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

CRIMINAL DIVISION

STATE OF FLORIDA,)
)
 vs.)
)
 ANTONIO CALATAYUD,)
)
 Defendant.)
)
 _____)

No. 77-29739

[Handwritten signature]
APR 10 1978
CLERK OF COURT

DEPOSITION OF:

DEOFILO BABUN

April 10, 1978
Monday, 11:45 a.m.

Taken on behalf of the State of Florida at the
Metropolitan Justice Building, 1351 Northwest 12th
Street, Miami, Florida, pursuant to Notice of
Taking Deposition.

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OFFICIAL REPORTER, CIRCUIT COURT
TELEPHONE 374-1714

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WITNESS

DIRECT

CROSS

Deofilo Babun

3

--

EXHIBITS

(None marked)

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APPEARANCES:

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JANET RENO, State Attorney, by
ANDREW SLATER, Certified Legal Intern,
On behalf of the State of Florida.

GINO NEGRETTI, Esquire,
On behalf of the Defendant.

- - - - -

Thereupon:

DEOFILO BABUN

was called as a witness and, having been first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SLATER:

Q Sir, my name is Andrew Slater. I'm
a Certified Legal Intern with the State Attorney's
Office.

The fact that I'm a Certified Legal
Intern, means I'm not an attorney. I am a third
year law student, but I'm permitted, under the Laws
of Florida, to handle the proceedings, such as we're
about to have here.

The reason that you're being called
here today is for what's called a deposition, and
it's just an opportunity for the State and for Mr.
Negretti, if he should choose to depose any of our
witnesses, to find out a little bit about each other's

case.

1 I'd like to thank you for coming,
2 and I'll be as brief as possible with you, because
3 I know your time is valuable.

4 Mr. Babun, would you state your
5 full name for the record, please?

6 A I'm sorry. I don't speak too much
7 English. You'll have to go slow with me.

8 My phone is 635---

9 Q No, no, your full name.

10 A Oh, Deofilo Babun is my name.

11 Q And where do you live?

12 A I live--I have to go here (indicating)
13 --maybe you don't believe it, but I don't know my
14 address; 2890 Northwest 17th Street. That's my
15 home.

16 Q In Miami?

17 A In Miami.

18 Q Are you employed?

19 A I manage a shipping company. I'm
20 part of the company.

21 Q Oh, you're employed as a shipping
22 manager?

23 A Yes.

24 MR. NEGRETTI: He owns the company.

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Q You own the shipping company?

1 A Yes.

2 Q Okay. Mr. Babun, do you know a
3 gentleman by the name of Antonio Calatayud?

4 A Very well.

5 Q In what regard do you know Mr.
6 Calatayud?

7 A Well, I know him from Cuba. His
8 father working for me in Cuba as a mechanic. His
9 father got a machine shop, and we go in Cuba for
10 many years, and I see him growing from Cuba and
11 then when I came here, we met him and then we keep
12 the friendship for many years. I know him very
13 well.

14 Q As a friend, or do you know him
15 also as a business associate or--just social?

16 A Well, I don't have any business at
17 all with him; only friendship, but I know what he's
18 been doing all the time, trying to do, working and
19 business first, I know.

20 He was doing furnitures when they
21 put him--later---

22 Q Excuse me? Could you repeat what
23 you just said?

24 A When he start here in business, one

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of the business was furniture.

1 During that time, they put him,
2 a bomb in his car.

3 Q They put a bomb in his car?

4 A Yes.

5 Q Who did that?

6 A I don't know.

7 Q Do you know why anybody would have
8 any reason to put a bomb in Mr. Calatayud's car?

9 A Well, I would say the man is against
10 the Communists. He must have plenty enemies here
11 in this country, because anybody that's against the
12 Communists, they have enemy.

13 Q Do you consider yourself a part of
14 the Cuban movement, so to speak?

15 A I'm sorry?

16 (Thereupon, Mr. Negretti
17 translated the pending
18 question from English to
19 Spanish and Spanish to
20 English.)

21 MR. NEGRETTI: What part of the
22 Cuban movement, about what?

23 MR. SLATER: Anti-Castro.

24 THE WITNESS: Well, yes, myself.

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I'm anti-Castro.

1 I know, if you are a Communist, you
2 are in better shape in this country, I'm sorry to
3 say that, but I'm anti-Communist. I don't care
4 what people think about it.

5 Q (By Mr. Slater) Okay. Have you
6 ever had occasion to come into contact with Mr.
7 Calatayud, in regard to your anti-Communist feelings?

8 A Mr.---

9 Q Mr. Calatayud?

10 A Oh, yes; have maybe--we have a
11 friendship, and we talk plenty about anti-Communist
12 problems; what they do on the government. They
13 call him on the phone and send a letter to him and
14 many people.

15 Q Did you ever go to any anti-Communist
16 rallies with Mr. Calatayud?

17 A We have some--we do. We talk about
18 that.

19 Q Were you at an anti-Communist rally
20 with Mr. Calatayud in September, 1977?

21 A I can't remember, but we have many
22 talks and many meetings together, friendly with
23 some other friends, and talk about the situation,
24 about the Communist problem.

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Q But you don't remember whether you

1 went to an anti-Communist---

2 A Oh, when they--no, I was not there.

3 Q You were not?

4 A No.

5 Q Are you aware that Mr. Calatayud
6 was present at that rally?

7 A I'm sorry?

8 (Thereupon, Mr. Negretti
9 translated from English
10 into Spanish and Spanish
11 into English.)

12 A Oh, by the newspaper I read, and
13 he told me, also. When it happened, I know they
14 take him to jail, and I try to help him and find
15 him.

16 Then, when he come out of the jail,
17 he come to see me and he explain to me all about it,
18 and some other people explain to me.

19 Q What did Mr. Calatayud explain to
20 you about that particular rally in September of 1977?

21 A Well, as far as I remember, he told
22 me he was, you know, in the rally with many people,
23 and some people told him--find that he has something
24 on him, and they took him to jail.

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Q Do you know why they took him to

1 jail?

2 A Well, I don't know really, exactly.
3 The reason, I don't know.

4 I understand because maybe it's not
5 legal what he have, something like that, but really,
6 I don't know.

7 Q When you say, "something on him,"
8 do you know what he had on him?

9 A Well, they said something about
10 a gun or a pistol or something like that.

11 Really, I don't know too much,
12 exactly what it was.

13 Q Okay. You say you've had many
14 discussions with Mr. Calatayud about the Cuban
15 situation?

16 A Yes, sir. That is correct.

17 Q Are you aware of what has been
18 termed as a "death list" aimed at certain figures
19 in the Cuban community?

20 A I'm sorry?

21 (Thereupon, Mr. Negretti
22 translated from English into
23 Spanish and Spanish into
24 English.)

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A. I hear that many times ago that there

1 was a list; also, that Mr. Calatayud was on that
2 list and many other friends of mine were also on
3 that list.

4 Q Were you on that list?

5 A I don't think so, because they told
6 me if I was on that list, but I can tell you that
7 about three, four months ago--I don't remember
8 exactly--the FBI called me, and they told me that
9 I'm threatened to kill me, so they say, "What steps
10 are you taking," so the first thing I asked them
11 was, "How do you know they're going to kill me?
12 Why, if you know that, you don't get the people
13 and put them in jail and arrest them," and he said
14 it was a--he said, "Some policeman will call you
15 and give you protection."

16 He asked me if I got a gun, and I
17 said, "Yes, I got a gun," and he said, "Well, keep
18 your gun with you, your pistol. Keep the gun with
19 you, and the policeman will call you."

20 Q Who told you to do this?

21 A The FBI guy.

22 Q Okay.

23 A Then, the policeman called me later
24 on and asked me if I want a policeman to protect

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me, and I tell him no.

1 Q Do you have any idea why Mr. Calatayud
2 was on that particular death list?

3 (Thereupon, Mr. Negretti
4 translated from English
5 to Spanish and Spanish to
6 English.)

7 A Well, maybe because he's against
8 the Communists and doing something against Castro.

9 Q You know of no other reason?

10 A I don't think so. I think the major
11 reason is because he's anti-Castro and the Communists.

12 Q Okay.

13 A That's my personal opinion.

14 Q Relating back to that demonstration
15 or march that took place in September, 1977, you've
16 said that you weren't present at that?

17 A No, I was not there.

18 Q So you know of nothing, from your
19 own personal experience, that took place at that
20 particular rally; is that correct?

21 A Yes. I don't know anything, exactly
22 what happened over there, because I was not there.

23 I just hear what they told me.

24 Q Do you know whether Mr. Calatayud

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was arrested at that particular rally?

1 A Yes. He told me, himself, that he
2 was arrested and put him in jail.

3 Q Was it that particular day or at
4 a later time?

5 A No, after two, three days, because
6 I believe it was--

7 I don't remember.

8 Q Do you know where he was arrested,
9 finally?

10 A In the rally. It was in the rally,
11 and that's where they took him.

12 Q You've been called here as a wit-
13 ness by Mr. Negretti.

14 Do you know any reason why you were
15 called as a witness for Mr. Calatayud in this
16 particular case?

17 MR. NEGRETTI: Don't answer that
18 question.

19 A I'll answer it. It's no secret,
20 because he knows I know the guy for many years.
21 We've been friends, and we've been talking about
22 the problems with the Communists every time.

23 Q But your only connection to this
24 case would be your long-standing knowledge, your

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knowledge of Mr. Calatayud?

1 A I'm sorry?

2 (Thereupon, Mr. Negretti
3 translated from English to
4 Spanish and Spanish to
5 English.)

6 A Oh, yes. I know him for many years,
7 like I told you. I know him--a good family. His
8 family is very, very well, and he's a good boy,
9 also.

10 MR. SLATER: I have no further
11 questions.

12 MR. NEGRETTI: No further questions.
13 AND FURTHER DEPONENT SAITH NOT.

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It is hereby stipulated and agreed that the reading and signing of the deposition by the witness before filing be, and the same hereby are, waived.

(Signature waived)
Deponent

(Whereupon, the deposition was concluded at 11:55 a.m.)

CERTIFICATE


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STATE OF FLORIDA)

COUNTY OF DADE)

I, the undersigned, do hereby certify that the foregoing deposition of DEOFILO BABUN, by me duly sworn, was taken at the time and place herein set forth; that the deposition was recorded stenographically by me and reduced to typewritten form under my personal supervision; that the foregoing is a true and correct record of the deposition and that I am in no way interested in the event of the cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the City of Miami, County of Dade, State of Florida this 11th day of April, 1978.


SUE ANN KUPFERBERG
Notary Public in and for
the State of Florida at Large

My Commission expires:
October 21, 1980