

In the Magistrate Division of the Metropolitan Court, County of Dade, State of Florida

STATE OF FLORIDA

AFFIDAVIT

vs.

Description of Defendant

RAMON DONESTEVEZ

Defendant

Race W Sex M Age 36
Hgt. UNKNOWN Wt. UNKNOWN Hair BLK
Eyes UNKNOWN Scars, marks, tatoos, etc.,
GLASSES

Before me, a Judge of the Magistrate Division of the Metropolitan Court in and for the County aforesaid, personally came:

SERGEANT VINCENT OLLER, JR.

(Affiant's name)

of DADE COUNTY PUBLIC SAFETY DEPARTMENT

(Affiant's address)

who, being duly sworn, says that on the 1st day of SEPTEMBER, 1972,

in the County aforesaid, one RAMON DONESTEVEZ

(Defendant's name and aliases)

of 9970 Banyan Street, Miami

DID THEN AND THERE: unlawfully and feloniously make an assault upon JOSE L. CANTO, and did by force, violence or putting in fear, rob, steal, take and carry away from the person or custody of the said JOSE L. CANTO, and against his will certain monies, goods or other property, to-wit: ONE WATCH, ONE BRACELET, ONE RING, AND ONE PISTOL, a better and more particular description thereof being to the State Attorney unknown, said property being the subject of larceny and the property of JOSE L. CANTO, as owner or custodian, in violation of 813.011 Florida Statutes, BASED ON FACTS AS FOLLOWS: On September 1, 1972, Ramon Donestevez along with Emilio J. Navarro and Alfredo Ruiz held guns on the body of Jose L. Canto and made verbal threats to Jose Canto that he would not leave the premises of 9970 Banyan Street, Dade County, Florida, alive unless he gave to the aforementioned Ramon Donestevez, Emilio Navarro, and Alfredo Ruiz, his watch, bracelet, ring, and pistol, and as a result of these verbally communicated threats, Jose Canto, being in fear of his life, turned over to Ramon Donestevez, Emilio Navarro, and Alfredo Ruiz the aforescribed property being in violation of 813.011 Florida Statutes, said robbery occuring at 9970 Banyan Street, Dade County, Florida, at or about 9:00 p.m.

contrary to the Florida Statute in such cases made and provided and against the peace and dignity of the State of Florida.

Vincent Oller Jr.
(Affiant's signature)

Sworn to and subscribed before me this 14 day of Sept, 1972

Hearing Date.....

Time.....

Judge, Magistrate Division
METROPOLITAN COURT, in and
for Dade County, Florida

At Metropolitan Justice Building
1351 N. W. 12th Street
Miami, Florida 33125

Bond \$

co-defts. Alfredo Ruiz + Emilio Navarro

FILED

SEP 26 1972

CRACKEN

72-7137A

9/15/72

In the Magistrate Division of the Metropolitan Court, County of Dade, State of Florida

STATE OF FLORIDA

AFFIDAVIT

vs.

Description of Defendant

EMILIO J. NAVARRO

Race W Sex M Age 35

aka Defendant
LEON

Hgt. UNKNOWN Wt. UNKNOWN Hair UNKNOWN

Eyes UNKNOWN Scars, marks, tatoos, etc.,
UNKNOWN

Before me, a Judge of the Magistrate Division of the Metropolitan Court in and for the County aforesaid, personally came:

..... SERGEANT VINCENT OLLER, JR.

(Affiant's name)

of DADE COUNTY PUBLIC SAFETY DEPARTMENT

(Affiant's address)

who, being duly sworn, says that on the 1st day of SEPTEMBER .., 1972 ..

in the County aforesaid, one EMILIO J. NAVARRO
(Defendant's name and aliases)

of 425 S.W. 63rd Avenue, Miami

DID THEN AND THERE: unlawfully and feloniously make an assault upon JOSE L. CANTO, and did by force, violence or putting in fear, rob, steal, take and carry away from the person or custody of the said JOSE L. CANTO, and against his will certain monies, goods or other property, to-wit: ONE WATCH, ONE BRACELET, ONE RING, AND ONE PISTOL, a better and more particular description thereof being to the State Attorney unknown, said property being the subject of larceny and the property of JOSE L. CANTO, as owner or custodian, in violation of 813.011 Florida Statutes, BASED ON FACTS AS FOLLOWS: On September 1, 1972, Ramon Donestevez along with Emilio J. Navarro and Alfredo Ruiz held guns on the body of Jose L. Canto and made verbal threats to Jose Canto that he would not leave the premises of 9970 Banyan Street, Dade County, Florida, alive unless he gave to the aforementioned Ramon Donestevez, Emilio Navarro, and Alfredo Ruiz, his watch, bracelet, ring, and pistol, and as a result of these verbally communicated threats, Jose Canto, being in fear of his life, turned over to Ramon Donestevez, Emilio Navarro, and Alfredo Ruiz the aforescribed property being in violation of 813.011 Florida Statutes, said robbery occuring at 9970 Banyan Street, Dade County, Florida, at or about 9:00 p.m.

contrary to the Florida Statute in such cases made and provided and against the peace and dignity of the State of Florida.

Vincent Oller Jr.
.....
(Affiant's signature)

Sworn to and subscribed before me this 14 day of Sept .., 1972

Hearing Date.....

Time.....

At Metropolitan Justice Building
1351 N. W. 12th Street
Miami, Florida 33125

Judge, Magistrate Division
METROPOLITAN COURT, in and
for Dade County, Florida

Bond \$ _____

FILED --
SEP 26 1972
J. F. McCRACKEN
CLERK

Co-defs. Alfredo Ruiz + Ramon Donestevez

COUNTY OF DADE 163202 CASE NO. 151548-Q JAIL NO. 32326
Defendant's Name: Donestevéz, Ramon Date of Birth: 5 Feb 1936
(Last) (First) (Middle) (Month, Day, Year)
Place of Birth: Cien Fuegos Cuba Address: 9290 S.W. 99th Street
Permanent Address: SAME Phone: 274-3564 Occ.: Boat Builder
Social Sec. No.: UNKN Race: Cuban Sex: M Eyes: BAN Hair: BLK Hgt.: 5'11" Wt.:
Arrest Date: 15 Sept 1972 Time: 11:35 am Location: 9970 BANYON STREET
(Month, Day, Year) (Place of Arrest)
Co-Defendant's Name: _____ Taken To County Station: #2
(Last) (First) (Middle)
Citation No.: _____ Capias No.: _____ Other: M-WARRANT #8309

OFFENSES CHARGED:
Robbery (ARMED) In Viol. of F.S. 873.011 In Viol. of Sec. _____
Extortion In Viol. of F.S. _____ of the Code of Metropolitan _____
In Viol. of F.S. _____ Dade County
In Viol. of F.S. _____

SEP 26 1972
L. E. HERRICKEN
CLERK

HOLD FOR MAGISTRATE'S HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)
WITNESSES AGAINST DEFENDANT: Subpoena
Name: CANTO, Jose A Address: 4311 S.W. 2nd Terr Phone: 442-6228
Name: Sgt. Y. Oller PSD Address: _____ Phone: _____

Physical Evidence against Defendant: Letters, Photographs, recording on tape, Finger-
print evidence, statements (oral) by subject, Jewelej.
Arresting Officers: G. Havens, Y. Oller Ct. ID # 220 & 449 Dept.: 30
Transporting Officers: SAME Ct. ID # _____ Dept.: _____

I, the undersigned certifies and swears that he has just and reasonable grounds to believe, and does believe that:
On the 15th & 15th day of Sept 72 - Sept, 1972, 9970 BANYON ST.
(Location)
Donestevéz Ramon None
(Last Name) (First Name) (Initial)

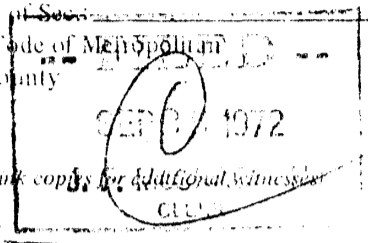
committed the following violation of law:
Narrative: (Be specific) See attached copy of Robbery warrant for charge #1.
Charge #2 Victim was ordered under threat of having
his house & car dynamited to bring \$800.00 to Donestevéz
by Sept 15, 1972. Victim was wired for sound & money
was delivered. During the execution of a search warrant
for the Jewelej, taken during the robbery, at 20 m.m.
of 1972, a machine gun & ammunition were discovered. The
subject apparently pushed the money over a table while
standing in the building was being gained.
I swear the above statement is correct and true
to the best of my knowledge and belief.

Officer's Signature
Deputy of the Court or Notary Public
Ct. ID Number 220
Dept.: 30

CASE NO. 197548 Q JAIL NO. 30347
Defendant's Name: NAVARRO Emilio Julian Date of Birth: 2-12-37
Place of Birth: GUANAJUAN, CUBA Local Address: 425 SW 63 AVE MIAMI, FLA
Permanent Address: 425 SW 63 AVE Phone: 261-5532 Occ: CONSTRUCTION
Soc. Sec. No: 867-10-3025 Race: LU Sex: M Eyes: BRN Hair: BRN Hgt: 5'5" Wt: 150
Arrest Date: 15 SEPT 72 Time: 5:30 P Location: 425 SW 63 AVE
Co-Defendant's Name: DOMESTEVES, RAMON Taken To County Station: FF 2
Citation No.: Capias No.: Other: M-WARRANT # 8310

OFFENSES CHARGED:

1. ROBBERY (ARMED) In Viol. of F.S. 813.011 In Viol. of Sec. of the Code of Metropolitan Dade County
2. In Viol. of F.S.
3. In Viol. of F.S.
4. In Viol. of F.S.



HOLD FOR MAGISTRATE'S HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copy for additional witnesses)

WITNESSES AGAINST DEFENDANT:

1. Name: CANTO, JOSE L. Address: 4311 SW 2nd TERR Phone: 4436229
2. Name: Sgt J. O'NEER PSD Address: Phone:

Physical Evidence against Defendant:

Arresting Officers: FERNANDEZ & Rudoff Ct. ID # 425 - Dept.: 30
Transporting Officers: SAME Ct. ID # Dept.:

The undersigned certifies and swears that he has just and reasonable grounds to believe, and does believe that:
On the 15th day of Sept, 1972 at 9976 BANYAN ST (Location)
NAVARRO Emilio J.

committed the following violation of law:
Narrative (Be specific) SEE ATTACHED COPY OF ROBBERY WARRANT FOR CHARGE #1

Sworn to and subscribed before me, he undersigned authority, this 15th day of Sept, 1972
Notary Public

I swear the above statement is correct and true to the best of my knowledge and belief.
FERNANDEZ & Rudoff
Officer's Signature
Dept.: 30 Ct. ID Number 425

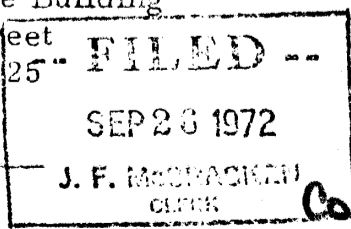
COURT COPY PSD ID NO. 278

~~72-7138~~ 72-7137B

Hearing Date.....
Time.....

Judge, Magistrate Division
METROPOLITAN COURT, in and for Dade County, Florida

At Metropolitan Justice Building
1351 N. W. 12th Street
Miami, Florida 33125



Bond \$

Co-defs. Alfredo Ruiz + Ramon Domestevés

B

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

THE STATE OF FLORIDA

VS. # 72-7137

RAMON DONESTEVEZ, et al.

PRAECIPE FOR WITNESS SUBPOENA
(DEFENDANT)

Jur.
(9)

- FILED -
OCT 19 1972
J. F. McCracken
CLERK

TO: J. F. McCracken
Clerk of said Court.

You will please issue a subpoena directed to the Sheriffs of the State of Florida
commanding them to summons

- ✓ DETECTIVE AVELINO FERNANDEZ, Organized Crime Bureau
- ✓ TECHNICIAN DONALD TILLEY, I. D. Section
- ✓ DETECTIVE JEFF LAZZERI, Organized Crime Bureau
- ✓ WILLIAM MILLER, I. D. Section
- ✓ LT. ROY SOMMERHOFF, Organized Crime Bureau
- ✓ SGT. P. A. SAUCIER, Miami Police Department
- ✓ DETECTIVE KENNETH WEST, Organized Crime Bureau
- ✓ SPECIAL AGENT JAMES HARMON, U.S. Treasury, ATF Miami
- ✓ OFFICER RICHARD KELLER, Organized Crime Bureau

to appear before the ~~Honorable~~ Robert C. Josefsberg

~~Judge of the Criminal Court of Record of Dade County~~, as witness es on behalf of the

Defendant, in the above cause, and that you make the same returnable on Tuesday

the 24th day of October 19 72 at 1:00 to 4:00 O'Clock P. M.

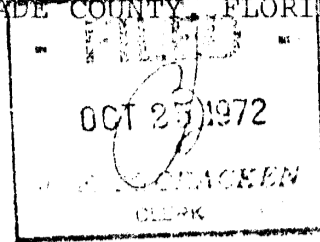
PEARSON & JOSEFSBERG, P. A.

By [Signature]
Counsel for the Defendant
733 City National Bank Bldg.
25 West Flagler Street
Miami, Florida 33130
Phone: 377-8155

-- Jones

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

No. 72-7137



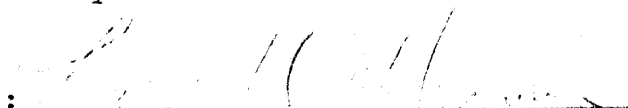
THE STATE OF FLORIDA)
)
 Plaintiff)
)
 vs.)
)
 RAMON DONESTEVEZ, et al.)
)
 Defendants)
)
 _____)

MOTION TO SUPPRESS

RAMON DONESTEVEZ, one of the defendants, by and through his undersigned counsel, moves to suppress the use of any evidence seized from the person of the defendant, or seized at the scene of the defendant's arrest, and any and all statements made by the defendant to the police or other agents of the State of Florida or the United States of America, and in support thereof says:

- (1) The Affidavit for the search warrant, dated September 14, 1972, is defective for the issuance for a search warrant in that it does not show proof that probable cause existed for such issuance.
- (2) The search warrant dated September 14, 1972, is defective on its face.
- (3) Items seized, including but not limited to those listed in the Return and Inventory dated September 15, 1972, were not seized pursuant to a lawful arrest.
- (4) Any and all further ground for the suppression of evidence will be obtained at the time of the hearing on this motion.

PEARSON & JOSEFSBERG, P.A.
Attorneys for Defendant Donestevez

BY: 
Henry H. Harnage

B

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

CASE NO: 72-7137 Criminal Division

STATE OF FLORIDA, :
 :
 Plaintiff, :
 :
 vs. :
 :
 EMILIO NAVARRO, :
 :
 Defendant, :

NOTICE OF ALIBI

- FILED -
JAN 30 1973
RICHARD P. BRUNER
CLERK

COMES NOW the Defendant EMILIO NAVARRO by and through his undersigned attorney, and pursuant to Rule 4 of the Local Rules of this Honorable Court, and Rule 3.200 of the Rules of Criminal Procedure and files this Notice of Alibi and states:

1. The place at which the Defendant claims to have been on September 1, 1972, at 9:00 p.m. is 425 S.W. 63 Avenue, Miami, Florida.

2. The witness that he intends to call to establish such alibi are the following:

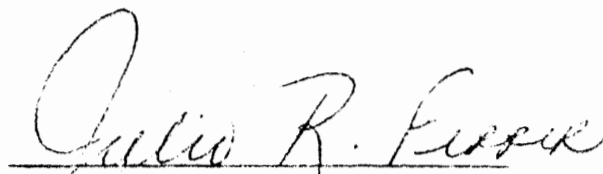
- a. Haroldo Perez
412 E. 20 Street
Hialeah, Florida
- b. Daisy Perez
412 E. 20 Street
Hialeah, Florida
- c. Eslivia Navarro
425 S.W. 63rd Avenue
Miami, Florida

Respectfully submitted,

Julio R. Ferrer

JULIO R. FERRER, Esq.
1515 N.W. 7th Street, Suite 105
Miami, Florida

I HEREPY CERTIFY that a true and correct copy of the above and foregoing to the State Attorney's Office 1351 N.W. 12 Street, Miami, Florida and Pearson & Josefsbert, Attorney's at Law, City National Bank Building, Miami, Florida this 26th day of January, 1973.


JULIO R. FERRER

See front of

- FILED -
APR 19 1973
HONORABLE BRINKER

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

CRIMINAL DIVISION

No. 72-7137

STATE OF FLORIDA,)
)
Plaintiff,)
)
v.)
)
RAMON DONESTEVEZ,)
)
Defendant.)

MOTION FOR SENTENCING COURT
RECOMMENDATION TO
UNITED STATES AUTHORITIES

The Defendant, RAMON DONESTEVEZ, by and through his undersigned counsel respectfully requests this Court, pursuant to the authority of 8 U.S.C. Section 1251(b)(2), to recommend to the Attorney General of the United States that the conviction of Ramon Donestevez for the above styled charge not be applicable to any proceeding to exclude and deport or to expel and deport him as an alien. As grounds therefor the Defendant states:

A. JURISDICTION OF THIS COURT

The United States government has exclusive control of proceedings regarding naturalization, immigration and alien status. U.S. Const. art. 1, Sec. 8, clause 4. However, the United States Congress has created a statutory exception to the exclusive federal jurisdiction which permits any court--including those judicial bodies of the several states--to recommend upon sentencing a defendant for a crime committed against that state, or within 30 days of the date of sentencing, that such alien not be deported. 8 U.S.C. Sec. 1251(1)(2), Rasmussen v. Robinson, (CA3, 1947) 163 F.2d 732. This recommendation is held applicable to subsequent excludability proceedings of aliens for the same convicted state offense. Matter of H- and Y-, 3 I&N Dec. 236 (C.O. 1948); Matter of K-, 9 I&N Dec. 121 (BIA 1960); Rasmussen v. Robinson, supra.

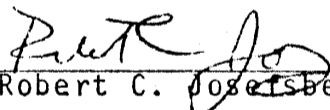
B. REASONS FOR MAKING SUCH RECOMMENDATION.

The Defendant regrets the commission of the offense charged herein; his first and only offense. He is paying for it by having to admit to his wrong doing, by having spent ten days in the Dade County Jail, by being under the control of the Florida Probation & Parole Commission and reporting regularly to one of its agents for a several year period, and by knowing the shame it brings to him and his family.

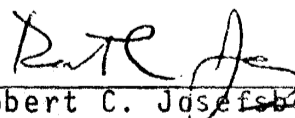
Nonetheless, the Defendant is sole provider for his wife and four children, who live in Dade County, owns and manages a good business in Dade County Florida, and is contributing to the overall betterment of this community.

WHEREFORE, the Defendant RAMON DONESTEVEZ, prays that this Court will help give him the opportunity to remain in this community of greater Miami; to stay with and provide for his family; and to add to the improvement of this State.

Respectfully submitted,
PEARSON & JOSEFSBERG, P.A.

By 
Robert C. Josefsberg

WE HEREBY CERTIFY that true and correct copies of the foregoing Motion for Sentencing Court Recommendation to United States Authorities was mailed this 19 day of April, 1973, to THE STATE ATTORNEY'S OFFICE, 1351 N. W. 12th Street, Miami, Florida, and to IMMIGRATION AND NATURALIZATION, 51 S. W. 1st Avenue, Miami, Florida.

By 
Robert C. Josefsberg