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June 22, 1985

Honorable Herbert S. Shapiro
United States District Court
Southern District of Florida
P.O. Box 010669
Miami, Florida 33101

Your Honor:

Since it is you who must make the critical decision in my case and since it was the state that brought up the previous charges of aggravated assault, I believe it only fair that I be allowed to offer, in behalf of the real truth, what I believe is the correct version of what happened and the events that led to my being charged with aggravated assault.

The instant case reflects somewhat the struggle of myself against the tyranny of the Castro government in my country. I liken the events that took place in Cuba to other totalitarian regimes. For example: Hitler, who thought that the elimination of an entire race would solve all of Germany's problems. Russia and the "Pogroms" of Stalin where millions died because they may have opposed his ideas. History tells us of the deeds and goals of such tyrants. Castro is no different.

For those of us who lost our roots, country, culture and an entire way of life, it is very difficult to advocate any kind of co-existence or accommodation with such a government. I lost a 19 year old brother who had not yet begun to live. Murdered by a regime because he would not wear the yoke of communism.

We are a proud people, an emotional people, who take life seriously. We are lovers of freedom and we will defend and protect it whenever possible with all of our strength. There are simply too many of us who lost everything in 1959 to sit calmly and hear within our midst agents of Fidel Castro spreading communist propaganda. They keep telling us that we must accept Castro and what he represents.

The events that took place reminded me of my family in Cuba. the suffering of my Mother for the loss of her young son. The body of my Grandmother who so overcame with grief immolated herself. All that remained of her was a charred heap of human flesh. This represented a lifetime of love and devotion in raising a family.

If such events are conducive to a policy of pacificism and peaceful co-existence, the world and the family of man, as we know it, would be in a very sorry state. A man can take the beast out of the wild, but has been unable to take the wild out of the beast.

Luciano Nieves and his many associates were agents of Castro. They represented Castro's subversion and his policies without any regard for the feelings of the thousands who came to this country after losing everything they had acquired through a lifetime of work and sweat.

I make mention of the aggravated assault charge because it is a matter that was brought up by the Dade State Attorney's Office during the evidentiary hearing before Your Honor on March 25, and June 3rd of this year. The aggravated assault charge was outside the scope of the matter before the court. If there was any relevancy it was tangential at best. Its only purpose was to inflame the court in order to prejudice any decision rendered.

In 1973 I would have entered a plea of guilty to a charge of assault and battery because that is all that happened. It is true that there was a fight, a fist fight, It is true that I flung a chair, but it hit nothing but air! Nothing in the incident indicated a reason to blow it out of proportion. Something that amounted to no more than a bar-room brawl in which the participants are almost always charged with disturbing the peace. Since the actual events did not justify the accusation, I plead innocent.

In truth, I believe there was an obscure relationship between Max (the creator of Cuba yes, Yankee no) Lesnick, the publisher of Replica Magazine. Another phrase created by him was that of; Con Fidel seguro, a los yankees dale duro which literally translated means, "With Fidel you are certain, to the yankees, hit them hard" and the office of the Dade State Attorney's Office. The news media can be a very effective ally to anyone who runs for a political office. The office of Dade State Attorney is no exception.

Often I am asked why I'm I so firmly against Castro, there are people who fail to understand that one could still be so consumed after over a quarter of a century. I find that for me there is an very easy answer to that question. It is easy to hate a tyrant, especially one who has come so close that to this day he is a part of my daily life for I remember my dead brother, I also remember my dead grandmother. She didn't want too much out of her life, only to raise her family and live as modestly and honestly as she always did. She owned a small piece of land that she worked very hard to acquire, it was all she ever had. Castro took it away from her in a matter of minutes, he took years of hard labor in less time than it would take Your Honor to drink a soda. The sadness for her loss caused her to suffer transitory madness. Thus, in the end seeing her whole world crumbled around her, she poored alcohol over her body and lit herself on fire. But ofcourse that is not the object of this letter.

On March 29, 1973 at 5:00 P.M. in Dade Circuit Court, before judge McGinnis, a hearing on the aggravated assault charge began. Nieves and Lemus offered testimony based upon which Judge Mc Ginnis reduced the charge from aggravated assault to assault and battery, sending the case to a lower court for disposition.

Nieves claimed that a chair hit him in the head. Only eight (8) days had passed since the incident and at the court hearing there was no visible injury or medical report to support his version of the events.

From that date on the problems began. Days later Luciano Nieves, Salvador Aldereguia, Jose Hernandez and Avilio Correa brought charges against me stating that as I left the court on March 29, I threatened Nieves with harm if he continued to testify against me. This accusation was totally false and I believe premeditated. The State Attorney's Office then filed a charge of extortion and refiled the charge of aggravated assault. On the day of the hearing, I left the courthouse with my attorney, Nathaniel Barone. He instructed me to avoid any conversation or argument with Nieves and his group who were outside the courtroom in the hallway. In fact we had waited inside the courtroom for a few minutes to give Nieves and his group an opportunity to leave since they displayed a hostile attitude.

Mr Barone told me that he would testify as a witness on my behalf at the extortion hearing since he didn't feel that I made threats against anyone. The only people who made menacing remarks were Nieves and the others with him.

It would take too long to recount all the arbitrary actions and legal irregularities committed by the Office of the Dade State Attorney, Richard Gerstein. There was, I believe, a premeditated decision by that office to get me to prison one way or another. Indeed, a strange relationship between someone within the office and Max Lesnick did exist, an agent of Fidel Castro's D. G.I. (Direccion General de Inteligencia-General Intelligence Directorate).

From March 21, 1973 Luciano Nieves and his fellow agents; Salvador Aldereguia, Marcos Raul Correa, Napoleon Bilaboa, Abilio Correa, Ricardo Linares, Francisco Suarez Quinones, Antonio Costales, Lazo Alberto Moya, Jose Hernandez, Alberto Rodriguez, and others I have not been able to identify, conducted a campaign of harrazment where they would continuously call me at work at Biltmore Motors to make threats against my life. On several occassions I spotted them sitting in parked cars near the used car lot.

One day in either August or September of 1973, Roberto Alonso, who managed used car lot #4 for Biltmore Motors, told me that Jorge Gonzalez-Bombillo, co-owner of another used car lot on S. S. 8th Street had told him that Luciano Nieves did not wish to continue pressing charges, and that he was interested in withdrawing such charges. I have never been able to find out if Nieves relationship with his associates was becoming a problem, or if the events which were developing were a trick to cause me to lower my guard in order to make an attempt on my life. However I agreed to meet Nieves because I wanted to resume a normal life. Roberto Alonso and Jorge Gonzalez would also be present.

During the meeting Nieves displayed an unusual cordiality toward me. He explained that he wished me no harm by the judicial process that had been initiated. Jorge Gonzalez then told him that in that case all he had to do was withdraw the charges and that would take care of the problem. Nieves answered that he had an opinion that he could not do that, and that the only one who could was Max Lesnick due to his good contacts with the Office of the Dade State Attorney. Jorge Gonzalez and Roberto Alonso can verify these facts.

The meeting took place in Gonzalez auto dealership on S.W. 8th street. While there, Nieves called Lesnick on the phone with Gonzalez dialing the number. Nieves talked to Lesnick about withdrawing the charges against me. Whatever Lesnick told him on the phone completely changed the facial expression on Nieves, He told us that Lesnick had hung up the phone, and that he, Nieves, was in serious trouble.

Days later, Biltmore Motors owner Jose Luis Machado, my employer, acquired knowledge that indeed there was an unusual relationship between Max Lesnick, Nieves and someone in the office of the Dade State Attorney. Replica Magazine often published pro-Castro views including those of the man accusing me of aggravated assault, Luciano Nieves.

Jose Luis Machado and Juan Garcia another employee of Biltmore Motors made contact with Lesnick at which time a meeting was set between us. Machado was superficially acquainted with Lesnick since he advertized his auto dealership in Replica Magazine. Due to Nieves phone call, and the meeting between Machado, Garcia, myself and Lesnick. It was becoming apparent to Mr Lesnick that he had to act in some way because his anonymous pro-Castro activities were in danger of becoming known, that would have created some very serious difficulties for him. He had to find a solution to the problems his activities were creating.

The solution that Lesnick came up with was actually blackmail. Lesnick wrote a document that was a total fraud of my principles and ideals. He required that I sign it before he would go to the State Attorney's Office to drop the charges against me.

The solution suggested by Lesnick was a political document that he had prepared stating that I made no opposition to any pro-Castro views in their advocacy of co-existence with the government of Fidel Castro, in other words as they say in this country; I was not to rock the boat. He told me that in exchange, he would make certain that all charges lodged against me were dropped by the State Attorney's Office. This meant that I had to betray my principles, my ideals and my own people. Besides, I owed loyalty to thousands of people murdered by Fidel Castro and his regime who does not respect either political or religious freedoms as they are enjoyed in this country. It was also required in the document, that I admit guilt to the charges. This I had no intention of doing under any set of circumstances they could provide. The betrayal of my people, of the memories of my brother and grandmother and so many thousands who perished plus betrayal of everything in which I deeply believe. No, Your Honor, the price was too high to pay.

In all of this, there was a semblance of honesty. I distinctly recall the deposition of detective David Rivers on January 26, 1978 who said; "Luciano Nieves has views about Castro that are diametrically opposed to the Latin Community in Miami." Also on page 31 of the same deposition Detective Rivers further said; "Nieves was extremely controversial and a Captain in Castro's Army."

Asked

The document I was asked to sign was political blackmail and a substantial criminal act. Days after my visit to Lesnick the document was again presented to me for my signature by my good friend and employer Mr Machado. I was required to read it and sign it while in their presence. The document required that I specifically admit being guilty of the aggravated assault charges. I refused to submit to this blackmail.

Among the many people who have knowledge of these events are; Arturo Ascano, Gus Machado Buick, Hialeah, Florida, Jose Vilar-chao, Rainbow Ford N.W. 27 avenue and 38 Street. Juan Garcia and Jose Luis Machado, Biltmore Motors Corporation, N.W. 27th Avenue and 23 street. Roberto Alonso and Sigfredo Gonzalez, Sheehan Buick, S.W. 8th Street, also Armando Santo and Adelgui Soto. There was also Jorge Gonzalez who was not employed by Biltmore Motors.

The conclusion to the aggravated assault case came on December 7, 1973. The day to me was ominous. Thirty two years before on the same date the Japanese attacked Pearl Harbor and the battle of America against the Axis powers began in earnest. Millions were to die before the conflict was to end. I have heard many times the speech of President Roosevelt before Congress asking it to declare war on the Empire of Japan. He call it; A day of infamy.

On that day, December 7th, after many months in Judge Dan Satin court, who had always presided over my case, at 11:00 A.M. I was advised that the case had been transferred to Judge Gene Williams. When I arrived in Judge William's courtroom, there were two state attorney assistants, and what seem to me as the whole body of Castro agents in Dade County; and there were many. The hearing began immediately and one could tell from the beginning that I didn't have a prayer. The hearing was in actuality an exercise in abuse of power on the part of the state. My Attorney wanted to prove that Nieves lied about his experience in weapons and other allegations. The judge refused to examine relevant documents to be introduced as evidence.

I wish to reiterate that from the outset of the judicial process on March 29th until December 7th 1973, no phase of the process was either fair or unbiased. This situation caused me to have to leave the trial and not return. That is why I told the state representative in your court that the state was responsible for the event.

To set the record straight I want to say that I neither believe in the fairness of the State Judicial Process nor do I trust the system in the least.

Of Your Honor, whatever your decision, I wish to say that I have full trust in your judgement. The court has demonstrated impartiality towards the defense and the state.

I patiently waited many years to reach the federal courts because I trust the Federal Judicial System with the same strength with which I distrust the state system. I believe the federal system truly affords the protection of the constitution. I also believe that if justice is ever going to be done in my case, it will be in a federal court.

Respectfully

Valentin Hernandez

EXTORTION CASE

THE ALLEGED THREATS TO NIEVES. TESTIMONY BY ATTORNEY NATHANIEL BARONE.

"Valentin, you must get another attorney to represent you in this case since I am going to be a witness for the defense. I am certain that you didn't say a word to any of them after the hearing for aggravated assault before judge Mc Ginnis."

MIKE LEMUS

STATE WITNESS IN THE AGGRAVATED ASSAULT CASE.

Stated the following in his deposition of November 3, 1978, on page 8. "Specifically I didn't hear Hernandez make any threats against Nieves". On page 9 of the same deposition Lemus alleges that Luciano Nieves stated: "I am the one who is going to break your balls. (among hispanics and especially cubans the expression means: "I am going to kill you". Thus Nieves is the one who made a threat to me. I don't know how it happened but the state charged me with the same charges they should have filed against their own witnesses. Also on page 12, Lemus states that he met Nieves at the Offices of Replica Magazine. On page 18 Lemus further states: "Actually I know that Hernandez threatened Nieves and Nieves responded by telling him; "no, I am the one who is going to break your balls and squeeze you." but I was not able to testify as to what Hernandez said. How is it possible that if Lemus was standing next to Nieves, he could not hear me, but he could hear Nieves. I made no threats against Nieves or anyone else. Nieves and his associates were the ones who made threats and there were made against me.

ABILIO CORREA

DEPOSITION OF OCTOBER 6, 1977

In the deposition of the above who was another witness to the alleged threats, on pages 12, 13 14 and 15. The fact that an argument took place before the hearing. Correa was never sure or truthful in his testimony, however, the state alleges that the threats took place after the hearing for aggravated assault. See Answer to Motion for Bill of Particulars, and relevant pages of Lemus and Correa depositions attached herein.

MIAMI POLICE OFFICER O. MARTINEZ

I do not have this officer's deposition. However it is part of the record, that he did not hear me make any threats against anyone.

SALVADOR ALDEREGUIA

A Castro agent identified as such by various intelligence agencies. Was not used as a witness for the state due to the fact that he had been arrested by the F.B.I. and was charged with a crime. He was being judicially possessed at the time.

Salvador Aldereguia, Max Lesnick, Hernandez, Nieves and others, all were involved in a conspiracy to destroy me. They had sufficient economic resources to be able to buy those who were for sale in the state judicial system. The connection between my accusers and the Castro government is obvious to anyone who cares to look. Your Honor should read all the enclosed articles which mainly show the contacts and links to comunism and Cuba.