

✓

mrh

M.C.

IN THE COUNTY COURT IN AND FOR DADE  
COUNTY, FLORIDA, MAGISTRATE DIVISION

Honorable William J. Piquette,  
Committing Magistrate

75-10539

STATE OF FLORIDA, COUNTY :  
OF DADE, :

Plaintiff, :

-vs-

Case No. 75-26686

RAMON DONESTEVES, :

Defendant. :

Transcript of proceedings had and taken in the above-entitled cause before the  
Honorable William J. Piquette, one of the Judges of  
the above-styled Court, in Courtroom 3, Metropolitan  
Justice Building, Miami, Florida, on Thursday,  
November 20, 1975, commencing at 2:30 o'clock p.m.,  
pursuant to Notice.

75-10539  
CLERK OF DISTRICT COURT  
DADE COUNTY, FLA.  
03

75-10539  
CLERK OF DISTRICT COURT  
DADE COUNTY, FLA.  
06

75 DEC 12 PM 12 47

FILED FOR RECORD

1 APPEARANCES:

2  
3 HON. RICHARD E. GERSTEIN,  
4 State Attorney,  
5 By: PAUL RASHKIND,  
6 Assistant State Attorney,  
7 1351 Northwest 12th Street,  
8 Miami, Florida,  
9 On behalf of the plaintiff.

10  
11 STARR HORTON, ESQ.,  
12 904 City National Bank Building,  
13 25 West Flagler Street,  
14 Miami, Florida,  
15 On behalf of the defendant.

16 REPORTED BY:

17 PARKER McGEE, Shorthand Reporter

18 - - - - -

19 I N D E X

20 <u>Witness</u>	21 <u>Direct</u>	22 <u>Cross</u>	23 <u>Redirect</u>	24 <u>Recross</u>
Allen Vetterick	4	10		
Daniel Benitez	13	21	28	--
George Havens	30	--		

1 THE COURT: The first case will be the  
2 Donesteves case. If the State would call its  
3 witnesses we will swear them and proceed.

4 (Whereupon the witnesses  
5 were sworn.)

6 THE COURT: We have a thing called an  
7 adversary hearing, wherein you ask questions and  
8 so forth, is that what you want in this case?

9 MR. HORTON: I would like to ask that  
10 the Rule be invoked.

11 THE COURT: All right. We will call  
12 this an adversary hearing. Who, then, is your first  
13 witness, please?

14 MR. RASHKIND: Officer Vetterick.

15 THE COURT: All the other men step  
16 out in the hall and don't discuss this case at all.  
17 You may proceed.

18  
19  
20  
21  
22  
23  
24

1 Thereupon

2 ALLEN VETTERICK

3 was called as a witness by the plaintiff and, after  
4 having been first duly sworn, was examined and  
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. RASHKIND:

8 Q State your name and official capacity,  
9 please.

10 A Officer Allen Vetterick, Public  
11 Safety Department, Station 4.

12 Q Were you so employed on the 12th day  
13 of October, 1975?

14 A Yes, sir, I was.

15 Q On that date did you have occasion  
16 and/or opportunity to observe anyone with anything  
17 that looked like a weapon, or a firearm, to you?

18 A Yes, I did. It was a white male  
19 that was walking around the side of a boat warehouse  
20 at 9970 Banyon Street. The white male appeared to  
21 have an automatic weapon in his hand. At that time  
22 I drew my service revolver and asked him to drop the  
23 weapon. He dropped the weapon. I then disarmed  
24 him. He also had two other weapons on him. He had

1 a .380 caliber pistol and a .45 automatic pistol.

2 THE COURT: In his possession?

3 THE WITNESS: Yes, sir.

4 THE COURT: Where?

5 THE WITNESS: His back pocket, the  
6 two small firearms, and he had the machine gun in his  
7 arms.

8 Q (By Mr. Rashkind) Did there come a  
9 time when you spoke with him about carrying a firearm?

10 A Yes, sir.

11 MR. HORTON: I am going to object to  
12 it unless you establish who the defendant is.

13 THE COURT: He just said, "Yes," he  
14 talked to a fellow about a gun.

15 Q (By Mr. Rashkind) That guy wasn't  
16 the defendant, was he?

17 A No, sir.

18 Q And in the course of your conversation,  
19 did he lead you back to a boatyard?

20 A Yes, sir, there was some problem in  
21 communication. The man hardly spoke any English  
22 whatsoever. I just pointed to the weapon and said,  
23 "Do you have any more of those in the building?" And  
24 he said, "Yes."

1 THE COURT: Where is he, that fellow?

2 THE WITNESS: The fellow's name was  
3 Armondo Barbillo (phonetic).

4 THE COURT: Is he around town?

5 Q (By Mr. Rashkind) He is in the  
6 courtroom. Would you like to pick him out?

7 A Yes.

8 THE COURT: It's no use having hearsay  
9 when he is here.

10 MR. RASHKIND: I know that. I didn't  
11 ask him for any statement.

12 THE COURT: The conversation is hearsay.

13 Q (By Mr. Rashkind) Were you led back  
14 to the building by this individual?

15 A Yes, I was. He led me through the  
16 front door of the north side of the building into  
17 an office area where there was a large cabinet which  
18 contained approximately three other automatic rifles  
19 plus several boxes of ammunition, combat boots, Army  
20 fatigue shoes.

21 Q Then, in the course of your investiga-  
22 tion of this matter, did you have the opportunity  
23 to come in contact with Ramon Donesteves?

24 A Yes, I did.

1 Q And when was that in the course of  
2 this investigation?

3 A I asked Mr. Armondo Barbillo and he  
4 told me they were Mr. Ramon Donesteves's weapons.

5 MR. HORTON: I am going to object.

6 MR. RASHKIND: It's not coming in  
7 for its truthfulness, so it can't be hearsay. It's  
8 only coming in through the course of his investiga-  
9 tion.

10 MR. HORTON: I ask that the question  
11 be stricken from the record.

12 THE COURT: Sustain the objection,  
13 grant the motion. Continue.

14 THE WITNESS: Mr. Donesteves  
15 responded to the boat warehouse where at that time  
16 I asked him whose weapons they were. He stated they  
17 were his weapons. They were used for the protection  
18 of a half million dollar boat that was sitting on  
19 the west side of the boat warehouse.

20 Q (By Mr. Rashkind) At the time that  
21 you were talking to Mr. Donesteves, was he under  
22 arrest?

23 A No, sir, he was not.

24 Q Did you have any reason to place him

1 under arrest at that point?

2 A No, sir.

3 Q Was he in custody?

4 A No, sir.

5 Q Was he free to come and go as he  
6 pleased?

7 A Yes, he was.

8 Q Was he in handcuffs?

9 A No, sir.

10 Q And this all took place on the 12th  
11 day of October, 1975?

12 A Yes, it did.

13 Q And the guns Mr. Donesteves referred  
14 to in his office, would you describe the ones that  
15 he identified as his for his protection? Would you  
16 describe which guns there were that were in his  
17 office?

18 THE COURT: Excuse me. That wasn't  
19 the testimony. As I understand the testimony, it  
20 was that these guns were for the protection of a  
21 half million dollar boat that was sitting there.

22 MR. RASHKIND: Whatever the reason.  
23 The guns he identified as his own.

24 THE COURT: Now, he didn't say they



*Bryant-Stoebling Reporting Service, Inc.*

Miami, Florida



1        were his. There was no testimony of that, Counsel.

2                MR. RASHKIND: I think that is what  
3        the officer said.

4                THE COURT: Come on, Counsel, I don't  
5        know, I may have been mistaken, but I know counsel  
6        for the defense doesn't want to keep jumping up and  
7        down.

8                MR. RASHKIND: He hasn't jumped yet,  
9        Your Honor. My recollection of the testimony was  
10       that they were his.

11               Q        (By Mr. Rashkind) Did he make any  
12       statement to you about who owned the guns that were  
13       in that office?

14               A        Yes, after he arrived at the boat  
15       warehouse he stated to me that they were his weapons.

16               Q        And for what purpose did he have  
17       them?

18               A        He had them for the purpose of  
19       security of the boat warehouse and a half million  
20       dollar boat that was at the west of the warehouse.

21               MR. RASHKIND: I have no further  
22       questions.

23               Q        (By Mr. Rashkind) Is that boat-  
24       yard in Dade County, Florida?

1                   A     Yes, it is.

2                   MR. RASHKIND: I have no further  
3 questions of this witness.

4                   CROSS EXAMINATION

5 BY MR. HORTON:

6                   Q     Officer, this boatyard, does it have  
7 a sign on it?

8                   A     Yes, it does, sir.

9                   Q     And what is the sign?

10                  A     I believe it says "Operation Pueblo."

11                  THE COURT: Operation what?

12                  THE WITNESS: Pueblo.

13                  Q     (By Mr. Horton) Does it also have  
14 a sign on the building saying Perrona Diesel  
15 Corporation (phonetic)?

16                  A     To my knowledge, I did not see any  
17 sign.

18                  Q     When you went into the premises,  
19 this was a business premises?

20                  A     I have never seen it open for  
21 business. I have just seen the warehouse. I have  
22 never seen any customers.

23                  Q     Have you had it under surveillance  
24 prior to your entry at this time?

1 A No, I haven't.

2 Q So this was the first time you were  
3 there?

4 A Yes, sir.

5 Q Now, did you give the receipt, give  
6 any receipts for these guns?

7 MR. RASHKIND: Objection. There is  
8 no predicate for that. He didn't say he took any  
9 guns.

10 THE COURT: Overruled.

11 THE WITNESS: Did I give any receipts  
12 for any weapons? No, sir, I didn't take any  
13 weapons.

14 Q (By Mr. Horton) Did you check on the  
15 registry of these guns?

16 A No, sir, not at that time.

17 Q Later on did you ascertain who these  
18 guns were registered to?

19 A Mr. Donesteves showed me some  
20 receipts where he had purchased the guns from the  
21 Tamiami Gun Shop.

22 Q Did it say he had purchased it, or  
23 did it say some other person had purchased it on  
24 those receipts?



*Bryant-Stoebling Reporting Service, Inc.*

Miami, Florida

1                   A     I don't remember, sir.

2                   Q     So you don't remember who the  
3 purchaser was on the receipts that he had?

4                   MR. RASHKIND: I am going to object  
5 to the question because, one, it is outside the  
6 area of direct examination; secondly, this officer  
7 was not put on the stand for that purpose. I have  
8 got four more officers that will testify about  
9 this.

10                  THE COURT: Well, if he can answer.

11                  MR. RASHKIND: He didn't do the  
12 investigation.

13                  THE COURT: He has been saying--

14                  MR. HORTON: He has already made the  
15 statement that this man said they were his guns.  
16 Now, he says that they showed him a receipt for the  
17 guns. I want to know who the receipts-- who had  
18 purchased the guns.

19                  THE COURT: And his response was he  
20 didn't know.

21                  MR. RASHKIND: Right.

22                  THE COURT: Next question.

23                  MR. HORTON: No further questions.

24                  THE COURT: Let me review him.

1                   You are on patrol. You see a fellow  
2 with a machine gun in his hand, right?

3                   THE WITNESS: Right.

4                   THE COURT: That started the whole  
5 thing?

6                   THE WITNESS: Right, it aroused my  
7 curiosity.

8                   THE COURT: Thank you, Officer.

9                   (Whereupon the witness  
10 was excused.)

11 Thereupon

12                   DANIEL BENITEZ

13 was called as a witness by the plaintiff and, after  
14 having been first duly sworn, was examined and  
15 testified as follows:

16                   DIRECT EXAMINATION

17 BY MR. RASHKIND:

18                   Q     State your name and official capacity,  
19 please.

20                   A     Daniel Benitez, Detective, Dade  
21 County Public Safety Department.

22                   Q     And are you assigned to any specific  
23 detail in the Public Safety Department?

24                   A     Yes, sir, the Criminal Activists Unit.

1 Q All right. Did you have an  
2 opportunity on the 21st day of October, 1975, to  
3 visit with Ramon Donesteves?

4 A Yes, sir, I did.

5 Q What were the circumstances leading  
6 up to visiting with Mr. Donesteves?

7 A My section had received through  
8 routine channels a report from Officer Vetterick  
9 in which he stated that in Donesteves's boat  
10 factory were some firearms, and that he had been  
11 out there, and he had stated that they were his.

12 MR. HORTON: I am going to move to  
13 strike the testimony as he was told that outside  
14 the presence of the defendant. It's hearsay  
15 testimony.

16 THE COURT: I will screen it in my  
17 own mind, and yet, the fact remains he had received  
18 information through regular police channels that  
19 some defendant had some weapons. As a consequence  
20 of that you went there, correct, for an investiga-  
21 tion?

22 THE WITNESS: Yes, sir, at approxi-  
23 mately 5:00 p.m. I, along with several other  
24 Detectives, and Mr. Donesteves's probation officer,

1 Doug Keller, I believe, went down to Mr. Donesteves's  
2 place.

3 THE COURT: And that is the same day  
4 you got the information, 5:00 o'clock that same day?

5 THE WITNESS: No, sir, that is on  
6 another day. We got the information through routine  
7 report channels, which takes a few days.

8 THE COURT: A few days later you  
9 went over there?

10 THE WITNESS: Yes, sir.

11 THE COURT: With all those people.

12 THE WITNESS: Upon entering the  
13 building, to your immediate right is the door for  
14 Mr. Donesteves's office.

15 MR. HORTON: I am going to object  
16 to the statement, "Mr. Donesteves's office," unless  
17 he can identify it by a name, or some other fashion.

18 THE COURT: We don't know whose office  
19 it was.

20 Q (By Mr. Rashkind) We know there is  
21 an office there, correct?

22 A There is an office.

23 Q Did you meet with Mr. Donesteves?

24 A Yes, I did.

1                   Q     Where in the warehouse did you meet  
2     him?

3                   A     He was in the workshop area, directly  
4     past his office.

5                   MR. HORTON: I move to strike "his  
6     office," unless you can show it is his office.

7                   THE COURT: You are right. Don't  
8     call it his unless we know it is his. It is just  
9     an office.

10                  THE WITNESS: Directly past that  
11     office.

12                  THE COURT: Okay.

13                  THE WITNESS: I asked him if I may  
14     speak to Mr. Donesteves, at which time he said,  
15     "Yes, come into the office." Upon entering, he  
16     went to the office.

17                  Q     (By Mr. Rashkind) That office you  
18     referred to, did he lead you there?

19                  A     Yes, sir, he did.

20                  THE COURT: Who?

21                  THE WITNESS: Mr. Donesteves.

22                  THE COURT: Who is that?

23                  THE WITNESS: The defendant.

24                  Q     (By Mr. Rashkind) Do you see him



1 here today?

2 A Yes, sir, the gentleman in the blue  
3 shirt.

4 THE COURT: All right.

5 THE WITNESS: We went in that office,  
6 at which time I entered facing me there was a couch  
7 and the couch leans against the back-- leaning  
8 against the back of the couch, sitting on-- leaning  
9 against the back of the couch there were four loaded  
10 semiautomatic rifles.

11 Q (By Mr. Rashkind) Now, how were these  
12 guns located on the couch, in what position were  
13 they?

14 A They were placed upright with the  
15 butt resting on the seat of the couch and the  
16 sides resting against the wall, by the backrest  
17 of the couch.

18 Q Were they visible without doing  
19 any special kind of looking?

20 A Yes, sir, you couldn't miss them.

21 Q What happened when you got into the  
22 office that Mr. Donesteves invited you into?

23 A I advised him that if those weapons  
24 were his--and he stated that they belonged to the

1 company--I advised him if he knew that they had  
2 been there before to check, to seize these weapons,  
3 as they had been reported. He stated they were.  
4 At which time I asked him if he had any other weapons  
5 in the premises. He stated there were none in the  
6 premises.

7 We asked him if he would have any  
8 objection for us looking. He stated that he would  
9 not. We looked around on the outside right about  
10 ten feet up from where Mr. Donesteves had been  
11 before we went into the office. We found a .38  
12 caliber revolver under a baseball cap and at the  
13 desk of which Mr. Donesteves had been sitting on.  
14 The right side, I believe a drawer, there had been  
15 a Browning nine millimeter semiautomatic.

16 Q (By Mr. Rashkind) Was there any way  
17 of identifying that office as belonging to Mr.  
18 Donesteves? I mean by that, were there any name-  
19 plates or anything like that?

20 A I believe there was a nameplate.

21 MR. HORTON: I am going to object  
22 to what you believe. I want to know what you know.

23 THE COURT: That is true. There  
24 either was or was not.

1 THE WITNESS: On prior occasions  
2 I had been there to speak to Mr. Donesteves and he  
3 has used that office and his desk as his office and  
4 desk.

5 Q (By Mr. Rashkind) Does he sit behind  
6 that desk?

7 A Yes, he has.

8 Q I show you what is a composite of  
9 several photographs which purports to show various  
10 pistols and rifles. Do you recognize those  
11 pictures?

12 A Yes, sir, this is the copy of the  
13 photographs taken at the Public Safety Department,  
14 our office, of the weapons taken on the day in  
15 question.

16 MR. RASHKIND: For the purpose of  
17 this hearing and this hearing only I would move this  
18 into Evidence.

19 MR. HORTON: I have no objection.

20 THE COURT: Thank you. These are  
21 repetitious pictures, some of them.

22 MR. RASHKIND: No, sir, I don't think  
23 so.

24 THE COURT: Officer?

1 THE WITNESS: Yes, sir, Your Honor,  
2 some of them are the same photographs taken several  
3 times.

4 THE COURT: Sure, otherwise we would  
5 have a few dozen.

6 Q (By Mr. Rashkind) A total of how  
7 many rifles did you seize at that time?

8 A Four rifles.

9 Q And how many handguns?

10 A We seized one Browning automatic  
11 pistol and one .38 revolver. And we also seized  
12 a .22 caliber handgun that was kept outside by the  
13 cashier, in the cashier's box.

14 Q Is this building in Dade County,  
15 Florida?

16 A Yes, sir, it is.

17 Q Did you test each of these weapons  
18 you seized for operability?

19 A Yes, sir, we did. And we also have  
20 a lab report from our Public Safety Department Lab  
21 in which they state that all the weapons--

22 MR. HORTON: I would object to what  
23 they state.

24 THE COURT: Well, I will tell you

1 this is an area of what we call--

2 MR. RASHKIND: I will make it easy.

3 The examiner is here. I will put him on.

4 THE COURT: I am going to make it  
5 easier. I won't take that as credible hearsay.

6 MR. HORTON: Judge, as far as this  
7 hearing is concerned, I will stipulate there are  
8 firearms there.

9 MR. RASHKIND: And that they are  
10 operable?

11 MR. HORTON: I assume they are.

12 THE COURT: If that says they are,  
13 they are.

14 MR. RASHKIND: I have no further  
15 questions of this witness.

16 CROSS EXAMINATION

17 BY MR. HORTON:

18 Q Officer, is this building surrounded  
19 by any type of fence?

20 A Yes, sir, there is a fence.

21 Q Would you tell us what type of fence  
22 it is?

23 A I believe it is a cyclone fence  
24 with wire on the top.

1 Q In other words, it's a chain link  
2 fence with barbed wire on top?

3 A Yes, sir, I believe so.

4 Q What is the height of the fence?

5 A I don't have any idea.

6 Q Well, it is above your head?

7 A Yes, sir, it is.

8 Q And that surrounds the building?

9 A Yes, sir, I believe so.

10 Q And is the building marked for  
11 identification by any signs?

12 A There is a sign. I am not sure  
13 exactly what it says.

14 Q Is there any identification showing  
15 Perrona Diesel Corporation on it?

16 A I don't recall if there was any at  
17 the time.

18 Q Have you had occasion to have this  
19 place of business under surveillance for any period  
20 of time?

21 A At that time I had not.

22 Q Had it been reported to you at any  
23 time that there were security guards there?

24 A Yes, sir, it had been by Mr. Donesteves.

1           Q     And these security guards were using  
2     rifles in connection with the services on the  
3     outside security personnel?

4           A     I had a belief that they were.

5           Q     Don't tell me what you believe, tell  
6     me what you know.

7           A     Well, I did not know them to be  
8     security guards, because I did not ask them for  
9     proper identification.

10          Q     Now, did you ever see Mr. Donesteves  
11     at any time prior to your entering these premises  
12     with a gun?

13          A     No, sir.

14          Q     Now, after you entered that day and  
15     you went back to the workshop and there you found  
16     Mr. Donesteves, from the crux of your testimony?

17          A     I didn't go directly into the work-  
18     shop area. I entered the door. I observed Mr.  
19     Donesteves directly in front, but in another room.  
20     You could see right through the door, it was open.

21          Q     All right, you walked back there  
22     to see him?

23          A     Right, I was invited in.

24          Q     And you describe that as a workshop

1 area?

2 A That is what I would believe it to be.

3 Q And you told him there was a report  
4 of weapons being on the premises?

5 A Yes, sir.

6 Q And you said that you wanted to see  
7 them?

8 A I explained to Mr. Donesteves that  
9 if he had them I would like to see them.

10 Q He took you up into this other room  
11 where the weapons were on the couch?

12 A Yes, sir, he did.

13 Q And that is when you saw and  
14 confiscated these weapons that you have identified  
15 here by photographs?

16 A Yes, sir.

17 Q And now, Officer, did you check out  
18 the registration of these weapons?

19 A Yes, sir, I did.

20 Q And were any of these weapons  
21 registered in the name of Ramon Donesteves?

22 A No, sir, they weren't. I have the  
23 registrations, if I may look at them.

24 Q I really don't care about that.



1 MR. RASHKIND: Well, I would like him  
2 to.

3 MR. HORTON: Well, that is all right.  
4 Let me finish my cross examination with him and then  
5 you can come back and do anything you want.

6 THE COURT: Let me ask him. Who are  
7 they registered to?

8 THE WITNESS: Your Honor, one is in  
9 the name of-- I believe Daisy Donesteves and the  
10 other three are in the name of Juanna Van Buren  
11 Varrejo (phonetic), a white female.

12 Q (By Mr. Horton) Now, didn't you  
13 give out-- I have five receipts captioned Public  
14 Safety Department Property Receipts. Did you not  
15 give out these five receipts?

16 A Yes, sir, I did, those are copies.

17 Q And each one of these were given to  
18 the owners of those weapons?

19 A Yes, sir, they were.

20 Q And they signed for them?

21 A Yes, sir, they did.

22 Q And none of them had the name of  
23 Ramon Donesteves on it?

24 A Yes, sir, one of them does.

1 Q Which one has it?

2 A The one for the four rifles has the  
3 signature of Donesteves.

4 Q Is that Mr. Donesteves's signature  
5 or is that his wife's signature?

6 A That is the signature he put on the  
7 receipt when I asked him if he would sign.

8 Q And who were those weapons registered  
9 to?

10 A One, like I said, is Daisy  
11 Donesteves and three other ones to a Miss or Mrs.  
12 Juanna Van Buren Varrejo, I believe.

13 MR. HORTON: I would just like to  
14 have these marked for Identification at this time,  
15 Judge.

16 MR. RASHKIND: No objection.

17 THE COURT: Okay, you want to  
18 introduce them. Do you have any objection?

19 MR. RASHKIND: None, Your Honor.

20 THE COURT: All right, we'll accept  
21 them as defendant's Composite Exhibit A.

22 (Whereupon the exhibit described  
23 as Dade County Property Receipts  
24 were marked Defendant's Composite A.)



*Bryant-Stoebling Reporting Service, Inc.*

Miami, Florida

1 Q (By Mr. Horton) And did you ascertain  
2 who owned these premises?

3 A Yes, sir, I checked with the  
4 Secretary of State for corporate records. Let's  
5 see if I can find the date-- on June-- on October  
6 the 29th, 1975 and I received a reply on October  
7 30th, 1975, stating that Perrona Boat Corporation  
8 is registered as having a resident agent of the  
9 name Ramon Donesteves and an address given of  
10 9970 Banyon Street, Perrine, Florida. And it  
11 is registered as a corporation for profit.

12 Q All right, sir, and did you find  
13 out who the officers and directors were of that  
14 corporation?

15 A Yes, sir, Vice President and Director,  
16 Donesteves, Daisy. Secretary and Director,  
17 Donesteves, Pedro. And Director, Donesteves, Ramon.

18 Q All right, sir, and at that time  
19 isn't it also a fact that each one of the registered  
20 owners of those weapons was present and acknowledged  
21 his or her ownership of these particular rifles and  
22 pistols?

23 A At the time of arrest?

24 Q Yes.

1                   A     Yes, sir.

2                   MR. HORTON: I have no further  
3 questions.

4                   REDIRECT EXAMINATION

5 BY MR. RASHKIND:

6                   Q     Officer, did you have an opportunity  
7 to trace back the ownership on these guns beyond  
8 the most recent owners?

9                   A     No, I have not been able to yet.

10                  Q     Do you have any knowledge as to  
11 whether or not these guns were ever in the name of  
12 Ramon Donesteves?

13                  A     If I may look through my records, I  
14 have a registration of one of the weapons, I believe.

15                  MR. HORTON: I will save you time,  
16 Officer, they were all bought from the Tamiami  
17 Gun Shop. They were the previous owners.

18                  Q     (By Mr. Rashkind) And do you know  
19 who bought them from the Tamiami Gun Shop?

20                  THE COURT: You represented those  
21 were bought from the Tamiami--

22                  MR. RASHKIND: Not those.

23                  Q     (By Mr. Rashkind) Officer, are you  
24 aware of anyone that purchased those guns from the

1 Tamiami Gun Shop?

2 A I am aware of Miss Van Buren and  
3 Miss Donesteves.

4 THE COURT: Did you check the  
5 Tamiami Gun Shop?

6 THE WITNESS: Yes, sir, we did.

7 THE COURT: And the ladies came in  
8 and gave money and picked up the guns?

9 THE WITNESS: Yes, sir, they did.

10 THE COURT: And here is one receipt  
11 that you say Donesteves signed, right?

12 THE WITNESS: Yes, sir.

13 THE COURT: When you told him to sign--

14 THE WITNESS: I didn't tell him to  
15 sign. I asked him if he would sign for the property  
16 I was taking from him so I could give him a receipt.

17 THE COURT: You didn't ask him to  
18 sign for his gun?

19 THE WITNESS: No, sir.

20 THE COURT: I wanted to get that  
21 squared away.

22 Q (By Mr. Rashkind) Who is Daisy, in  
23 relation to the defendant, do you know?

24 A I believe it is his wife. I am not



*Bryant-Stoebling Reporting Service, Inc.*

Miami, Florida

1       sure.

2                   THE COURT:   You are not sure?

3                   THE WITNESS:  No, sir.

4                   Q     (By Mr. Rashkind)   And there is another  
5       male Donesteves?

6                   A     Yes, sir, I believe that is his son.

7                   THE COURT:   Son.   Anything else of  
8       this witness?

9                   MR. RASHKIND:  No further questions  
10       of this witness.

11                   (Whereupon the witness  
12       was excused.)

13       Thereupon

14                   GEORGE HAVENS

15       was called as a witness by the plaintiff and, after  
16       having been first duly sworn, was examined and  
17       testified as follows:

18                   DIRECT EXAMINATION

19       BY MR. RASHKIND:

20                   Q     Would you state your name and  
21       official capacity, please?

22                   A     George Havens, Police Sergeant,  
23       Dade County Public Safety Department.

24                   Q     Sergeant Havens, do you know Ramon

1 Donesteves?

2 A Yes, sir, I did.

3 Q Do you see him in the courtroom?

4 A Yes, he is the gentleman sitting  
5 down in the blue shirt and dark pants.

6 MR. RASHKIND: Indicating the  
7 defendant.

8 Q (By Mr. Rashkind) Were you present  
9 when Ramon Donesteves was sentenced for any crime  
10 in the Criminal Court of Dade County?

11 A Yes, sir, I was.

12 Q When was that?

13 A On the 13th day of March, 1973, before  
14 the Honorable Judge Paul Baker.

15 Q And what happened on the 13th of  
16 March?

17 A The defendant entered a Guilty plea  
18 on charges of robbery and charges of extortion.  
19 Subsequently he was sentenced to a period of five  
20 years probation in the State of Florida.

21 MR. HORTON: I am going to move to  
22 strike that, Your Honor, unless they are going to  
23 submit the public records.

24 MR. RASHKIND: That is not required.

1 THE COURT: Maybe it is, maybe it  
2 isn't. Did you hear the Judge recite the sentence  
3 that you just recited?

4 THE WITNESS: Yes, sir.

5 THE COURT: The Court sentencing him  
6 to five years probation?

7 THE WITNESS: Yes, sir.

8 THE COURT: On a plea of guilty?

9 THE WITNESS: Yes, sir.

10 THE COURT: You heard the Judge  
11 say that?

12 THE WITNESS: Yes, sir.

13 THE COURT: I accept that as testi-  
14 mony.

15 MR. HORTON: All right.

16 Q (By Mr. Rashkind) Were you there  
17 when any finding or adjudication was made?

18 A Yes, sir.

19 Q Was there any adjudication made  
20 that day or any other day?

21 A The defendant entered a plea and  
22 Judge Baker adjudicated him. A presentence  
23 investigation was ordered and at a subsequent time  
24 I was there when adjudication was once again upheld



1 by Judge Baker. Sentence was two to five years  
2 probation in the State of Florida.

3 Q Do you know if the Governor of this  
4 State had pardoned Mr. Donesteves from that  
5 sentence?

6 A No, sir, I do not.

7 MR. RASHKIND: I have no further  
8 questions of this witness.

9 MR. HORTON: I have no questions.

10 MR. RASHKIND: The State would rest  
11 on that, Your Honor.

12 MR. HORTON: Your Honor, I move the  
13 Court to dismiss the charge because this is brought  
14 under 790.23, which is a matter of possession and  
15 control of firearms by a man that has been  
16 convicted of a felony, et cetera. They have failed  
17 to prove that.

18 THE COURT: They have got enough for  
19 probable cause. He is bound over.

20 (Whereupon at 3:00 o'clock p.m.

21 the hearing was concluded.)  
22 - - - - -  
23  
24

**CERTIFICATE OF REPORTER**

STATE OF FLORIDA :  
: ss.  
COUNTY OF DADE :

I, PARKER McGEE, a C.P. Shorthand Reporter  
in and for the State of Florida at Large, hereby  
certify that I reported the foregoing hearing before  
the Honorable William J. Piquette, Magistrate, in  
the case of the State of Florida, County of Dade,  
Plaintiff, versus Ramon Donesteves, Defendant,  
at the time and place herein above set forth;  
and that the foregoing pages, numbered from 1 to  
33, inclusive, constitute a true and correct  
transcription of my shorthand report of the  
proceedings at said hearing.

WITNESS my hand this 7th day of December,  
1975, at Miami, Dade County, Florida.

Robert M. Lee  
Reporter