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

No. 70-8883 (Morphonies)

STATE OF FLORIDA, :
 :
 Plaintiff, :
 :
 -vs- :
 :
 HECTOR C. LLANO, :
 :
 Defendant. :
 :
 ----- X

- FILED -
DEC 14 1971
J. F. ...
CLERK

DEPOSITION OF JOHN C. PHELPS

The oral examination of John C. Phelps,
taken pursuant to Notice of Taking Deposition on
behalf of the Defendant, before Leah Hartman, a
Notary Public in and for the State of Florida at
Large, on Thursday, the 9th day of December, 1971,
at 2:45 o'clock p.m., at the Office of the Public
Defender, 1351 Northwest 12th Street, Miami, Florida.

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APPEARANCES:

HON. RICHARD E. GERSTEIN,
State Attorney.
By: DOUGLAS WILLIAMS, ESQ.,
Assistant State Attorney.
On behalf of the State of Florida.

HON. PHILLIP A. HUBBART,
Public Defender.
By: JAMES BOCZAR, Legal Intern.
For: THOMAS J. MORGAN, ESQ.,
Assistant Public Defender.
On behalf of the Defendant.

ALSO PRESENT:

PETER D. AIKEN, ESQ.,
Assistant U.S. Attorney.

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I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
John C. Phelps	3	-

CERTIFIED QUESTION

<u>Page</u>	<u>Line</u>
6	14

Thereupon

JOHN C. PHELPS

was called as a witness by the Defendant and, after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. BOCZAR:

Q State your name and official capacity?

A John C. Phelps, Special Agent, FBI.

Q Were you so employed on October 18, 1968?

A Yes.

Q In the performance of your official duties on October 18, 1968, did you have an opportunity to investigate a bombing which took place at the Air Canada Office at 6988 Collins Avenue, Miami Beach?

A Yes.

Q Could you tell us what you observed at that time?

A The front of the Air Canada Office had suffered some type of explosion; had blown the glass from the front window into the office. The

office was pretty badly torn up. I say the glass had been blown, indicating the explosion had been in the front of the office because the debris was to the rear.

Q When did you arrive at the Air Canada Office?

A It was during the morning hours. I don't recall exactly. The exact time I cannot recall. It was dark, in the morning.

Q Did you conduct an investigation of this case?

A Yes.

Q Did you collect any physical evidence at the scene?

A We looked through the debris and Captain Roddy (phonetic) of the Dade County Demolition Squad was actually doing the detail work and he picked up the fragments and the evidence, the material on the scene.

Q You yourself did not collect any of the physical evidence as to fragments of the device which had caused the explosion?

A No, not at the scene. No.

Q Did you take pictures of the extent of the damage?

A I did not. Pictures were taken.

Q Did you communicate with any individuals at the scene, any witnesses to the bombing?

A Yes. Yes, I did.

Q Approximately how many people did you speak to?

A Do you mean witnesses on the street?

Q On the street, correct.

A Three, maybe four. I can't recall exactly.

Q Would you recall, to the best of your recollection, what was the content of their statements to you as to what occurred at the Air Canada Office?

MR. WILLIAMS: Well, I will have to object to the form of the question, if you don't mind, sir, and request that you frame your question a little more specifically so as to seek to elicit from the witness the identity of the people to whom he spoke, and what each individual had to say.

Q (By Mr. Boczar) Do you recall the

names of the individuals that you spoke to on the scene?

A I can't give you exact names. It is recorded. I don't recall. I believe there was a Mr. Short. But the names -- his first name I don't remember. And the other names, I can't recall what they were.

Q With regard to Mr. Short, his name you do recall, to the best of your recollection would you state what was the content of this conversation with him?

A I can't recall which one he was.

Q Okay.

Taking the witnesses or persons at the scene, referring to them, let's say, as witness or person at the scene No. 1, No. 2, No. 3; as to witness No. 1, do you recall the content of his statement?

A One ---

MR. WILLIAMS: Just a moment.

I am afraid I will have to object to the form of the question as being improper in its identification of these people whose testimony you

are seeking to elicit through the witness, and if he does not remember the names of the people to whom he spoke, then I think you are not in a position to ask him to tell you what they said.

MR. BOCZAR: What are the grounds of your objection?

MR. WILLIAMS: Form.

MR. BOCZAR: Off the record.

(Thereupon a brief discussion was held off the record.)

MR. BOCZAR: Certify that question and note that the Defense would request similar certifications on questions as to witness No. 2 and No. 3 as to what the contents of these statements are.

Q (By Mr. Boczar) What else did you do with regard to the investigation of the bombing of the Air Canada Office?

A That basically is it. I was there, looked it over, talked with some people, photographs were taken. That basically is it.

Q Have you ever come in contact with a Hector C. Llano?

A Hector Cornillot.

Q Llano.

A Well, yes, if you want to use his mother's name. His name is Hector Cornillot.

MR. WILLIAMS: Why don't we just refer to him as the Defendant. We know that is who we are talking about, if the man's name is Hector Cornillot Llano, and that is the Defendant.

Q (By Mr. Boczar) When did you come in contact with the Defendant?

A Excuse me.

Q When did you come in contact with the Defendant?

A Do you mean after the explosion?

Q Either before or after.

A I don't recall exactly. It was here in Miami.

Q Did you come in contact with the Defendant before the explosion of the Air Canada Office?

A I think so.

Q Do you recall what you did when you came in contact with the Defendant?

A I believe I surveilled him prior to this time.

Q Would you know on what date you had the Defendant under surveillance?

A I sure don't.

Q Did you come in contact with the Defendant after the date of the explosion?

A Yes, I did.

Q Do you recall when you came in contact with him?

A When we arrested him.

Q When you say, "We arrested him," who arrested him besides yourself?

A Atents Stickney and Dawson.

Q Where did you arrest him?

A On Northwest 1st Street, 1400 block. I believe it was 1442, but, now, I could be wrong. I can show you the house.

Q On what charge did you arrest the Defendant?

A Unlaw Flight to Avoid Prosecution.

Q Did you have a Warrant for his arrest?

A Do you mean in my hand? There was a Warrant issued, yes.

Q Would you relate what you observed

and what occurred concerning the arrest of the Defendant?

A We went to the house, knocked on the door. Hector was seated in the living room. His sister was present. Another woman, I believe it was his mother, was present.

We advised him of the situation and what the arrest was, transported him down to the FBI office, processed him, transported him to the Dade County Jail.

Q Have you seen the Defendant after the date of the arrest?

A I may have. In no official capacity. It seems like I saw him in passing at one point.

Q Did the Defendant make any statements to you ---

A No.

Q --- at the time you arrested him, or during the time you transported him or processed him?

A Personal information, birthday, things of that nature.

Q Did he make any statement to you with regard to the explosion at the Air Canada Office?

A No, other than the fact that he did not wish to make a statement other than the fact that he did state that he did not want to make a statement.

Q When did he say he did not want to make a statement concerning the explosion of the Air Canada Office, if you recall?

A Again, I'm not sure. I believe, though, that it was on arrival at our office.

Q Did you at any time during the arrest, transporting him, and processing him, personally advise the Defendant of his Rights?

A Did I?

Q Yes.

A I may have. I don't think I did. I think Agents Stickney and Dawson did this.

Q Were you present at the time they advised him of his Rights?

A Yes.

Q Do you recall his response?

A On one, if I remember correctly, he stated he understood but did not desire to sign the form, I think.

That's been three years or so ago.

It's a little hazy now.

Q Would there be any reports at the FBI office with which you could refresh your memory as to the dates and times you had the Defendant under surveillance?

A Oh, I'm sure.

Q Do you recall anything else, either prior to the explosion of the Air Canada Office, or at the time of arrest, or subsequent to the arrest, with regard to this Defendant and the explosion which took place at the Air Canada Office that you either observed or took statements?

A I don't believe I did, no.

MR. BOCZAR: Your witness.

MR. WILLIAMS: No cross.

MR. AIKEN: No questions.

(Reading, signing and notice of filing were waived.)

(Thereupon the taking of the deposition was concluded.)

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