'd never ask.

23 When you were--

24 A I should never ask what?

25 Q When you were--

1 A Never ask what?

2 Q Ricky, I said, I thought you would never ask.

3 A Don't whisper. Louder.

4 Q I thought you would never ask.

5 A To what?

6 Q If we could begin.

7 A Then finish.

8 Q I was waiting for you.

9 A Let's go on.

10 Q Now, when you were using controlled sub-
11 stances that you described between August and
12 January of 1980 to 1981, the cocaine and the marijuana
13 and the Valium, where were you getting them?

14 A I never said that I used cocaine in January
15 of 1981.

16 Q Whenever it was during that period of time
17 between August of 1980 and January of 1981, inclusive,
18 that you were using cocaine, marijuana, and Valium,
19 whenever that was, from where were you getting the
20 cocaine?

21 A Douglas, cocaine, in those times, was
22 available, you know, over the counter anyplace--
23 the Mutiny, any people that I bump into.

24 You have to realize that I was moving in
25 a drug circle, that I was involved in the dealing of

cocaine, and it was there.

I didn't have to ask to anybody, you know, specifically, because it was there.

Q Did you get the cocaine from Mr. Quesada?

A Yes.

Q Did you get cocaine from Mr. Arias?

A Yes.

Q Did you get cocaine from Mr. Marcos?

A I never met Mr. Marcos in my life.

Q Did you get cocaine from Mr. Ortega?

A Yes.

Q Did you get cocaine from either of the brothers Villaverde?

A From Raul.

Q The gentleman seated to my left now (indicating)?

A Yes.

Q What about Rafael?

A Rafael never used any cocaine in my presence.

Q The question was, whether you ever got any from him?

A Rafael never ever provided me with any cocaine.

Q Did you obtain cocaine from any of the other

persons who are or in the past have been defendants
in this case?

A Let me go through the list.

MR. WILLIAMS: Do you have a cover sheet of
the Information, currently, Rina?

MS. COHAN: Yes, it's not inclusive of all
the defendants, but at least it's partial
(handing to the witness).

THE WITNESS: (After examining document).
Lucy Garcia, Ramon Puentes, Jose A. Fernandez,
also known as Tony Mentirita--I'm talking in the
sense of using it, the cocaine, that we have
used cocaine together.

BY MR. WILLIAMS:

Q Yes, that is what I want to know.

A The ones that I have used cocaine together;
right?

Q From whom you got cocaine?

A Oh, I gave cocaine to them, and they gave me
cocaine, too.

Q Are we always talking about amounts or
quantities for personal use?

A No, I am talking--right now, I am talking
about amounts of quantities to be used.

Q Personal use?

1 A Personal use, that is right.

2 Q Yes.

3 A From the list here that has been provided
4 to me.

5 MR. WILLIAMS: The record should reflect
6 that the witness is referring to the cover sheet
7 of the information presently pending in this
8 case.

9 THE WITNESS: I have personal use of cocaine,
10 sharing cocaine, we have snort cocaine together
11 with Carlos Quesada, Roberto Ortega, Alfredo
12 Arias, Lucy Garcia--I never snort any cocaine
13 with, but I snort cocaine in her presence, and
14 she offered me, you know, little presents like
15 beautiful rocks--you know, things like that.

16 BY MR. WILLIAMS:

17 Q Beautiful rocks?

18 A Beautiful rocks of cocaine. You know,
19 the shiny ones, the good shiny ones--beautiful rocks.

20 Q What do you mean "shiny" or "good ones"?

21 A A rock, a piece of the rock.

22 Q A rock of cocaine?

23 A A rock of cocaine.

24 Q Okay.

25 A A piece of a rock.

Q What I want to know--

A You were whispering something to her.

A Yes, I was.

Q Is it part of the record?

A No.

Q Whispering is not part of the record.

Q Go ahead. Go on.

A Jose A. Fernandez, also known as Tony Mentirita, I have used cocaine in the presence of Rafael Villaverde, but Rafael Villaverde never used any cocaine in my presence.

(Off the record.)

THE WITNESS: I have used cocaine in the presence of Frank Castro. I have used cocaine in the presence of Porfirio Bonet, also known as Mike, and I have used cocaine with Mr. Raul Villaverde.

BY MR. WILLIAMS:

Q You told me a while ago that you obtained cocaine from Raul Villaverde?

A Yes--I'm talking about using cocaine together. We agreed that now I am going into who I have used cocaine socially like alcohol.

Q No, we really didn't agree, but I did ask you a question about that.

A Okay. Then, let's go again.

Q From whom you got cocaine during the period
between August 1980 and January of 1981, inclusive,
for your personal use? That's the question--from
whom you obtained it?

MS. COHAN: Objection to the question as
phrased.

He's indicated during January of 1981,
he did not use cocaine.

BY MR. WILLIAMS:

Q Go ahead and answer the question, Mr. Morales.

A Okay. Carlos Quesada, Roberto Ortega,
Alfredo Arias, Lucy Garcia, Ramon Puentes.

With regard to Jose A. Fernandez,
Tony Mentirita, I got cocaine from him not during that
period of time.

Q Earlier, I assume?

A Yes.

(Continuing) -- Raul Villaverde.

That's about it.

Q You were telling me yesterday about the
circumstances under which you met Raul Diaz, the one
who is now a police lieutenant with the Metro Dade
Police Department, and you had told me that you met
Lieutenant Diaz in 1972 in the presence of Vince Oller
in the cafeteria in the Public Safety Department?

1 A In the presence of Sergeant Oller.

2 Q What is the first time after that, that
3 you had any actual direct contact with Lieutenant
4 Diaz of any sort?

5 A I already answered to that question.

6 Let the record reflected it.

7 Q Well, answer it again for me.

8 MS. COHAN: Just a minute.

9 No objection. Go ahead and answer it.

10 BY MR. WILLIAMS:

11 Q The answer is?

12 A The answer is that I already answered to
13 that question.

14 Q Well, try again, Mr. Morales, and tell me
15 when you first had contact with Lieutenant Diaz after
16 being introduced to him by Vince Oller?

17 A Why don't you go to the record?

18 Q In the Public Safety Department Building
19 in the cafeteria?

20 A Why don't you go through the record? It's
21 in the record. I already answered to that question.

22 Q All right, Mr. Morales. Answer that
23 question now.

24 A It's repetitious.

25 Q You be the witness. We will be the lawyers.

Okay?

1 A I am the defendant, and you are the judge,
2 or you are the lawyer and I am the witness?

3 Q You're the witness.

4 A Okay.

5 MS. COHAN: Mr. Morales, I don't have it
6 in my notes. Would you be so kind as to answer
7 it, please?

8 THE WITNESS: Two weeks afterwards.

9 BY MR. WILLIAMS:

10 Q How did the contact come about?

11 A When I was cuing him into--I already
12 answered extensively to that question.

13 Q Mr. Morales, answer the question, please,
14 sir.

15 MS. COHAN: Was he part of the bomb
16 class?

17 THE WITNESS: No, that was before. That
18 was when I took Mr.--I mean, Officer Diaz, you
19 know, and showed him the streets of Miami, for
20 Christ sakes, extensively.

21 MS. COHAN: You did answer.

22 THE WITNESS: I did answer that extensively.

23 BY MR. WILLIAMS:

24 Q Did you, thereafter, have any additional
25

1 contact with Raul Diaz prior to the time that he left
2 uniform and became a plainclothes investigator but
3 specifically was connected with the performance of his
4 police duties?

5 A I already answered that I never met Raul
6 Diaz before, before that day at the cafeteria at the
7 PSD.

8 Q Yes, I know. You weren't listening.

9 A I already answered the question.

10 Q You weren't listening to the question.
11 Try and stay with us. If the question is too diffi-
12 cult for you, tell me.

13 MS. COHAN: Objection. Argumentative.

14 BY MR. WILLIAMS:

15 Q The question, Mr. Morales, might help you
16 out if you want to read my lips?

17 A I'm not a lipreader.

18 MS. COHAN: Argumentative.

19 BY MR. WILLIAMS:

20 Q When, after you took Raul Diaz on this
21 orientation ride through the streets of downtown Miami,
22 did you next have any contact with him, if at all,
23 prior to the time that he went into plainclothes?

24 A I do not understand your question.

25 Rephrase it. Make it more easy for me to

1 answer truthfully.

2 Q Yes, of course. By all means.

3 The question is, did there come a time
4 after you took Raul Diaz on the orientation ride
5 you described to us--

6 A He was a plainclothesman by that time.

7 Q That is to say, then, that he had gone
8 into a plainclothes assignment between the day you
9 first met him in the Public Safety Department cafeteria
10 and the time that you took him on the ride?

11 A That is correct.

12 Q Did there come a time when a relationship
13 between you and Raul Diaz developed in which you were
14 an informant for him, and he was, in effect, a law
15 enforcement sponsor or informant's control for you?

16 A Say that again?

17 MR. WILLIAMS: Read the question back to
18 the witness, would you, please?

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

21 THE WITNESS: He was never a control agent
22 for me. I was a source for him.

23 If he categorized me as an informant that,
24 I don't know, but definitely, I was a source
25 for him.

1 BY MR. WILLIAMS:

2 Q When did you begin providing Officer Raul
3 Diaz with information, Mr. Morales?

4 A The first day that I took him out on that
5 ride.

6 Q Did there ever come a time when you and
7 Raul Diaz began to spend time together socially?

8 A Yes.

9 Q When was that?

10 A Starting in 1972.

11 Q At that point in time, had you already had
12 or become involved in the acquaintanceship that you
13 described to us a couple of days ago with Nancy
14 Lamazares?

15 A I can't hear you.

16 Q Had you already had or become involved in
17 the acquaintanceship that you described to us a
18 couple of days ago with Nancy Lamazares when you
19 began to socialize with Raul Diaz in 1972?

20 A Nope.

21 Q Relative to the time that you began to
22 keep company socially with Raul Diaz, when did you
23 commence your involvement with Nancy Lamazares?

24 A What kind of involvement?

25 Q Any kind--as a friend, as a lover, as a

co-worker--any kind?

1 A How disrespectful he is in the way that he
2 put up the question about women.

3 Douglas, seriously, you know, you don't
4 look up to me like--1973.

5 Q At the time that you first encountered
6 the then-Ms. Lamazares, how did you meet her?

7 A Through the late husband.

8 Q German?

9 A German.

10 Q How did you know German?

11 A German was an informant.

12 Q For whom?

13 A Drug agencies.

14 Q Can you tell me specifically the agencies
15 for which he informed?

16 A I can tell you specifically who he was
17 an informant for.

18 Q Tell me, please, sir?

19 A Joe Martinez.

20 Q City of Miami?

21 A No. He was a federal agent. I believe he
22 was in charge of sort of a strike force or whatever
23 it was.

24 You should know Joe Martinez.
25

1 Q Are you talking about the Joe Martinez
2 who is a practicing attorney?

3 A I don't know what he is doing now?

4 Q Was he an attorney at the time?

5 A He was a government attorney.

6 MS. COHAN: Where did Joe Martinez come up?
7 When I walked out?

8 MR. WILLIAMS: No, the witness has said
9 just before you left the room that German
10 Lamazares was an informant.

11 MS. COHAN: For a drug agency.

12 MR. WILLIAMS: For Joe Martinez. The
13 witness mentioned by name.

14 BY MR. WILLIAMS:

15 Q Are you talking about the attorney Joe
16 Martinez who, at one point, was the regional director
17 for the bureau then called The Bureau of Narcotics and
18 Dangerous Drugs?

19 A Whatever.

20 Q That same Joe Martinez?

21 A That is correct.

22 Q To your knowledge, was German Lamazares
23 also providing information from time to time to
24 Raul Diaz?

25 A I am not aware of that.

1 Q What was the actual situation as a result
2 of which you met German Lamazares?

3 A The what?

4 Q What was the actual situation that gave rise
5 to your meeting of German Lamazares? How did you
6 first come to meet him?

7 A Mid-sixties. I was aware of his existence
8 as a living person in the mid-sixties.

9 Q Is it your testimony, then, that you
10 encountered him in the context of being an informant
11 when your paths, in effect, crossed while you were
12 providing information to Raul Diaz in approximately
13 1973?

14 A No, no, no, no, no. No, no, Mr. Williams.

15 I was aware that German Lamazares was a
16 living person in the mid-sixties since, you know,
17 there were so few Cubans in Miami, and you could bump
18 into different places that were gatherings for Cubans,
19 you know, and Titi Lamazares, as he was called, was
20 just another Cuban, you know, roaming the streets of
21 Miami, and I was not an informant at the time, and
22 I don't know if he was an informant, or whatever he
23 was doing at the time, so I came up to be acquainted,
24 and you do have a knowledge of him, that Titi Lamazares
25 at the time that I mentioned to you before.

1 Q Here's my question, Ricky: You told us
2 that you met Nancy at some point in 1973 through German.
3 My question to you is what was the situation or
4 circumstance that gave rise to your having an
5 encounter with Nancy through her then-husband?

6 A Everytime that I bumped into Titi, Nancy
7 was there.

8 Q Then, your initial acquaintanceship with
9 her was purely social through her husband?

10 A Right.

11 Q When was it that German was killed?

12 MS. COHAN: Objection. Repetitious.

13 You may answer.

14 THE WITNESS: I don't have the exact date
15 of when Lamazares was killed, because his
16 remains were--by the time they were found, you
17 know, they found a skeleton. I cannot tell you
18 when he was killed or what time he was killed.

19 BY MR. WILLIAMS:

20 Q Did you ever acquire any information from
21 any source that indicated to you or tended to indicate
22 to you when it was that he was killed without regard
23 to when his remains were found? Did you hear from
24 anybody?

25 A Yes. Some time in the months of February

1973.

1 Q Did Raul Diaz express to you, in any
2 fashion, that he was taking an active or official
3 part in the investigation relating to the death of
4 German Lamazares?

5 A The actual investigation of the death of
6 German Lamazares officially was conducted by the
7 Metro Homicide Department, and Drug Enforcement
8 Administration also sent out a word to all their
9 sources and informants to gather, collect information,
10 about his, at the time, disappearance and assumption
11 that he was dead.

12 Q The question to you, sir, is whether
13 Raul Diaz expressed to you, at any time, that he,
14 himself, was involved either by his own choice or
15 by assignment from a superior or for any other
16 reason in any part of the investigation into the
17 disappearance and eventual death of German Lamazares?

18 A Raul Diaz told me that organized crime
19 bureau was also gathering information about the
20 disappearance of German Lamazares, and the assumption
21 that he might have been killed, or whatever.

22 Q And at that time, Raul Diaz, himself,
23 was in OCB; huh?

24 A That is correct, sir.
25

1 Q Did you acquire information, or in your
2 own mind, make the assumption, therefore, that Raul
3 Diaz was, in some way or another, investigating the
4 disappearance and/or death of German Lamazares?

5 MS. COHAN: Objection. Speculative.

6 You may answer it.

7 THE WITNESS: That is a speculation,
8 because Raul Diaz, himself, told me that
9 organized crime bureau was conducting an
10 investigation into the disappearance and
11 the assumption that German Lamazares might
12 have been killed.

13 BY MR. WILLIAMS:

14 Q Did he say it to you under circumstances
15 which or in a fashion which indicated to you that he
16 was a part of the organized bureau investigation
17 into the circumstances?

18 A Yes.

19 Q When was that information first imparted
20 to you?

21 A The same that it was imparted to me by
22 DEA and OCB, SIU, FBI and IRS, and the whole
23 combination of the strike force, you know, agencies
24 that were represented there, you know.

25 It was the--the word was out, "Find the guy

1 or what happened to the guy."

2 Q Is that some time during the early part of
3 1973?

4 A That was February, 1973, at the end of
5 February 1973, more or less. On or about.

6 Oh, I forgot to include the CIA, too into
7 that proposition.

8 Q It was in May of 1973, you told us the
9 other day, that you were shot by one whom you thought
10 to be Eladio Ruiz; is that correct?

11 A I am not in the lipreading service,
12 Mr. Williams. You know, I listen with my ears.

13 Q It was in May of 1973, as you told us the
14 other day, that you were shot by one whom you believe
15 to be Eladio Ruiz; is that correct?

16 A That is correct.

17 Q And it is also correct; is it not, that
18 within a very brief time after that shooting incident
19 occurred, Raul Diaz arrived on the scene?

20 A At what scene?

21 Q Where you had been shot?

22 A That is false.

23 Raul Diaz was not at the scene of my
24 shooting. I already answered to the question who
25 were at the scene of my shooting and who were the

1 individuals who I did call to inform that I had been
2 shot, and that I was requesting an ambulance and the
3 presence of the City of Miami uniform patrols.

4 Q Was Raul Diaz one of the people you called
5 from the apartment where you took refuge after
6 shooting?

7 A I already answered that question.

8 Q Well, answer it again for me, please, sir?
9 Was he?

10 A I have to answer it again?

11 Q Go ahead.

12 A Do I?

13 Q Please sir.

14 A I called DEA and FBI.

15 Q At the time that the shooting of Eladio
16 Ruiz occurred, within a very short period of time
17 thereafter, Raul Diaz was at the scene of that shooting;
18 wasn't he?

19 A I don't know.

20 Q You have no recollection?

21 A I wasn't there.

22 Q Did there come a time when you began to
23 provide Raul Diaz with information concerning any
24 one particular or specific case that he was investi-
25 gating as opposed to general information relative to

activities in the Cuban community?

MS. COHAN: Can you answer yes or no, please?

THE WITNESS: Yes.

MS. COHAN: And then, we will see where it goes.

THE WITNESS: Yes.

BY MR. WILLIAMS:

Q When was the first time that that occurred?

A The first day was when I took him out of that ride through the streets of the community.

Q Then, as I understand your testimony, right from the start, you began supplying him with information that focused on one particular person that developed into one particular case; is that correct?

A Not at the time that I took him for the ride. I took him on the ride under general information about the community.

Q When did the time come that you were providing Raul Diaz with information that was directed specifically towards a particular investigator, a particular person, with an eye towards making particular arrests of the people who were the focus? When did that first happen?

1 A As soon as he started working OCB.

2 Q Do you remember the name of the person
3 or persons who was or were the first target or targets
4 of such a specific investigation?

5 MS. COHAN: Yes or no?

6 THE WITNESS: I do not recall exactly because
7 it was OCB was in a general gathering type of
8 information.

9 BY MR. WILLIAMS:

10 Q Do you have any recollection going in
11 chronological sequence of the time when you first
12 began, with particularity to provide information about
13 a particular case or person?

14 A No.

15 Q Have you, at any time during the course of
16 your acquaintanceship or association with Raul Diaz,
17 provided him information pertaining to or focusing
18 upon one particular person or group of persons as
19 opposed to generalized information?

20 A If I have a specific date?

21 Q No, sir.

22 Here is the question: Has there been an
23 occasion that you can recall now when the information
24 that you were providing to Raul Diaz focused or
25 targeted on one specific person or group of persons

1 with an eye towards investigating and detecting
2 violations of laws on the part of that one particular
3 person or group?

4 A Mr. Williams, in answering to your question,
5 the only agencies that I was writing reports and
6 being debriefed were--the only ones that I was
7 getting back was the counterintelligence section of
8 the CIA, the Federal Bureau of Investigations, and
9 DEA, so those were the three agencies that were
10 receiving either written reports or I was being
11 debriefed by the case officers with regard to a
12 specific individual and specific cases.

13 The information that I have provided, that I
14 was providing Raul Diaz and other members of the
15 organized crime bureau section of PSD was in their
16 context, as you can categorize it, as a general
17 gathering information proposition.

18 Q Is it your testimony, then, sir, that there
19 has never been a time when you have been an informant
20 or source of information for Raul Diaz with regard to
21 one particular person or group of persons with an
22 eye towards developing criminal cases against that
23 person or persons?

24 A I am not aware of what they did with the
25 information that I provide to OCB or to SIU, which

1 they were not paying me, but they were, you know,
2 in the category of, you know, asking me help into
3 whatever they were doing or whoever they were investi-
4 gating or whatever cases they were developing.

5 Q Then, as I understand your testimony,
6 there has never been a time when Raul Diaz has told
7 you that he has wanted information concerning
8 one particular person or group of persons and asked
9 you to obtain it; is that correct?

10 A That's incorrect, because there have been
11 many and several occasions where Raul Diaz has asked
12 me information about particular groups, individuals,
13 or cases.

14 Q Tell me the first recollection of such an
15 event?

16 A Right after--

17 MS. COHAN: Are you asking the time?

18 Objection. Vague.

19 MR. WILLIAMS: I'm asking about the first
20 one of those instances that the witness can
21 recall be identified to me now with particularity.

22 THE WITNESS: I already answered to that
23 question. Right after he start in OCB.

24 MS. COHAN: Objection, and I need to see
25 you.

For the record, my discussion with

1 Mr. Morales is now going to concern any
2 investigations to which he gave information,
3 about which he gave information, to Raul Diaz,
4 which may still be open and pending.

5 MR. WILLIAMS: Well, before you leave,
6 Ms. Cohan, it is necessary for me to note, at
7 this point, a strenuous objection into the
8 record to your having conferences of this sort
9 with the witness out of my hearing presence.

10 I am going to ask, rather, that we appear
11 before the court, and let the court make its
12 own determination, whether in camera or other-
13 wise, of No. 1, the propriety of this procedure
14 that you are attempting to utilize, and No. 2,
15 the extent to which, if at all, there exists
16 any privilege attached to the information that
17 I am seeking for the witness.

18 I am asking you to refrain from having
19 these discussions with Mr. Morales until we
20 can go before the judge.

21 MS. COHAN: Okay. I am due in court at
22 1:30 anyway, so why don't we break for lunch,
23 and I will see you there at 1:30?

24 MR. WILLIAMS: Okay. Good enough.
25

(Whereupon, a short recess was taken,
after which the following proceedings were had in
Courtroom 2-5 before the Honorable Gerald Kogan:)

MR. WILLIAMS: There is an issue that
now becomes related to this that causes me to
have imposed upon the Court's time this after-
noon arising out of the deposition when we
recessed at the noon hour.

Take my hypotheses; if you will, Your Honor.

THE COURT: Do we have a certified question?

MR. WILLIAMS: Kind of.

THE COURT: Either we do, or we don't.

MS. COHAN: We don't.

MR. WILLIAMS: We have a certified area,
Your Honor.

THE COURT: You can only have a certified
area if you have endeavored to ask the witness
questions concerning that area, and the witness
has refused to answer them.

MR. WILLIAMS: Your Honor, I have a situation
in which the prosecutor thinks it necessary and
appropriate to confer with the witness before
permitting him to answer the questions in a
certain line, which line is extremely sensitive
to which I have objected, and the prosecutor

1 has been cognizant enough of her responsi-
2 bilities as a law enforcement officer of the
3 state, and not just here to litigate an
4 adversary proceeding, to have acquiesced in
5 my request that before she do that, that we
6 have the matter treated by Your Honor.

7 Now, I can't describe it to you in a
8 vacuum, Judge.

9 THE COURT: Yes, because right now--

10 MS. COHAN: Let me describe it to you
11 briefly.

12 THE COURT: All right.

13 MS. COHAN: Ricardo Morales has indicated
14 that, for the past ten years, approximately,
15 he has been giving information to various
16 law enforcement agencies.

17 Mr. Williams has asked of him specific
18 information which he has related to law enforce-
19 ment agencies and to whom he has related that
20 information.

21 I would suggest to Your Honor that some of
22 those investigations are still open and pending,
23 and to divulge that information that Mr. Morales
24 relayed to law enforcement agencies while he
25 has and is in a position of a confidential

1 informant would not only jeopardize the
2 investigation, but would jeopardize Mr. Morales
3 as well.

4 MR. WILLIAMS: Excuse me.

5 THE COURT: All right. Go ahead, Ms. Cohan.

6 MS. COHAN: What I am requesting is the
7 ability to confer with Mr. Morales concerning
8 what his information was, so I can then determine
9 if those are open investigations.

10 THE COURT: Mr. Williams?

11 MR. WILLIAMS: Close, Your Honor, but not
12 quite.

13 The area of inquiry presently is the nature
14 and extent of the relationship and interaction
15 between Morales and one Raul Diaz, who presently
16 is esconsed as a Lieutenant in the Metro Dade
17 Police Department's homicide section, the
18 inquiry arising out of the fact that, No. 1,
19 Lieutenant Diaz, although not named by the
20 State as a witness in this case, played a
21 substantial role in the initial development of
22 some of the information that has become part of
23 the body of probable cause ventured by the State
24 in support of its first application, and by
25 virtue of the fact that Diaz, more than any other

1 person who frequents the streets of Dade County,
2 has, and for a lot of years, has had an
3 extremely, what some would say, very curious
4 relationship with Ricardo Morales.

5 It is necessary, therefore, for us to take
6 a close look at Mr. Diaz through the eyes and
7 mouth of Mr. Morales, and the area of questioning
8 that has given rise to the situation presently
9 is that area that developed at the time that
10 Morales first began supplying information to
11 Lieutenant Diaz--about 1972 or 1973, if the Court
12 wants to know it, so then in asking Mr. Morales
13 to tell us the specifics of the information.

14 I should tell the Court, also, that any
15 preliminary questions addressed to this issue,
16 Mr. Morales has told us that he was only reporting
17 in writing to and being paid by three agencies
18 at the time--the CIA, the Drug Enforcement
19 Administration, and the FBI, but he was, at the
20 same time creating and pursuing what turned out
21 to be a close relationship with Lieutenant Diaz.

22 If I tried to acquaint you, Judge, with
23 all of the cross currents--

24 THE COURT: Well, without interrupting you--
25 I am interrupting you, but we did discuss this--

1 I lose track of the dates now--I think yesterday
2 or the day before in chambers, when another
3 question was put to Mr. Morales concerning his
4 relationship with Raul Diaz.

5 Do you all recall what that was?

6 MR. WILLIAMS: Yes, Your Honor.

7 THE COURT: The Court, at that time,
8 ordered the answer sealed, so I am aware of
9 what you are telling me. We discussed it at that
10 particular moment.

11 MR. WILLIAMS: This is not a facet of that,
12 Judge.

13 I have asked Mr. Morales to tell me the
14 specifics in terms of particular investigations
15 and/or particulars to which he was providing
16 information for Diaz at or around the time of
17 the killing to which Morales now freely admits
18 for which he was prosecuted ten years ago, but
19 for which he was not susceptible to effective
20 prosecution because of a witness problem.

21 THE COURT: We discussed that last time.
22 It was all part of the proceedings.

23 MR. WILLIAMS: The prosecutor says that
24 she is concerned about an intrusion upon ongoing
25 investigations.

1 There is a three-year statute limitations
2 in the state, but for first degree murders,
3 which really don't arise in the context of
4 the question that I have been putting to Mr.
5 Morales.

6 There is no investigation that could have
7 been afoot in 1973 or 1974 or 1975 that could
8 have, as its purpose now, for any substantive
9 offenses supposedly committed back then.

10 THE COURT: Let me stop you right there.

11 Now, the statute of limitations--how many
12 times have we all tried cases, especially in
13 federal court, where the act involves a con-
14 spiracy that goes back, and in some cases,
15 I can remember 12, 13 years prior to the actual
16 indictment being returned, and that has been
17 permitted as evidence to go before a jury, and then,
18 following up to the current charge, so while it
19 might not concern itself with something that can
20 be prosecuted as a substantive offense, because
21 that statute has run out, because it is certainly
22 within the realm of reasonable probability that
23 it could form the basis for a conspiracy that is
24 long continuing, and is picked up within the
25 statute of limitations, and the cases I am

1 referring to are Black Tuna, the Longshoremen's
2 case, which I am intimately familiar with, I
3 had Joe Teitlebaum testifying to conversations
4 that he had with other persons, ten, twelve
5 years ago.

6 MR. WILLIAMS: Yes, Your Honor.

7 THE COURT: And that was all admissible
8 into evidence as part of this continuing con-
9 spiracy, although he wasn't charged with con-
10 spiring back then, but it's permitted into
11 evidence, to show the continuity of action over
12 a period of time.

13 MR. CAGNEY: Wasn't there a Rico in that?

14 THE COURT: There was a Rico in there,
15 and also, a Rico in Black Tuna as well, but
16 still, at the same time, I don't know what
17 bearing any of these matters that may have taken
18 place five, ten years ago have on what may be
19 considered current prosecutions, so therefore,
20 what I am going to do is, I am going to permit
21 Ms. Cohan to talk to Mr. Morales, and in the
22 event that there are any pending investigations
23 at this time that can be compromised by
24 Mr. Morales being asked questions as to who he
25 is informing on and to whom he is giving certain

1 information, then, I am going to sustain the
2 State's objection to that.

3 MR. WILLIAMS: What I would ask, then,
4 is this: If the prosecutor comes away from these
5 conversations with the witness with the judgment
6 or the feeling that his answers would, of
7 necessity, disclose some continuing or present
8 continuing investigation, I am going to ask
9 Your Honor--ask that Your Honor instruct or
10 order the prosecutor to provide to the court
11 for in camera inspection and sealing and reten-
12 tion from sworn statement from the prosecutor
13 of the specific investigator, investigations,
14 that the inquiry has revealed as well as a
15 statement that, to her own knowledge, to her
16 own objective knowledge, it is the subject of
17 an ongoing investigation.

18 THE COURT: Let me do this.

19 I am not going to rule on that point at this
20 time, because it may very well be that Ms. Cohan
21 may announce to you that she has talked to
22 Mr. Morales, and in fact, there is nothing at
23 this time that he is doing in the way of informing
24 that constitutes a pending investigation.

25 Let's see. In the event there is, then,

1 I will consider your request at that particular
2 time.

3 MR. WILLIAMS: May I assume, Your Honor,
4 that it will be the case, of course, that the
5 prosecutor is not to discuss any substantive
6 details of testimony already given or testimony
7 that foreseeably could come from Morales, but
8 rather, just to listen and take what she has
9 to--

10 THE COURT: She will ask him what it is
11 that he is currently supplying if, in fact, he
12 is currently supplying anyone, who he is
13 supplying, what it relates to, and then, in turn,
14 whether or not that is a pending investigation.

15 MS. COHAN: Judge, what I am also indicating
16 to the court is that information may have been
17 furnished in the past is still the subject of an
18 ongoing investigation.

19 THE COURT: That is the reason I point out
20 the case, and I am familiar with what happened
21 way back then, and generally, the way--I have
22 to rule this way is quite frankly, if you have
23 an informant who is going to be a witness in one
24 case, and then, I permitted inquiry as to other
25 cases the informant is working on at this time,

1 it may very well be that the court is causing
2 the exposure, and eventually, therefore, the
3 compromise of numerous investigations that are
4 ongoing.

5 The Court feels that when I ball one
6 right against the other right, I think that
7 defendants are personally damaged by not per-
8 mitting this information as opposed to damaging
9 ongoing investigations, because quite frankly,
10 therefore, any case where you have an informant,
11 you could bring an informant in, and compromise
12 every single investigation that that informant
13 is involved in, and I don't think the law
14 contemplates that.

15 MR. WILLIAMS: On the other hand, Your
16 Honor, it would be a very easy thing if a
17 prosecuting attorney were inclined to do it,
18 either to protect the case or protect the witness
19 from embarrassment or possible criminal
20 prosecution, himself, simply to attempt to
21 interdict or thwart interrogation on deposition
22 by claiming that virtually any question that
23 could be asked might pertain to some ongoing
24 investigation if the prosecutor is the one that
25 has the unilateral discretion to make that

1 judgment.

2 THE COURT: Mr. Williams, it's like every-
3 thing else in mind, and that is, Mr. Morales,
4 for example, can be lying up one side and down
5 the other.

6 Our entire system relies upon the basic
7 premise and the basic premise is that officers
8 of the court will act as officers of the court
9 and will not deliberately and knowingly mislead
10 the court.

11 It also rests upon the premise that if
12 people take an oath, they are expected to tell
13 the truth.

14 Now, of course, we can go beyond that,
15 but there are certain basic integrities that
16 we have to rely upon.

17 If not, then, of course, everything is not
18 only open to suspect which, under many circum-
19 stances it should, but at the same time, you
20 also have various other considerations.

21 I cannot compromise ongoing investigations
22 by law enforcement agencies just because
23 Mr. Morales may happen to be their informant.

24 MR. WILLIAMS: Your Honor, I am not
25 prepared to abandon the first premise that

1 the court recognized a moment ago yet, in
2 that insofar as the second premise, the
3 presupposition that when people take an oath,
4 they recognize the responsibility to tell the
5 truth, I last saw it running down the steps of
6 the Justice Building screaming about two weeks
7 ago.

8 MS. COHAN: Your Honor, I don't really
9 believe we are here to discuss Mr. Williams'
10 pessimism and his view of human nature at this
11 point.

12 THE COURT: In any event, let's go upstairs
13 and continue with Mr. Morales' deposition.

14 (Whereupon, a short recess was taken after
15 which the following proceedings were had in the
16 deposition room:)

17 MR. WILLIAMS: Inasmuch as it's already
18 a quarter to three, and we earlier agreed that
19 we are not going to work past three today,
20 but there is no sense in our hanging around
21 while you chat with the witness any longer or
22 even attempting to resume the taking of
23 testimony now, so we will just recess the
24 deposition until Monday morning at ten o'clock.

25 MR. DIAZ: What time, sir?

MR. WILLIAMS: Ten.

MR. DIAZ: I thought you said eight o'clock.

MS. COHAN: Okay. See you Monday.

MR. WILLIAMS: Rina, before we go, I should like to hear you say something to the witness about his responsibility to refrain from having any conversations with either you or with Officer Diaz about anything that has been or reasonably will be the subject of his testimony during this interim period.

MS. COHAN: Mr. Williams, both Detective Diaz and myself are well aware of our responsibilities, and that is all I will put on the record.

MR. WILLIAMS: I would like to know that the witness has an understanding of his responsibility, so that in the event there is any breach, it can be attributed to him rather than an effort to attribute it to anybody else.

MS. COHAN: Mr. Williams, Mr. Morales and myself have had a discussion as to his responsibilities during the pendency of this deposition.

MR. WILLIAMS: Okay. Good enough.

THE WITNESS: What the word "breach" means?

MS. COHAN: Transgression.

1 THE WITNESS: Can I talk during the
weekend to somebody? Can I go to a movie?
2 Can I express myself? Can I say whatever I
3 want to say about Mr. Williams, personally?

4 MS. COHAN: Sure.

5 MR. WILLIAMS: I invite you to do that,
6 and hope that you will, so that come Monday
7 morning, all of the venom and spleen will have
8 been purged from your system.

9 THE WITNESS: You don't have to wait until
10 Monday if you want to hear.

11 MR. WILLIAMS: Won't be anything I haven't
12 heard before.

13 THE WITNESS: Asshole.

14 (Whereupon, at 2:50 o'clock p.m., the
15 deposition was recessed until Monday, April 12, 1982,
16 at 10 o'clock a.m.)

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CERTIFICATE

1 STATE OF FLORIDA)
2 : SS.
3 COUNTY OF DADE)

4 I, JOYCEE WAX, Shorthand Reporter and Notary
5 Public in and for the State of Florida at Large,
6 do hereby certify that I reported the deposition of
7 RICARDO MORALES NAVARETTE, a witness called by the
8 Defendant in the above-styled cause; that said witness
9 was duly sworn by me; and that the foregoing pages,
10 numbered from 1 to and including 69, are a true and
11 correct record of the deposition given by said witness.

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

16 WITNESS my hand and official seal at Miami,
17 Dade County, Florida, on this 20th day of April 1982.

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21 Joycee Wax
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