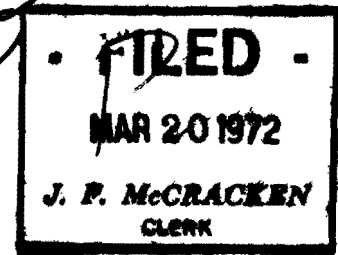


1 IN THE CRIMINAL COURT OF RECORD  
2 IN AND FOR DADE COUNTY, FLORIDA.

3 CASE NO.: 71-10605



6 THE STATE OF FLORIDA, :

7 Plaintiff, :

8 -VS- :

9 LOUIS LICOR, :

10 Defendant. :

11 \_\_\_\_\_ :

12 Suite 414, Conference Room  
13 Dade County Justice Building  
14 1351 Northwest 12th Street  
15 Miami, Florida  
16 Friday, 2:55 o'clock p.m.  
17 March 3, 1972.

18 D E P O S I T I O N

19 of

20  
21 RAPHAEEL SERRALTA  
22 taken on behalf of the Defendant  
23 pursuant to a Subpoena Duces Tecum  
24

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C O N T E N T S

<u>WITNESS</u>	<u>EXAMINATION</u>	<u>PAGE</u>
RAPHAEL SERRALTA	Direct (By Mr. Spiegel)	6
	Cross (By Mr. Katz)	60
	Cross (By Mr. Cohen)	0

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APPEARANCES:

JEFFREY COHEN, ESQ.,  
Assistant State Attorney  
( Not Present )

LAWRENCE S. KATZ, ESQ.,  
and  
ROBERT A. SPIEGEL, ESQ.,  
Attorneys for the Defendant.

ALSO PRESENT:

LOUIS LICOR  
  
ROLLANDO POZO,  
Interpreter.

- - -

S T I P U L A T I O N S

It is stipulated and agreed by and  
between counsel for the respective parties that:

- 1. Reading and signing of the deposition by the witness are waived;
- 2. Notice of filing of the deposition is waived;
- 3. The exhibits marked for identification may be retained by the Court Reporter and made a part of the record;
- 4. All objections, except as to the form of the question, are reserved until the time of trial.

- - -

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1 MR. KATZ: Let me explain to you,  
2 Sir, what we are doing here today: As you know, you  
3 have been sworn in, and I am sure you also know that  
4 under the discovery Rules of Procedure we have a  
5 right to take your statement, which we are about to  
6 do.

7 MR. SERRALTA: What?

8 MR. KATZ: We have a right to  
9 take your statement, and that is why we are here  
10 today, sir.

11 Anyway, please. We are not here  
12 to trick you. All we want to do is get the facts  
13 exactly the way you remember them.

14 Now, if there is anything I ask  
15 or anything Mr. Spiegel asks that--and, by the way,  
16 Mr. Spiegel is going to start off the deposition  
17 because he has some background information which I  
18 am not that familiar with.

19 MR. SERRALTA: Okay.

20 MR. KATZ: Anyway, as I said, if  
21 there is any question we ask, either myself or Mr.  
22 Spiegel, that you do not understand, please stop us  
23 and we---

24 Well, first of all, let me say

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1 if you do not know the answer to a question, just  
2 say you do not know. Don't guess because it won't  
3 help you or me.

4 MR. SERRALTA: Okay.

5 MR. KATZ: If you in turn do not  
6 understand a question the way it is phrased to your  
7 or the way it is framed to you, well, simply ask  
8 either myself or Mr. Spiegel to stop, and we will  
9 try to change it around so that you do understand  
10 it, if it will help you.

11 MR. SERRALTA: Uh-huh.

12 MR. KATZ: Do you understand  
13 what I said, sir?

14 MR. SERRALTA: Yeah.

15 MR. KATZ: So, if you do not  
16 understand a question, sir, like I said, just tell  
17 me or Mr. Spiegel that you do not understand it the  
18 way it is phrased or the way it is framed, and we  
19 will try to rephrase it in a way so that you will  
20 understand it, and that way it will be better for  
21 everybody.

22 Okay? Do you understand?

23 MR. SERRALTA: Oh, yeah. Yeah,  
24 I understand.

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1 MR. KATZ: Okay. I guess we  
2 can start, then.

3 MR. SERRALTA: Yeah.

4 - - -

5 THEREUPON:

6 RAPHAEL SERRALTA

7 was called as a witness and, after having been  
8 previously duly sworn, was examined and testified  
9 on his oath as follows:

10 DIRECT EXAMINATION

11 BY MR. SPIEGEL:

12 Q Would you please state your  
13 name and address?

14 A Raphael, R-a-p-h-a-e-l, Serralta,  
15 S-e-r-r-a-l-t-a, 28 Northwest 32nd Street, Miami,  
16 Florida.

17 Q What is your occupation? What  
18 do you do for a living?

19 A Working ~~printing~~ presses.

20 Q Are you also connected with a  
21 newspaper?

22 A Yeah, with Pallestra Criolla.

23 Q What?

24 A Pallestra Criolla.

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1 Q Wait a minute. What is the  
2 full name of the newspaper?

3 A Pallestra Criolla is the name  
4 of the newspaper.

5 MR. KATZ: Spell that, please.

6 THE WITNESS: Pallestra is  
7 spelled P-a-l-l-e-s-t-r-a, and Criolla is spelled  
8 C-r-i-o-l-l-a.

9 Q [By Mr. Spiegel] What is your  
10 connection with that newspaper?

11 A Connection?

12 Q Yes, sir.

13 What is your connection with  
14 that newspaper?

15 A Oh. I am the editor of the  
16 paper, sir.

17 Q Are you also connected with  
18 the publication of any other enwspapers?

19 A No. I am not.

20 Q Has the newspaper, Pallestra  
21 Criolla, been known by any other names--

22 A No.

23 Q [Continuing] --while you were  
24 editor?

1 A No. This is a new company.

2 It is a new company.

3 Q When did you become editor of  
4 that newspaper?

5 A I don't remember now, but I  
6 can find out and---

7 Q Approximately.

8 A Approximately?

9 Q Yes.

10 A Several months ago.

11 Q Before you become editor, were  
12 you connected with that newspaper in any way?

13 A Well, I have friends in it, yes.

14 Q Are you one of the owners--

15 A No.

16 Q [Continuing] --of the newspaper?

17 A No. I am not.

18 Q Who is the publisher of the  
19 newspaper?

20 A Who?

21 Q Yes.

22 Who is the publisher of the  
23 newspaper, sir?

24 A What have all these things to do

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1 with the case?

2 Q This is just some background  
3 information.

4 A Well, what have all these things  
5 to do with the case? Huh?

6 MR. KATZ: You have a right  
7 to ask that, sir, but we also have a right to ask  
8 these questions of your because it is material and  
9 relevant to the case.

10 THE WITNESS: But it has no  
11 connection at all with the case.

12 The case was an intended murder  
13 on me. The case was an intent to murder, you know?  
14 I no see what this has to do with this case. It  
15 has no connection at all with the case.

16 MR. KATZ: Well, obviously there  
17 was something else behind it.

18 THE WITNESS: Huh?

19 Q [By Mr. Spiegel] Mr. Serralta,  
20 what we are trying to find out is the reason why---

21 A Of the murder. Yes?

22 Q Well, we are trying to find out  
23 the reason for---

24 MR. KATZ: We are trying to find

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1 the reason why this whole thing came about, sir;  
2 that is why we are asking questions along this line.

3 Q [By Mr. Spiegel] In other words,  
4 Mr. Serralta, we are trying to determine the reason  
5 why this whole thing was alleged that it happened.

6 A Huh?

7 MR. SIEGEL: Let me just say  
8 that the State Attorney's office received a notice  
9 of this deposition, and they had a right to be  
10 present, but no one has appeared for the taking of  
11 this deposition.

12 THE WITNESS: Huh? What does  
13 that mean?

14 Q [By Mr. Spiegel] Let me just  
15 ask you again, sir, are you the publisher of the  
16 newspaper?

17 A Uh-huh.

18 Q Is that yes?

19 A Huh?

20 Q Does that mean yes, sir?

21 A Yeah.

22 Q All right. Fine.

23 Now, how long have you been  
24 publisher of the newspaper?

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1 A How long?

2 Q Yes, sir.

3 How long have you been publisher  
4 of the newspaper?

5 A I don't remember exactly, but  
6 I will say several months, since I became publisher  
7 over there.

8 Q By "several months", do you mean  
9 sometime less than a year?

10 A More or less. Yeah.

11 Q Okay.

12 Now, I am not trying to pin you  
13 down to the day, sir, or I am---

14 A Like, you know, I can say exactly  
15 for you if you want me to go and get this informa-  
16 tion for you? I mean, like, if you want me to say  
17 exactly for you, I have to go back and look, and then  
18 I can tell you; but, like I say, it is more or less,  
19 you know?

20 Q Okay.

21 Where is the newspaper published?

22 A Where?

23 Q Yes.

24 Where is the newspaper published?

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1                   A           In 88--no. It is in 1844 West  
2 Flagler, rear.

3                   Q           Does that building that you  
4 publish the newspaper in have a name?

5                   A           [Nodding in the negative]

6                   MR. KATZ: Did he answer the  
7 questions?

8                   MR. SPIEGEL: He shook his head  
9 no.

10                  MR. KATZ: Try to say yes or  
11 no, sir, because she cannot taken down the nod of  
12 a head.

13                  THE WITNESS: Yeah. Okay.

14                  I mean, like, you know, I think  
15 that this [demonstrating] is an international way  
16 of saying no, you know?

17                  MR. KATZ: Yes, sir; but please  
18 try to say either yes or no because she can only  
19 taken down words, not motions of your head.

20                  THE WITNESS: Yeah. Okay. I  
21 will do that.

22                  MR. KATZ: Thank you, sir.

23                  Q           [By Mr. Spiegel] Does the name  
24 Naturalismo Realista appear on the building where

1 the newspaper is published?

2 A Well, to the side; but it is  
3 connected, yes.

4 Q Do you know what that name means?

5 A Do I know?

6 Q Yes.

7 A Of course.

8 Q What does it mean?

9 A That is naturalisma or naturaleza  
10 or nacionalisimo , which is the meaning in itself.  
11 It is very clear.

12 Q Okay. What does it mean in  
13 English, sir?

14 A What does it mean?

15 Q Yes.

16 What does it mean in English?

17 Q Well, it means realistic  
18 ~~nacionalism~~ism--no. I mean, not a---

19 Well, how can I say? I mean,  
20 like, it's not the fanatic one, and it's not the  
21 romantic one, but it is just the realistic one. It  
22 is just realistic, the realistic one.

23 Q Is that the name of the organi-  
24 zation?

1 A It is.

2 Q Are you a member of that  
3 organization, sir?

4 A Me?

5 Q Yes.

6 Are you a member of that  
7 organization, sir?

8 A Yeah. I am.

9 Q Does that organization have  
10 officers or leaders?

11 A Uh-huh. Yeah.

12 Q Are you an officer--

13 A Yeah.

14 Q [Continuing] --of that organi-  
15 zation, sir?

16 A Yeah.

17 Q What office do you hold in that  
18 organization, sir?

19 A Huh?

20 Q What office or what position  
21 do you hold in that organization?

22 A Oh, I am president.

23 Q You are the president of that  
24 organization?

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- 1                   A       Yeah. I am the president.
- 2                   Q       Okay.
- 3                                Do you own the building--
- 4                   A       No.
- 5                   Q       [Continuing] --or do you lease
- 6 the building, sir?
- 7                   A       No. I am only renting it.
- 8                   Q       You are renting it for the news-
- 9 paper or for the organization, or both?
- 10                  A       Both.
- 11                  Q       Okay.
- 12                                What is the name of the man or
- 13 company from which you lease the building?
- 14                  A       Hyman.
- 15                  Q       Hyman?
- 16                  A       Yeah.
- 17                  Q       Is that an individual?
- 18                  A       Huh?
- 19                  Q       Is that an individual?
- 20                  A       Yeah.
- 21                  Q       All right. How long have you
- 22 leased that building?
- 23                  A       On August or September.
- 24                  Q       From 1971?

1 A Huh?

2 Q From August or September of  
3 1971, sir?

4 A Yeah.

5 Q Okay.

6 Is that about the same time  
7 that you were the editor of the newspaper?

8 A I think that is before.

9 Q Before?

10 A Yeah.

11 Q I am sorry. Which was before  
12 which?

13 A Huh?

14 Q Which was before which, sir?

15 A Oh, I mean that I was the editor  
16 before, you know? Now, I am not sure, but I think  
17 it was before that because I started when I was in  
18 the other building--in the other office.

19 Q Okay.

20 What other office?

21 A When I was into the--- Oh, I  
22 am not sure.

23 I mean, do you want for me to  
24 tell you---

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1 Q The best of your memory; that  
2 is all.

3 A Yes. That's right.

4 Like, you want the exact answer,  
5 and I can't give you the exact answer. I can't give  
6 you the exact answer to that.

7 Q Just approximately.

8 A Approximately?

9 Q Yes.

10 A Approximately; okay.

11 Q Okay. Let me ask you another  
12 question, sir.

13 A Yeah. Okay.

14 Q Mr. Serralta, where was your  
15 other office located?

16 A The other one?

17 Q Yes, sir.

18 A The other was--the other one  
19 was on 209 North Miami Avenue.

20 Q What type of an organization  
21 is ~~Nacionalismo~~ Nacionalismo Realista, sir?

22 A Huh?

23 Q Mr. Serralta, what type of an  
24 organization is ~~Nacionalismo~~ Nacionalismo Realista?

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1                   A           It is an organization promoting  
2 the good understanding between Americans and Cubans,  
3 and it is an organization that is trying to give back  
4 the--- Well, it is an organization that is trying  
5 to help to give back the democracy back to Cuba, you  
6 know?

7                   Q           Would you call it an anti-Castro  
8 organization?

9                   A           Well, it is anti anything that  
10 is against the democracy.

11                  Q           Okay.

12                               Let me now show you a picture  
13 of the building, I believe, in which your newspaper  
14 is published, and---

15                  A           Huh?

16                  Q           I am now going to show you a  
17 picture of the building, I believe, in which your  
18 newspaper is published, and let me see if you can  
19 tell me if that [indicating] is the building where  
20 it says "~~Nacionalismo~~ Nacionalismo Realista" where the newspaper  
21 is published.

22                  A           Uh-huh, that is it.

23                  Q           Now, you said that you used  
24 part of the building for the organization, and you

1 used part of the building for the newspaper; is  
2 that right?

3 A Yeah.

4 Q Okay.

5 Now, would you just---

6 A I say I used part in the orga-  
7 nization and part in the newspaper; that is what  
8 I say.

9 Q Yes, sir.

10 Do you also lease that part of  
11 this building [indicating] that has the dark cross  
12 and the circle--

13 A Yeah.

14 Q [Continuing] --over the door  
15 right here [indicating]?

16 A Yeah.

17 Q What does that stand for?

18 A Huh?

19 Q What does the cross and the  
20 circle stand for?

21 A This [indicating] is the emblem  
22 of the Nacionalismo Realista.

23 Q All right. Fine.

24 Is this [indicating] the same

1 building where the alleged offense took place that  
2 we are here about today?

3 A Repeat it. Repeat the question,  
4 again.

5 Q Is this [indicating] where the  
6 incident took place?

7 A Yeah.

8 Q And that is what we are here  
9 about today.

10 A Right.

11 MR. KATZ: That is why we are  
12 going into this, and that is why we are going into  
13 the exact facts of what happened on that day, sir,  
14 because we are trying to get exactly what your  
15 relationship is to this building [indicating].

16 THE WITNESS: I know. Yes.

17 Q [By Mr. Spiegel] Now, before  
18 you became the president of this organization, were  
19 there any other people who were president--

20 A No.

21 Q [Continuing] --or did you  
22 found and form the organization?

23 A No. I found it.

24 Q Did you also found this newspaper?

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1 A No. It was Aliman. [phonetic]

2 Q How often is that newspaper  
3 published?

4 A Repeat the question.

5 Q How often is that newspaper  
6 published, sir?

7 A Oh, about two weeks. You know,  
8 biweekly.

9 Q Twice a week?

10 A Right.

11 Q Is your newspaper sold for five  
12 cents or ten cents a copy, or is it given away free?

13 A Given away free.

14 Q Okay.  
15 Does your newspaper contain  
16 advertisements?

17 A Huh?

18 Q Does your newspaper contain  
19 advertising?

20 A Yeah, it has two advertisings  
21 in it.

22 Q Do these advertisements cover  
23 the cost of the publication?

24 A Huh?

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1 Q Do these advertisements cover  
2 the cost of the publication, Mr. Serralta?

3 A Well, most of--- Well, the  
4 publication is helped by friends that wants to help  
5 the publication.

6 [Thereupon, Denset Serralta  
7 entered the hearing room at  
8 3:15 p.m., after which the  
9 following proceedings were  
10 had:]

11 MR. SPIEGEL: Is this [indica-  
12 ting] your son?

13 THE WITNESS: Yeah. This [indi-  
14 cating] is my son, Denset.

15 MR. KATZ: We are going to have  
16 to take one at a time for purposes of the deposition.

17 THE WITNESS: Huh?

18 MR. KATZ: I hate to do it to  
19 him, but if he could wait outside until we are ready  
20 for him, it would be---

21 THE WITNESS: Okay. Okay. He  
22 will go outside.

23 MR. KATZ: There are seats around,  
24 towards the courtroom. Why don't you take a seat

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1 toward one of them? Then, that will also allow you  
2 to watch what is going on.

3 MR. SERRALTA: Yeah. Okay.

4 [Thereupon, Denset Serralta  
5 left the hearing room at  
6 3:18 p.m., after which the  
7 following proceedings were  
8 had:]

9 MR. SPIEGEL: Would you mind  
10 reading the last question and answer back, please?

11 [Thereupon, the pending  
12 question and answer were  
13 read by the Court Reporter  
14 as above-recorded]

15 Q [By Mr. Spiegel] When you say  
16 "by friends", who wanted to help the publication?

17 A [No response]

18 Q In other words, sir, do you mean  
19 that the publication of the newspaper is sponsored  
20 by the organization?

21 A Now, yes.

22 Q When did that begin, that the  
23 organization sponsored the newspaper?

24 A Well, we helped the newspaper

1 several times, but after certain--after I became the  
2 editor and followed the line of the organization,  
3 then we sponsored it completely.

4 Q When you say "the line of the  
5 organization", would you just explain to me what  
6 you mean by that so I can understand what you mean  
7 by that?

8 A Huh?

9 Q When you say "the line of the  
10 organization", would you just explain to me what  
11 you mean by that so that I can understand what  
12 you mean by that?

13 A Well, just what we think. We  
14 publish what we think.

15 Q You mean the organization, then,  
16 uses the newspaper to tell the people just what the  
17 organization believes in.

18 A Right.

19 Q Okay.

20 Approximately when did this  
21 occur, that the newspaper took over?

22 A When, what?

23 Q Approximately when did this  
24 occur, that the newspaper took over?

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1                   A           Same time that I became the  
2 editor of the newspaper.

3                   Q           All right. Fine.  
4                                Now, have you ever met Louis  
5 Licor, sir?

6                   A           Huh?

7                   Q           Have you ever met Louis Licor  
8 before, sir?

9                   A           Never.

10                  Q           All right. Fine.  
11                                Have you ever seen or heard of  
12 him before?

13                  A           Never.

14                  Q           When I say before, I mean before  
15 the incident--

16                  A           Never.

17                  Q           [Continuing] --which took place.

18                  A           Never.

19                  Q           Okay.  
20                                Have you ever received--and, by  
21 you, I mean either you personally or your newspaper  
22 or your organization---

23                  A           Huh?

24                  Q           Mr. Serralta, have you, personally,

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1 or your newspaper, or your organization, ever  
2 received any criticism before the incident because  
3 of attacks which your newspaper has made on various  
4 Cuban organizations?

5 A Repeat the question, again. I  
6 no understand.

7 Q All right. I will.

8 Have either you, personally, or  
9 your newspaper, or your organization, ever received  
10 criticism--

11 Do you understand me so far?

12 A Yeah.

13 Q [Continuing] --or attacks,  
14 verbal---

15 A What do you mean "attacks"?

16 Q People calling you up and saying  
17 that you are wrong, or people calling you up and  
18 saying that you should not have printed something  
19 that you printed in your newspaper.

20 A Well, people say to me that I  
21 am wrong, of course. Sometimes, yeah, that happens.  
22 Sometimes, the people, you know, they say to me that  
23 I am wrong.

24 People say mistakes, too, you know?

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1 People don't know always that they are wrong, but  
2 people mistakes--- Well, the people, they make the  
3 mistakes, too, you know, so it is very easy that  
4 they say to me that I am wrong.

5 Q So, for articles that you have  
6 published in the newspaper, you have received criti-  
7 cism on some of them.

8 A Seldom, but sometimes, yes.  
9 Sometimes that happens.

10 Q Okay.

11 Did you receive criticism after  
12 you published an article in the newspaper attacking  
13 or criticizing the Torriente plant?

14 A No. I didn't.

15 Q You did not?

16 A No.

17 Q No one criticized that article  
18 that you published in the newspaper attacking or  
19 criticizing the Torriente plant?

20 A No.

21 Q To you, anyway; right?

22 A Huh?

23 Q No one ever criticized that  
24 article that you published in the newspaper to you,

1                   A           Repeat the question.

2                   Q           To your knowledge, no one ever  
3 criticized that article that you published in the  
4 newspaper attacking or criticizing the Torriente  
5 plant. No one every complained or criticized it  
6 to you, personally, to your knowledge.

7                   A           To me, no. Not to my knowledge.  
8 No one ever say to me, not to my knowledge.

9                               I mean, I suppose Mr. Torriente  
10 and his family did criticize it.

11                   Q           I mean directly to you.

12                   A           To me?

13                   Q           Directly to you.

14                   A           No, no directly to me. I don't  
15 remember anything.

16                   Q           Okay.

17                               Have you ever been physically  
18 attacked--

19                   A           Yeah.

20                   Q           [Continuing] --in the past for  
21 any articles which your newspaper has published?

22                   A           Oh, no. No, No.

23                   Q           Or, have you ever been physically  
24 attacked in the past for any statements which you

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1 have made?

2 A No. No for anything like that.  
3 No, not for nothing like that.

4 Q Or, have you ever been physically  
5 attacked in the past for any reason at all?

6 A Well, yeah. Yeah, sometimes a  
7 person who doesn't like you wants that you get out  
8 of his seat because he wants to sit in that seat,  
9 you know, and things like that, yeah; but I don't  
10 remember any other ones. You know, I don't recall  
11 any other ones now.

12 Q Okay.

13 Have you ever been attacked,  
14 physically, before for any of your political ideas?

15 A Repeat the question.

16 Q All right, sir. I will.

17 Have you ever been physically  
18 attacked before for any of your political ideas?

19 A What you mean for my political  
20 ideas? Huh? What you mean for my political ideas?  
21 Explain.

22 Q Have you ever been physically  
23 attacked before for any of your political ideas or  
24 statements?

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1                   A        No.

2                   Q        Okay.

3                                When did you leave Cuba?

4                   A        Huh?

5                   Q        When did you leave Cuba, sir?

6                   A        1956 the first time.

7                   Q        When you say "the first time",

8        what do you mean?

9                   A        Well, 1956 is the first time

10       I leave Cuba.

11                                See, I have gone before and

12       come back, again. I have gone and come back many

13       times.

14                   Q        Since 1956, how many times have

15       you gone back and forth?

16                   A        How many times?

17                   Q        Yes, sir.

18                   A        Well, I don't---

19                   Q        Approximately.

20                   A        Well, I don't recall. I can't

21       tell you that because I don't have a statement for

22       that.

23                   Q        I mean, is it once or twice?

24                   A        No. Several times, because the

1 people who live here want to go and visit their  
2 family there, you know? I mean, like, you know,  
3 the peoples over here want to go and visit their  
4 family in Cuba, and we have gone several times  
5 over to Cuba to visit our family.

6 Now, the last time that I came  
7 here--if that is what you want--is when I came here  
8 in about August of 1960. Yeah, that was the last  
9 time I came in here, about August of 1960.

10 Q 1960?

11 A Yeah.

12 Since then I have not gone to  
13 Cuba again, you know? Since the 1960, I have not  
14 gone back to Cuba again.

15 Q All right. Fine.

16 Do you have family remaining  
17 in Cuba?

18 A I do.

19 Q Would you say that you went  
20 back and forth to Cuba at least ten times, sir--

21 A No.

22 Q [Continuing] --or more than ten  
23 times?

24 A More than ten times, probably.

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1 See, I can give it to you exactly, but I have to  
2 go back and see what it is. But, anyway, right now  
3 I can't tell you exactly, but more or less that is  
4 correct.

5 Q Was this during a period when  
6 travel to Cuba back and forth was common?

7 A Oh, yeah. Yeah, every day. You  
8 could go over there every day if you wanted to go  
9 there every day.

10 Q Okay.

11 So, this would be the period 1956  
12 through 1971; right?

13 A '56, '57, '58, '59 and--well,  
14 just '56, '57, '58 and '59.

15 You know, I wonder what this  
16 have to do with all these problem, here.

17 Q Okay.

18 Anyway, now this was---

19 A I mean, it is like investigating  
20 my personal life.

21 Now, I do not think I have to  
22 answer all these things, you know, because it is  
23 just like you are going into my personal life.

24 Q Well, you are a witness in this

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1 case, sir, and therefore I have the---

2 A I mean, you are going in my  
3 personal life, you know, and I wonder just what this  
4 have to do with all these problems.

5 Now, how come you ask me how  
6 I get along with my wife.

7 Q I have not asked you that.

8 A Well, more or less.

9 MR. KATZ: See, the reason  
10 being people---

11 THE WITNESS: You say how many  
12 times I travel. Then you say where I travel. Then  
13 you say where I go. Then you say if I go to the  
14 nightclub.

15 MR. SPIEGEL: No, I have not  
16 asked you that.

17 THE WITNESS: Well, more or less.

18 Now, I think that that is too  
19 many questions, you know? Like, this have nothing  
20 to do with these problems, you know?

21 MR. KATZ: See, usually murder,  
22 as you know, is a little more serious than someone  
23 committing a burglary, and---

24 THE WITNESS: Huh?

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1 MR. KATZ: I was saying that  
2 usually murder, as you know, is a little more or  
3 a lot more serious than someone just committing a  
4 burglary on you because--if I may explain this to  
5 you--a lot of times, a person that commits a burglary  
6 on a place usually does not know who lives there,  
7 which I am sure you can understand.

8 THE WITNESS: Yeah.

9 MR. KATZ: But take a person  
10 that steals a car, they probably don't even care  
11 who the owner of a car is; but when a person is  
12 charged with murder or the intent to commit murder,  
13 there is usually a motive behind it against the  
14 particular person, you know, that the assault is  
15 made against, so we are merely trying to find out  
16 if this thing did happen, and why did it happen,  
17 and possibly it may have happened because of some-  
18 thing like your personal life.

19 THE WITNESS: But it is very  
20 easy. Ask himself over there [indicating]. Just  
21 ask himself over there [indicating]. He knows why  
22 he did it.

23 MR. KATZ: Well, that is why  
24 we are trying to find out possibly from you, because

1 it may come out from your testimony that he was  
2 not the one that did this assault on you---

3 THE WITNESS: Yeah. Just ask  
4 himself [indicating]. He knows why he did it. Just  
5 go and ask himself over there [indicating].

6 MR. KATZ: Well, as I said, or  
7 as I tried to explain, sir, that is why we are asking  
8 you questions with regard to this alleged incident,  
9 because it may come out, probably from you, that he  
10 may not have done it, and it may just turn out that  
11 someone else actually did it, and that is the reason,  
12 sir, why we are going into this.

13 THE WITNESS: Well, I don't know  
14 about that. I mean, just go ask himself over there  
15 about it.

16 Q [By Mr. Spiegel] All right.  
17 Did you say before that you were not one of the  
18 owners of the newspaper?

19 A Repeat the question.

20 Q I said, did you say before--see,  
21 I am just trying to remember--whether or not you  
22 were one of the owners of the newspaper?

23 A No. I was not.

24 Q You were not one of the owners of

1 the newspaper?

2 A No.

3 Q Okay.

4 And you are not now, are you?

5 You are not one of the owners of the newspaper now,  
6 are you?

7 A No, I am--- Now, is the orga-  
8 nization. The organization is the owner of the  
9 newspaper now.

10 Q Okay.

11 But you, personally, were never  
12 one of the owners.

13 A No. Never.

14 Q Do you remember who the owners  
15 were, sir?

16 A What?

17 Q Do you remember who the owners  
18 of the newspaper were?

19 A Repeat the question.

20 Q Do you remember who the owners  
21 were, other than Mr. Aliman [phonetic]?

22 A I think it was Amado [phonetic]  
23 who was the--no. No, Amado [phonetic] wasn't one  
24 of the owners. Amado, no. It was Juan Pugua who

1 was the one.

2 Q Would you spell that, please?

3 A Pugua is spelled P-u-g-u-a,

4 I think. Yeah. Yeah, P-u-g-u-a.

5 Q All right. So it is Pugua and

6 Aliman [phonetic].

7 A Aliman [phonetic], yeah, and

8 Cecil Serralta, too.

9 Q Who?

10 A Cecil Serralta, too.

11 Q Who is Cecil Serralta?

12 A My brother.

13 Q Your brother?

14 A Yeah.

15 Q Have you ever, in your newspaper,  
16 since you have been publisher, either before or since  
17 the incident which occurred, written any articles in  
18 the newspaper about Mr. Licor [indicating] or about  
19 the attack on you?

20 A Repeat the question. I no under-  
21 stand.

22 Q All right, sir. I will.

23 Since you have been publisher,  
24 either before or since the incident which occurred,

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1 have you ever, in your newspaper, written any  
2 articles in the newspaper about Mr. Louis Licor  
3 [indicating]--

4 A No.

5 Q [Continuing] --or about the  
6 attack on you?

7 A Well, I don't know. I don't  
8 know before. I mean, like, how can I write about  
9 somebody that I don't know?

10 Q How about after?

11 A How about, what?

12 Q How about after, after the incident  
13 occurred?

14 A An article about him [indicating]?

15 Q Yes.

16 Have you ever written any articles  
17 in your newspaper about Mr. Louis Licor [indicating],  
18 or about the attack on you, or about the people who  
19 attacked you?

20 A Oh, yeah. Yeah, we informed.  
21 It was an information rather than an article. We  
22 just informed about what happened, you know?

23 Q Did you say that they were  
24 "agents of Castro" or "communists"?

1                   A           We said that the people that  
2 came were agents of Castro, or they were somebody  
3 who wants to work like him.

4                               I didn't say that he [indicating]  
5 is. I just said that the people that came with him  
6 or the people that came were agents of Castro, or  
7 they just wanted to work like him. Now, it's only  
8 logical that this kind of people would be agents of  
9 Castro, or they would be wanting to work like him,  
10 you know.

11                              Now, that's all I said. I just  
12 said that the people that came that night with him  
13 had to be that kind of people, and he [indicating]  
14 can probably answer for the other four, too, or you  
15 can answer for the other four.

16                   Q           The "other four"?

17                   A           Yeah. That's right. There  
18 were five, and the one out of there, he attacked  
19 me. The one who attacked me, plus the other people  
20 that came.

21                   Q           Did you see all five of them?

22                   A           Huh?

23                   Q           Did you see all five of them  
24 that night?

1                   A           Yeah, I saw them. I saw them  
2 that night.

3                   Q           Do you have any knowledge, or  
4 do you know of any reason why either Mr. Licor [indi-  
5 cating] or any of the others would want to attack  
6 you, sir?

7                   A           Repeat the question.

8                   Q           Do you have any knowledge, or  
9 do you know of any reason why either Mr. Licor or  
10 any of the others would want to attack you?

11                  A           He [indicating] can answer this  
12 question. I can't.

13                  Q           I am asking you.

14                  A           I told you that he can answer  
15 this question. I can't.

16                  Q           Mr. Serralta, I am asking you  
17 if you know of any reason, or if you have any know-  
18 ledge, of why either Mr. Licor or any of the others  
19 would want to attack you.

20                  A           No. I don't.

21                  Q           Okay.

22                                Did any of them say anything to  
23 you at the time of the incident?

24                  A           The only thing they did is start



1 shooting me. That's all they did. They just started  
2 shooting at me.

3 MR. KATZ: We will go into that  
4 later.

5 THE WITNESS: Huh?

6 MR. KATZ: We will go into that  
7 part later.

8 THE WITNESS: Yeah.

9 Q [By Mr. Spiegel] Do you believe  
10 that the attack on you was politically motivated?

11 A [Indicating]

12 Q Mr. Serralta, do you believe  
13 that the attack on you was politically motivated--

14 A I don't know.

15 Q [Continuing] --or do you have  
16 no idea about that?

17 A I don't know.

18 He [indicating] can answer this  
19 question. I don't know why you asking these ques-  
20 tions to me.

21 Ask him [indicating]. He can  
22 answer this question.

23 Q [By Mr. Spiegel] I want to know  
24 what you think.

1 A Huh?

2 Q I want to know what you think  
3 about it, sir.

4 A I don't know. I don't know  
5 what are the motives. Maybe it was plitical, yeah,  
6 but I don't know.

7 Q All right, sir.  
8 Do you know of any reason why  
9 anyone would want to attack you for political cause?

10 A There is no reason to murder a  
11 man who has eight children. There is no reason for  
12 that.

13 Q Well, he didn't murder you; right?

14 A [No response]

15 Q He didn't murder you; right?

16 A No, he didn't murder me because  
17 I rejected it. If not, he would have murdered me.  
18 I rejected it, though, so he didn't murder me; that's  
19 right.

20 Q Mr. Serralta, I am asking you  
21 if you know of any reason why he would have any  
22 political reason to murder you.

23 A Huh?

24 Q Do you know of any reason why

1 he would have any political reason to murder you?

2 A Sir, I don't know. How can I  
3 know what he thinks? How can I know?

4 Ask him [indicating] Ask him  
5 [indicating] what he thinks. He can answer that  
6 for you.

7 I don't know what he thinks or  
8 how he thinks. How can I know what he thinks?

9 Q I am only asking you what you  
10 think and what you know. If you don't know, that  
11 is fine. Just say you don't know. If you do know,  
12 tell me.

13 I am not trying to put words in  
14 your mouth, Mr. Serralta. I am just trying to find  
15 out what you know and what you think.

16 Now, when you published the  
17 article in the newspaper after the incident occurred,  
18 saying that the people that attacked you are either  
19 "agents of Castro or acting like agents of Castro",  
20 what did you mean by that?

21 A What did I mean?

22 Q Yes, sir.

23 A I mean exactly this: That these  
24 people have this kind of motion--no. No. Wait a

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1 minute.

2 How you say motivo or motivacion?

3 How do you say that?

4 THE INTERPRETER: Expliquese.

5 Que es esto usted necesidad?

6 [Thereupon, the interpreter

7 asked in Spanish Explain.

8 What is it you want?]

9 THE WITNESS: Como esta decir

10 mocacion, motivo en Ingles?

11 [Thereupon, the deponent

12 asked in Spanish How do

13 you say motivation or

14 motive in English?]

15 THE INTERPRETER: You mean motive;

16 right?

17 THE WITNESS: Motiva.

18 THE INTERPRETER: Motive.

19 THE WITNESS: Motiva. Mocacion.

20 Como esta decir---

21 THE INTERPRETER: I think he is

22 trying to say motive, but it is a little different

23 from Spanish to English.

24 THE WITNESS: Como esta decir

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1 motiva, mocacion, motiva?

2 MR. SPIEGEL: Wait a minute.  
3 Just say it in your own words, Mr. Serralta.

4 THE WITNESS: Huh?

5 MR. SPIEGEL: Just say it in  
6 your own words. I am not trying to---

7 THE WITNESS: Well, see, they  
8 have different meaning, you know? I mean, like, I  
9 understand that they have some--- See, this is what  
10 the problem is. This is what I think about this---  
11 No. No. I better not say--well, see---

12 See, I don't know why he did that  
13 because I can't speak for him, you know? I mean,  
14 see, like I say, I don't know why he did that because,  
15 like I say, I can't speak for him because, see, I  
16 think that the people who came to my place had some  
17 kind of---

18 See, the problem is this: I  
19 think that they have a, oh, how do you say motiva,  
20 mocacion---

21 [Thereupon, the witness  
22 and the interpreter were  
23 speaking in Spanish, which  
24 the reporter did not report]

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1 THE INTERPRETER: See, what he  
2 is saying is that the people want to kill him, or  
3 they were trying to keep him from don't talking  
4 too much about something or somebody.

5 THE WITNESS: Yeah.

6 See, I think that they had had  
7 some indication of taking away, avoiding that I  
8 don't publish the newspaper and what I say in the  
9 newspaper.

10 Q [By Mr. Spiegel] Silcencing  
11 you, in other words?

12 A Huh?

13 Q Silencing you? In other words,  
14 you are saying that they wanted to silence you?

15 A Yeah. Yeah, that is what I think.  
16 Yeah, that is exactly what I think. Maybe, you know,  
17 they got some kind of personal motive, too, you know?  
18 I don't know.

19 Q Do you mean because of things  
20 that you said about other people and organizations?

21 A Generally, yes. Generally, yes.  
22 See, it was no for other organizations or other  
23 people. It was for me.

24 See, I think they didn't want me

1 to say nothing about other people and organizations  
2 about Castro and about the politics in here and in  
3 the world; that is what I think.

4 Q Now, you said that your orga-  
5 nization was formed to help bring democracy.

6 A Uh-huh.

7 Q Okay.

8 What has your organization done  
9 to attempt to remove Castro?

10 A Huh?

11 Q What has your organization done  
12 to attempt to remove Castro?

13 A To do physically, you mean?

14 Q Well, whatever you think it has  
15 done.

16 A Well, physically, nothing. It  
17 has done nothing physically.

18 Q Okay.

19 Has your organization collected  
20 funds--

21 A No.

22 Q [Continuing] --in order to do  
23 anything to attempt to remove Castro?

24 A No. Just the people who belong

1 do that, or those who belong will do that; they will  
2 be the only ones to donate, or give money, but that  
3 money goes for the organization.

4 Q How many people belong to the  
5 organization?

6 A How many?

7 Q Yes.

8 A Well, I think that that doesn't  
9 have anything to do with what we are here to talk  
10 about today.

11 Q I am not asking you to name  
12 them. I am just trying to get an idea of how big  
13 the organization is that we are talking about.

14 A Three hundred.

15 Q Three hundred?

16 A Right.

17 Q Okay.

18 These people, then, contribute--

19 A Yeah.

20 Q [Continuing] --to the operation,  
21 to the expenses of the newspaper; is that right?

22 A Right; to the expenses of the  
23 organization.

24 Q And whatever the organization has

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1 done; right?

2 A Yeah, and whatever the organi-  
3 zation brings back, too.

4 Q Mr. Serralta, have you, in  
5 your newspaper, criticized the actions of some  
6 of the other anti-Castro groups?

7 A Not directly, no.

8 See, we critized many things  
9 that we understand makes the American people have  
10 a bad image of what is a Cuban exile.

11 Q In other words, sir, have you  
12 criticized groups like, say, Alpha 66?

13 A No. I don't remember to have  
14 done that.

15 Q If I can, I am just trying to  
16 understand you when I ask questions along this line.

17 A Yeah. That's okay.

18 Q Now, do you think that the actions  
19 of some of the groups is---

20 A Look. For example, I think to  
21 collect money without giving a statement is a wrong  
22 thing, and we have said that in our newspaper articles,  
23 too.

24 Q And this is why you published the

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1 article against the Torriente plant; is that right?

2 A We published it because we were  
3 not--- I mean, we didn't agree with what he was  
4 doing; that is why we published it. We only published  
5 it because we didn't agree with what he was doing,  
6 you know?

7 Q You think he was doing something  
8 wrong, then; right?

9 A Repeat the question.

10 Q Mr. Serralta, I am asking these  
11 questions just so I can understand. See, I am trying  
12 to understand this thing a little better. I am not  
13 trying to follow this up for any other reason but to  
14 see what your thinking is on this.

15 A Yeah. Okay.

16 What was the question?

17 Q You think he was doing something  
18 wrong, then; is that right?

19 A Yeah.

20 Q Okay.

21 Do you think that the Torriente's  
22 plant is wrong because he fails to give a report of  
23 the finances, or because he collects money?

24 A Well, I have several things that

1 I think he is doing wrong, you know, but one of  
2 them is because he say lies. One of the reaons I  
3 think he is wrong is because all the time he say  
4 lot of lies.

5 Q In other words, you mean by  
6 him saying that he is going to liberate Cuba, right;  
7 is that what you mean by your statement?

8 A Well, yeah.

9 Another thing, he gives dates,  
10 and things like that, too, of when he supposed to  
11 do this, and, then, later on he doesn't fulfill what  
12 he say he going to do; that is all. That is all I  
13 mean.

14 Q Okay.

15 You do not think, then, that he  
16 is using the money to his own benefit, do you?

17 A What?

18 Q You do not think he is using the  
19 money to his own benefit, do you?

20 A Repeat the question.

21 Q You do not think that Torriente  
22 is using the money to his own benefit, do you?

23 A I don't know. Ask himself.

24 Ask himself about that.

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1 Q I mean, your newspaper has not  
2 said that he is using the money for his own benefit,  
3 has it?

4 A I don't know. Ask himself. Ask  
5 himself about that.

6 Q No. I say your newspaper.

7 A Huh?

8 Q Your newspaper has not said that  
9 he is using the money for his own benefit, has it?

10 A Sir, I don't know.

11 How can I answer this, huh? I  
12 mean, how you expect me to answer this, huh?

13 Look. Ask Mr. Torriente himself  
14 about that, if you want to know. Go ask Mr. Tor-  
15 riente himself. He can tell you whether he used  
16 that for his benefit.

17 Q No. That is not what I asked  
18 you, sir. I asked you if your newspaper has said  
19 that he is using the money for his own benefit.

20 A Huh?

21 MR. SPIEGEL: Would you ask him  
22 in Spanish, please?

23 THE INTERPRETER: Yeah. I will.  
24 I will ask him for you.

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1 [Thereupon, a conversation  
2 was had in Spanish between  
3 the interpreter and the  
4 deponent.]

5 THE INTERPRETER: I asked him  
6 does his newspaper say in any of its publications  
7 that he was using the money for his own benefit,  
8 and he say "No, we haven't say that"; that is all  
9 he tell me.

10 Q [By Mr. Spiegel] I didn't ask  
11 you if you actually did that. I asked if your  
12 newspaper said that he is using the money for his  
13 own benefit.

14 A Yeah. I know. And I say to  
15 him that we haven't say that.

16 Q Okay.  
17 Do you think it is wrong for  
18 these organizations to make attacks in Cuba?

19 A Against the laws of this country,  
20 yeah.

21 Q Did you print, then, anything  
22 in your newspaper about the attacks that were made  
23 by Alpha 66, or by the Cuban vessels that attacked  
24 Cuba not too long ago around October or November?

1 A Repeat the question.

2 Q Did you print anything in your  
3 newspaper, then, about the attacks that were made  
4 by Alpha 66 or by the Cuban vessels that attacked  
5 Cuba not too long ago, around October or November?

6 A No. I don't recall to have  
7 published anything against those things.

8 Q But you believe, though, that  
9 the reason that the attack was made on you has to  
10 do with some of the things that have been published  
11 in your newspaper; right?

12 A Right, because there is no other  
13 reason--no other thing for it, you know?

14 Q You do not think that the people  
15 were out to rob you--

16 A No.

17 Q [Continuing] --or anything like  
18 that, do you?

19 A I don't think that the peoples  
20 come just for nothing to kill a man, and I don't  
21 think that they need five people to come and rob  
22 me, so they have to have come to me to eliminate  
23 me, you know?

24 Q Do you know whether the people

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1 who came that night of the incident belonged to  
2 any organization--

3 A I don't know.

4 Q [Continuing] --or do you know  
5 whether the people who came that night of the  
6 incident belonged to any party of an organization,  
7 or were parties of any organization?

8 A I don't know, because I don't  
9 know them.

10 Q You did not know any of them?

11 A No.

12 Q Have you, since the night of  
13 that incident, investigated any of them?

14 A The police did it.

15 Q I am saying have you.

16 A [No response]

17 Q Mr. Serralta, have you, since  
18 the night of the incident, investigated any of them?

19 A No. I didn't.

20 Q Okay.

21 Have you learned through the  
22 police's investigation the background of any of the  
23 people involved?

24 A Well, this man [indicating] only.

1 Q What have you learned through  
2 the police's investigation about the background of  
3 this man [indicating]?

4 A Well, the police, they told me  
5 that he has an identification card for Mr. Torriente's  
6 group, or something like that.

7 Q But you do not know whether---

8 A If it is true or not, I don't  
9 know. That is just what the police say to me when  
10 they talk to me about him. Like I say, I don't  
11 know if it is true or not.

12 Q I am saying, you have not  
13 printed anything in your newspaper saying that he  
14 was part of Mr. Torriente's group, have you?

15 A Huh?

16 Q You have not printed anything  
17 in your newspaper saying that he is or was part  
18 of Mr. Torriente's group, have you?

19 A Yeah, I think something was  
20 published about that. Yeah, I think so. I think  
21 so something was published about that.

22 Q Did you publish anything in  
23 the newspaper accusing Mr. Torriente of having a  
24 part in this?



1 A Accuse Mr. Torriente?

2 Q Yes.

3 Did you publish anything in  
4 the newspaper, in your newspaper, accusing Mr.  
5 Torriente of having a part in this?

6 A Accusing Mr. Torriente of having  
7 a part?

8 Q Yes, sir.

9 Did you publish anything in  
10 the newspaper accusing Mr. Torriente of having a  
11 part in this?

12 A No. I don't think that, no.  
13 I mean, I don't know if he did have a part in it  
14 or not, but I know that you are his attorney and  
15 you are here defending him [indicating]--

16 Q No.

17 A [Continuing] --but I don't  
18 know if he has a part in it or not. I don't know  
19 if he did or didn't have a part in this or not.

20 All I know, like I say, is that  
21 I know you are his attorney, and I know that you  
22 are here defending him [indicating], too.

23 Q Mr. Serralta, let me make it  
24 clear to you: I am here defending Mr. Licor [indi-

1 cating]. He is the one on trial. He is my client.

2 A See, I don't know. There are  
3 many things that you are asking me out of trial,  
4 you know, so I don't know. I mean, there are many  
5 times you are asking me things that are out of  
6 trial, you know, so I don't know.

7 Q Well, let me ask you this, Mr.  
8 Serralta: Since the incident, have you---

9 You, personally, then, have made  
10 no attempt to look into the background of Mr. Licor  
11 [indicating] since the night of the incident, have  
12 you?

13 A Myself, no. Myself, no. No,  
14 I no do that. I don't care about that. I think  
15 the police is efficient enough to do that for me.

16 Q Okay.

17 Now, why did you say that I  
18 was Mr. Torriente's attorney, sir?

19 A What?

20 Q Why did you say that I was Mr.  
21 Torriente's attorney?

22 A Well, because the newspaper say  
23 that awhile ago.

24 Q Which newspaper was that?

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1                   A           Huh?

2                   Q           Which newspaper was that, sir,  
3 that said that I was Mr. Torriente's attorney?

4                   A           I no remember, but several of  
5 them say that about you. Several of them say that  
6 you Mr. Torriente's attorney.

7                               Are not you Spiegel, Spëigel,  
8 Spægel, or something like that?

9                               MR. SPIEGEL: All right. I am  
10 finished with my questioning of you, sir.

11                              THE WITNESS: Huh?

12                              MR. SPIEGEL: I have no more  
13 questions of you at this point.

14                              THE WITNESS: Oh, okay.

15                              MR. SPIEGEL: Now, first I want  
16 to thank you, Mr. Serralta, before I leave, and I  
17 hope that I didn't say anything to upset you, and  
18 I hope I didn't do anything to upset you.

19                              THE WITNESS: No. No upset.  
20 No upset to me.

21                              MR. SPIEGEL: I want to thank  
22 you, sir, for co-operating.

23                              THE WITNESS: No. You ask me  
24 many things that I can't answer, you know, without

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1 going back, you know, to get the information for you.

2 MR. KATZ: That is all right.

3 I might ask you a lot of things that you do not know  
4 the answer to, too; and the only thing that I am  
5 going to be talking about is the particular night of  
6 the incident, but---

7 THE WITNESS: Yeah. Okay. Okay,  
8 the night of the incident.

9 MR. SPIEGEL: Anyway, sir, I want  
10 to apologize to you for having to leave now, and I  
11 hope you will excuse me, but I have to be in another  
12 court, so that is why I am leaving at this point of  
13 the deposition.

14 THE WITNESS: Okay. That's okay.

15 [Thereupon, Robert A. Spiegel,  
16 co-counsel in the case, left  
17 the hearing room, after which  
18 the followings proceedings  
19 were had:]

20 CROSS EXAMINATION

21 BY MR. KATZ:

22 Q Sir, what I am going to be  
23 concerned about now is strictly this incident.

24 A Yeah. Okay.

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1           Q           In all candor, I was not familiar  
2 with this other information, so that is why Mr.  
3 Spiegel asked you questions about that in the begin-  
4 ning of this deposition.

5           A           I was supposing that that is  
6 why we came here today. You know, I was supposing  
7 that we came here today to talk about this case,  
8 what happened in this case.

9           Q           Yes, sir. But this was really  
10 material, sir, and that is---

11          A           Huh?

12          Q           The questions Mr. Spiegel asked  
13 you in the beginning of this deposition were very  
14 material and are really material to this case, sir,  
15 and that is why I didn't go into it, because I was  
16 not that familiar with it.

17          A           Okay.

18          Q           Anyway, sir, we have been talking  
19 about this incident, and also this attack on you.

20          A           Right.

21          Q           Do you recall the day that this  
22 occurred, sir?

23          A           When it occurred?

24          Q           Yes, sir.

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1                   A           It was Thursday night, the night  
2 of December--- Well, I remember that it was Thursday  
3 night, December of 1971.

4                   Q           Where did it occur, sir?

5                   A           Where?

6                   Q           Yes, sir.

7                               Where did this incident occur?

8                   A           Where?

9                   Q           Yes, sir.

10                  A           In the same place, in the same  
11 building we were talking about before, 1844. That  
12 is the only place where it happened, at 1844.

13                  Q           What is the rest of the address?

14                  A           Huh?

15                  Q           1844, what?

16                  A           Oh, the place is at 1844 West  
17 Flagler, sir.

18                  Q           Okay. Did you---

19                  A           In the rear.

20                  Q           I beg your pardon?

21                  A           You know, it happened in 1844  
22 West Flagler, rear.

23                  Q           Okay.

24                               To help you, I am going to leave

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1 these pictures right here [indicating]. These  
2 pictures [indicating], I have been told , are of  
3 this particular area that we have been talking  
4 about, are they not?

5 A [No response]

6 Q Now, this one [indicating] is  
7 of Southwest 18th Street, and what is that [indi-  
8 cating], First?

9 A Yeah, that [indicating] is  
10 First Street and 18th--well, that [indicating] is  
11 really between 18th Avenue and 18th Court, Southwest.

12 Q Okay.

13 Now, this one [indicating] is  
14 kind-of far away, so let me see if I can get one  
15 that is a little closer shot of the particular area  
16 in question.

17 A Huh?

18 Q I said that this one [indicating]  
19 is a little far away, so I think this one [indicating]  
20 is about the best shot we have here of the building,  
21 itself.

22 Isn't that right, sir? Isn't  
23 this one [indicating] a better shot of the building,  
24 itself?

1                   A           Yeah.

2                               MR. KATZ:  Would you please mark  
3 this photograph Defendant's Exhibit 1A for Identi-  
4 fication?

5                                       [Thereupon, the photograph  
6                                       referred to was marked as  
7                                       Defendant's Exhibit No. 1A  
8                                       for Identification]

9                               MR. KATZ:  Now, this next shot,  
10 which is a little bit closer, would be this photo-  
11 graph over here [indicating], and I would like this  
12 one marked as Defendant's Exhibit 1B for Identifi-  
13 cation, please.

14                                       [Thereupon, the photograph  
15                                       referred to was marked as  
16                                       Defendant's Exhibit 1B for  
17                                       Identification]

18                               MR. KATZ:  Now, please mark this  
19 one [indicating] as Defendant's Exhibit 1C for  
20 Identification, and I am referring to the photograph  
21 that shows the door, the back door, with a black  
22 cross inside of a circle.

23                                       [Thereupon, the photograph  
24                                       referred to was marked as

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1 Defendant's Exhibit 1C

2 for Identification]

3 MR. KATZ: Now, would you please  
4 mark this photograph [indicating] Defendant's Exhibit  
5 1D for Identification, and, for the record, I am  
6 referring to the photograph that shows the back door  
7 of the building with no black cross inside of a  
8 circle.

9 [Thereupon, the photograph  
10 referred to was marked as  
11 Defendant's Exhibit 1D  
12 for Identification]

13 Q [By Mr. Katz] Do you think we  
14 need anymore than this [indicating]?

15 A No. That shows the building  
16 okay. You can see the building from those [indi-  
17 cating] pictures.

18 Q Okay. Fine.

19 Now, sir, you stated that this  
20 incident occurred in December, 1971.

21 A Yeah.

22 Q Do you remember the day in  
23 December that this incident occurred on, sir?

24 A Yeah.

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1 Q All right. What is the date  
2 of the incident?

3 A The date?

4 Q Yes, sir.

5 A December 9, 1971.

6 Q Okay.

7 Now, I believe you also stated  
8 that this incident occurred at the location of this  
9 particular organization--

10 A Yeah.

11 Q [Continuing] --and newspaper;  
12 is that right?

13 A Right.

14 Q Okay.

15 Now, approximately what time  
16 of the day or night did this occur?

17 A It was approximately 11:30  
18 in the night.

19 Q P.m.?

20 A Yeah, p.m.

21 Q Okay.

22 Where were you at this time?

23 A Me?

24 Q Yes, sir.

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1                   A           Me, I was in the shop.

2                   Q           Okay.

3                                What do you refer to as the  
4 "shop", sir?

5                   A           Well, the printing presses that  
6 is over there.

7                   Q           Okay.

8                                Now, sir, I show you now what  
9 purports to be a photograph of this particular  
10 scene, or this particular building, which is marked  
11 for identification, 1A [indicating].

12                               Can you tell me, sir, where the  
13 printing presses are located in this particular  
14 building [indicating]?

15                   A           Right here [indicating]. They  
16 are right here [indicating]

17                   Q           Okay.

18                               Now, isn't it correct that you  
19 just pointed to a door which is under a round circle  
20 which has a cross inside of it?

21                   A           Right.

22                   Q           Okay. Fine.

23                               Now, this, in turn, [indicating]  
24 is another picture of that same area; right?

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1                   A           Huh?

2                   Q           This, in turn, [indicating] is  
3 another picture of that same area, right--and, for  
4 the record, I am referring now to what is marked  
5 for identification, 1B.

6                   A           Right.

7                   Q           We are referring to what is  
8 marked for identification, 1B; right?

9                   A           Huh?

10                  Q           We are now referring, sir, to  
11 what the reporter has marked as Defendant's 1B for  
12 Identification; right?

13                  A           Oh, yeah. Yeah.

14                  Q           Okay.

15                               And, of course, this [indicating]  
16 is a little closer than the other photograph; right?

17                  A           Repeat the question.

18                  Q           This photograph [indicating]  
19 shows the particular building in question a little  
20 closer up; right?

21                  A           Right.

22                  Q           Okay.

23                               Now, what were you doing at that  
24 time, sir?

1                   A           Are we referring to 1B, now,  
2 for something?

3                   Q           No.

4                                We are just referring to 1A now,  
5 which is a close up picture.

6                   A           Yeah. Okay.

7                   Q           Now, sir, what were you doing  
8 at that time?

9                   A           Me?

10                  Q           Yes, sir.

11                  A           Well, see, we were--- I were  
12 working inside. I were working inside, you know,  
13 at this time.

14                  Q           Do you recall what you were  
15 doing in particular?

16                  A           No.

17                                See, I was just organizing the  
18 things there, that's all, and I was just putting  
19 everything in place, that's all.

20                                I mean, like, I don't recall,  
21 you know, exactly what I was doing at this time.  
22 I don't remember exactly, you know, what I was  
23 doing at this time, but I was just putting ~~everything~~  
24 in place, you know.

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1 I remember that, you know? I  
2 remember that I was just putting everything in place.  
3 I mean, like, I don't remember which things it was  
4 I was putting in place at this time, you know, but  
5 I do remember that I was just putting everything in  
6 place; that's all. I don't know which things, you  
7 know, that I was putting away, like I say to you,  
8 but I remember that I was doing this at this time,  
9 you know?

10 Q In other words, you were working  
11 around there.

12 A Yeah.

13 See, when I finish, I put all  
14 the things every place, you know? I take it all  
15 the things, and I put all the things every place  
16 where they belong, you know?

17 Q Okay.

18 Now, you say "things", had you  
19 been printing--

20 A No.

21 Q [Continuing] --on that night,  
22 the particular night of the incident?

23 A No. I was not printing on that  
24 night, no.

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1                   Q       How long had you been there  
2 on that particular day?

3                   A       How long, what?

4                   Q       How long had you been there  
5 on that particular day, sir?

6                   A       Oh, since about 8 o'clock in  
7 the p.m. to the time that they came over there to  
8 my place.

9                   Q       Which is about three and a half  
10 hours, more or less, until the time they did in fact  
11 come; right?

12                  A       More or less.

13                  Q       Okay.

14                               Now, sir, were you with anyone  
15 else at this time?

16                  A       With me?

17                  Q       Yes, sir.

18                               In other words, was anyone else  
19 with you at this time?

20                  A       Yeah.

21                  Q       Okay.

22                               Who was with you at this time?

23                  A       My son.

24                  Q       And he has also been subpoenaed

1 for a deposition; right?

2 A Yeah. He has.

3 Q Okay.

4 Is that the young man who was  
5 in here a little while ago?

6 A Huh?

7 Q Is your son the young man who  
8 was in here a little while ago?

9 A Yeah. Right.

10 Q Skay.

11 See, that is one reason why I  
12 did not want him in here while you were testifying,  
13 because it just wouldn't be right.

14 A Oh, yeah. Yeah, I know. I  
15 understand what you mean.

16 Q See, in a courtroom, it works  
17 the same way.

18 A Huh?

19 Q He is not allowed to come in  
20 and sit down and listen to another person testifying  
21 when he is subpoenaed on the same case, so in a  
22 courtroom, it works the same way. They ask him  
23 to wait outside until it is his time to come in  
24 and testify.

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- 1                   A        Oh, yeah. Yeah, Okay. Yeah,  
2    I know.
- 3                   Q        Now, what was the first thing---
- 4                   A        Huh?
- 5                   Q        Sir, what was the first thing  
6    you noticed that was unusual on the night in question?
- 7                   A        Repeat the question.
- 8                   Q        All right. Obviously something  
9    unusual happened to you that night, did it not?
- 10                  A        I didn't hear you.
- 11                  Q        Excuse me?
- 12                  A        I didn't hear you. I didn't hear  
13    what you ask me.
- 14                  Q        All right, sir. I will repeat  
15    the question.
- 16                  A        Yeah. Okay.
- 17                  Q        Obviously something unusual  
18    happened to you that night, did it not?
- 19                  A        Yeah. Yeah. Yeah, something  
20    unusual. They shot me.
- 21                  Q        Okay.
- 22                  A        Yeah, that was very unusual.  
23    Yeah, very unusual.
- 24                  Q        Which is something that hopefully

1 does not happen every day.

2 A Well, I think so; yeah. I  
3 think so it no happen every day.

4 Q Okay.

5 Now, what was the first thing  
6 that you heard or saw?

7 A Repeat me the question.

8 Q What was the first thing you  
9 saw or heard?

10 A Oh, well, somebody knock to me  
11 the door.

12 Q Excuse me?

13 A You know, somebody knock at the  
14 door.

15 Q Okay.

16 What did you do at that time,  
17 if anything?

18 A What I do?

19 Q Yes, sir.

20 A Well, I opened.

21 Q Now, are you referring to the  
22 door under the circle with the cross in it, which  
23 is in this photograph [indicating]?

24 A The one that is under the cross

1 and the one that has no the letterings.

2 Q Okay.

3 Would it be this door, right  
4 here [indicating], that is in this picture marked  
5 for identification, 1C?

6 A Yeah. Yeah, in the picture,  
7 1C [indicating].

8 See, it is the one who has  
9 the door over to the right [indicating]. That  
10 [indicating] is the one I am talking to you about.

11 Q To the right?

12 A Yeah.

13 See, see, the door is over to  
14 the right [indicating].

15 Q Okay.

16 You are talking about the door  
17 that is under the circle with the cross inside of  
18 it; right?

19 A Yeah.

20 See, it is this one [indicating]  
21 over here that has the round circle with the cross  
22 inside.

23 See, there are two crosses,  
24 two black crosses, that are inside the circle, you

1 know, but, one, you know, is the other side, and  
2 one is here [indicating], but the one on the other  
3 side, it no have no letterings.

4 See, this one [indicating] here  
5 has the round circle with the black cross inside,  
6 and no the letterings, but the one that is on the  
7 other side, the one on the other side doesn't appear  
8 like this one, here, in this picture [indicating].

9 You see the difference?

10 Q Okay. We are just going to use  
11 picture 1C because I do not want to confuse this  
12 at all.

13 A Uh-huh. Okay.

14 Q Now, don't refer to any other  
15 pictures. All right?

16 A Yeah. Okay.

17 Q So, picture 1C is a door on the  
18 right, which is a regular door as opposed to this  
19 door on the left [indicating], which is a garage-type  
20 door; right?

21 A Garage? No. No, this [indicating]  
22 is not the garage-type.

23 Q Yes, it---

24 A No. No, the one to the right is

1 the one that---

2 Q No. I said as opposed to being  
3 the one to the left.

4 A Huh?

5 MR. KATZ: Look. Strike that,  
6 please, Madam Reporter. He is referring just to  
7 the one to the right.

8 THE WITNESS: Yeah. Right.  
9 Yeah, that is the one, the one to the right.

10 Q [By Mr. Katz] Now, you heard  
11 someone knock on the door; right?

12 A Yeah. See, I heard someone knock  
13 on the door.

14 Q Okay.

15 What did you do next, after you  
16 heard someone knock on the door?

17 A I went to open.

18 Q Where was your son at this time,  
19 sir? Was he---

20 A My son, I don't know. I mean,  
21 I know he was in the building, you know, doing some-  
22 thing, doing something else, some other kind of work,  
23 you know, but I don't know what he was doing. I don't  
24 know what kind work he was doing, you know?

1 Q Okay.

2 Now, you said that you went to  
3 open the door.

4 A Yeah.

5 Q How did you go about doing that,  
6 sir? How did you go about opening the door?

7 A What?

8 Q How did you go about opening  
9 the door, sir? Was it locked? Did you have to  
10 unlock it before opening the door? Just how did you  
11 go about opening the door?

12 A Well, it was locked, yeah. It  
13 was locked. The door, it was locked.

14 Q So you had to unlock the door  
15 in order to open it.

16 A Yeah.

17 Q Tell me, step by step, sir, now,  
18 how did you unlock the door?

19 A I just unlocked the door.

20 Q Okay.

21 Was there a doorlock on the  
22 doorknob, itself, or did you have a latch-type  
23 device on the door, itself?

24 A No. It was like [demonstrating].

1 See, I only open, and then, then I push the door  
2 like this [demonstrating].

3 Q Does this door open out or in?

4 A Repeat me the question.

5 Q Does this door open out or in?

6 A Ah, it goes like this [demon-  
7 strating]. It goes out [demonstrating], you know?

8 Q Okay.

9 So now you unlocked the door--

10 A Yeah.

11 Q [Continuing] --did you then open  
12 the door after you unlocked it?

13 A Yeah. Uh-huh.

14 Q Okay. How did you do that?

15 A Repeat me the question.

16 Q How did you do that? Did you  
17 then push the door out, or what?

18 A Yeah.

19 Q Okay. Now, what happened, then,  
20 after that?

21 A Repeat me the question.

22 Q What happened, then, sir?

23 A Well, one of the--one man that  
24 was to the right take it--- You know, the one man

1 that was to the right, take the door and open  
2 completely, then, you know?

3 Q Okay.

4 You say "to the right", are you  
5 referring now to the right of the door?

6 A Repeat me the question.

7 Q When you say "to the right", sir,  
8 are you referring to the right of the door?

9 A To my right, yeah. See, I mean  
10 to the--well, I mean, say, to the west [demonstrating].  
11 You know, like this [demonstrating].

12 Q Well, let's do this, then: If  
13 you were facing out, to the right of this door [indi-  
14 cating], the handle on this particular door [indi-  
15 cating] is on the right-hand side of this picture,  
16 which means that it is on the right side of the  
17 door---

18 A Yeah, facing east--I mean, facing  
19 the--- See, what I mean is the knob piece is facing  
20 the east.

21 Q See, I don't know the general  
22 direction here, but---

23 A See, in this case, this way is  
24 the east [indicating], this way is the west [indi-



1 cating], and north is that way [indicating], and  
2 south is that way [indicating].

3 Q So, the right-hand side of the  
4 picture is the east, and the left-hand side of the  
5 picture is the west.

6 A Yeah. Right.

7 Q Okay.

8 Now, you say that you saw this  
9 man on the east side; right?

10 A Yeah, the one who opened the  
11 door; right?

12 Q Yes, sir.

13 A Yeah, the one who opened the  
14 door was on the west. The one who open the door  
15 was on the west, this way [demonstrating]. See,  
16 I mean, he finished to open the door, you know,  
17 because I opened just little bit, you know, and  
18 then they tried to shoot me, and then somebody  
19 come near the door and---

20 Q Wait a minute.

21 A What, wait a minute?

22 Q See, that is why I am taking this  
23 slow, because I do not want to confuse you, and you  
24 are going too fast right now, and by going fast like

1 that, you are confusing me because I was not there;  
2 right?

3 A Yeah. You wasn't there. Just  
4 me; I was there.

5 Q Now, how far did you have the  
6 door open before somebody pulled it?

7 A I can't tell you exactly, but  
8 I will say that it was just like a right angle,  
9 you know, or little bit more, maybe.

10 Q About a third of the way, would  
11 you say?

12 A No, about [demonstrating].

13 Q About half way?

14 A No.

15 Like, it was about [demonstrating].  
16 You know, like right angle, or, maybe a little bit  
17 more, maybe. I mean, you know, just like the right  
18 angle [demonstrating].

19 Q Okay. That is good enough.

20 Then what was the next thing that  
21 happened?

22 A Well, then they start to shoot  
23 me, you know?

24 Q Now, wait a minute. You said

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1 first that somebody grabbed the door open.

2 A Yeah, right, but that was later  
3 on, you know? I mean, like, later somebody opened  
4 the door completely, you know, and then they took  
5 a shotgun to shoot inside.

6 Q Now, you said that "they started"  
7 to shoot you.

8 A Yeah.

9 Q Did this happen before the door  
10 was jerked out, or did this happen after the door  
11 was jerked out?

12 A [No response]

13 Q In other words, sir, apparently  
14 the door was taken right out of your hands and pulled  
15 open; right?

16 A No.

17 See, I opened the door, first,  
18 because somebody knocked, you know, and, of course,  
19 you push the door as open as this [demonstrating],  
20 you know, when you go to open it.

21 Then, as soon as I push the door  
22 like this [demonstrating] to open it because I hear  
23 somebody come and knock on it, then, I don't know  
24 exactly in what--you know, I don't know how it goes

1 open like this [demonstrating]--- See, I don't  
2 know how or why it goes open like that the door,  
3 but, anyway, when the door goes like that, open,  
4 then, that is when they start to shoot me, but, see,  
5 all I saw was the gun, and I saw that they starting  
6 to shoot me, you know?

7 Q Okay. That is what I want to  
8 know.

9 A Huh?

10 Q This is what I want to know, sir.  
11 I want to know if you saw any---

12 A See, it was about forty or ninety  
13 grades. I mean, it was no less than that. No less  
14 than that.

15 Q I understand.

16 Like you said, you were the one  
17 that was there that night, so you know exactly what  
18 happened that night.

19 A I was there. Yeah, I was there  
20 that night.

21 Q See, but I was not there that  
22 night, and the Judge was not there that night,  
23 either, so that is why we have to go in detail on  
24 this.

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1 Now, the State Attorney will  
2 make you do the same thing when you testify, so  
3 this is probably good experience for you, so, please,  
4 just tell me where were these men standing that shot  
5 at you.

6 A What?

7 Q Where were the men standing  
8 when this door went open?

9 A Well, see, there was a van truck,  
10 a wide van truck in the front of the door, and, then  
11 there was---

12 Q In front of this door [indicating]?

13 A Huh?

14 Q There was a wide van truck in  
15 front of this door [indicating]?

16 A Yeah.

17 Q Okay.

18 How far away was it from this  
19 door?

20 A How far, what?

21 Q How far away was the van truck  
22 from this door [indicating]?

23 A Oh, about two meters, which  
24 means about six or seven foot or eight foot, some-

1 thing like that. It was something like the six  
2 or seven foot, you know?

3 Q Okay.

4 Was the front of the van truck  
5 facing the building, or was the rear of the van  
6 truck facing the front of the building?

7 A No. No. No, the front of the  
8 van truck was facing the west [demonstrating].

9 Q Well, if the front of the van  
10 truck was facing west, does that mean, then, that  
11 this van truck was parallel to the building?

12 A Parallel to the building; yeah,  
13 that's what it was.

14 Q So, the side of the van truck,  
15 then, was parallel; right?

16 A Right, yeah, and they have it  
17 open, you know? I mean, they have it wide open,  
18 the side doors of the van truck. I mean, I see  
19 them how they have the side doors of the van truck  
20 open like that.

21 Q But this was a van; right?

22 A [No response]

23 Q The truck was a van; right?

24 A What do you mean, "a van"?

1 Q Well, you tell me what kind of  
2 a truck it was.

3 A Well, they call a van truck.  
4 You know, that is what they call it the name. See,  
5 they call the name--they call a van truck.

6 I mean, I don't know exactly if  
7 that is the determination of the van truck. I mean,  
8 I understand that it is a wide truck, you know. I  
9 mean, the heighth of the van truck was like this  
10 [demonstrating], and the van truck was completely  
11 closed, you know, on the [demonstrating], and then  
12 it have doors on the side, too, but I don't know if  
13 they have this kind car here, too.

14 Q That is just what I wanted. I  
15 wanted a good description of it. I wanted a good  
16 description, just like you gave me. That is perfect.  
17 Thank you.

18 Now, you say that they had the  
19 doors of the truck open; right?

20 A Open, yeah, and the three men,  
21 they standing inside.

22 Q Three men were standing inside  
23 the truck?

24 A Yeah, and they was pointing me

1 with the pistols [demonstrating].

2 Q Three men were standing inside  
3 the truck, and they were pointing pistols at you;  
4 right?

5 A Yeah.

6 Q Then what did they do?

7 A Shoot me.

8 Q Did everybody shoot you with  
9 pistols?

10 A Everybody shoot me there.

11 Q Everybody?

12 A Yeah, everybody shoot me. Every-  
13 body there, with the pistols, they was point me with  
14 the pistols, and then they shoot me--well, everybody  
15 except this man [indicating], who was standing there,  
16 by the door, before, because he shoot me before that  
17 time, you know?

18 Q Before, what?

19 A Before, he shoot me.

20 Q I do not follow you, sir. What  
21 happened, first?

22 A Huh?

23 Q What happened, first, sir? Did  
24 the men in the truck start to shoot at you first, or



1 did the man---

2                   A           See, everybody started to shoot  
3 me. I couldn't see how many of them started to  
4 shoot me. I couldn't even count how many shots they  
5 shooting at me, but, then, after I see that they  
6 shooting me, then I started to fire myself, too,  
7 with my gun, and then, that is when everything  
8 finished, you know?

9                   Now, like I tell to you, I can't  
10 say exactly how many shots each one shoot to me,  
11 you know, but I know how much shots I did to them,  
12 but I don't know how many shots they did to me  
13 because I didn't count.

14                  Q           Okay. I do not want you to get  
15 ahead of yourself.

16                  A           Huh?

17                  Q           I do not want you to get ahead  
18 of yourself, sir, so just slow down now and let me  
19 ask you a question.

20                  A           Yeah. Okay.

21                  Q           Now, you were standing in this  
22 doorway [indicating] when the shots went off; is  
23 that right?

24                  A           Yeah.

1 [Thereupon, Assistant State  
2 Attorney Jeffrey Cohen  
3 entered the hearing room,  
4 after which the following  
5 proceedings were had:]

6 MR. KATZ: We are right at the  
7 point where the gunshots went off, Jeff.

8 MR. COHEN: Okay. Fine.

9 Q [By Mr. Katz] Now, you are  
10 standing at the door, right?

11 THE WITNESS: Who are you? What  
12 is your name?

13 MR. KATZ: This is the Assistant  
14 State Attorney in this case, Mr. Jeffrey Cohen.

15 THE WITNESS: Cohen?

16 MR. COHEN: Yes, sir. My name  
17 is Jeffrey Cohen.

18 THE WITNESS: How you spell that?

19 MR. COHEN: I will give you one  
20 of my cards, sir.

21 THE WITNESS: Yeah. Okay.

22 MR. COHEN: Who is this  
23 gentleman seated over here [indicating]?

24 MR. KATZ: That is Mr. Raphael

1 Serralta.

2 THE WITNESS: Yeah, that's me.

3 MR. COHEN: Did you call me today?

4 THE WITNESS: Yeah. I did.

5 MR. COHEN: Okay. Who is this  
6 other gentleman seated over here [indicating]?

7 MR. KATZ: The defendant, Louis  
8 Licor.

9 Off the record a minute, Madam  
10 Reporter.

11 [Thereupon, discussion was  
12 held off the record]

13 MR. KATZ: Jeffrey, Mr. Serralta  
14 is just starting to tell us about the point where  
15 the gunshots went off.

16 MR. COHEN: Okay.

17 Q [By Mr. Katz] Now, getting back  
18 to this, Mr. Serralta: The door was open.

19 A Yeah.

20 Q Then these three men were standing  
21 in the truck; right?

22 A See, first I open the door. I  
23 open the door, first, you know, and then I see the  
24 men standing there.

1 Q Yes, sir. I understand that.  
2 I understand that your door was open.

3 A Yeah, my business---

4 Q Yes, sir. I understand that  
5 the door was open to your business.

6 A Yeah. Right.

7 Q Then you---

8 A No. No. I take back. See, the  
9 door was closed. Then they knock at my door, and  
10 then I open the door.

11 Q And then what happened?

12 A Then they start to shoot me.

13 Q But the door was open while the  
14 shots were going off, was it not?

15 A When they start to shoot me,  
16 yeah, it was open.

17 Q Okay. It was open.

18 A Yeah.

19 Q And then the shots we are talking  
20 about were coming from this truck that was parked  
21 approximately seven feet in front of the door over  
22 here [indicating]; right?

23 A Yeah.

24 Q And then you also said that you

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1 saw three men in the doorway of this truck that  
2 was parked in front of the door.

3 A Not in the door, no. They were  
4 not inside the door, no.

5 Q No.

6 Inside the truck. You said that  
7 you saw three men standing inside the doorway of the  
8 truck.

9 A Yeah, they were in the truck.  
10 There were three man inside, inside the truck. One  
11 was to the right of the--I mean, one was to the west  
12 of the door, and one was to the east of the door,  
13 which was in the corner, and then one was over near  
14 the truck, too.

15 Q And those two men that you are  
16 talking about, the two men that were west and east  
17 of the door, were outside of this vehicle; right?

18 A Was outside; yeah.

19 Q Fine.

20 So, there are five men altogether  
21 that were there that night; right?

22 A Right.

23 Q Now, when they were shooting,  
24 where did those bullets go?

1                   A        I don't know.

2                   Q        Well, did they go inside of the

3 building?

4                   A        Well, one come to my hand over

5 here [indicating].

6                   Q        The bullets hit you in your hand?

7                   A        Yeah, one of the bullets come to

8 my hand [indicating].

9                   Q        Whereabouts in your hand did the

10 bullet hit?

11                   A        What?

12                   Q        Where did it hit you in the hand?

13                   A        Oh, here [indicating]. It hit

14 me right here in the right hand [indicating].

15                   Q        You are referring to what area

16 of your hand, sir?

17                   A        The metacarpium.

18                   Q        In other words, you are referring

19 to the part by your thumb; right?

20                   A        The metacarpium [indicating].

21                   Q        And did it go through your hand?

22                   A        Yeah. The bullet, it went right

23 through my hand.

24                   Q        Were you hit anyplace else?

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1                   A        Yeah.

2                   Q        Where else were you hit?

3                   A        In the forehead [indicating].

4                   Q        You were hit in the forehead?

5                   A        Yeah.

6                   Q        Did the bullet go inside of your

7 forehead, or--

8                   A        No.

9                   Q        [Continuing] --did the bullet

10 ricochet off?

11                   A        What means "ricochet"? I don't

12 know how you call that in English.

13                                See, the bullet hit the forehead

14 like this [demonstrating], but I don't know how you

15 call this in English, either.

16                   Q        Okay. But it did hit your fore-

17 head; right?

18                   A        Yeah, something hit in my fore-

19 head. Some of the bullets hit in my forehead.

20                   Q        Okay.

21                                Did any of the bullets hit the

22 building, or anything else?

23                   A        Yeah. Yeah, inside.

24                   Q        They went inside of the building?

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1                   A           Yeah, they went inside, inside  
2 the building.

3                   Q           Now, do you know if they went  
4 through the door?

5                   A           No. No, not through the door.

6                   Q           And these were all bullets,  
7 themselves; right?

8                   A           Huh?

9                   Q           They were bullets, projectiles,  
10 that went into the building or through the building;  
11 right?

12                  A           I don't know, because I didn't  
13 ever investigate with the police what happened. I  
14 mean, I think the other police has the---

15                  Q           So, at that point you were shot  
16 in the hand and in the forehead; right?

17                  A           "At that point"? What you mean  
18 "at that point"?

19                  Q           Well, when all the shooting was  
20 going on, when the shooting started, you were hit  
21 by a bullet in your right hand and in your forehead;  
22 right?

23                  A           Well, this--well, I don't know  
24 when I was hit in that time if it was before or after



1 my hand. You know, I don't know if when I was hit  
2 in that time, when I was hit in the forehead [indi-  
3 cating], if that was before or after my hand, you  
4 know, because I didn't feel it.

5 Q Okay. I don't care about the  
6 sequence of it, anyway.

7 A Oh, okay.

8 Q But you were hit; right?

9 A Yeah.

10 See, I open the door, and then  
11 they start to shoot me.

12 [Thereupon, the deponent had  
13 a conversation in Spanish  
14 with the interpreter.]

15 THE INTERPRETER: He say he can  
16 ask his kid that question.

17 THE WITNESS: Yeah. See, I  
18 can ask to my kid that question, and he can tell  
19 me when it was.

20 MR. COHEN: Who is he [indicating]?

21 MR. KATZ: He is here, trying to  
22 interpret for the defendant, but he is also helping  
23 the deponent with a couple words.

24 MR. COHEN: What is your name, sir?

1 THE INTERPRETER: My name is  
2 Rollando Pozo.

3 THE WITNESS: See, I can ask my  
4 boy the question, and he know the answer of how to  
5 say in English.

6 MR. KATZ: No, that is all right.  
7 I prefer you tell me rather than ask your boy. We  
8 have an interpreter in here who can help you trans-  
9 later from Spanish to English.

10 THE WITNESS: No, he can't help  
11 me. He don't understand.

12 MR. KATZ: He can't help you?

13 THE WITNESS: No, he can't. He  
14 doesn't understand. See, I told him in Spanish, but  
15 don't understand how to say it in English. He say  
16 he don't know the word in English.

17 THE INTERPRETER: See, he say  
18 that somebody tried to attack him, and then he said  
19 that he tried to [demonstrating]---

20 THE WITNESS: See, when they shoot  
21 me, I started to shoot them, too.

22 Q [By Mr. Katz] Well, where did  
23 you have your gun at that time, sir?

24 A My gun?

1 Q Yes, sir.

2 A In my right hand [indicating].

3 Q Okay.

4 What kind of gun was this?

5 A It was a thirty-eight.

6 Q Revolver?

7 A Yeah, revolver.

8 Q Did you have it with you when

9 you went to the door?

10 A Yeah. I did.

11 Q Now, why did you take the gun

12 to the door with you?

13 A No, no. See, I have the gun at

14 this time because the gun is all the time there.

15 Q It is right at the door, itself;

16 is that what you are trying to say?

17 A Yeah. The gun, it is always right

18 there.

19 Q Okay.

20 Whereabouts do you keep the gun?

21 A What?

22 Q Where do you keep the gun in

23 relation to this door [indicating]?

24 A Oh, by myself [indicating].

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1 Q You carry the gun on yourself?

2 A Yeah, on myself. I carry it on  
3 myself [indicating].

4 Q Okay.

5 Do you have a license to carry  
6 the gun with you?

7 A No, because I was in my shop,  
8 and to avoid an assault, I have the gun with me all  
9 the time.

10 Q But you carry the gun all the  
11 time in your shop?

12 A Yeah, when it is too late.

13 Q That is what I am talking about.

14 A Huh?

15 Q You do carry the gun all the  
16 time in your shop, don't you?

17 A Well, yeah, when it is too late,  
18 and when there are only one or two people in there,  
19 yeah. Yeah, then I have the gun with me in the shop.

20 Q Okay.

21 Have you been attacked previously  
22 in your shop?

23 A In this shop?

24 Q Yes, sir.

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1                   A           No, never in this shop.

2                                I have been in the other shop;  
3 yeah, but never in this shop.

4                   Q           Oh, previously, in another shop,  
5 you have been attacked?

6                   A           Yeah.

7                   Q           Okay.

8                                How long ago was that, sir?

9                   A           Several years ago. I don't  
10 remember when it was now.

11                  Q           And as a result of that you  
12 carry a gun.

13                  A           I doh't carry, no. I carry only  
14 in my shop.

15                  Q           I am talking ly about in the shop.

16                  A           Yeah. Yeah. I carry only in  
17 my shop.

18                  Q           Now, whereabouts did you keep  
19 the gun on your person?

20                  A           What?

21                  Q           Where did you have the gun on  
22 your person?

23                  A           In my hand [indicating]; right  
24 in my hand ]indicating].

1 Q In the belt?

2 A Yeah, in the belt [indicating].  
3 I carry in my belt [indicating].

4 Q On the right-hand side?

5 A Yeah.

6 Q Okay.

7 Now, when did you take the gun  
8 out of your belt?

9 A When I saw that they start  
10 shooting me.

11 Q After you heard the shots?

12 A Yeah, after I heard and see the  
13 shots.

14 Q Heard and saw?

15 A Right. After I heard and see the  
16 shots, then I take it out.

17 Q Then you took the gun out of  
18 your belt?

19 A Yeah.

20 Q Okay.

21 Had you been shot at this point  
22 in time?

23 A No--yeah--no. No.

24 Q You had not been shot at this

1 point in time?

2 A No.

3 Q Okay. Then what did you do?

4 A Then, I started shooting, and  
5 then I shot twice, and then they shot me in the  
6 hand, and then they push the--then the shot push  
7 me down.

8 Q Now, where did you shoot? In  
9 which direction did you shoot?

10 A Well, I don't know. I shoot  
11 in everyplace.

12 Q How many shots did you fire?

13 A I shot first, twice, and then  
14 they hit me in the hand [indicating], and then I  
15 fall down from it, and, then, when I was on the  
16 floor, from the floor, I shot in this direction  
17 to Mr. Licor [indicating], and, then, all these  
18 people still was shooting me, so then, I couldn't  
19 use my hand any more, you know, because I had the  
20 bullet hit it, so then, because I couldn't use my  
21 hand any more because it started to hurt me, then  
22 I took with the other hand the gun because then  
23 came another man, and this man, he put the gun--he  
24 put his shotgun through the door like this [indica-

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1 ting], and then he didn't appear himself, but he  
2 put like that [demonstrating] the gun through the  
3 door, and then he shoot me, too, and then I shoot  
4 him, too, with the left hand, and then the other  
5 two bullets--I mean, once--- See, two of them was  
6 before I was shot, and one of them--I mean, one I  
7 shot with my right hand, when I was on the floor,  
8 and, then, two of them I shot with my left hand,  
9 when I was still on the floor, and, then, after  
10 that, then they went away.

11 Q Okay.

12 Now, was your door still open  
13 during this period of time?

14 A Yeah. Yeah, open. Still open  
15 at this time.

16 Q Okay.

17 A See, it was--it was just like  
18 this [indicating], you know. I mean, the door was  
19 open completely, you know?

20 Q It was completely open at this  
21 time, sir?

22 A Open, completely open; yeah.  
23 It was completely open, you know, but the man,  
24 when I try to pull it because I see the shotgun



1 that he put through the door, then he had the shot-  
2 gun inside the [indicating]--

3 How you call it?

4 Q Inside the building?

5 A Yeah. Inside the building.

6 [Continuing] --building, then  
7 he push the door to protect himself, you know?

8 Q In other words, he pulled it  
9 closed; right?

10 A He pulled--he had himself pull  
11 it close, yeah. See, he hide himself, first, in the  
12 door, you know, because he knew that I have my gun  
13 in my hand, too.

14 Q Where was he standing when he  
15 pushed the shotgun in there?

16 A No. I didn't see, because I  
17 only see his hand, you know?

18 Q Okay.

19 Did he fire a shot with the  
20 shotgun at that time?

21 A What?

22 Q Did he fire a shot with the  
23 shotgun, then?

24 A I am not sure of that.

1 Q Okay.

2 A See, I shot him before he shot  
3 me. See, when I see the shotgun that he put through  
4 the door, then I shot---

5 Q Wait a minute. Did you say that  
6 you shot him, first?

7 A Yeah.

8 See, when I saw that he put the  
9 shotgun through the door, I shot him. I mean, when  
10 I saw a shotgun pointing in there, through the door,  
11 then I shot to the shotgun that was sticking in the  
12 door there, and then, that is when I hit him with  
13 that bullet, you know? I mean, after the shooting---

14 You know, like, after the  
15 shooting, when I saw a shotgun that was pointing  
16 through the door, there, to me, then I shoot to the  
17 shotgun, the shotgun that was there in the door, and  
18 that is when I hit him with that bullet that I shot  
19 to the shotgun that was sticking through the door.  
20 See, that is when I hit the knob of the door, you  
21 know, and that is when I got him.

22 Q Okay.

23 Did you hit him with the bullet  
24 at all?

1           A           I don't know. I think so, but  
2 I don't know for sure. See, all I did was point the  
3 gun to the shotgun that was sticking through the  
4 door, and when I shot my gun, I know that that is  
5 when I hit the knob of the door, and I think that  
6 is when I got him, but I am not sure because I never  
7 see the man behind the door because he was pushing  
8 the door to protect himself with it, you know, so  
9 I never see his face.

10           Q           Okay. So you---

11           A           See, I think that I have wounded  
12 two other people that was there that night, too,  
13 because of the way which they react, you know. You  
14 know, I think I have wounded two of the one that  
15 was standing inside the van truck, and I think I have  
16 wounded them only because the way which they have  
17 reacted, you know?

18           Q           Okay. Then what happened?

19           A           Huh?

20           Q           Then what happened, sir?

21           A           Oh, that is what happened. That  
22 is all that happened.

23           Q           That was the extent of what  
24 happened out there that night?

1 A What?

2 Q In other words, sir, did anything  
3 else transpire after you fired this last shot with  
4 your left hand?

5 A I don't understand.

6 Q All right. Let me ask you this  
7 way, then: What happened next, after you fired the  
8 shot with your left hand?

9 A What?

10 MR. KATZ: Would you please ask  
11 him in Spanish what happened next, after he fired  
12 the shot with his left hand?

13 THE INTERPRETER: Yes.

14 [Thereupon, the interpreter  
15 translated the question from  
16 English to Spanish, after  
17 which the following answer  
18 was given:]

19 THE WITNESS: Oh, then they recess  
20 in fighting--I mean, firing. You know, then they  
21 recess in firing, and then I run inside the building  
22 after that.

23 Q [By Mr. Katz] You ran inside?

24 A Yeah, I ran inside the building

1 and protected myself because I ran behind one--some  
2 of the machines.

3 Q Had you been shot in the forehead  
4 at that time?

5 A At that moment, yeah--no. I  
6 mean, I wa already shot in the forehead, before that  
7 time.

8 Q You were already shot?

9 A Yeah.

10 See, when my son saw me, he say,  
11 "What happened, Father?" See, he suppose I have a  
12 shot in my forehead, you know, but I say to him, "No,  
13 because I am alive still."

14 Q Okay.

15 Now, you say that there were  
16 five men there at that time; right?

17 A Yeah.

18 Q Now, here is a picture [indica-  
19 ting]. Starting from here [indicating], this would  
20 be west, the west side; right?

21 A Yeah.

22 Q And, this over here [indicating]  
23 would be the east side; right?

24 A Yeah.

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1 Q Okay.

2 Can you give me a description  
3 of what the man looked like on the west side?

4 A No. I can't give you this  
5 because I saw him only by his hand, not his face.  
6 I mean, see, I saw him only by his hand because he  
7 put the door in front of him to protect him, you  
8 know, so all I saw was his hand. I saw when he  
9 put his hand to shoot me with the shotgun. I  
10 didn't see him at all. I didn't see him by his  
11 face at all.

12 Q Okay.

13 So, the man on the west side  
14 of that door had the shotgun.

15 A Right--no. No, both of them.  
16 I mean, the west and the east both had the shotgun  
17 in their hands, you know?

18 Q Okay. Okay. I understand.

19 A Yeah, see, I mean the guy has  
20 a shotgun in his hands, you know, and then the other  
21 guy has a shotgun in his hands, too, you know, and,  
22 then, then the other guy in the truck has one in his  
23 hands, too.

24 Q Okay. So, we will go around and

1 try to cover all three men: The three men in the  
2 truck, can you give me a description of those men  
3 at this time?

4 A No. I can't. I mean, it was---  
5 See, it was--- Well, I mean, this thing happened  
6 just in seconds, you know?

7 Q Okay.

8 Now you say Licor, who is a  
9 defendant in this case, was on the east side, or  
10 the right-hand side of that door, looking at this  
11 picture [indicating].

12 A Right.

13 Q And you shot him; right?

14 A Yeah. I shot him, yeah. See,  
15 he was the only one that I shot, you know, because  
16 he was the one who have the shotgun through the  
17 door, and he the one that I shot back at, and he  
18 have to be the one that I shot.

19 Q Okay.

20 Did you see him with a gun  
21 before you shot him?

22 A Yeah. The first one that I saw  
23 was him [indicating].

24 Q The first one that you saw?

1 A What?

2 Q He was the first one that you  
3 saw at that time?

4 A Yeah, the first one. He was  
5 the first one that I saw.

6 Q Okay.  
7 Where did he have the gun at  
8 this time?

9 A Well, he have the gun like this  
10 [indicating], you know?

11 Q And then what did he do?

12 MR. COHEN: For the record, the  
13 witness indicated that he was holding the gun like  
14 so [demonstrating].

15 MR. KATZ: Which is port arms  
16 [demonstrating].

17 THE WITNESS: See, he went like  
18 this [demonstrating]; that's how he did it.

19 MR. KATZ: Which is port arms,  
20 right?

21 MR. COHEN: What was that?

22 MR. KATZ: The witness demon-  
23 strated that the man was standing like so [indica-  
24 ting], which is port arms.



1 MR. COHEN: All right.

2 MR. KATZ: Were you going to  
3 say port arms?

4 MR. COHEN: No.

5 See, he said that he was holding  
6 the gun across his chest, like this [demonstrating],  
7 so I just wanted to say---

8 THE WITNESS: See, he hold the  
9 gun in his chest [demonstrating], and then he pointed  
10 me with the gun, you know, and then I jumped to the  
11 back, and then the other--the other three people in  
12 the van truck started shooting, too.

13 MR. KATZ: Okay. To help you  
14 out, port arms is like this [demonstrating].

15 MR. COHEN: This was not a hand-  
16 gun, was it?

17 MR. KATZ: No. It was a shotgun.

18 THE WITNESS: What you mean "hand-  
19 gun"?

20 Q [By Mr. Katz] Was it a big gun?

21 A No.

22 Q Was it a little gun?

23 A Yeah, little. It was just a  
24 little one [indicating].

1 MR. KATZ: Okay. Just to help  
2 you out, port arms is this [demonstrating].

3 MR. COHEN: All right. Fine.

4 Q [By Mr. Katz] Then he put it  
5 down in your direction; right?

6 A Yeah, and when I open the door,  
7 he avoided the door, you know, and then he pointed  
8 the gun like this to me and [demonstrating].

9 Q In other words, then he had the  
10 gun on its side, with the butt, and the barrel was  
11 pointing in your direction.

12 A Yeah. It was pointing in my  
13 direction, but I don't know where he had the side  
14 or butt.

15 Q Okay.  
16 Where was the nuzzle point, the  
17 end of the gun?

18 A To me.

19 Q How far away was he from you  
20 at that time?

21 A How far?

22 Q Yes, sir.

23 How far away was he from you  
24 at that time?

1                   A           At that time, about three or  
2 four feet, I think.

3                   Q           Three or four feet?

4                   A           Yeah, at that time, I think it  
5 was about three or four feet.

6                   Q           Okay.

7                                Now, that was when this incident  
8 first happened, right, where he was standing?

9                   A           Repeat me the question.

10                  Q           That is where he was when this  
11 incident first happened; right?

12                  A           [Nodding in the affirmative]

13                  Q           Okay.

14                                After you went back in the shop,  
15 after the shooting stopped---

16                  A           Huh?

17                  Q           You went back in the shop after  
18 the shooting stopped; didn't you?

19                  A           Yeah.

20                  Q           Okay.

21                                At that time, after you went  
22 back in the shop, did you have an occasion, then,  
23 to go outside again?

24                  A           No. No. No. No. I just throw---

1 See, I didn't want to go outside no more. They  
2 was still out there with the guns, you know, so I  
3 didn't want to go back outside no more.

4 Q Okay. What happened next?  
5 What did you do next?

6 A Well, I call my son and I told  
7 to him to call to the police, but my son was calling  
8 the police already. Then, after my son called to  
9 the police, then I stopped in my--see, then I keep  
10 myself betwen--I mean, behind the machines I have  
11 in my shop. You know, then I just keep myself behind  
12 the machines, you know, in order to avoid for them to  
13 come back to me and get me.

14 Q Right. Then what happened?

15 A You know, I mean, like, if they  
16 wanted to enter inside and take me, I didn't want  
17 for them to see me, you know, so I just keep myself  
18 behind the machines, you know, in order to avoid for  
19 them to come back to me and get me.

20 Q So, you were behind the machines  
21 at that point.

22 A Yeah.

23 Q Okay.

24 How long did you stay there before

1 you did something else?

2 A I don't remember. I don't  
3 remember now how long I stayed there, but I think  
4 I stayed there 'til about--well, I stayed there for  
5 about three minutes, I think, until the people in  
6 the van truck went away, you know, so I would say  
7 that it was about three minutes--two minutes or three  
8 minutes, you know?

9 Q Did you hear them going away?

10 A If I, what?

11 Q Did you hear them leave?

12 A Repeat the question.

13 Q Did you hear the men in the  
14 van truck leave?

15 A No. I no saw them leave.

16 Q Okay.

17 Q Was the door still open at that  
18 time, sir?

19 A Yeah, the door was still open  
20 then because Mr. Licor was across the door at this  
21 time.

22 You know, he--Mr. Licor was across  
23 the door at this time. He had fall in the door, you  
24 know, when I think I shot to him, you know, so his

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1 body was inside the shop. You know, his body was  
2 right [demonstrating] inside the shop.

3 Q Okay. I understand now.

4 Then, did he---

5 A See, the door couldn't close,  
6 either, because he had fall down right in the door,  
7 you know, and his body was right inside the shop.  
8 I mean, the door couldn't close again, you know,  
9 because he was in there, lying down on the floor,  
10 the floor of the shop.

11 Q Okay.

12 Then the police arrived; right?

13 A Yeah, the police arrived.

14 Q Did anything transpire between  
15 the time the call was made and between the time you  
16 were hiding between the machinery and the time the  
17 police arrived.

18 A Tell me again the question. Repeat  
19 the question.

20 Q All right, sir. I will.

21 Did anything happen between the  
22 time the call was made to the police, and the time  
23 that you were still hiding between the machinery,  
24 and the time the police arrived?

1           A           Well, when I saw that the people  
2 came--I mean, went. You know, when I saw that the  
3 people went, then I went to the telephone that was  
4 near to the door, and then I tried to call my wife  
5 and say what happened to her, but, this man was in  
6 the floor--you know, he was still in the floor, and  
7 his body was inside the shop, and I supposed at that  
8 time that he was dead, and, then, later he tried to  
9 speak me something, you know, but, then when I was  
10 still trying to go near to the telephone, then, in  
11 this moment the police arrive.

12           Q           Okay.

13                       Did you understand or could you  
14 understand what he was trying to say to you at that  
15 time?

16           A           Well, he was trying to say  
17 something about--- He was trying to say something  
18 about his mask, you know? See, he has a mask on  
19 himself like this [demonstrating] at that time, you  
20 know, and he was trying to say something to me about  
21 his mask.

22           Q           Okay.

23                       What kind of mask did he have  
24 on at that time, sir?

1                   A           It was like a--- Oh, how you  
2 call?

3                   MR.COHEN:    Stocking?

4                   THE WITNESS:  Yeah.  That's it.  
5 That's it.  It was something like a stocking.  Uh-huh.  
6 You know, it was like a lady's stocking, you know;  
7 that is what he had.  See, he had something like a  
8 lady's stocking on his face at that time.  That is  
9 what he had on his head, then.  He had on a lady's  
10 stocking on his head.

11                  Q           [By Mr. Katz]  Did he have it  
12 over his face when he was lying in the doorway of  
13 your shop?

14                  A           Yeah.

15                  MR. COHEN:  Let me ask you a  
16 question, Larry.

17                  THE WITNESS:  Yeah.  Go ahead.

18                  MR. COHEN:  No, sir.  Not you.  
19 I want to ask the attorney a question.

20                  THE WITNESS:  Oh, okay.

21                  MR.COHEN:  Larry, I have a meeting  
22 with the State Attorney at four o'clock, so how much  
23 longer do you think you will be with him?

24                  MR. KATZ:  Well, we are almost



1 done.

2 MR. COHEN: Okay.

3 Did you take the deposition  
4 of these other people yet?

5 MR. KATZ: No. I haven't taken  
6 anybody else yet.

7 Off the record a minute, Madam  
8 Reporter.

9 [Thereupon, discussion was  
10 held off the record]

11 MR. COHEN: You go ahead, then,  
12 Larry, and I will go upstairs.

13 THE WITNESS: I don't want to be  
14 later very much because today's Friday, and I want  
15 to be in my home before sabbath.

16 MR. KATZ: Believe me, we all  
17 want to go home early.

18 THE WITNESS: Yeah, I know, but  
19 I want to be home early because for my religion I  
20 want to be home early, before sabbath, you know. I  
21 mean, I don't want to stay here long time, you know?

22 MR. KATZ: Well, I hope I am done  
23 in ten minutes, maybe I will be done in less time.

24 THE WITNESS: Okay.

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1 MR. KATZ: Off the record a  
2 minute, Madam Reporter.

3 [Thereupon, discussion was  
4 held off the record]  
5 [Thereupon, Assistant State  
6 Attorney Jeffrey Cohen left  
7 the hearing room, after which  
8 the following proceedings  
9 were had:]

10 Q [By Mr. Katz] Now, I want to  
11 refresh your memory, Mr. Serralta, as to where we  
12 left off.

13 Now, the defendant [indicating],  
14 Louis Licor, was lying in an open doorway in your  
15 shop--

16 A Yeah.

17 Q [Continuing] --with a stocking  
18 over his face, right--

19 A Yeah.

20 Q [Continuing] --and he was trying  
21 to say something to you at that time; right?

22 A Yeah.

23 See, what he told me is he was  
24 trying to tell me to take it off the stocking off

1 his head, you know, but I didn't want to take it  
2 off his head because I didn't want to hurt him, you  
3 know? See, what he told me then was that he wanted  
4 for me to take it off the mask off of his head, you  
5 know, but I didn't want to do that.

6 Q He wanted you to take it off his  
7 head?

8 A Yeah, off of him, off of his  
9 [indicating], you know because he couldn't---

10 Oh, how you say it?

11 Q He couldn't breathe?

12 A No, he couldn't breathe, you  
13 know, because it was bothering him, you know, because  
14 he say to me to take it off his head. He say to me  
15 to take off the mask from his head, you know, but I  
16 say to him no, better you see the doctor before I  
17 take it off the mask from your head because I could  
18 make some harm to his head, you know? See, I didn't  
19 want to take the mask off his head because I thought  
20 maybe I could do some harm to his head, or to him,  
21 if I took it off, you know?

22 Q Yes, sir.

23 Then what happened?

24 A What?

1 Q Then what happened, sir? In  
2 other words, is that the time that the police arrived  
3 at your shop?

4 A Well, then the police came, and  
5 then came the ambulance, you know, and then they  
6 took the mask off and everything.

7 Q Oh, the ambulance took the mask  
8 off, then.

9 A Yeah, either the ambulance or  
10 the police. I don't remember who did it now, but it  
11 was either the ambulance or the police.

12 Q Okay.

13 Did you see them take the mask  
14 off, sir?

15 A Yeah, but I don't remember which  
16 of them took it off his head. You know, I don't  
17 remember which of them did that.

18 Q Okay.

19 Do you remember where he was shot?  
20 Do you remember what part of his body he was shot?

21 A I didn't, because I didn't see  
22 him when he was shot. Really, I didn't see him when  
23 he was shot, but I know that he was shot. I mean,  
24 I know that he was shot, but I don't know when he was

1 shot and I don't know where he was shot, either, but  
2 I know that he was shot.

3 Now, I think it is very bad,  
4 you know, that they should come and try to kill a  
5 man with eight children, you know, and I say to him  
6 at that time---

7 Q No. Excuse me for interrupting  
8 you, sir, but I think you misunderstood me.

9 In other words, when he was lying  
10 on the ground, were you able to see the place on his  
11 body where he was shot?

12 A No, because he was with the mouth  
13 like [demonstrating]---

14 Oh, how you say it? How you say  
15 he was with the mouth [demonstrating]?

16 Q Facing down?

17 A Yeah, facing down. He was facing  
18 down, with his belly in the---

19 Oh, how do you call this part of  
20 the floor [indicating]?

21 Q He was, like, on the ground, in  
22 the open part of the doorway?

23 A Well, how do you call it? How  
24 do you call this part of the floor [indicating]?

1 I mean, I know there are two places in a door, this  
2 up and this down [indicating], so how do you call  
3 this one, huh [indicating]? How do you call this  
4 part of the door?

5 Q Well, the bottom of the door is  
6 what you are pointing to.

7 A Well, anyway, his belly was in  
8 the bottom of the door.

9 Q Okay.

10 So the police came and took him  
11 away after that; right?

12 A Right.

13 Q Then you had a discussion with  
14 the police officer or officers; right?

15 A What do you mean "discussion"?

16 Q Well, the police came, right?

17 A Yeah.

18 Q Then you talked to them, right,  
19 about what happened?

20 A Oh, yeah.

21 See, the police, he came and he  
22 asked me what happened, and then I told him, well,  
23 that these people came--you know, I told him how  
24 these people, these men, came to shoot me, and then

1 I told him how I had to defend myself, and then I  
2 told him how this man [indicating] had been shot,  
3 you know, because he was there, lying on the floor  
4 of my shop, and I thought he was dead.

5 Q Okay.

6 Do you recall who you spoke to  
7 in the police department?

8 A If I recall to whom I spoke?  
9 Is that what you asked me?

10 Q Yes. His name. Do you recall  
11 what his name was?

12 A Well, it was a tall gentleman.  
13 He was a blonde one, a blonde gentleman, and I think  
14 his name was Carpenter, and, then the other one, I  
15 can't remember what his name was.

16 Q Let me see if I can help you.  
17 Could his---

18 A See, I don't remember exactly  
19 the name of the other gentleman, but I think it was  
20 Gonzalez. Yeah, I think Gonzalez was his name, but  
21 he is not Spanish, you know, because I started to  
22 talk to him in Spanish, you know, and he said to me  
23 he no speaks the Spanish. I mean, for generations  
24 he is American, you know, because I tried to speak

1 Spanish with him, you know, and he didn't under-  
2 stand what I was saying to him; that is how I know  
3 he wasn't Spanish.

4 Q Okay.

5 Now, I assume that you told the  
6 police the same thing that you have told us today.

7 A Yeah, because I told you what  
8 happened, and I told them what happened, too, when  
9 they asked me what happened, here, with this thing.

10 Q Right.

11 And you told the police exactly  
12 what happened; right?

13 A Yeah, which was more or less the  
14 same thing I told to you today. Just the only thing  
15 is that you have asked me more questions, more details,  
16 than they did.

17 Q Right. Okay.

18 Now, how long did you stay with  
19 the police on that night?

20 A How long, what?

21 Q How long in time did you spend  
22 with the police officers that night?

23 A Well, I don't know. See--well,  
24 the time, I don't know, because the ambulance was



1 going out, then, and I have gone with them at this  
2 time, too, so I don't know the time it was. I mean,  
3 you know, I went with them in the ambulance, too,  
4 when they left.

5 Q Now, did you see the defendant  
6 after they took his mask off?

7 A Yeah, I saw him because I asked  
8 him, "Why you have come to murder a man with eight  
9 children?"

10 Q That is after the mask was off  
11 his face--

12 A Yeah.

13 Q [Continuing] --and while he was  
14 still on the ground?

15 A Yeah--no. No. No. See, he was  
16 in the ambulance already, at this time, you know, and  
17 that is when I asked him, "Do you have children? Why  
18 did you come to kill me? Why did you come to murder  
19 a man with eight children, huh?"

20 Q And what did he say to you?

21 A What he say to me?

22 Q Yes, sir.

23 A Well, he say--well, it is a bad  
24 word what he say to me.

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1 Q Okay. We don't have to go into  
2 that, then.

3 He didn't give you any explanation,  
4 then, as to why he---

5 A No. No, he didn't.

6 Q Okay.

7 Now, how long did you observe  
8 him at that time? Did you look at his face? How  
9 long did you look at his face, if you did?

10 A Well, I don't know. Really, I  
11 don't know, but I would say maybe ten minutes, maybe  
12 quarter to quarter--you know, fifteen minutes. Well,  
13 I would say maybe fifteen minutes, more or less; that  
14 is all.

15 Q Maybe fifteen minutes that you  
16 were looking at his face?

17 A Right.

18 See, I didn't look at his face  
19 too long. I was looking more to my hand and to the  
20 police and to everybody, you know, so I didn't really  
21 look to his face too long.

22 Q Okay.

23 How long did you see his face  
24 after the mask was taken off?

1                   A           I can't say, because, you know,  
2   in this very moment you are not thinking the face  
3   of the man, you know? I mean, in this very moment,  
4   you are thinking yourslef. I mean, I was wounded,  
5   you know, in the hand, and the hand hurt me too much,  
6   and all I wanted was to get a physician to look at  
7   it, that is all.

8                   Q           Right.

9                               Now, today you referred to this  
10   gentleman over here as Mr. Licor---

11                   A           Well, just because they say to  
12   me that he is Licor; that is why. I mean, I don't  
13   know if he is or not. I don't know, you know, if  
14   he is really Licor or not.

15                   Q           Okay.

16                               Do you recognize this gentleman  
17   [indicating] that is here today as being the same  
18   man--

19                   A           No.

20                   Q           [Continuing] --that was there  
21   that night?

22                   A           No. No, I don't remember him.  
23   I don't really remember him. I mean, I know that he  
24   was there because the police told me that he was the

1 one that was there.

2 But, like I said before, sir, I  
3 didn't see him. I don't really know if he is or not  
4 the one. I mean, I saw him--well, I don't know. See,  
5 I saw him facing down, you know, when he was lying  
6 there, on the floor, you know, and, then, I also saw  
7 him when he was facing down with the mask on, but I  
8 can't say for sure that he was the one that did this  
9 because I don't know. I only know that the police  
10 told to me that he was the one that was there that  
11 night; but, as I say, I can't for sure say that it  
12 is him because besides everything else, he also has  
13 blood all over his face. You know, besides all this,  
14 he was full of blood, you know?

15 Q Okay.

16 After that night, did you come  
17 in contact with the police officers again? In other  
18 words, did you speak to any other police officers  
19 after that night?

20 A No. See, only Mr. Gonzalez asked  
21 me--well, he called me, you know, to ask me several  
22 questions again about all this, you know, and that  
23 was all.

24 Q Did you speak to anybody else about

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1 this case?

2 A Well, my family.

3 Q Well, as far as the police officers  
4 are concerned, did you speak to any other police  
5 officers about this case?

6 A Well, I think that Mr. Carpenter  
7 too, talked to me. See, I think I talked to him,  
8 too, about this case.

9 Q Okay.

10 Did you speak to the State  
11 Attorney about this case?

12 A No.

13 Q Now, have you been asked to  
14 identify any people at all?

15 A What?

16 Q Have you been asked to identify  
17 any people who were there that night?

18 A No--I mean, do you mean if I have  
19 seen several people to identify them?

20 Q Yes.

21 In other words, sir, did the police  
22 officers show you any pictures?

23 A Oh, yes. Yeah, they did. They  
24 showed me pictures.

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1 Q When did that happen?

2 A I don't remember.

3 Q Was it when---

4 A Well, I think it was several days  
5 after I came out of the hospital, you know, that they  
6 show me the pictures.

7 Q How many pictures did they show  
8 you, sir?

9 A I don't remember. Very few of  
10 them, but I don't remember how many, but, like I  
11 say, it was very few of them.

12 Q Okay.

13 Did you identify anybody from  
14 the pictures you saw?

15 A No.

16 Q And did they show you the picture  
17 of the person that you had shot that night?

18 A What?

19 Q Did they tell you or show you the  
20 picture of the person that you had shot that night?

21 A No.

22 Q But you do not know if this man  
23 [indicating] is the same man that was there that  
24 night, do you?

1           A           Well, I know because he is here  
2 in court, and I know the police got him, and I know  
3 because he was in the hospital, too. I mean, there  
4 is a track of things, you know, since he was in the  
5 door 'til now, you know?

6           Q           Well, this is what I am trying to  
7 find out.

8                       Mr. Serralta, what I want to know  
9 is is this [indicating] the same man that was there  
10 that night? If so, how do you know that this [indi-  
11 cating] is the same man that is the defendnat in this  
12 case?

13           A           Well, because the police took the  
14 man to jail, or to the hospital first, and then they  
15 took him to the jail.

16                       Anyway, when they come to the  
17 court, they say to me that this is Licor. Then the  
18 police also say to me that my attackor was a man  
19 named Licor, and he was there that day, and his name  
20 is Licor. Then, too, I also saw him now, so he has  
21 to be the one.

22           Q           Because of the name?

23           A           Yeah, because he has a mask at  
24 the time this thing happened, too, and that is why

1 I couldn't see his face. See, if he didn't have  
2 the mask and the blood all over his face, I maybe  
3 could have seen his face, and maybe I could have  
4 seen what he looked like, but I couldn't see his  
5 face because of the mask and because he was all  
6 full of blood.

7 Q Okay.

8 What about the face, do you  
9 recognize the man by his face?

10 A I don't, no, because when I see  
11 him and what I see of him was really too small a  
12 quantity of time for me to know him by his face; and,  
13 besides, I think that he was much fatter than now  
14 when I saw him then.

15 Q So, you do not remember the face  
16 of the man you saw that night--

17 A No.

18 Q [Continuing] --and because  
19 you do not remember the face of the person, you  
20 also do not remember what the person looked like  
21 that night, do you?

22 A No, I don't remember because  
23 he was down there on the floor like [demonstrating],  
24 and I didn't really see him good, you know?



1 Q And besides that he had blood  
2 all over his face, too, didn't he?

3 A Yeah. He had blood all over  
4 him. He had the blood all over his face, so, that  
5 is another thing why I couldn't remember his face  
6 or how he looked, you know?

7 Q Okay.

8 Now, did anything else happen  
9 with regard to this case?

10 A Well, I went to the hospital,  
11 and I was operated, and things like that.

12 Q Okay. Are you all right now?

13 A What do you mean am I all right  
14 now?

15 Q Well, are you all right now?

16 A Well, not completely, no; but,  
17 I am fairly well.

18 Q You got shaken up a little  
19 bit; right?

20 A Huh?

21 Q You got shaken up a little bit;  
22 right?

23 A Well, yeah, I guess.

24 Q Now, what happened to your fore-

1 head, sir?

2 A Well, it was smallest shot that  
3 I got, you know, because the worst one was the hand  
4 [indicating] because it was really the one I was  
5 worried about, you know? See, I was really just  
6 worried for my hand, you know, because that is what  
7 I was worried really about. See, the forehead, it  
8 was smallest shot because it was only touching my  
9 head, that is all.

10 MR. KATZ: Well, I guess that is  
11 all, then.

12 Thank you very much, sir.

13 THE WITNESS: I am finished?

14 MR. KATZ: Yes, sir.

15 What I will do now is take your  
16 son's deposition, which I don't think will be very  
17 long. It shouldn't be but a few minutes; that is all.

18 THE WITNESS: Oh, okay. Please,  
19 not very much because it is already late, you know,  
20 and I would like to go to home and everything before  
21 the sabeth, you know?

22 MR. KATZ: Yes, sir.

23 Off the record a minute, Madam  
24 Reporter.

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[Thereupon, discussion was  
held off the record.]

MR. KATZ: By the way, sir, do  
you waive your right to read this deposition, and  
then sign it after it is typed up?

THE WITNESS: What you mean?

MR. KATZ: Well, if you trust  
this young lady over here for her accuracy of what  
she took down at this deposition today, then you  
can waive your right to read this deposition and  
then sign it; that is usually what is done, anyway.

THE WITNESS: Yeah. Okay.

Can I go now?

MR. KATZ: Yes, sir.

[Thereupon, the witness  
waived the reading and  
signing of the deposition,  
and the taking of the depo-  
sition was concluded at

4:08 p.m.]

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