

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

3 NO. 72-7137

4
5 STATE OF FLORIDA, :

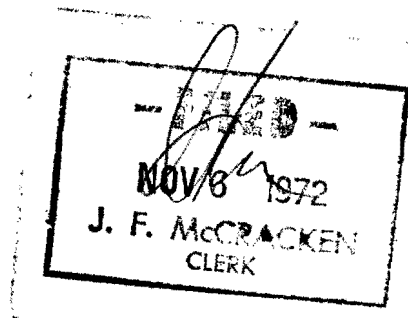
6 Plaintiff, :

7 v. :

8 RAMON DONESTEVEZ, :

9 Defendant. :

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11
12 North Conference Room
13 Metropolitan Justice Building
14 1351 Northwest 12th Street
15 Miami, Florida
16 Tuesday, October 24, 1972
17 12:35 o'clock p.m.

18
19 DEPOSITION OF JOSE L. CANTO

20 Taken before James E. Ries, Notary Public
21 for the State of Florida at Large, pursuant to Notice
22 of Taking Deposition filed in the above cause.
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APPEARANCES

WILLIAM TUNKEY, ESQ., Assistant
State Attorney, on behalf of
the State of Florida.

ROBERT C. JOSEFSBERG, ESQ., of
the firm of Pearson & Josefsberg,
P.A., on behalf of the Defendant.

I-N-D-E-X

	<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
	Jose L. Canto	3	--

Certified Question

Page - Line

25 - 9

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1 (The Interpreter, Vincent Oller, Jr.,
2 was duly sworn by the Reporter.)

3 (The witness was duly sworn by the
4 Reporter through the Interpreter.)

5 MR. TUNKEY: For the record, I have no
6 objections to Sergeant Vincent Oller acting as
7 interpreter for the purposes of this deposition.

8 He is I suppose you could say in a sense
9 a party to the cause.

10 I want to know if you have any objec-
11 tions to it.

12 MR. JOSEFSBERG: No. I'm just using him as
13 an interpreter, and I am not stating any objections.
14 Thereupon--

15 JOSE L. CANTO
16 was called as a witness by the Defendant, and having
17 been first duly sworn, testified through the interpreter
18 as follows:

19 DIRECT EXAMINATION

20 BY MR. JOSEFSBERG:

21 Q Please state your full name.

22 A Jose Luis Canto.

23 Q Mr. Canto, what business are you engaged
24 in?

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A The bus business.

Q Do you own a bus business?

A Yes, sir.

Q Do you have an attorney?

MR. TUNKEY: He may answer yes or no.

THE WITNESS: When I need him; not right now.

Q (By Mr. Josefsberg) Is or has Gino Negretti ever been your attorney?

A Not in this case. He has been my attorney on different occasions.

Q When?

A Any time I need him.

Q When?

A During my divorce.

Q When was that?

MR. TUNKEY: Objection and I instruct the witness not to answer.

It's immaterial.

Q (By Mr. Josefsberg) When was it that Gino Negretti last represented you?

MR. JOSEFSBERG: I think the State is as interested in this ludicrous thing as I am.

MR. TUNKEY: But you misunderstood my objection. I was objecting to when his divorce was. That's

1 immaterial.

2 I don't object to the last question.

3 THE WITNESS: The last time, about two or
4 three months ago.

5 Q (By Mr. Josefsberg) When was the last
6 time you spoke or met with him?

7 A A few days, I would say about 15 days.

8 Q I don't want to know the substance of
9 it, but have you discussed this case with him?

10 A No. He asked me a question, what hap-
11 pened to me that he had seen me on TV.

12 I didn't give it any importance.

13 Q If I told you that he is working with
14 me in representing Mr. Donestevéz, would you be sur-
15 prised?

16 A No. He's an attorney.

17 Q Do you know if he represents Mr. Navarro?

18 A I don't know anything about it.

19 Q Prior to the divorce some two or three
20 months ago, when was the last time before that that he
21 represented you?

22 A The divorce was not two or three months
23 ago. It was in 1970.

24 He represented me two or three months

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ago in another case.

Q What type of a case?

A It was a personal matter. Do I have to say it?

MR. TUNKEY: You may answer if it is criminal or civil, if you know.

THE WITNESS: Civil.

Q (By Mr. Josefsberg) Was it a filed lawsuit?

MR. TUNKEY: I object to this. This is immaterial now, whether it was a filed lawsuit.

MR. JOSEFSBERG: A filed lawsuit is a matter of public record, and he has no right not to tell us the nature of it if it is a filed lawsuit.

MR. TUNKEY: If it is a matter of record, then of course you can go check out the record.

MR. JOSEFSBERG: Yes, and I can also find out where to look.

I don't have to go looking everywhere.

MR. TUNKEY: I understand your inquiry.

However, I don't think your inquiry is relevant to the case on which we are taking this deposition.

MR. JOSEFSBERG: It is if it's a civil extortion charge, isn't it, in Circuit Court?

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Let's find out:

Q (By Mr. Josefsberg) Is it a filed lawsuit?

A Yes, it was.

MR. TUNKEY: It was what, a filed lawsuit?

THE INTERPRETER: There is no translation, direct translation for that. I asked him if it was done through a court.

MR. TUNKEY: All right.

Q (By Mr. Josefsberg) Circuit Court?

A I'm going to tell you what it is to get it over with:

A competitor of mine filed a civil suit against me, but it was dismissed.

Q Claiming what?

A He was a former employee of mine, he used to work as a bus driver for me, and he started his own business and he claimed in the lawsuit that I had stopped him from doing business.

Q Did he claim that you threatened him?

A No. He alleged that I commercially stopped him through my friends from doing business.

Q Was that lawsuit in the Circuit Court of Dade County?

1 MR. TUNKEY: Objection, repetitious.

2 He didn't know the answer before.

3 MR. JOSEFSBERG: Fine, if he doesn't know.

4 Q (By Mr. Josefsberg) When was that law-
5 suit dismissed?

6 A About two months.

7 Q Do you know where the lawsuit was, in
8 what court?

9 A In the building they call Pretty Sky,
10 that's the downtown courthouse.

11 Q Some two or three months ago, Mr.
12 Negretti represented you in that lawsuit.

13 Did he represent you in anything between
14 your divorce in 1970 and this lawsuit you just told us
15 about?

16 A No.

17 Q How long have you known Ramon Donestevéz?

18 A About mid-year, last year.

19 Q Did you purchase a boat from him?

20 A Yes, sir.

21 Q For how much?

22 A \$12,500 more or less.

23 MR. TUNKEY: How about \$12,436.97?

24 Q (By Mr. Josefsberg) What did you pay

1 down?

2 A \$4,436 and some cents more or less.

3 Q What did you pay as a down payment,
4 your first payment to him for the purchase of the boat?

5 A That was the first payment.

6 Q That was by a check on February 11,
7 1972?

8 A I don't remember the exact date. I
9 will have to check it.

10 I want to make a declaration: I left
11 the check with him as a guarantee in case I would
12 change my mind about buying the boat.

13 Q Did he ever cash that check?

14 A No.

15 Q Do you have the check stub from that
16 check?

17 A The original one?

18 Q Yes.

19 A I don't know because I gave it to him
20 from a small separate emergency checkbook.

21 Since that wasn't going to be cashed
22 and it wasn't going to be on record, it was only as a
23 guarantee.

24 Q When did you pay him the first penny

1 that he did receive?

2 A I would have to see the check because
3 I can't remember.

4 Q He didn't cash that check, did he?

5 A No, he didn't want a check, he wanted
6 cash.

7 Q How many times have you paid him for
8 this boat?

9 A Once.

10 MR. TUNKEY: Go ahead and use the original.

11 Q (By Mr. Josefsberg) During all of this,
12 you have the check right in your brief case, is that
13 right?

14 MR. TUNKEY: I object to that question. It's
15 immaterial.

16 MR. JOSEFSBERG: Let the record reflect he
17 is taking the original check out of his brief case.

18 MR. TUNKEY: And showing it to Mr. Josefs-
19 berg.

20 Q (By Mr. Josefsberg) The date of the
21 check is what?

22 A February 11th.

23 Q That was the first one and only time
24 you ever paid him on this boat?

1 A Plus \$8,000 in a draft from the bank
2 that financed the boat.

3 Q When did you pay that \$8,000?

4 A The bank gave me the draft and I gave
5 it to him.

6 Q When?

7 A I don't remember. The record is in the
8 bank.

9 Q When did you buy the boat?

10 A The boat took about two months to be
11 built.

12 Q When?

13 A I have the papers here but I don't
14 remember.

15 Q Look at them.

16 A (After examining documents.) Here in
17 the papers from the bank it says January 26, 1972.

18 Q Is that when you received the boat?

19 A No.

20 Q Would you tell us when you received the
21 boat?

22 A About a month and a half after that,
23 between one and a half and two months after that.

24 Q You received the boat in March or April?

1 MR. TUNKEY: There is an easier way if you
2 want to do it:

3 Ask him how long before the boat was
4 stolen had he gotten it.

5 Q (By Mr. Josefsberg) How long before
6 the boat was stolen had you gotten it?

7 A Around March 15th.

8 Q That is when you received the boat?

9 A Yes, about March 15th, between the 10th
10 and the 15th.

11 Q When was the boat stolen?

12 A The end of March, the 26th or there-
13 abouts.

14 Q Could I see your insurance form on that?
15 Could I see all the papers you just looked at?

16 A Yes.

17 Q Mr. Canto, all of these papers state
18 that you are receiving a boat and a trailer on January
19 26th, and you are telling us that you didn't get it
20 until March 10th to the 15th.

21 A The bank had to call him and ask him
22 how come he hadn't delivered the boat to me, and the
23 insurance company did too.

24 I complained to the bank and to the

1 insurance company.

2 Q For what purpose did you purchase the
3 boat?

4 A To ride in it.

5 Q For pleasure or business?

6 A For pleasure.

7 Q When did you receive the insurance
8 proceeds on the stolen boat?

9 A July or August. I don't remember exactly.

10 Q Mr. Canto, this February 11th check,
11 did you cash it?

12 A Yes.

13 Q Where and when?

14 A At the bank.

15 MR. TUNKEY: Doesn't it have a stamp on the
16 back?

17 Q (By Mr. Josefsberg) Republic National?

18 A Yes, sir.

19 Q When?

20 A I guess the same date more or less.

21 Q What did you do with the money?

22 A I took it to him.

23 Q Where was he?

24 A At the factory.

1 Q You went into his factory?

2 A Yes, I went to the factory and I took
3 it to him.

4 I don't remember if it was the same
5 day or the day after.

6 Q Who else was there?

7 A The employees and the blond buy, what's
8 his name, Navarro.

9 Q Did you get a receipt for the check,
10 the money?

11 A No. The operation had been finalized.

12 Q What do you mean "The operation had been
13 finalized"?

14 A The bank had already given him the money
15 and the boat was almost finished, but he didn't give
16 me that boat.

17 Q What proof did you have that you had
18 paid him any money?

19 A I gave it to him.

20 Q What proof did you have?

21 A The one I have, the check--

22 MR. TUNKEY: What does he mean, "The check
23 that I have"?

24 THE INTERPRETER: Yes.

1 Q (By Mr. Josefsberg) Where is the check
2 book that this came from?

3 A I have it here.

4 Q Here?

5 A No, because it is an older book. The
6 other one was finished and I began this on April 30,
7 1972.

8 Q Do you have it at home, the book for
9 this (indicating)?

10 A Yes, I think I have it at home, or my
11 bookkeeper will have it.

12 Q What does the stub say?

13 A To buy the boat.

14 Q Has anyone seen that stub?

15 A What do you mean?

16 Q Has anyone aside from you?

17 A My bookkeeper, he has to.

18 Q Did the bookkeeper account for that for
19 the purchase of the boat?

20 A Sure. He guides himself from what I
21 write on the stub.

22 Q He has already accounted for that check
23 back from February?

24 A He has to have done it because that is

1 a withdrawal of mine.

2 Q But you have on the stub itself "For
3 the purchase of the boat"?

4 A Yes.

5 Q This wasn't charged as a business ex-
6 pense?

7 MR. TUNKEY: Excuse me.

8 You can advise the witness he doesn't
9 have to answer that question if he feels it is in-
10 criminating (addressing the interpreter).

11 THE WITNESS: It is eliminated then.

12 Q (By Mr. Josefsberg) You refuse to
13 answer it on the grounds that it may incriminate you?

14 A If that is an internal thing of mine,
15 and I don't have to answer it, then I won't answer it.

16 Q You don't have to answer it if it will
17 incriminate you.

18 MR. TUNKEY: Perhaps he needs an attorney at
19 this point.

20 THE WITNESS: If I don't have to answer it,
21 I will eliminate the question on my part.

22 Q (By Mr. Josefsberg) Will you let me go
23 back to your office now and see that check stub?

24 A Yes.

1 Q We will have someone go back with you
2 to your office.

3 MR. TUNKEY: We will provide it to you.

4 THE WITNESS: If I am obliged to do it I will
5 do it, unless I don't have to show my personal papers
6 to you.

7 MR. TUNKEY: Tell him he will have to give
8 it to you (addressing the interpreter) and you are going
9 to make a copy of it and give it to me and to Mr.
10 Josefsberg.

11 Q (By Mr. Josefsberg) But I want it right
12 after you leave here.

13 Give it to him (indicating the interpre-
14 ter) when you leave here.

15 I want to see if it is written on there
16 for the purchase of the boat.

17 A Okay.

18 Q I want him to see that that is written
19 on it right now, so you go back with him and you show
20 it to him (indicating the interpreter).

21 Okay?

22 A Okay.

23 MR. TUNKEY: Can you do that, Vince?

24 THE INTERPRETER: Yes.

1 Q (By Mr. Josefsberg) Did you give him
2 this money at his factory?

3 A Yes.

4 Q What time of the day or night?

5 A I guess it was in the daytime because
6 at night I didn't go there.

7 Q Do you often pay people that much in
8 cash and get no receipts?

9 A No, I'm not used to it.

10 Q Have you ever made a purchase like this
11 and not gotten a receipt for your cash?

12 A No, that amount I don't believe so.

13 Q Did you have him sign anything like the
14 boat contract or anything showing he got that money
15 from you, Mr. Donestevéz or anyone?

16 A This is the signature of Donestevéz.
17 This is the original bill of sale.

18 Q Dated December 1, 1971?

19 A Yes.

20 Q It says on here Check No. 2471, Republic.
21 What is that?

22 A This is the check I gave him as a guaran-
23 tee.

24 Q Which was never cashed?

1 A It never was cashed.

2 Q Nowhere on here does it show he was paid
3 anything after December 1st, does it?

4 A This check was as a guarantee in case
5 I went back on the deal, but later on I gave him the
6 cash plus the proceeds from the bank.

7 Q So he returned that check to you, the
8 first one?

9 A Yes.

10 Q Do you have it?

11 A No, the check was the one from my private
12 account, my private checking book, and it was not part
13 of this so I didn't keep it.

14 Q You destroyed it?

15 A Yes.

16 Q When?

17 A When I give him the money.

18 Q That is when he gave it back to you?

19 A Yes.

20 Q The bill of sale says that you paid
21 \$9,000.

22 A No, here it says that this was the
23 amount to be financed, \$9,000.

24 Then the bank said that they wouldn't

1 finance \$9,000, they would only finance \$8,000, and
2 that is what they financed.

3 Q When is the next time you saw Ramon
4 Donestevez after February 11th?

5 A The day he delivered the boat to me.

6 Q That was between March 10th and March
7 15th.

8 When is the next time after that?

9 A I believe that the next time was the
10 day after my boat was stolen, I went to see him.

11 Q What did you see him about?

12 A I went to tell him that my boat had
13 been stolen and to complain, to find somebody sympathetic,
14 and since the boat was a Piranha, to see if he could
15 help me in any way, if he could find out something
16 about where the boat might be.

17 Q Who is your bookkeeper at your company?

18 A Castellanos.

19 Q What is his first name?

20 A I don't remember. I always call him
21 Castellanos.

22 Q What is the address of your concern
23 where he works?

24 A It's his home.

1 Q You don't know where his home is?

2 A Northwest 108th Street and 10th Avenue.

3 Q How can I reach Mr. Castellanos?

4 A I can tell him to get in touch with you.

5 Q Okay, I will give you my card. Please
6 ask him to call me.

7 A All right.

8 Q When is the next time after that, after
9 the robbery of the boat, that you spoke with Mr.
10 Donestevez?

11 A Approximately two or three--two and a
12 half to three months, between two and three months.

13 I went to tell him that the insurance
14 company had not paid me and for him to talk to the
15 insurance agent who was a friend of his.

16 Q The insurance agent was a friend of
17 Donestevez?

18 A Yes, and the insurance agent never came
19 to my house to ask any questions about the robbery.

20 Q Why should Mr. Donestevez get involved
21 in your insurance claim?

22 A I went to ask him to do me the favor
23 of getting in touch with the insurance agent, whose
24 name was Bob Bryant, because the insurance had not

1 been in touch with me and I still had to pay the
2 monthly installments on the loan.

3 Q When was the next time you saw Dones-
4 tevez?

5 A On that occasion when I went to see
6 him about the insurance, he told me to get in touch
7 with my attorney so he could get in touch with the
8 insurance company, and that he was going to try to
9 help me with the insurance company, and to let him
10 know as soon as I settled the matter with the insurance
11 company.

12 Q To let who know?

13 A To let Donestevez know.

14 Q Why should you let Donestevez know?

15 A He told me that he was going to try to
16 do his best to help me with the insurance company, he
17 was going to talk to Bryant and he was going to do
18 everything in his power to help me with this matter.

19 THE INTERPRETER: What I asked him was "Did
20 he ask you to call him back."

21 Q (By Mr. Josefsberg) What is your answer?

22 A He asked me if the company did pay
23 attention to his plea, to Donestevez' plea, he would
24 like to know about it, to see whatever he did had

1 anything to do with it.

2 Q Someone told you to discuss it with
3 your attorney. Did you?

4 A If the time kept on going by, to discuss
5 it with my attorney, yes.

6 Q Did you ever discuss it with your
7 attorney?

8 A Yes.

9 Q Who was that?

10 A Mr. Durant.

11 Q Alfredo Durant?

12 A Yes, sir.

13 Q Wasn't he also Mr. Donestevéz' attorney?

14 A I don't know.

15 Q When is the next time you saw Donestevéz?

16 A The next time is when I collected the
17 money from my insurance.

18 I collected at a place that is very
19 near his factory. Then I went by the factory and I
20 told him "Look, they didn't pay me for the whole
21 thing. I lost about a thousand dollars."

22 Then he told me that that was normal
23 because they always took out for depreciation and use.

24 He said, "Don't complain, that's normal."

1 Q When is the next time you saw him?
2 A About a month, more than a month later.
3 Q When did you see him that time?
4 A July or August.
5 Q What was that about?
6 A That was the time when I got paid for
7 the boat. After the boat I didn't see him.
8 Q When is the next time you either saw
9 him or spoke to him on the phone?
10 A He called me on the 1st of September,
11 1972.
12 Q Before we get into that, how old are
13 you?
14 A 42.
15 Q Where were you born?
16 A Havana, Cuba.
17 Q Have you ever been arrested?
18 A Never.
19 Q Never?
20 A No. When I got divorced--
21 MR. TUNKEY: That doesn't count.
22 MR. JOSEFSBERG: I don't know what he is
23 going to say.
24 MR. TUNKEY: We are talking about criminal

1 charges, felonies.

2 MR. JOSEFSBERG: No, I am not.

3 MR. TUNKEY: I object to anything else.

4 Q (By Mr. Josefsberg) Have you ever been
5 arrested?

6 MR. TUNKEY: You already asked that question.

7 THE WITNESS: I got there and they turned me
8 loose. My wife wanted me to leave the house.

9 Q (By Mr. Josefsberg) Have you been a
10 party to any--you or any businesses that you operate--
11 been parties to any lawsuits in addition to the one,
12 two or three months ago, and your divorce?

13 MR. TUNKEY: Objection and I instruct the
14 witness not to answer. It's immaterial and irrelevant.

15 MR. JOSEFSBERG: You will not let him answer
16 whether he or his company have been parties to any
17 lawsuits, is that correct?

18 MR. TUNKEY: Of a civil nature.

19 MR. JOSEFSBERG: Relating to insurance
20 claims, payments on boats, payments by cash or any-
21 thing, you will not let him answer?

22 MR. TUNKEY: That is a civil matter, that's
23 right. It's immaterial and irrelevant.

24 MR. JOSEFSBERG: Certify that question.

1 MR. TUNKEY: If you mean relating to this
2 particular boat I will allow him to answer.

3 MR. JOSEFSBERG: No, I don't mean relating
4 to this boat.

5 I mean whether he has ever been involved
6 in any other civil cases, for discovery purposes, and
7 once I find out what they are about, then we will
8 determine whether they are relevant or not.

9 You won't let him answer whether he
10 has been involved in any other civil cases?

11 MR. TUNKEY: That's right.

12 MR. JOSEFSBERG: Then we understand exactly
13 what is being certified?

14 MR. TUNKEY: Exactly.

15 I am not objecting to criminal cases
16 though, either he as a witness or--

17 MR. JOSEFSBERG: He just said there weren't
18 any.

19 Q (By Mr. Josefsberg) Have you been a
20 witness in any criminal cases?

21 MR. TUNKEY: Other than this.

22 THE WITNESS: No, never.

23 Q (By Mr. Josefsberg) When you received
24 that phone call on September 1st, where were you?

1 A At my home. I was going to take a bath
2 at that time.

3 Q What did Mr. Donestevéz say to you?

4 A He said that he had to talk to me
5 urgently, that it was a matter of the utmost importance,
6 if it would be convenient for me, and when I inquired
7 further he said he couldn't discuss it, that he had
8 other customers there and for me to come, that it was
9 very important.

10 Q Did you come?

11 A Yes, I went. I thought it was related
12 to my boat.

13 Q When did you go there?

14 A That same night. I arrived there about
15 9:15 or 9:30, as fast as I could get there.

16 Q Tell us what happened and what was said
17 and what was done that night, and after every two
18 sentences stop so Mr. Oller can translate.

19 A I arrived there and Mr. Donestevéz came
20 to the door.

21 He said, "Hello." We exchanged hellos
22 and then I used a joke with him, I told him, "Are you
23 dressed as a commander?"

24 He didn't answer. He said, "Come in."

1 Then I went in and sat down in front of
2 his desk.

3 As soon as I sat down, two people came
4 with guns drawn.

5 When I turned around to look at him
6 again, he also had a gun in his hand.

7 Q Proceed.

8 A Then I said, I asked what was going on,
9 and then he said to me--

10 MR. TUNKEY: Excuse me.

11 For the record, at this point we are
12 talking about three different people in the room, and
13 when he starts talking would you please ask him, in-
14 stead of saying "he" or "they," use specific names at
15 all times.

16 MR. JOSEFSBERG: For purposes of discussion,
17 use the names of let's say Ruiz, Navarro and Donestevez.

18 Q (By Mr. Josefsberg) Go ahead.

19 A When I asked what was going on, Dones-
20 tevez told me "This is not a game."

21 When I exclaimed, "What is going on?
22 Are you guys crazy," Donestevez says, "No, this is
23 a very serious matter we are going to discuss."

24 Donestevez at that time started to talk

1 about the Cuban problem, about how all the exiles were
2 very apathetic toward the revolution, and how everybody
3 would have to cooperate.

4 Donestevez then said that I would have
5 to contribute \$800 to purchase some weapons.

6 Then I told him I didn't have the \$800.
7 Then Donestevez said, "In that case you will not get
8 out of here alive unless you come up with the \$800."

9 To which I said, "In that case you will
10 have to kill me because I don't have \$800 with me."

11 There was quite a bit of conversation,
12 all relating to the Cuban problems that I can't recall.

13 Navarro then said that that money, the
14 \$800, was to contribute to the liberation of a country
15 that I didn't deserve.

16 At this time Navarro and Donestevez
17 started to get abusive in their language and insulting.

18 After they continued to talk back and
19 forth about the Cuban situation, Navarro then said,
20 "Well, in that case since he doesn't have the money,
21 let's take everything he has on him."

22 I refused to surrender my pieces of
23 jewelry. Donestevez then got a hold of a rifle, an
24 AR 18 that he had there.

1 He faced the gun toward me and operated
2 the receiver, mounting a bullet in the chamber.

3 They all had the guns or pistols cocked.

4 The situation was getting ugly, so I
5 realized if I didn't surrender the jewelry, they would
6 take it away from me with violence.

7 Donestevez then said "It is better you
8 take it off or we will take it away from you, one way
9 or the other."

10 There was a lapse of time whereby
11 Donestevez was facing me, and he made a sign with his
12 finger in a negative way to Navarro who was behind me,
13 with his head and with his finger.

14 I imagine he was going to hit me from
15 behind. At this time I decided to surrender the
16 jewelry.

17 I took my ring off and my watch and my
18 bracelet.

19 Then Navarro searched me, frisked me,
20 and took the keys to my car.

21 Donestevez then said, "Go to the car
22 and search it." And that is where they got the re-
23 volver.

24 Q Who went to the car?

1 A Navarro.

2 Q Go on.

3 A Then they sat me down--excuse me, this
4 I forgot--on one occasion before Donestevez grabbed
5 a hold of the rifle, he had a pistol in his hand and
6 even though the gun was cocked and ready, he pulled
7 the slide on the pistol and pointed it at my face.

8 At that time one of the bullets dropped
9 out of the receiver onto the desk, one of the bullets
10 which was already in the receiver dropped on top of
11 the desk and onto my lap.

12 MR. TUNKEY: Do you mean the receiver or the
13 chamber?

14 THE INTERPRETER: The chamber I guess. I
15 am not an expert on that.

16 Q (By Mr. Josefsberg) Go on.

17 A When they came back from the car with
18 my revolver, they sat me at a chair.

19 Donestevez then told me that I still had
20 to come up with the \$800 because that money was needed
21 to buy some weapons, and that that was the situation
22 that had no remedy.

23 Then I told him, since I wanted to get
24 out of there, I told him that I would agree to it, but

1 I would need time to get the money raised.

2 Donestevez then told me I had 15 days
3 to get the money, that they didn't want the jewelry.

4 Donestevez said they didn't want the
5 jewelry, they wanted the money, and whenever I came
6 back with the money, they would return the jewelry.

7 After I agreed to everything, they left
8 me there sitting.

9 At that time Donestevez said, "Let's
10 leave him here sitting down until the third party"--
11 the one I thought was Ruiz before--"was going to leave."

12 After about 15 minutes elapsed, then
13 Navarro said, "I think we can now let him go."

14 Donestevez then said, "Let's wait a
15 couple more minutes."

16 And they left me waiting for about three
17 or four more minutes.

18 After they had calculated that the
19 person had left and had arrived wherever he was going,
20 then they decided I could go.

21 Then they let me go, but before they
22 read the same thing over to me again by telling me not
23 to do anything, to come up with the \$800, and the
24 lives of many people were involved in this, and not to

1 do anything to them.

2 I got in my car and left.

3 Q Where did you go?

4 A To my house.

5 Q Who did you call to speak to about this?

6 A That night I didn't talk to anybody, I
7 went home.

8 Q When is the first time you called or
9 spoke to anyone about this matter?

10 A The next day.

11 Q Did you speak to Gino Negretti about
12 it?

13 A No.

14 Q On September 2nd who did you speak to?

15 A I spoke to a friend of mine whose name
16 I don't think is material.

17 Q I do. Who did you speak to?

18 A Felipe Cala, a man that has the same
19 business I have, and I explained to him the whole
20 situation.

21 Q Where did you speak with him?

22 A On the street on 15th Avenue and South-
23 west 7th Street.

24 Q Did you tell him everything that

1 happened?

2 A Everything. I told him that if any-
3 thing happened to me, so he would know who would be
4 responsible.

5 Q Is he one of your best friends?

6 A He is a good friend of mine.

7 Q He is the one whose name you couldn't
8 remember for around one minute while we were discuss-
9 ing this?

10 MR. TUNKEY: Objection. It was not one
11 minute.

12 I instruct the witness not to answer.

13 MR. JOSEFSBERG: Let's have on the record
14 that there was a long discussion as to what the gentle-
15 man's name was.

16 Is there any question about that?

17 MR. TUNKEY: Yes, it was not a long discus-
18 sion.

19 MR. JOSEFSBERG: Was there a discussion?

20 MR. TUNKEY: One person can obviously not
21 have a discussion with himself.

22 MR. JOSEFSBERG: He discussed it with Mr.
23 Oller.

24 MR. TUNKEY: No, he didn't, he spelled it

1 for Mr. Oller.

2 THE INTERPRETER: He was trying to memorize
3 it and I mentioned a name to him.

4 MR. JOSEFSBERG: You gave him the name?

5 THE INTERPRETER: No, it was another guy.

6 MR. JOSEFSBERG: Did he give you the name
7 right off or did he first discuss some other things
8 about it and he couldn't remember the name?

9 THE INTERPRETER: He was mentioning it was a
10 guy that was in the same business he was in and he
11 didn't recall his name.

12 THE WITNESS: The reason for that is I usually
13 call him by a nickname.

14 Q (By Mr. Josefsberg) What?

15 A Black, Negro. He doesn't like to be
16 called that.

17 Only his best friends can call him
18 that.

19 Q What is Felipe's business?

20 A He has the same business, buses.

21 Q What is the name of it? Where can I
22 reach him?

23 A It is not a company. He owns a couple
24 of buses and he works out of his house.

1 Q Where?

2 A On 1st Street between 10th and 11th
3 Avenue, Northwest.

4 Q After you spoke with him did he tell
5 you what to do?

6 A He told me in his opinion the best
7 thing I could do would be to go to the police right
8 away.

9 Q What did you do?

10 A Then I went to the FBI.

11 Q On Saturday, September 2nd?

12 A No. It was closed on Saturday, Sunday,
13 and also Monday which was a holiday.

14 I went on Saturday but it was closed.
15 They told me to come back on Tuesday.

16 Q There was no one there?

17 A I went there and there was a man there
18 as I was walking in, there was a man coming out who
19 was an employee, and he told me they were closed until
20 Tuesday, to come back on Tuesday.

21 Then on Tuesday when I went, somebody
22 came that spoke Spanish and he is the one I talked to.

23 Q After your life had been threatened,
24 someone walking out of the building, not even knowing

1 you said, "They are closed until Tuesday," so you
2 didn't bother going in?

3 A Yes. What could I do?

4 Q Did you leave anyone your name or phone
5 number?

6 A No. I waited until Tuesday.

7 Q Did you tell anyone why you came there?

8 A I told the man coming out of the door
9 that I wanted to see somebody at the FBI, and they
10 told me to come back on Tuesday.

11 Q You were alone at the time?

12 A Yes.

13 Q On Tuesday what time did you go to the
14 FBI?

15 A It was in the morning about 10 or 11.

16 Q Who did you meet with there?

17 A With a tall thin man, an American who
18 speaks Spanish.

19 I don't recall the name. If you tell
20 me the name--I don't recall it.

21 After I talked to him and I told him
22 the whole thing, he told me I would have to go to the
23 police, that it wasn't their jurisdiction.

24 Q Did you tell them about the money being

1 used for invading Cuba?

2 A I told them that they wanted some money
3 to buy weapons.

4 Q For the invasion of Cuba?

5 A Or to defend Fidel Castro, I don't know.
6 This guy doesn't look like he was too
7 much against Fidel Castro..

8 Q The money was for Fidel Castro?

9 A They told me that the money was to buy
10 weapons. What they were going to do with those weapons
11 I don't know.

12 Q You gave us the whole story about free-
13 ing a country. Didn't you tell that same story to the
14 FBI?

15 A They said that they wanted money to buy
16 weapons to go to Cuba.

17 What I don't know is if they were going
18 to Cuba to fight Castro or to defend Castro.

19 Q Did you tell that to the FBI?

20 A No, I didn't tell them my opinion. I
21 just told him what happened to me.

22 Q Did you tell him that the men said they
23 were taking the money to buy arms to go to Cuba?

24 A Yes.

1 Q And he told you, "You have to go to the
2 local police, the FBI has nothing to do with this"?

3 A Yes, they said that I would have to go
4 to the local police because I was not their jurisdic-
5 tion.

6 Q Did they have you identify any photo-
7 graphs?

8 A Yes.

9 Q Did you mark the photographs?

10 A I identified them but I didn't mark
11 them.

12 Q Who kept the photographs?

13 A They kept them.

14 Q How long did you spend with these FBI
15 men on Tuesday, September 5th?

16 A 30 minutes to 45 minutes.

17 Q When you left did they make any appoint-
18 ment for you?

19 A No.

20 Q What did you do after you left?

21 A Then I went to the police.

22 By mistake I went to the City of Miami
23 Police to see a man by the name of Bencomo.

24 I went to the City of Miami and I

1 talked to a man there by the name of Bencomo.

2 I don't recall if that was the man I
3 talked to, but I went to the City of Miami and there
4 somebody--the man I talked to--told me I would have to
5 go to the County, where we are.

6 Q Did you that same day go to the County?

7 A I don't remember if it was the same day
8 or the next day I went to the Sheriff's Department.

9 Q But it was either that day or the next
10 day?

11 A More or less.

12 Q Well, was it a week later?

13 A Around the 6th more or less. I can't
14 recall exactly.

15 Q You were very worried, you went to the
16 police quickly?

17 A My worry was for the period to end, be-
18 cause I knew they weren't going to do anything until
19 the end of the time they had given me.

20 Q When you got to the Sheriff's Office
21 you saw Mr. Oller and Mr. Havens?

22 A I don't recall the names but I talked
23 to you and another Sergeant (indicating).

24 Q Did you tell the man sitting next to you

1 and the other man the whole truth about what happened
2 September 1st?

3 A Yes, sir.

4 Q Did you tell it to them just like you
5 just told it to me?

6 A Yes, I think it's about the same, maybe
7 a little detail has escaped me, but it was basically
8 the same.

9 Q Was it the same as you told the FBI
10 on Tuesday, September 5th?

11 A Not with as much detail to the FBI,
12 because as soon as I told them the general story, they
13 told me that they couldn't get involved with the case,
14 even though I think that they would be very interested
15 because of Donestevez.

16 They knew him very well there.

17 Q Did you identify photographs to Mr.
18 Oller?

19 A Yes.

20 Q The same photos that the FBI had shown
21 to you?

22 A I don't know if they were the same
23 pictures or copies, but they were the same people.

24 Q Did you bring those, or did Oller have

1 them?

2 A No, you had them (indicating the
3 interpreter).

4 THE INTERPRETER: Meaning I had them.

5 Q (By Mr. Josefsberg) Did you ever re-
6 ceive a letter from Los Tres?

7 A Yes.

8 Q When did you get it?

9 A A few days before the arrest, two or
10 three days before.

11 Q How long after you got it did you bring
12 it to the FBI--I mean to Mr. Oller?

13 A I don't recall exactly if it was the
14 same day or the day after.

15 The problem is after 5 you are not
16 there (indicating).

17 Q Did this letter arrive after 5?

18 A No, but I wasn't at home.

19 Q On Friday morning, September 15th, did
20 you receive or make any phone calls to or from Mr.
21 Donestevez?

22 A On Friday at 7 p.m. I received a threaten-
23 ing call.

24 Q Do you mean at 7 a.m.?

1 A 7 p.m.

2 Q That night?

3 A That night I received a call threaten-
4 ?
ing him.

5 Q What about early in the morning, did
6 you get any phone calls?

7 A I don't remember.

8 Q On Thursday, the 14th when you left Mr.
9 Oller and Mr. Havens and all the police, did you have
10 any arrangements for meeting them the next day?

11 A Yes.

12 Q When and where?

13 A Thursday. That is the day we called.
14 I don't remember..

15 Q How were you supposed to get back in
16 touch with the police on Friday?

17 A The arrangement was for the next day to
18 get the money from you at your office.

19 Q The next morning, Friday the 15th, did
20 you get any phone calls from Donestevez?

21 A On Friday morning after 7 I received--
22 after 7 a.m. I received a phone call from Donestevez.

23 In that call he changed the time whereby
24 the time for the delivery could not be in the afternoon,

1 nor at any other place, it had to be that same morning
2 at his factory.

3 Then from there I went directly to your
4 office (indicating) to tell you about the call.

5 Q How many times have you given sworn
6 statements about this case?

7 MR. TUNKEY: Tell him what a sworn statement
8 means (addressing the interpreter).

9 THE WITNESS: Two or three times.

10 Q (By Mr. Josefsberg) On September 15th
11 when you handed the envelope to Ramon Donestevéz, did
12 he count the money in front of you?

13 A Yes, but he stepped back.

14 Q Where was he?

15 A He was standing by the door and I was
16 about two or three meters outside.

17 He wanted me to come inside and I wanted
18 him to come outside.

19 Q You never went inside, did you?

20 A No.

21 Q He was outside and at the doorway?

22 A Right at the doorway.

23 Q Could you see him count the money?

24 A Yes. He stepped back (demonstrating).

1 When he went to get the money, he stepped
2 a couple of steps forward and stretched his hand.

3 Before this took place he was outside,
4 he was very nervous and he told me, pointing to a car,
5 "What car is that one over there? Who are those men
6 over there in that car?"

7 Q The conversation over there that morn-
8 ing, was anything discussed besides him moving up the
9 meeting time?

10 A He told me it could not be in the
11 afternoon, that it had to be at 10 o'clock in the
12 morning.

13 He told me it had to be at 10 o'clock.
14 I told him that that was too fast, and he answered
15 that it had to be at that time and at his place of
16 business at the factory.

17 MR. JOSEFSBERG: I have no further questions.

18 MR. TUNKEY: No questions.

19 We will waive the formalities.

20 (Reading, subscribing and
21 notice of filing waived.)

22 (Thereupon the taking of the
23 deposition was concluded.)

24 - - - -

