

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

CRIMINAL DIVISION

STATE OF FLORIDA,)
)
 Plaintiff,)
)
 -vs-)
)
 RAMON DONESTEVEZ,)
)
 Defendant.)

CASE NOS. A-75-10539

72-7137 A

E X C E R P T

CLERK OF DISTRICT COURT
DADE COUNTY, FLA.
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FILED FOR RECORD

The above-entitled cases came on for
Arraignment and Probation Report before The Honorable
ELLEN J. MORPHONIOS, Judge of the above-styled Court,
at the Metropolitan Justice Building, 1351 Northwest
12th Street, Miami, Florida, on Thursday, December
18th, 1975, commencing at 10:00 o'clock A.M., pursuant
to notice.

APPEARANCES:

JAMES WOODARD, Assistant State
Attorney, on behalf of the
State of Florida.

STARR W. HORTON, ESQUIRE,
on behalf of the Defendant.

* * *



I N D E X

<u>DEFENSE WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Alberto Marin	3	6	16, 17	17
Calixto Izquierdo	19	23	-	-
Tony Estrada	31	35	-	-
Rafael Contreras	38	41	-	-
Daisy Donestevez	44	50	-	-
Ramon Donestevez, Jr.	55	63	64	-



* * * * *

Thereupon --

ALBERTO MARIN

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

DIRECT EXAMINATION

BY MR. HORTON:

Q State your name and your address.

A My name is Alberto Marin. I live in 1050 West 27th Street.

Q What is your occupation?

A I used to work as a security guard.

Q By whom were you employed?

A Interamerican Detective Bureau.

Q Did you ever have occasion to do any security work for the Piranha Diesel Corporation?

A Yes, I was working as a security guard.

Q What period of time were you so employed by Piranha Diesel Corporation?

A Working there for about three months, something like that.

Q Can you give us the period of time that



you were so employed as to months and year?

A Not exactly. Just about three or four months.

Q Well, it was during the year 1975?

A Oh, yes, this year.

Q Was it recent?

A Yes, I am still working for them.

Q Were you there on October 21st, 1975?

MR. WOODARD: Objection to providing the date.

THE COURT: Overruled.

Q [By Mr. Horton] What were your hours of employment as a security guard?

A I really was working there any hours. I was taking care of the place any hour between, you know, with the other guards.

Q All right, sir.

Do you recognize any of the exhibits, State Exhibits meaning rifles that are in front of you?

A Oh, yes, I do.

Q Were those the weapons that you used in conjunction with your services?

A Yes, sir, I did.



Q Where did you store those guns?

A Right in the couch in there around the place.

Q Had you placed any of those weapons on the couch?

A Not that I recall.

Q Did you ever have occasion to know of any of -- yourself or anyone else sleeping in that particular room?

A Oh, yes.

Q Is that the reason the guns were stored there?

A Oh, yes, they were always there.

Q Did you ever have occasion to see Mr. Donestevéz in that room?

A Once in awhile, you know.

Q Did you ever know him to handle one of these rifles?

A I never saw him handle one of the rifles.

Q Did he ever tell you what to do with the rifles?

A Not really, no.

MR. HORTON: All right.



I have no further questions.

You may inquire.

CROSS EXAMINATION

BY MR. WOODARD:

Q I am sorry. Is that Mr. Marina
[phonetic]?

A Marin, M-a-r-i-n.

Q M-a-r-i-n?

All right, Mr. Marin. You have
indicated that you were employed by the Interamerican
Detective Agency, is that correct?

A Yes, sir.

Q That's owned and operated by Mr.
Orlando Batista, is that right?

A Right.

Q Were you, during the time you were
working at the Piranha Boatyard, employed by
Interamerican Detective Agency?

A No, I wasn't.

Q In other words, you'd worked for Mr.
Batista before and during this period of time you were
working for Mr. Donestevez?

A That's right.



Q Is that correct?

How many other security guards were employed at the Piranha Diesel?

A I don't exactly -- don't know the number. But, there was about four or five other guys.

Q Well, give me the names of the people that worked as guards at the plant.

A Armando Bobillo.

Q Who else?

A Izquierdo.

Q Is that a last name or first name?

A Last name.

Q How do you spell that?

A You want me to write it down for you?

Q Can you spell it?

INTERPRETER OSSARIO: I-z-q-u-i-e-r-d-o.

Q [By Mr. Woodard] Is that correct?

A Right.

Bebe.

Q How do you spell that?

A B-e-b-e.

Q Is that a last name, also?

A No, that's, you know, a nickname.



Q Nickname.

What does it mean translated in English?

A Baby.

Q All right.

Who else?

A I cannot recall any more names right now.

Q And yourself, is that correct?

A That's right.

Q All right.

You were working on the day that Mr. Donestevéz was arrested with these rifles?

A I was that date.

Q You were working there that night or the afternoon that the police came?

A Yes, I was.

Q Were you present on the premises that day?

A [Witness nods head.]

Q How many of these other persons, Mr. Bobillo, Izquierdo and Bebe were present on the premises at that time?

A Izquierdo and Bebe.



Q There were two other gentlemen on the premises, is that correct, plus yourself?

A Right.

Q And Mr. Donestevéz?

A Right.

Q Now, these are the four people that worked security at the plant as far as you know, is that correct?

A Yes, as far I can remember. I know there was maybe another couple of guys. I can't recall the names now.

Q Well, all of you don't work at one time, do you? You stagger your shifts so you cover the entire 24 hour period?

A Sometimes we are just there, but ---

Q Well, as a security guard -- you may all be there at one time, but as a security guard, you don't all four of you work one eight hour shift and leave the place open the other eight hours, do you?

A Sometimes we are there a lot, every night. The hours doesn't ---

Q Well, do you work a particular shift?

A Not really.



Q You didn't have any particular hours to come or any particular hours to go?

A No, sir.

Q Did you have any particular hours to work during the course of the day?

A No, sir.

Q You just showed up when you wanted to and went home when you wanted to?

A Right.

Q Okay.

Was the plant guarded 24 hours a day?

A Yes, sir, it was.

Q Were the guns provided to you by Mr. Donestevéz or did you purchase them yourselves?

A No, they were in there when I started working with them, you know. Mr. Bobillo was kind of the guy, you know, that knows everything there. We started using the guns, so he tell me: "This is the gun we take care of the place."

Q All right.

So, the guns were there when you started working?

A Right.



Q And Mr. Donestevéz is Piranha Diesel Company, isn't he? He owns and operates it?

MR. HORTON: I will object to that because the testimony has always been brought out that it is a corporation in Tallahassee.

THE COURT: All right, sustained.

Q [By Mr. Woodard] Who paid you?

A Excuse me?

Q Who ran the company from your observations of the company? Who ran it?

MR. HORTON: I will object to that, too, Your Honor.

THE COURT: Overruled.

MR. HORTON: Because I don't believe he is qualified to say.

THE COURT: Overruled.

Q [By Mr. Woodard] Who ran the company?

A I don't know.

Q Well, were you paid?

A You mean if I was paid for working there? No.

Q You weren't paid?

A No.



Q You worked gratuitously for nothing?

A Right.

Q Did you see Mr. Donestevéz giving orders to other people perhaps to do certain work or do certain things?

A On the boat.

Q On the boat? Okay.

Did it appear to you from what you saw during the time that you worked there that Mr. Donestevéz was the boss?

MR. HORTON: I will object to that question. It's improper.

THE COURT: Overruled.

Q [By Mr. Woodard] Your answer is yes or no, sir?

A I cannot really tell you no, he told me to do something and I do it. But, I mean, nobody is the boss over there. Everybody tries to ---

Q There is no boss, just a bunch of Indians?

A I mean, it's not really shifts, you know. Just like you tell me what to do, if I don't know how to do it. I was working there, too, and he



told me how to do the rifle and I did it.

Q Well, Mr. Marin, are you telling the Court that at this plant where there were a number of people working that no one appeared to be the boss, is that your testimony?

A I don't know. He told me what to do sometimes. He could have been the boss.

Q He, being Mr. Donestevez?

A Yes. Anybody else, Bobillo, who was the walking, you know, comparable, too.

Q Did you know Mr. Donestevez before you started working with Piranha Diesel?

A A few months before.

Q Pardon me? You knew him for a few months?

A A few months before.

Q And had you been in the boatyard during those few months before you actually started working there?

A I was working in there, you know.

Q Did you ever draw a paycheck from Mr. Donestevez' company?

A No.



Q Never got paid?

Have you ever seen Mr. Donestevéz in the office?

A Once in awhile.

Q Okay.

Have you ever seen him sitting behind the desk?

A Not that I recall.

Q Do you recall the desk in the office?

A Yes, sir, I do.

Q Do you recall Mr. Donestevéz' name plate on the desk?

A No, sir.

Q You recall the plaques on the wall with his name on them?

A The plaques on the wall, but I don't recall the names. I didn't read them.

Q Were you registered as a security guard at this time, sir?

A Yes, the company I was working for, they was closed. And to the moment, the officers came to the place and tell me it was closed. And — opened by another name. Orlando Batista closed and



opened another name. I didn't know that that happened.

Q Well, were you licensed as a security guard for Piranha Diesel with Dade County?

A I got my identification here.

Q Well, your identification concerns your work with Interamerican Detective Agency, doesn't it?

A Right.

Q You weren't working for Interamerican Detective Agency at that time, is that right?

A Right.

Q Were you licensed by Dade County as a security guard for Piranha Diesel Company?

A No.

MR. HORTON: Just a minute. Let me object to that question because I don't know that there is any requirement that a company has to license a security guard to protect its premises.

THE COURT: As of October 21st, all right, sustained.

MR. WOODARD: I have no further questions, Your Honor.



REDIRECT EXAMINATION

BY MR. HORTON:

Q Let me ask you this, sir: Are you also acquainted with Mrs. Donestevez?

A Will you repeat that question?

Q Were you also acquainted with Mrs. Donestevez, the wife of Mr. Ramon Donestevez?

A If I know her, you mean?

Q Yes.

A Yes, sir, I do.

Q Did she ever come on the premises?

A Oh, yes.

Q Did she work there?

A Yes, sure she works in there. She gets in there, starts making phone calls, this and that, you know.

Q Was she also in a position of authority that she could ask you to do something and you would do it?

A Oh, yes.

MR. HORTON: All right. I have no further questions.



REXCROSS EXAMINATION

BY MR. WOODARD:

Q Well, Mr. Marin, did you ever see Mrs. Donestevez carrying one of these around?

A Never, sir.

MR. WOODARD: No further questions.

REDIRECT EXAMINATION

BY MR. HORTON:

Q As a matter of fact, have you ever seen anyone carry any of those guns around except those who were doing security work?

A No, sir.

MR. HORTON: All right, thank you.

MR. WOODARD: No further questions.

THE COURT: May I ask one?

Don't answer yet because the State may object or Defense may object.

Why would you work for somebody for free?

Wait. Don't answer.

Any objection to the Court's question?

MR. HORTON: No.

MR. WOODARD: I don't object.



THE COURT: Why were you working there for free?

THE WITNESS: I think the Operacion Pueblo de Cuba, which is the name is very -- it's something you can work for free. I mean, if you feel like it. I mean, if you feel, you know, something you can do for your country and help in some way, you could do it. And that's what I was working there for free, because I feel good, you know, doing something for somebody else. Not for Ramon Donestevéz, for my country.

THE COURT: All right.

MR. WOODARD: I have no further questions, Your Honor.

THE COURT: Who?

MR. HORTON: All right. I have a -- I believe his name is Izquierdo.

THE COURT: All right, you may have a seat. Thank you, Mr. Marin.

THE CLERK: Please raise your right hand.

[Thereupon, the witness was sworn.]



Thereupon --

CALIXTO IZQUIERDO

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

DIRECT EXAMINATION

BY MR. HORTON:

Q State your name and address, please.

A My name is Calixto Izquierdo. I live 4360 Southwest 2nd Street.

Q What is your occupation?

A Electrician.

Q Are you acquainted with the Defendant, Ramon Donestevez?

A Come again?

Q Are you acquainted with the Defendant here, Mr. Ramon Donestevez?

A No.

Q You are not acquainted with him?

A I don't understand what you say acquainted.

THE COURT: Do you know him?

Q [By Mr. Horton] Do you know him?



A I know him. Sorry, I don't understand the question.

Q Have you had occasion to do any work for either he or the Piranha Diesel Corporation?

A Sometime when I went there he told me one day he need a corporation to do some electrical job on the boat. I tell him yes.

Q So, you did electrical work on the boat?

A That's right.

Q Did you ever do any security work as a guard?

A Yes, sir.

Q Do you remember what months or what period of time you did this work?

A I do it like part-time, because I do it free, you know. I didn't collect nothing for that because I believe in the Operacion Pueblo de Cuba, too.

Q So, your explanation is you work for nothing the same as the previous witness did?

A That's right.

Q Have you ever seen these exhibits being rifles or whatever you want to call them, that are



here on the Clerk's desk? Have you seen those?

A Yes.

Q Have you ever handled any of those?

A Yes.

Q Did you use them in the performance of security work?

A Yes, sir.

Q Where were those weapons maintained, stored?

A That weapon we got -- I don't know what you call in English, like big cloth, or something. Sometimes, we have got it open. Sometimes we got it open, because we use it back and forth.

Q Do you recall the day when Mr. Donestevez was arrested?

A The day Donestevez was arrested I went in the morning to the factory and do some electrical job on the boat. I went out to do one electrical job for myself. I don't remember exactly the moment when Donestevez was arrested. I come back about ten minutes after.

Q Was he there at that time or had he been taken away?



A When I come back Ramon was taken away already.

Q Now, the room where these weapons were stored, was that used by the security guards?

A Yes.

Q What did you use it for other than the storage of these rifles?

A One thing we put the rifle in that room and also we got a big couch in there. And we use it when we are two or three in there. We got some hour working one and the other one sleeping. And we make it back and forth like that.

Q In other words, while one was doing duty, the other one would be sleeping?

A Be sleeping.

Q And you slept there on the couch?

A That's right.

Q You are also acquainted with his wife?

A Yes.

Q I mean, Mrs. Donestevez?

A Mrs. Donestevez.

Q Was she active in the operation of this business?



A Yes.

Q Did you ever know Mr. Donestevez to take physical possession of these guns?

A No.

Q Did he ever tell you what to do with the guns?

A Never.

Q And you just were your own so-called boss, as the Prosecutor has said, in connection with this security work?

A Yes, sir.

MR. HORTON: I have no further questions.
You may inquire.

CROSS EXAMINATION

BY MR. WOODARD:

Q Mr. Izquierdo, who provided these weapons for you?

A We got -- weapon belonged to Mrs. Donestevez. Belonged to Juana. Another weapon belonged to Orlando Bobillo. Another weapon belonged to Marin.

Q Well, the weapons you specifically referred to as belonging to Mrs. Donestevez and to



Juana are the rifle type weapons, are they not?

A That's right.

Q Mrs. Bengurian is a lady about maybe 35 or so, dark hair, about that tall [indicating], isn't she?

A Yes, sir.

Q You ever see her carrying those guns around?

A Who?

Q Mrs. Bengurian.

A One time.

Q Really?

A Yes.

Q Was she wearing combat boots at the same time?

A What?

Q Was she wearing combat boots at the same time?

A Combat boot?

Q Yes.

A No, sir.

Q How heavy is that gun, sir?

A What?



Q How heavy is that gun?

A I never weighed it.

Q Pick it up.

Is it relatively light gun or relatively heavy rifle?

A Heavy rifle.

Q Did you ever see Mrs. Bengurian carrying three of those at one time, one on either shoulder and one in her hand?

A No.

Q Have you ever seen Mrs. Donestevéz patrolling the perimeter with one of those rifles?

A No.

Q You didn't purchase any of those weapons, is that correct?

A Pardon me?

Q You did not purchase any of those rifles?

A Property?

Q Buy. You didn't buy any of those?

A No, I didn't buy.

Q Who was the boss at Piranha?

A Boss is a corporation. I don't know.



I don't recognize any exactly any boss.

Q Well, when you got paid, who paid you?

A I don't get paid.

Q When you got called to work, who told you to work?

A Everybody. When I have to work, I tell everybody what to do if it's specifically my job. I am an electrician and if I have to do electrical job, I know what to do. And if it's somebody go help me, I tell him what to do, because I know what I do.

Q Did you get paid for doing electrical work at Piranha?

A No, I did that for free.

Q You did it for free, too?

A Yes, sir.

Q Who asked you to do the work?

A Who?

Q Who?

A Who asked me to do the work?

Q Um-hum.

A I told you before, Mr. Ramon Donestevéz asked me if I could help do electrical work on the boat.



And I said yes. But, he didn't give me any order to do that.

Q How long were you working at Piranha?

A Around Piranha about three months.

Q During that period of time, nobody appeared to be running the show, no one appeared to be the boss? Everybody was the boss and everybody worked, right?

A That's right.

Q As far as you know, Mr. Donestevéz was on the same level as a worker as everybody there?

A Exactly right.

MR. WOODARD: I have no further questions.

MR. HORTON: I have no questions.

THE COURT: I would like to ask one.

Once again, do not answer until both counsel have indicated whether there is any objection.

The question is: Who trained you to use these machine guns?

Don't answer.

Do you have any objection?

MR. HORTON: I have no objection.



THE COURT: Do you have any objection?

MR. WOODARD: I have no objection.

No objection.

THE COURT: All right.

Who trained you to use those machine guns?

THE WITNESS: Your Honor, I was in the Cuban Army five years. I was in the United States Army one year. I was in the Interamerican Detective Bureau about two years after. I am not working right now at the present time, but I am -- I got my credit card in some Federal Detective Bureau. I also cross my examination and everything that the State of Florida required.

THE COURT: Do you know whether Mr. Marin also had Army experience?

THE WITNESS: Yes.

THE COURT: Okay.

Just curious.

MR. WOODARD: One question, Your Honor.

MR. HORTON: Go ahead.

Q [By Mr. Woodard] Mr. Izquierdo, were you working for Interamerican at the time that



Mr. Donestevéz was arrested?

A No.

MR. WOODARD: No further questions.

THE WITNESS: Interamerican is broke out. The company are not working at the present time. I worked on Piranha Diesel, was solved Federal Detective Bureau.

Q [By Mr. Woodard] I am sorry. Were you working for them, the Federal Detective Bureau?

A I no working right now. I have my own credit card because I am working before.

Q No, no. At the time you were working for Piranha, were you employed by any detective agency at that time?

A No, no exactly employed.

MR. WOODARD: All right.

THE COURT: All right, Counsel.

MR. HORTON: I just wanted -- that's all. Thank you very much.

THE COURT: Thank you, sir.

If you will have a seat.

MR. HORTON: These are classified as rifles, Judge. They can't sell machine guns.



THE COURT: All right, rifles. Sorry. They look like a machine gun.

MR. HORTON: I know they do and believe me, they would have had Tamiami Gun Shop in here with us if they would have been machine guns.

THE COURT: Lousey phraseology.

MR. HORTON: Mr. Estrada.

State your name, please, sir.

MR. ESTRADA: Tony Estrada.

THE CLERK: I have to swear him.

MR. HORTON: I thought you had sworn him.

[Thereupon, the witness was sworn.]

THE COURT: All right, go ahead.

MR. HORTON: Thank you, Miss Clerk.



Thereupon --

TONY ESTRADA

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

DIRECT EXAMINATION

BY MR. HORTON:

Q State your name and your address.

A Tony Estrada, 11272 Southwest 203 Terrace.

Q What is your occupation?

A Plumber.

Q Plumber?

A Yes.

Q Are you presently employed?

A Yes.

Q Where are you employed?

A Not too much speak English. Me have Interpreter?

Q Who do you work for?

THE DEFENDANT: He needs an Interpreter.

THE COURT: Mr. Ossario will interpret.

Q [By Mr. Horton] Ask him who he works



for.

A [Through the Interpreter] I am not working now.

Q Did you ever have occasion to be employed or do any work for the Piranha Diesel Corporation?

A [Through the Interpreter] Yes, sir.

Q Can you tell us what period of time that was?

A [Through the Interpreter] A period of time, more or less it could have been, for instance, more or less, you know, would have been six months. But, I was working there before.

Q Were you working there during 1975?

A [Through the Interpreter] Yes, sir.

Q Can you tell us how long ago that your work there ceased?

A [Through the Interpreter] It could have been three, four months.

Q What type of work did you do?

A [Through the Interpreter] I just did all the plumbing on the boats.

Q Did you ever do any security work?



A [Through the Interpreter] Yes, sir.

Q Do you recognize the exhibits being the rifles that are on the Clerk's desk?

A [Through the Interpreter] Yes, I recognize those weapons.

Q Can you tell us were those weapons ever maintained on the premises of Piranha Diesel Corporation?

A [Through the Interpreter] We used to utilize them for the security of the building.

Q Did you, yourself, utilize those weapons?

A [Through the Interpreter] Yes, some occasions I did.

Q Did you ever have occasion to store or put the weapons inside the premises, being the building?

A [Through the Interpreter] Yes, most of the time I used my own weapon. I have a pistol.

Q All right.

Can you see the pistol that you owned on the desk?

A [Through the Interpreter] My pistol was not taken from me.



Q All right.

Were these weapons stored in a room there in the building used by Piranha Diesel Corporation?

A [Through the Interpreter] Yes, exactly the occasion I saw them, they were stored there.

Q Did you ever have occasion to see them stored on a couch in one of the rooms?

A [Through the Interpreter] I saw them always away somewhere.

Q All right.

Did you ever have occasion to sleep on the premises while doing security work?

A [Through the Interpreter] Yes, sir.

Q Is that -- did you sleep in the same room where these rifles were stored?

A [Through the Interpreter] I did not sleep because I was on duty.

Q All right.

Did anyone else sleep?

A [Through the Interpreter] Yes, there was always one or two persons there. Due to the situation that the factory was going through, they were being threatened about being bombed out.



Q And did you ever see Ramon Donestevez in possession of one of these rifles or pistols?

A [Through the Interpreter] On no occasion at all.

Q Did he ever give any orders with respect to the use of these weapons?

A [Through the Interpreter] Never. Not that I know.

MR. HORTON: I have no further questions. You may inquire.

CROSS EXAMINATION

BY MR. WOODARD:

Q I am sorry. What is your name, last name, please?

A [Through the Interpreter] Tony Estrada, E-s-t-r-a-d-a.

Q All right.

Mr. Estrada, who was the boss of the Piranha Boat Company?

A [Through the Interpreter] Piranha's Company under the name of Mr. Ramon Donestevez.

Q Do you have a nickname, Mr. Estrada?

A [Through the Interpreter] No, sir.



Tony Estrada is my name.

Q Were you working for Mr. Donestevéz at the time that he was arrested and these rifles were taken by the police?

A [Through the Interpreter] No, when he was arrested -- when he was arrested I wasn't present. I did some duty the night before that.

Q Who gave you the guns to use in your security work?

A [Through the Interpreter] I already mentioned that I used my own pistol.

Q All right.

Do you know where the guns on the table as State's Exhibit No. One and No. Two, that's the rifles, where they came from?

A [Through the Interpreter] I ignore that.

Q Did you ever work as a detective or as a private security officer?

A [Through the Interpreter] No, sir. I always work as a plumber.

Q More money?

A [Through the Interpreter] I was a member of the military in Cuba. I know how to handle



weapons.

Q Are you familiar with the office that is just inside the door to the Piranha Company?

A [Through the Interpreter] Yes.

Q Is that Mr. Donestevez' office?

A [Through the Interpreter] Well, he goes in and out into that office. He is the one who utilizes it to run his business.

Q Is there a desk inside of that office?

A [Through the Interpreter] Um-hum.

Q Is that Mr. Donestevez' desk?

A [Through the Interpreter] It looks that way. I think so.

MR. WOODARD: I have no further questions.

MR. HORTON: I have no further questions.

THE COURT: All right.

Who do you want, Counsel?

MR. HORTON: I would like Mr. Rafael Contreras.

THE DEFENDANT: Contreras.

THE COURT: Swear him.

THE CLERK: Please raise your right



hand.

THE COURT: Do you understand English?

Mr. Ossario?

INTERPRETER OSSARIO: Yes, ma'am?

THE COURT: Translate.

Proceed.

[Thereupon, the witness was sworn.]

Thereupon --

RAFAEL CONTRERAS

was called as a witness on behalf of the Defendant and, after having been first duly sworn, was examined through the Interpreter Fausto S. Ossario, and testified as follows:

DIRECT EXAMINATION

BY MR. HORTON:

Q State your name and your address.

A Rafael Contreras, R-a-f-a-e-l

C-o-n-t-r-e-r-a-s.

1310 West 29th Street, Hialeah.

Q What is your occupation?

A Television.

Q Are you presently ---



A [The witness] Repair television.

Q Are you presently employed?

A Yes.

Q By whom?

A [The witness] My own shop.

Q Where is that located?

A Business. 213 Palm Avenue.

Q That's in Hialeah, Florida?

A [The witness] Yes.

Q Did you ever have occasion to work for the Piranha Diesel Corporation at 9970 Banyan Street?

A No.

Q Did you ever do any security work for them?

A Yes.

Q Can you tell us what period of time that you performed security work?

A At nights.

Q Can you tell us, was that in the year 1975?

A Yes.

Q Were you so employed say during the month of October, 1975?



A Yes.

Q Did you have occasion to see these rifles and pistols that are on the Clerk's desk?

A Yes.

Q Can you tell us what they were being -- were they being used?

A Just taking care of the place outside.

Q Did you ever have occasion to use one of these rifles?

A Yes.

Q And you used it in conjunction with a security guard?

A Yes.

Q Where did you store it?

A [The witness] I gave them back to Izquierdo. I don't know where he put it.

Q Did you ever see these rifles in any of the rooms of the Piranha Diesel Corporation?

A No.

Q Did you ever see Mr. Ramon Donestevéz in possession with one of these guns?

A [The witness] Never.

Q Did he ever give you any ---



MR. WOODARD: Judge, let me make one objection for the record and that pertains to all of the remarks of counsel. So far when counsel is saying Mr. Donestevez in possession, I presume that's saying in the manual possession of these items.

THE COURT: I assume the same.

MR. WOODARD: Otherwise, we are objecting as it being a legal conclusion.

THE COURT: I am making the same assumption, otherwise you'd be sustained.

MR. HORTON: I intended it that way, Your Honor, because the other I think is subject to a lot of interpretations.

Q [By Mr. Horton] Did Mr. Ramon Donestevez ever tell you or instruct you in any manner in which these rifles or pistols were to be used?

A [The witness] No.

MR. HORTON: I have no further questions.

CROSS EXAMINATION

BY MR. WOODARD:

Q How -- I am sorry. How do you pronounce your last name, sir?

A Contreras, C-o-n-t-r-e-r-a-s.



Q Mr. Contreras, where did you get the rifles that you used in your security work with Piranha?

A Where did I get them from?

Q Yes, sir.

A Mr. Estrada gave them to me.

Q All right.

Who was the boss at Piranha?

A What kind of boss are you referring to?

Q Do you know Mr. Donestevéz to run and operate Piranha?

A So far as the construction of the boats, yes.

Q Were you paid in the activities as security that you were working?

A No.

Q Have you ever worked as a security guard for pay?

A No.

Q How many days a week would you normally work?

A There?

Q There at Piranha?



A A lot of times.

Q Well, on the average, how many days a week would you go into work to work security?

A Weekly.

Q Well, would you go in once a week, twice a week, three times a week?

A Four or five.

Q How many hours would you work a week?

A Five or six hours at night.

Q Five or six per night?

A Yes, sir.

Q So, a total of 25 to 30 hours per week on the average?

A More or less.

Q All right.

The other men who have already testified here today, not being full time security, would do as you would do and come in part-time for four or five hours, is that correct?

A Yes, more or less.

MR. WOODARD: I have no further questions.

THE COURT: Next witness.



MR. HORTON: All right.

We will call Mrs. Donestevez.

THE COURT: Mrs. Donestevez, please
come forward.

Thank you, Mr. Contreras.

THE CLERK: Please raise your right
hand.

[Thereupon, the witness was
sworn.]

Thereupon --

DAISY DONESTEVEZ

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

DIRECT EXAMINATION

BY MR. HORTON:

Q State your name and your address.

A Daisy Donestevez, 9290 Southwest 99th
Street.

Q I tell you, don't talk to the Prosecutor.
He's got to root for himself. Talk to the Judge.

Are you married?

A Yes.



Q Are you married?

A Yes.

Q To whom are you married?

A Mr. Ramon Donestevéz.

Q Do you have any children?

A Four children.

Q How many?

A Four children.

Q What are their ages?

MR. WOODARD: Objection. Irrelevant
and immaterial.

THE COURT: Sustained.

Q [By Mr. Horton] All right.

Do you have any official position with
the Piranha Diesel Corporation?

A Yes, my husband.

Q Pardon?

A I am vice-president of the company.

Q You are a director, also?

A No, I am a housewife.

Q I see. All right.

Do you own any stock in the corporation?

A Yes.



Q How many shares of stock do you own?

A No, I don't know anything about the stock. I don't know anything about that.

Q Did you ever have occasion to do any work at the Piranha Diesel Corporation?

A Well, sometime I help my husband.

Q Did you ever have occasion to purchase these rifles that you see on the Clerk's desk?

A Yes.

Q Do you recall when that purchase was made?

A I don't know exactly, but I do it in my own way to give it to the man to protect our factory.

Q Protect your factory?

A Our factory, yes.

Q Did you purchase those guns at the request and direction of your husband or did you purchase them on your own?

A He doesn't have anything to do with it. It's for protection of my husband's life and our factory. My husband's and my children's factory.

Q Did your husband at any time physically take possession of these guns?



A No, I personally went to the Tamiami Gun Shop and give it to Juana for the man in the factory.

Q Have you ever heard your husband give any of the security guards any directions or instructions as to the use of these rifles?

A No, at that time I wasn't there.

Q All right.

Do you know whether or not your husband has at any time maintained an office for himself on the premises?

A Well, this office is for everybody.

Q Everybody uses the office?

A Yes.

Q Do you use that office?

A Sometimes I sit down in the desk.

And another person, everybody goes ---

Q Do the security guards use that office?

A Of course, yes.

Q Do they sleep there?

A Yes, there, of course.

Q Have you ever observed any of the security personnel or these men that have testified



before you, sitting at the desk?

A In the desk and taking the couch sometimes at night.

Q You mean, they sleep on the couch at night?

A Yes.

Q Do you have any authority to tell anyone to do any certain particular act there around the Diesel Corporation?

A In reference to boat?

Q Yes.

A They work in the boats, but no other things.

Q Did anyone ever give -- was anyone in charge of the security there?

A Well, the man who work with my husband, the Operacion Pueblo de -- people of Cuba.

Q Your husband was in charge of the Pueblo de Cuba?

A No, this is an operation from everybody.

Q No, my question was -- and I just want to see if I got the right answer was -- who was in charge of the security personnel?



A Well, everybody wants to help.

Q Was there anyone that was, as the Prosecution says, the boss of the security personnel?

A Well, not exactly the boss because everybody want to help. They offered to help and they are welcome.

Q And you just let them go their own way?

A Their own way, if they know what they are doing.

Q All right.

Did the men that have testified previous to you, did they know what to do in connection with security work?

MR. WOODARD: Objection. Calling for a conclusion.

THE COURT: Sustained.

MR. HORTON: I have no further questions. You may inquire.

THE COURT: Any cross?

MR. WOODARD: Yes, Your Honor.

CROSS EXAMINATION

BY MR. WOODARD:

Q Mrs. Donestevez, concerning Piranha



Diesel Corporation, that corporation was dissolved or disbanded, was it not?

A I don't understand that question.

Q Do you know that there was a corporation doing business at this Banyan Street address, the Piranha Diesel Corporation?

A Yes.

Q You are the vice-president of that corporation?

A Yes.

Q Is it not true that Piranha Diesel Corporation was dissolved, disbanded and no longer exists under that name?

A Yes.

Q All right.

Was there another corporation formed to replace Piranha Diesel Corporation?

A Not at that moment.

Q No corporation?

A No.

Q So, now you and Mr. Donestevéz are doing business under your own name rather than under the corporate name, is that correct?



A Maybe I don't understand.
Can you explain in Spanish?
[Thereupon, the Interpreter
assisted.]

A No, there is a corporation for making
the boats.

Q What is the name of the corporation?

A Piranha Diesel.

Q The corporation has not been dissolved?

A No.

Q Did you purchase these weapons while --
well, let me clear up one matter Mr. Horton brought
up.

You didn't buy all four of these
rifles, did you?

A Oh, no.

Q You bought one of them?

A Yes.

Q Did you buy the gun in your name or in
the corporate name?

A Well, I signed my name because they
were registered in my name.

Q And the other three guns were bought by



Mrs. Bengurian?

A Yes, my husband's secretary. Yes.

Q Were you present when Mrs. Bengurian bought the other three guns?

A No, I wasn't.

Q Did she buy the other three guns before or after you bought the gun?

A I don't know anything about it.

Q Now, have you ever been in the military, Mrs. Donestevez?

A No.

Q Have you ever been a police officer?

A Never.

Q Have you ever been trained in the use of firearms?

A No, no, no. I only bought this for the protection of the factory, not for me.

Q All right.

Who told you to buy these guns?

A Myself.

Q Yourself?

A Yes.

Q You took it upon yourself to go with a



check or with the money?

A Yes.

Q Down to the gun store?

A Because ---

Q You picked these out by yourself and took them back, is that correct?

A Yes. I took it to one of the men at the factory.

Q But, before you went down there nobody said go buy a particular rifle?

A No, no. But, I knew my husband need protection. The factory need protection.

Q I understand that, Mrs. Donestevéz. My question is: Before you went down to the gun store, put your money down on the table and got one of these rifles, no one told you: "Mrs. Donestevéz, please go down to the gun store and buy one of these rifles?"

A No, I went myself and I took it to the factory and give it to one of the men.

Q And you picked this particular gun out all by yourself, is that right?

A Didn't tell me which one because to me



all look the same.

Q Who told you to buy that particular rifle?

A I told you.

MR. HORTON: I will object to the question as being repetitious.

THE COURT: Sustained. Let's go.

Anything further?

MR. WOODARD: One further question, Your Honor.

Q [By Mr. Woodard] Mrs. Donestevez, who was the boss of Piranha Diesel?

A My husband is not the boss. Apparently, is the boss of the working in the factory for the boss.

Q Well, if there are two areas or two bosses ---

THE COURT: Not charged with being a boss, he is charged with possession of a firearm by a convicted felon. Can we proceed?

Q [By Mr. Woodard] Mrs. Donestevez, other than your husband, who was in a position to give orders at Piranha Diesel Corporation?

A I can give orders if he is not there.



Q If he is not there?

Who else?

A My son. They are too small, too young.
And they can say what they want to do in the factory.

THE COURT: Next witness.

MR. HORTON: All right. We will call
Ramon Donestevez, Junior.

THE CLERK: Please raise your right
hand.

[Thereupon, the witness was
sworn.]

Thereupon --

RAMON DONESTEVEZ, JUNIOR

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

DIRECT EXAMINATION

BY MR. HORTON:

Q State your name and your address.

A My name is Ramon Donestevez. I live
at 9290 Southwest 99th Street.

Q What is your age?

A I am 21 years old.



Q Are you married?

A No, I am not.

Q Are you employed?

A Not right now.

Q Do you do any -- are you doing any
type of work right now?

A No, sir, not right now.

Q In the immediate past, have you been
employed?

A Yes, I have.

Q What type of work were you doing?

A I was in construction.

Q By whom were you employed?

A I don't remember the name of the
company.

Q Are you a student?

A Yes, I am.

Q Where are you attending school?

A Dade South.

Q How long have you been attending school
there?

A One year.

Q Have you ever had occasion to be on the



premises of the Piranha Boat or Diesel Corporation at 9970 Banyan Street?

A Yes, sir.

Q Have you ever had occasion to do any type work there?

A Yes, I used to work there for my dad a long time ago.

Q What type of work did you do?

A Worked on the boats, made boats in the back.

Q Have you ever had occasion to see these rifles that are on the desk?

A Yes, sir.

Q Where did you see those rifles?

A Well, they were inside the office where anybody could see them. They weren't being hidden or anything. They were right there on the couch.

Q Let me ask you this: Were those guns ever there on the premises -- or, first of all, are you acquainted with Mr. Dewey Keller?

A Dewey Keller?

Q Yes, the probation officer.

A No, sir, I am not.



Q Now ---

A I have seen him before.

Q You have seen him before?

A I have seen him before.

Q Has he ever been on the premises of the Piranha Diesel Corporation before?

A Yes, sir. I saw him there at one time.

Q Were these guns there at that time?

A I don't remember. I don't remember.

Q Can you tell us when it was?

A Pretty long time ago, sir. I don't exactly know what date.

Q Was there ever any attempt to hide these guns that you know of?

A Like I said, anybody could have walked in the office and there they were. There was nothing to hide. They were there and everybody knew they were there.

Q Who used those guns?

MR. WOODARD: Let me object and move to strike the witness's remarks: "Everybody knew that they were there. And that everyone could see them there."



THE COURT: All right. Sustained.

Q [By Mr. Horton] Well, there was nothing to obscure the sight of these guns when you walked on the premises?

A I don't exactly -- what ---

Q In other words, when you stepped into the front door of this building, there was nothing to obscure your view of these guns?

A No, sir.

MR. WOODARD: Objection, Your Honor.
Is that a statement or question?

MR. HORTON: That's a question in a statement form.

MR. WOODARD: Well, I object to questions in statement form.

THE COURT: Overruled.

It's already been established they were laying on top of the sofa.

MR. WOODARD: At that particular time.

Q [By Mr. Horton] Who had the custody of those guns?

A Well, sir, I know that he had -- like, I guess it's security guards.



Q All right.

When you speak of "He", you are speaking of your father?

A No, sir. He's got nothing -- he's not the one that takes care of the factory. It's the men that are there.

Q Who was in charge of the security, did you know?

A Really, nobody was in charge. The men came voluntarily and they take care of the factory.

Q Did you ever see your father in possession of one of these guns?

A No, sir, not at all.

Q To your knowledge, has your father ever owned a gun?

A He owned a gun a long time ago. I know he doesn't carry one now because he's not allowed to.

Q When you say "a long time ago", when was that?

A A couple of years ago.

Q This room in which these guns were stored, is there a desk located in that room?

A Yes, sir, there is.



Q Is this an office? Would you call this room an office, described as an office?

A Yes, you could call it an office.

Q Would you tell us who used this office?

A Well, sir, everybody had access to this office. So, I could say that everybody used the office.

Q And the desk, did anyone in particular sit behind that desk?

A No, no, no. A lot of security -- when I would walk in the office, a lot of security people would be sitting. Like a couple of men would be sitting behind the table. Not a couple, but a few of the men.

Q When you say, "the table", is there a table along side the desk or are you speaking of the desk?

A I am speaking of the desk.

Q So, the security personnel would sit behind that desk?

A Of course.

Q Now, is there any plaque or sign on



that desk that has a name on it?

A There is no plaque. I know they have mentioned that a few times. There is no plaque on that desk. There is no name on that desk.

Q Is there any indication on the door as to the identification of that office?

A No, sir, there isn't. The only thing outside it says is Piranha Diesel. That's the only thing that I can remember.

Q Now, the plaques on the wall, were there any plaques on the wall?

A Yes, sir, there were.

Q Would you tell us what those plaques describe?

A Well, one was from -- saying that my dad's a marine engineer. And there was another plaque, some other award he got a long time ago.

Other than that ---

Q There is nothing else?

A There is a picture of us, you know, of his family, as far as I can remember. And an American Flag. But, that's not a plaque.

MR. HORTON: I have no further



questions.

THE COURT: Any cross of the son?

CROSS EXAMINATION

BY MR. WOODARD:

Q Mr. Donestevez, are you familiar with the present corporate status of Piranha Diesel?

A What exactly do you mean by that, sir?

Q Are you an officer or have you been an officer in Piranha Diesel?

A No, no.

Q Are you familiar sir, as to whether or not the corporation, Piranha Diesel Corporation is still in existence?

A I couldn't tell you that, sir.

Q Your father owns and operates Piranha Diesel, does he not?

A Yes, sir. He does.

Q That's a family held organization, is it not?

Your mother and your father primarily?

A Yes. Yes.

Q Are there any other -- strike that.

Is the desk in the office used by your



father?

A It's not primarily used by my father. It's been used by my father and a lot of other people.

Q Is the office used by your father?

A It's been used by my father and a lot of other people.

MR. WOODARD: I have no further questions.

THE COURT: Next.

MR. HORTON: May I just ask him one question on this boat trip that transpired and took place on Saturday, I believe it was? Would be the 13th, I guess.

REDIRECT EXAMINATION

BY MR. HORTON:

Q Did you have occasion to go on that trip with your dad this past Saturday?

A Did I go on it?

Q Yes.

A No, sir, I didn't go on it.

Q Did your mother go?

A No, sir, she didn't go on it.

Q All right.



Were you at home?

A Yes, sir, I was at home.

MR. HORTON: All right. I have no further questions.

MR. WOODARD: Nothing further.

MR. HORTON: Shall we continue on, Your Honor? I have five more witnesses I am going to call.

THE COURT: No. Something has come up that I am going to have to depart on. We will have to recess until 4:15.

MR. WOODARD: All right, Your Honor.

THE COURT: All right. This hearing is recessed until 4:15.

[Thereupon, the requested testimony was concluded.]

* * * * *



