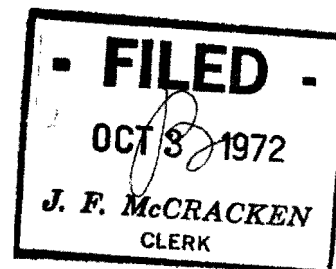


October 2, 1972

Robert Josefberg, Esquire
Suite 733
25 West Flagler Street
Miami, Florida



RE: STATE OF FLORIDA VS. RAMON DONESTEVEZ and EMILIO NAVARRO
CASE NO. 72-7137

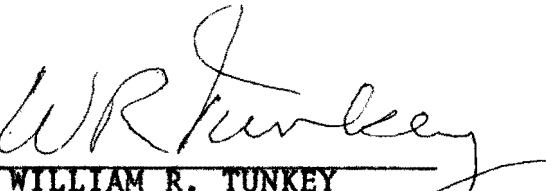
Dear Mr. Josefberg:

Enclosed herein are copies of (a) the telephone conversation between Jose Canto and Ramon Donestevez of September 14, 1972 and, (b) a copy of the tape recording of the conversation between Jose Canto and Ramon Donestevez which took place in front of 9970 Banyon Street on September 15, 1972.

Sincerely yours,

RICHARD E. GERSTEIN
STATE ATTORNEY

BY


WILLIAM R. TUNKEY
ASSISTANT STATE ATTORNEY

WRT:mtm
Enclosures

B

Clerk

October 2, 1972

- FILED -
OCT 3 1972
J. F. McCracken
CLERK

Gino Negretti, Esquire
111 Northeast Second Avenue
Congress Building
Miami, Florida

RE: STATE OF FLORIDA VS. RAMON DONESTEVEZ and EMILIO NAVARRO
CASE NO. 72-7137

Dear Mr. Negretti:

Enclosed herein are copies of (a) the telephone conversation between Jose Canto and Ramon Donestevez of September 14, 1972 and, (b) a copy of the tape recording of the conversation between Jose Canto and Ramon Donestevez which took place in front of 9970 Banyon Street on September 15, 1972.

Sincerely yours,

RICHARD E. GERSTEIN
STATE ATTORNEY

BY *W R Tunkey*
WILLIAM R. TUNKEY
ASSISTANT STATE ATTORNEY

WRT:mtm
Enclosures*



B

STATE ATTORNEY
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
METROPOLITAN DADE COUNTY JUSTICE BUILDING

SIXTH FLOOR
February 6, 1973
1351 N. W. 12TH STREET
MIAMI, FLORIDA 33125

FILED -
FEB 6 1973
RICHARD P. BRINKER
CLERK

RICHARD E. GERSTEIN

PHONE 371-7671

ROBERT JOSEFSBERG, Esquire
City National Bank Building
25 West Flagler Street
Suite 733
Miami, Florida (and)

Julie Ferrer, Esquire
Suite 105
1515 Northwest 7th Street
Miami, Florida

Re: State v. Ramon Donestevez and
Emilie Navarro, Case No. 72-7137

Gentlemen:

Pursuant to Rule 3.220, the undersigned Assistant State Attorney hereby provides copies of all police reports and witness statements in the above-entitled cause. The undersigned Assistant State Attorney hereby makes demand pursuant to Rule 3.220 for a list of all prospective defense witnesses, all witness statements within the possession of the defense and the right to view all physical exhibits which may or will be introduced at the time of trial.

Sincerely yours,

RICHARD E. GERSTEIN
State Attorney

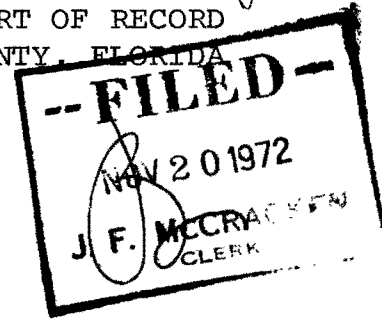
By 
WILLIAM E. TUNKEY
Assistant State Attorney

WRT/ac
cc: Clerk of the Circuit Court
Enc.

COPY

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)
)
 _____)

O R D E R

THIS CAUSE, coming on to be heard on the defendant RAMON DONESTEVEZ's Motion to Dismiss, Motion for Leave to File Further Motions, and Motion to Suppress, and the Court having heard testimony and argument of counsel, and being otherwise fully advised in the premises, it is

ORDERED and ADJUDGED that:

1. Said Motion to Dismiss be and the same is hereby denied;
2. Said Motion for Leave to File Further Motions is granted to the extent that counsel for the defendant RAMON DONESTEVEZ shall within ten (10) days after the discovery of additional information not previously produced, file additional Motions based upon such new evidence;
3. The defendant's Motion to Suppress be and the same is hereby granted;
4. That additional Motions filed on behalf of either defendant in this cause be and the same are hereby scheduled for hearing on January 8, 1973;

FILED AND RECORDED
IN CRIMINAL COURT OF RECORD
MINUTES AS INDICATED HEREON

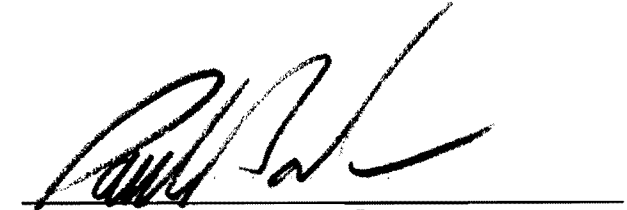
-1-

J. F. McCracken, Clerk
DORIS McVAY

By: _____
Deputy Clerk 565 PAGE 301

5. That this cause be and the same is hereby scheduled for trial on January 29, 1973.

DONE and ORDERED, in Open Court, this 6th day of November, 1972.



E. PAUL BAKER, Judge
Criminal Court of Record

cc: Pearson & Josefsberg, P.A.
Attorneys for Defendant Donestevez

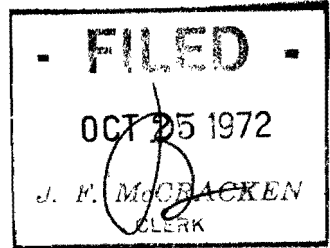
Julio R. Ferrer, Esquire
Attorney for Defendant Navarro

William Tunkey, Esquire
Assistant State Attorney

B

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 FOR LEAVE TO FILE
FURTHER MOTIONS

RAMON DONESTEVEZ, one of the defendants, moves this Honorable Court for leave to file such further motions as may be appropriate after he has had an opportunity to inspect any material which this Court may order produced, and to digest relevant material brought forth in depositions presently scheduled for October 24, 1972; such further motions would, if filed, be based upon information not presently in the possession of the defendant.

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

BY: Henry H. Harnage
Henry H. Harnage

WE HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Leave to File Further Motions was mailed this 24th day of October, 1972, to the State Attorney's Office, 1351 Northwest 12th Street, Miami, Florida 33125.

BY: Henry H. Harnage
Henry H. Harnage

B

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

FILED
OCT 25 1972
J. F. McCracken
CLERK

No. 72-7137

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

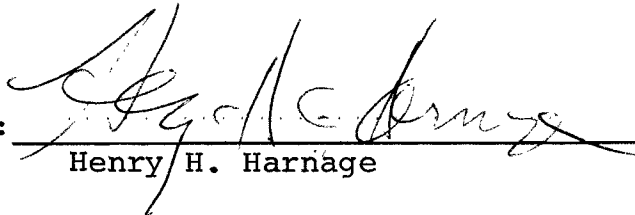
MOTION TO DISMISS

RAMON DONESTEVEZ, one of the defendants, by and through his undersigned counsel, moves that the Information in the above-styled cause against him and the charges sought to be stated therein be dismissed, and, as grounds therefor states:


(1) Counts I and II of the Information are vague, ambiguous and uncertain and do not set forth sufficient facts to inform this defendant of the specifics of the offenses or to enable him to prepare a defense to the charges and as such, deny to him rights guaranteed by the Florida and United States Constitutions.

(2) The Information does not in either Count state a crime or offense against the laws of the State of Florida.

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

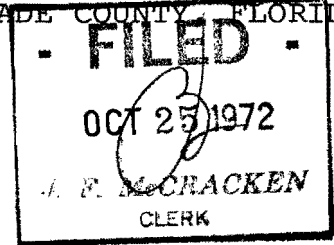
BY: 
Henry H. Harnage

WE HEREBY CERTIFY, that a true copy of the foregoing Motion to Dismiss was mailed this 24th day of October, 1972, to William R. Tunkey, Esquire, Assistant State Attorney, 1351 Northwest 12th Street, Miami, Florida 33125.

BY: 
Henry H. Harnage

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

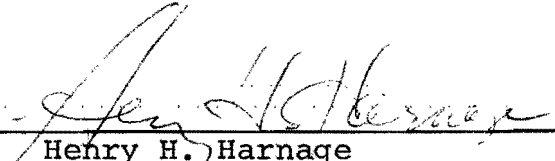
BY: 
Henry H. Harnage

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing Motion to Suppress was mailed this 24th day of October, 1972, to the State Attorney's Office, Attention: William R. Tunkey, Esquire, Assistant State Attorney, at 1351 Northwest 12th Street, Miami, Florida 33125.

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

BY:


Henry H. Harnage

B

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

CRIMINAL DIVISION

Case No. 72-7137

THE STATE OF FLORIDA :

Plaintiff :

-vs- :

RAMON DONESTEVEZ :

Defendant :

DEMAND UNDER RULE 3.220(a)(1)

- FILED -
JAN 26 1973
RICHARD P. BRINKER
CLERK

The Defendant RAMON DONESTEVEZ, hereby files

his written demand that the prosecutor disclose to counsel for the Defendant and permit him to inspect, copy, test and photograph, all information and material called for by Rule 3.220(a)(1)(i) through (xi), Florida Rules of Criminal Procedure [Eff. February 1, 1973].

PEARSON & JOSEFSBERG, P.A.
Attorneys for Defendant
733 City National Bank Building
Miami, Florida 33130

BY: Henry H. Harnage
HENRY H. HARNAGE

WE HEREBY CERTIFY that a true copy of the foregoing Demand Under Rule 3.220(a)(1), was delivered by MAIL, this 25th day of January, 1973, to The State Attorney's Office, at 1351 Northwest 12th Street, Miami, Florida 33125.

BY: Henry H. Harnage
HENRY H. HARNAGE

B

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

FILED -
FEB 2 1973
RICHARD P. BRINKER
CLERK

CRIMINAL DIVISION

CASE NO. 72-7137

THE STATE OF FLORIDA

:

Plaintiff

:

-vs-

MOTION TO COMPEL COMPLIANCE
WITH PRIOR ORDERS

RAMON DONESTEVEZ

:

Defendant

:

COMES NOW the defendant, RAMON DONESTEVEZ, by and through his undersigned counsel, pursuant to this Court's Rule No. 4, entitled Administrative Order on Pre-Trial Discovery, the new Florida Rules of Criminal Procedure 3.220 and moves this Honorable Court to compel compliance with this Court's prior rulings on the following grounds:

(1) On September 28, 1972, counsel for the defendant elected to invoke the Standard Motion Rule on Unilateral and Reciprocal Discovery and the Court granted same. The State stipulated to the taking of pre-trial depositions.

(2) The State has failed to comply with said Order by not producing for deposition DETECTIVE ROBERT EILAND, OFFICER ASKEW and SERGEANT HAROLD APPLGATE.

(3) Compliance with this Court's discovery Order is necessary to the preparation and presentation of the defendant's defense.

WHEREFORE, the defendant moves this Honorable Court to compel compliance with the Court's Standard Rule on Discovery.

PEARSON & JOSEFSBERG, P.A.
Attorneys for Defendant

BY: Henry H. Harnage
Henry H. Harnage

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Compel Compliance with Prior Orders was delivered by Hand this 2nd day of February, 1973 to the State Attorney's Office, 1351 Northwest 12th Street, Miami, Florida 33125.

PEARSON & JOSEFSBERG, P.A.
Attorneys for Defendant

BY: Henry H. Harnage
Henry H. Harnage