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

GENERAL JURISDICTION DIVISION

No. 76-6263

JOHN EDWARD CASTRO, :  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 MIAMI DAILY NEWS, INC., :  
 et al., :  
 :  
 Defendants. :  
 :  
 - - - - - X

1237 City National Bank  
Building  
Miami, Florida  
Friday, October 7, 1977  
10:05 a.m. - 1:30 p.m.

DEPOSITION OF JOHN EDWARD CASTRO

Taken before Barry Mintzer, Notary Public  
for the State of Florida at Large, pursuant to Re-  
Notice of Taking Deposition filed in the above cause.

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APPEARANCES

BURTON GINSBERG, ESQ., of the firm  
of Ginsberg & Goldman, on behalf  
of the Plaintiff.

JOSEPH P. AVERILL, ESQ., on behalf  
of the Defendants.

NELSON J. RESNICK, ESQ., of the  
Law Offices of Ronald K. Smith,  
on behalf of Mr. Castro.

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I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
John Edward Castro	3	101

EXHIBIT

<u>Defendants'</u>	<u>For Ident.</u>
A	49

1 Thereupon--

2 JOHN EDWARD CASTRO,  
3 the plaintiff herein, was called as a witness by the  
4 defendants, and having been first duly sworn, testified  
5 as follows:

6 DIRECT EXAMINATION

7 BY MR. AVERILL:

8 Q Mr. Castro, I want to first of all ask  
9 you, are you the plaintiff in this action?

10 A Yes, I am.

11 Q Are you the same John Edward Castro  
12 whose deposition was taken on April 16, 1976?

13 A I am not familiar with the date, but  
14 I have had the deposition.

15 Q Sometime in early 1976?

16 A Yes.

17 Q I am not going to rehash what was done  
18 at that deposition, but something doesn't come clear  
19 to me.

20 Are you, sir, claiming damages for a  
21 diabetic condition in this action?

22 A It advanced my diabetic condition, yes.

23 Q Are you, sir, claiming damages for an  
24 eye condition in this action?

1 A Yes, I am.

2 Q Now, since this lawsuit was initiated,  
3 have you consulted with any medical person, licensed  
4 medical person in connection with your eye condition?

5 A Not directly in reference to that.

6 MR. GINSBERG: I think there is a  
7 misunderstanding of the question. I think you have  
8 to ask him if he was consulting somebody as a result  
9 of this lawsuit or the condition being aggravated by  
10 the lawsuit, but I think the question is purely and  
11 simply, have you been to the doctor as a result of--

12 Q (By Mr. Averill) For your eyes since--

13 A Yes.

14 Q Have you been to a doctor for your eyes  
15 since this lawsuit began?

16 A Definitely.

17 Q Would you please provide me, sir, with  
18 the name and address of that doctor.

19 A Weiner, Tenzel & Sanders, 1100 Northeast  
20 163rd Street.

21 Q Of those doctors, is there any particu-  
22 lar one?

23 A Two. Sanders and Weiner.

24 Q When did you first consult with them,



1 sir?

2 A I had one operation with Dr. Sanders  
3 a week before I went to the court, and three days  
4 after I had the first court hearing, I had to go back  
5 in for emergency surgery, and again and--Weiner did  
6 that surgery.

7 So, I had two surgeries right away.

8 Q When was the last time you consulted  
9 with him?

10 A I have an appointment now for the 15th  
11 of this month.

12 Q When was the last time you went to him?

13 A Three months ago.

14 Q And the time before then?

15 A Approximately three months before that.

16 Q When is it you first started consulting  
17 them? In terms of your arrest--you can go by your  
18 arrest date as day one. When was it that you first  
19 started consulting with these physicians?

20 A I already had surgery set up prior to  
21 the arrest, and it came just after the arraignment--  
22 just before the arraignment.

23 Q Have any of the doctors in that office  
24 described to you the condition for which you are

1 suffering?

2 A. No.

3 Q They haven't told you why the operated  
4 on you?

5 A. Cataracts and diabetes.

6 Q You had one operation immediately after  
7 your arrest or immediately before your arrest?

8 A. Immediately after.

9 Q And then a second one when?

10 A. Immediately after the arraignment.

11 Q Have these doctors linked in conversa-  
12 tions with you your diabetic condition and your  
13 cataract condition?

14 A. No, they have not.

15 Q So, the cataracts, as far as you know,  
16 are one condition and the diabetes is a separate condi-  
17 tion?

18 A. That is right.

19 MR. GINSBERG: Wait a minute. I am  
20 going to--I mean--I don't think I understand when you  
21 say, "Have they linked."

22 Q (By Mr. Averill) Have they established  
23 a causal relationship between the diabetes and the  
24 cataract condition?

1           A       That is it. Not the way--not the way  
2 you worded it now.

3           Q       Have they said one affects the other  
4 in any other way?

5           A       Yes.

6           Q       In what way?

7           A       Any time the sugar goes up, it affects  
8 my vision.

9           Q       Have they explained why?

10          A       No.

11          Q       Have any one of these doctors expressed  
12 the view to you that the publication by the Miami News  
13 of which you are complaining has aggravated in any way  
14 your eye condition?

15                   MR. GINSBERG: I am going to object--  
16 just object to the form of the question. I don't  
17 think there has been any predicate laid that he even  
18 discussed it with him.

19                   Go ahead and answer it, if you can.

20                   THE WITNESS: The only statement that  
21 was made to me--any time my nervous condition goes up,  
22 my sugar goes up and that in turn affects my vision.

23           Q       (By Mr. Averill) Have you discussed  
24 with these doctors the Miami News article in any way?

1 A No.

2 Q With reference now solely to your eye  
3 condition, have you consulted with any other physicians  
4 since May 6, 1975?

5 A In reference--

6 Q To your eye condition, solely.

7 A No, sir.

8 Q With reference, sir, to your diabetic  
9 condition, have you consulted since May 6, 1975  
10 with any physicians?

11 A Dr. Albert Kessler. I think that is  
12 212 Collins Avenue.

13 Q He is on Miami Beach?

14 A Right. They are between two, three  
15 houses.

16 Q Could you spell the last name.

17 A K-e-s-s-l-e-r. Kessler, Albert Kessler.

18 Q What is Dr. Kessler's specialty; if you  
19 know?

20 A I don't--one of the specialties is  
21 diabetics and weight control, and general--what do  
22 you call them--general practitioner.

23 Q How long have you been seeing Dr.  
24 Kessler?

1 A About 18 months.

2 Q Were you receiving treatment from anyone  
3 for your diabetic condition?

4 A Yes, but I don't remember the doctor's  
5 name to give you. It was--it has been her family  
6 doctor for years before we were married.

7 Q Your wife's family doctor for years?

8 A I can't remember his name.

9 Q And before your wife's family doctor,  
10 were you seeing any physician?

11 A It was a doctor in Michigan, when I  
12 first discovered I had diabetes, like I was a border-  
13 line.

14 Q About what year was that?

15 A About '71.

16 Q Between the doctors in Michigan and  
17 your wife's family physician, did you consult with  
18 any other physician for your diabetic condition?

19 A Dr. Cruz, Armando Cruz.

20 Q Where is Dr. Armando Cruz located?

21 A He used to be on Coral Way. I am not  
22 sure where he is at now.

23 Q Coral Way and where?

24 A Roughly 17th or 16th.

1 Q What is Dr. Cruz' specialty; if you  
2 know?

3 A I don't know.

4 Q How long did you see Dr. Cruz?

5 A About seven months.

6 Q How long did you see your wife's family  
7 doctor?

8 A I made about four visits to him.

9 Q Over what period of time?

10 A Two, three months. That is all.

11 Q Prior to Dr. Weiner and Sanders, did  
12 you consult with any physicians concerning your eye  
13 condition?

14 A I had surgery about a year before that  
15 with Dr. Martin Ferrer. F-e-r-r-e-r, I believe it is.

16 Q Where is Dr. Ferrer located?

17 A Flagler. Approximately the 4700 block.

18 Q For what period of time did you see  
19 Dr. Ferrer?

20 A He did the first operation, so it was  
21 the preoperation--it wasn't too long.

22 Q Before Dr. Ferrer, did you consult with  
23 anyone else?

24 A For the eyes?

- 1 Q For the eyes.
- 2 A No.
- 3 Q Your eye condition developed in 1968;
- 4 is that correct?
- 5 A Approximately. '68 when I had the
- 6 accident.
- 7 Q Where did that accident take place?
- 8 A Key West.
- 9 Q It was in a movie theater; was it?
- 10 A Right.
- 11 Q Which theater?
- 12 A The San Carlos, which my father owned
- 13 at that time.
- 14 Q Were you hospitalized as a result of
- 15 that accident?
- 16 A No.
- 17 Q Was there any litigation that resulted?
- 18 A No.
- 19 Q Did you file an unemployment compensa-
- 20 tion claim?
- 21 A No.
- 22 Q An insurance claim?
- 23 A No.
- 24 Q Disability claim?

1 A None.

2 Q Did you receive any compensation at all,  
3 directly or indirectly as a result of the injuries  
4 sustained by you in that 1968 Key West accident?

5 A None.

6 Q Did you seek medical attention at that  
7 time?

8 A No, none at all.

9 Q When was it that you first realized  
10 you had a problem with your eyes?

11 A About six months later.

12 Q What did you do, if anything?

13 A I had an appointment with an eye doctor.  
14 I can't remember where it was at, and he is the one  
15 that informed me that I had scar tissue in the eye.

16 Q Did you have two separate eye conditions  
17 then?

18 A Yes.

19 Q Do you have two separate eye conditions?

20 A Yes. Both eyes, one on each.

21 Q Without meaning to seem argumentative,  
22 are you telling me that one eye has a problem with scar  
23 tissue, the other cataracts?

24 A I have a problem with both eyes.



1 Q Do you have two separate or separable,  
2 at least, conditions, one scar tissue and the other  
3 cataracts?

4 A The cataracts have been removed, so it  
5 is only one.

6 Q And the problem that now remains is what?

7 A Whenever my sugar goes up, my vision  
8 goes blurry.

9 Q Why is that?

10 A I have--I am not a medical doctor. I  
11 couldn't answer that.

12 Q No one has attempted an explanation to  
13 you?

14 A No. It has been said that every time  
15 the sugar goes up to a high degree, it affects your  
16 vision.

17 MR. GINSBERG: Off the record.

18 (Informal discussion off the record.)

19 Q (By Mr. Averill) Have you seen any  
20 other physicians for any other condition or for regular  
21 checkups since January 1, 1974?

22 A None at all.

23 Q Have you been hospitalized or have you  
24 been hospitalized at all since January 1, 1974, other

1 than the hospitalizations we have already discussed?

2 A No.

3 Q In your earlier deposition, you testi-  
4 fied that there were a number of guns which you  
5 personally owned in your house at the time of the raid.

6 A That is correct.

7 Q You testified that they were all loaded;  
8 is that correct?

9 A That is correct.

10 Q Why were they all loaded?

11 A Well, a few days before the raid, I had  
12 a phone call, a threatening phone call at the gun shop  
13 where I worked, at which time I thought it was a joke.

14 I mentioned to the guys--I said, "Quit  
15 kidding, bring some Cuban coffee."

16 He called me first John Edward Castro--  
17 "This is no joke."

18 A day later, I went to the doctor--eye  
19 check--to check on my eyes. My son took me there  
20 and he went back home. My wife told me when he got  
21 home there was a car parked in front of my house.

22 It had two guys that were dressed with  
23 sunglasses, all that, so my son didn't pay attention to  
24 them.

1                   They sat watching outside looking at  
2 the house and they pulled out and went to the corner,  
3 made a U-turn and slammed on the brakes in front of  
4 my house.

5                   This is before--I was gone out the same  
6 day.

7                   Q     He, being your son?

8                   A     My stepson. He followed them and went  
9 down Coral Way and chased them and got the license  
10 number.

11                   I called and tried to get an I.D. on  
12 the license number. They told me it is a rental car  
13 out of Orlando.

1-B

14                   Q     Did the license number have an E on it?

15                   A     It had 19-E, if I remember correctly.  
16 So, I figured two and two together--someone is casing  
17 the house.

18                   So, I loaded all the guns I had in my  
19 home where I could reach them from any point.

20                   Q     How many days before the raid was this?

21                   A     The first day.

22                   Q     This is the first such phone call you  
23 had?

24                   A     The first one I had. Now, that phone

1 call was in reference to some gun sales that were made  
2 at Tamiami, because I went and testified for the ATF  
3 and they told me be careful who you testify against,  
4 be careful who you identify.

5 That was the phone call that day.

6 Q Were there any phone calls, any similar  
7 phone calls prior to the phone call you just discussed  
8 receiving?

9 A No, sir. That is the only one I had  
10 prior to that.

11 Q Were there any phone calls at unusual  
12 hours at your residence?

13 A After the arrest or prior?

14 Q Prior to the arrest.

15 A None.

16 Q At the time you were arrested, was there  
17 a telephone listing in your name?

18 A No.

19 Q The telephone listing was in your wife's  
20 name?

21 A My wife's pre-married name, Shea.

22 Q It was in your wife's prior name?

23 A Right.

24 Q As I understand it, you are telling me

1 you received a phone call at work subsequent to your  
2 testimony for the ATF?

3 A Two or three days later, yes.

4 Q Then the next day, you and your wife,  
5 son--

6 A No. My son, not I. I was at the doctor.

7 Q You went to the doctor alone?

8 A He took me to the doctor and he came  
9 back home.

10 Q And then you returned home?

11 A Right. He spotted the car in front of  
12 the house.

13 Q Between that incident, the incident  
14 with your stepson and the Orlando rental car and the  
15 day of your arrest, did you receive any phone calls at  
16 home?

17 A None whatsoever.

18 Q Did your phone at home ring at off hours?

19 A Not that I can recall.

20 Q Before I forget, your stepson's name is?

21 A Frank Shea, III.

22 Q Where does he live?

23 A 6833 Southwest 28th Terrace. The same  
24 home, the same address.

1 Q 68--

2 A --33. It is Southwest 28th Terrace.

3 Q How old is Frank?

4 A He is--I think he is 19.

5 Q Late teens?

6 A Late teens.

7 Q These threatening or harassing phone  
8 calls continued after your arrest?

9 A They started approximately two days  
10 later, and the cars were coming by the house, slowing  
11 down, looking at the house and--

12 Q Did you see these cars?

13 A Yes.

14 Q Now, did Frank see these cars?

15 A He's seen them since the time, yes.

16 Q About when did they stop?

17 A Coming by the house?

18 Q Yes.

19 A I'd say approximately a week, a week and  
20 a half later and then--

21 MR. BURTON: Go ahead and finish.

22 THE WITNESS: Then, when Mr. Masferrer  
23 got killed, Rolando Masferrer--when he got killed--he  
24 lived on 25th Street, directly behind my home. Then

1 they started coming by the house again.

2 Q When was that?

3 A Oh, whatever day it was he was killed,  
4 it was a while after.

5 Q Six months, a year?

6 A It might have been four, five months.  
7 I am not sure.

8 Q Do you attribute the cars passing by  
9 your house after the Masferrer assassination to the  
10 Miami News?

11 A I can't definitely say, but it came  
12 right at that time and it--if a car would go by my  
13 house, just go by, I wouldn't pay any attention, but  
14 if they would come by and slow, almost a stop, then  
15 I would--

16 Q But they started coming by the house  
17 immediately before; did they not?

18 A Yes. They were coming. Also, then  
19 they started again when this other fellow got his legs  
20 off. Right after the arrest, and they came out of  
21 the--paper--then they dropped off and started coming  
22 back again when Mr. Masferrer got assassinated.

23 Q These automobiles and phone calls  
24 started before your arrest; isn't that right?

1 MR. GINSBERG: I am going to object  
2 to your use of the plural. I think he testified there  
3 was one phone call.

4 THE WITNESS: Prior to the arrest--if  
5 you are talking about one phone call--

6 Q (By Mr. Averill) Now, in these phone  
7 calls that were subsequent to your arrest, was there  
8 any verbal communication?

9 A The ones after?

10 Q Yes.

11 A Yes, every time.

12 Q What was the verbal communication?

13 A One of them was, when I am going to  
14 start my car, it is going to go up.

15 Q Let me interrupt you.

16 Was the caller a man or a woman?

17 A A man.

18 Q Did he seem to speak with a Latin accent?

19 A The first time, yes.

20 Q When he stated, "Your car is going to  
21 blow up," was that a Latin caller?

22 A Yes, it was. I could tell the accent.

23 Q About what time did this occur?

24 A It is two years ago. It had to be



1 around midday.

2 Q At home?

3 A At home.

4 Q Because you were at best infrequently  
5 in the gun shop after that?

6 A No. I wasn't there at the gun shop  
7 after my arrest.

8 Q Were any of the telephone calls--

9 A No. They were at my place of business,  
10 also.

11 Q Where was this call?

12 A This was at home. The first one came at  
13 home.

14 Q This is the second one?

15 A I have calls--numerable calls at both  
16 locations. I got one the night before last.

17 Q In the aggregate, how many phone calls  
18 have you got?

19 A Off and on, about six or seven a month.

20 Q Is this verbal communication between  
21 yourself and the caller, as a rule?

22 A As a rule, yes.

23 Q Tell me what else these callers have to  
24 say.

1           A        Make sure you draw your blinds when  
2 you are sitting in your living room. Out--I sat  
3 out there one night at 2 o'clock in the morning.

4                    The next day I got a phone call at  
5 my place of business, the next time you are sitting  
6 out in your front porch and you light your cigarette,  
7 we can spot you from the corner; and frequently  
8 when you are driving down Milam Dairy Road, don't be  
9 surprised to have a car drive up alongside with a shot-  
10 gun.

11                   Also, when you lock the front door of  
12 your place of business, you turn your back to the  
13 vacant lot across the street and you are making an easy  
14 shot.

15                   I have got a meter room where I--you  
16 know, plug my night sign in. I pull my car to the  
17 lights where they shine up in the meter--two days  
18 later, I got a phone call, you make a perfect target  
19 when you pull the headlights of your car on there.

20                   Then the most frequent--we are just  
21 checking up to see if you are still here and--we'll  
22 either get you here or at home.

23                   It is constant.

24           Q        Have you reported these phone calls to

1 any law enforcement agency?

2 A. District 3 has a report.

3 Q. When was that report made?

4 A. I filed that one about three months--  
5 I don't want to be calling the fellows up--up every  
6 time they call me. Every time a car comes up behind  
7 me like that, it kind of worries you.

8 Q. Are there cars that come by your home?

9 A. I got followed twice.

10 Q. From where?

11 A. Right--from approximately 25th Street  
12 and Milam Dairy Road all the way to 20th Terrace in  
13 the Southwest, and one time I purposely went out of  
14 the way and they followed me the same way.

15 Q. Tell me about this ATF case in which  
16 you testified.

17 A. Well, there was a--some guns sold to  
18 the fellow--claimed he was a salesman, and he purchased  
19 a few guns from us and he came back and purchased a  
20 second bunch.

21 Well, when the guy came back the third  
22 time and took the guns--about four days after he  
23 received the guns is when ATF calls, and Ron Martin,  
24 the owner of the shop--to come down to the office.

1                   So, they asked me if I know the name  
2 of some of the fellows. I told them yes--I can't  
3 recall the name and he showed me photos. I said  
4 this is the one there.

5                   He said, "Do you know that they were  
6 Canadians?"

7                   I said, "No, sir. They gave me a  
8 registration." That is all that was required, plus  
9 they came in with a cashier or money order and I  
10 wouldn't accept it.

11                   I sent it back to the owner and he  
12 accepted it and he came back and asked me why I wanted  
13 the driver's license for identification. They told me  
14 they didn't have one. I had the vehicle registration  
15 and that was all that was required so I could see  
16 legality by selling them the guns.

17                   MR. GINSBERG: When you say "they," who  
18 are you talking about and exactly what are their names?

19                   Do you know their names?

20                   THE WITNESS: Yes. I can't recall right  
21 now, but I will.

22                   Paul Douglas. The other fellow's name--  
23 first name is John. I can't recall his last name.

24                   Q        (By Mr. Averill) There was a gentleman

1 named Paul Douglas?

2 A Paul Douglas and John. It is going to  
3 be almost three years.

4 Q Now, these gentlemen were Canadians,  
5 did you say?

6 A That is what the agents told me.

7 Q And you gave testimony; did you?

8 A Only in their office. I mean, it was  
9 never a court case or anything. Nobody went to any  
10 court case or anything.

11 Q These people were Canadians?

12 A According to the agent, they were. They  
13 were arrested in Canada, trying to take the guns in.

14 Q Weren't these people supposed to be  
15 union people?

16 A Union?

17 Q Yes.

18 A In what sense?

19 Q Union labor?

20 A Not that I know.

21 Q Who is it you discussed this matter with  
22 at the ATF?

23 A At that time, it was Larry O'Dey.

24 Q With anybody else?

1 A At the ATF?

2 Q Yes.

3 A There was another agent there, but I  
4 don't recall his name.

5 Q How long have you known Mr. O'Dey?

6 A This is the first time I ran into him.

7 Q Let me just clear up another spot in  
8 your earlier deposition.

9 My understanding is, that if you worked  
10 at all at the Tamiami Gun Shop after the arrest, it  
11 was only for a half day?

12 A About a day and a half.

13 Q Something like that?

14 A Then I couldn't take everyone that  
15 came in there and just glared at me, and I just went  
16 home.

17 Q They glared at you?

18 A They glared at me, asking me questions.

19 Q Did you get dizzy?

20 A Did I get what?

21 Q Dizzy.

22 A Yes.

23 Q Did you get dizzy because they asked you  
24 questions?

1           A     Nauseous, uptight. I don't know how  
2 to explain it.

3           Q     In the interim between your arrest and  
4 the period when you went into this pistol range or  
5 rifle range--which is it?

6           A     It is an indoor range.

7           Q     Which is it, a pistol or rifle?

8           A     It is both. A complete indoor range.

9           Q     A gun range?

10          A     A gun range.

11          Q     In the interim between when you opened  
12 this business and when you left Tamiami Gun Shop  
13 which was prior to your arrest, did you do anything  
14 else for a living?

15          A     No. I started construction on the range  
16 at approximately--in October and I opened in January.

17          Q     What did you do between May and October?

18          A     I didn't work at all.

19          Q     Why not?

20          A     I couldn't, physically.

21          Q     In that period, did you receive any  
22 compensation from any insurance company or any  
23 governmental source?

24          A     None whatsoever.

1 Q None?

2 A I have never claimed unemployment,  
3 never received compensation of any kind.

4 Q No welfare, no Social Security, no  
5 insurance disability?

6 A None whatsoever.

7 Q Nothing?

8 A Nothing.

2-A

9 Q Does your wife work?

10 A Yes.

11 Q There is a gentleman named Frank Tolin,  
12 T-o-l-i-n, with whom you are a partner or a business  
13 associate; is that correct?

14 A I was, until February 15th of this year.

15 Q Tell me what happened on February 15th  
16 of this year.

17 A Well, I bought his interest out, which  
18 I am greatly indebted still--in debt for his mortgage.

19 Q Does that mean the gun range is prosper-  
20 ing?

21 MR. GINSBERG: I am going to object as  
22 being immaterial and irrelevant, but go ahead.

23 THE WITNESS: Should I answer that?

24 It is just about breaking even. I have



1 had a few good months. I have had a few bad months.

2 Q (By Mr. Averill) You started construc-  
3 tion on this rifle range in October, you say?

4 A Around October.

5 Q October of what year, sir?

6 A It was opened--this is--it was January  
7 the 5th of this year. We will make two years it has  
8 been open. So, it is about the year before this--this  
9 is '77, '78 will be two. '75, right after I got the  
10 zoning hearing approved.

11 Q You began work on the gun range in  
12 October of '75 and opened it in January of '76?

13 A Right, yes.

14 Q When did you and Mr. Tolin start this  
15 gun range?

16 A About a year prior, but I had to wait  
17 for the zoning approval.

18 Q When did you make the zoning application?

19 A The first time?

20 Q Yes.

21 A Approximately a year before I opened up  
22 or thirteen months.

23 Q What is the name of the rifle range?

24 A National Rifle and Pistol Academy.

1 Q So, you and Mr. Tolin--

2 A Partnership.

3 Q --in contemplation had a business for  
4 at least nine months prior to your arrest; is that  
5 correct?

6 A That is approximately correct.

7 Q In that nine-month period that you and  
8 Mr. Tolin were setting up the rifle academy--

9 MR. GINSBERG: I want to just object  
10 to the form. That is all.

11 Q (By Mr. Averill) I understand you  
12 weren't actually doing construction work, this, that  
13 and the other thing, but you were making plans?

14 A That is correct.

15 Q During the period that Mr. Tolin and  
16 yourself were making plans for this rifle academy, were  
17 you making plans for any other business ventures?

18 A None.

19 Q Was it the contemplation of Mr. Tolin  
20 and yourself that you would be the manager?

21 A Definitely.

22 MR. GINSBERG: Again, when I say--I am  
23 going to object as to what was in somebody else's mind  
24 other than the deponent's.

1 Q (By Mr. Averill) Was it in your mind  
2 that you would be the manager?  
3 A Yes.  
4 Q In this period prior to the arrest, did  
5 you and Mr. Tolin have a written understanding or  
6 memorandum?  
7 A I had to acquire a lease prior to even  
8 filing for a zoning hearing. So, I did have a lease.  
9 Q Was it a written lease?  
10 A A written lease.  
11 Q Were you paying rent on that lease?  
12 A No, because he was a co-owner.  
13 Q Is it his building?  
14 A He owns the whole building now. He  
15 still does.  
16 Q So, what he was doing was creating a  
17 tenant?  
18 A A tenant and partnership.  
19 Q Other than the written lease which pre-  
20 existed the arrest, did you and Mr. Tolin have any  
21 written documents reflecting the transaction you were  
22 contemplating?  
23 MR. GINSBERG: At what point in time is  
24 this?

1 MR. AVERILL: In the nine months prior  
2 to this.

3 THE WITNESS: I don't think so. Just a  
4 lease.

5 Q (By Mr. Averill) Has there ever been  
6 such a written document?

7 A What type of document?

8 Q Any kind; letters, memoranda, cor-  
9 respondence, notes.

10 A He had quite a few correspondence with--  
11 like the steel companies and--

12 Q No. I mean reflecting the business  
13 relationship between you to memorialize it.

14 A No.

15 Q Not even in part?

16 A No.

17 Q You two never had an agreement?

18 A It was just--I believe--it was verbal.  
19 I don't know. Mr. Ginsberg handled it, but I can't  
20 remember what it was.

21 If you would--I can't recall. I think  
22 there was a lease. I don't remember if there were any  
23 papers between that nine-month period or when we  
24 actually started opening up.

1           Q     Right now I am talking about any point.  
2     Were there papers before or after your--

3           A     After we opened up, yes.

4           Q     There were?

5           A     There was a corporation formed and  
6     everything.

7           Q     Were there any papers that spell out  
8     the contribution that you and Mr. Tolin were to make  
9     to the business, by that I mean money, services, et  
10    cetera?

11          A     I was to put the service and he put up  
12    the capital.

13                   MR. GINSBERG: I am going to have a  
14    continuing objection to this line of questions. I  
15    think they are irrelevant and immaterial to the issues  
16    of the case, but go ahead.

17          Q     (By Mr. Averill) Do you have any idea,  
18    Mr. Castro, when it was that this written understanding  
19    was reached?

20          A     Not exactly. I'd have to check with my  
21    wife and get that information.

22          Q     Can you place it in terms of being  
23    before or after your arrest?

24          A     It was after.

1 Q Did the written understanding that was  
2 reached after your arrest accurately reflect the verbal  
3 agreements between yourself and Mr. Tolin which had  
4 been reached prior to your arrest?

5 MR. GINSBERG: I am going to object.  
6 He isn't--I think he is saying he isn't sure of what  
7 documentation there is, and so for him to answer whether  
8 it is an accurate reflection of something--

9 Q (By Mr. Averill) Right now or before  
10 February--when was the date that you bought Mr. Tolin  
11 out?

12 A We closed the deal, I think it was  
13 February 15th.

14 Q Prior to February 15th of this year,  
15 did the working arrangement between yourself and Mr.  
16 Tolin, the way the deal actually worked out--did the  
17 working arrangements between yourself and Mr. Tolin  
18 accurately reflect the arrangement, verbal or written,  
19 that you two had structured prior to your arrest?

20 A As best I can recall, yes.

21 Q In any event, the deal was not changed  
22 markedly?

23 A No.

24 Q What business opportunities did you lose

1 as a result of your arrest?

2 A I had no other interests.

3 Q Did you have any opportunities that you  
4 lost?

5 A Not that I can recall.

6 Q Do you have any other business interests  
7 now?

8 A Right now?

9 Q Yes.

10 A No.

11 Q The verbal understanding reached by  
12 yourself and Mr. Tolin prior to your arrest was that  
13 you would put full time into the gun range; is that  
14 correct?

15 A I would operate the gun range.

16 Q On a full-time basis?

17 A Whatever. My discretion.

18 Q Prior to your arrest, it was in your  
19 contemplation, was it not, that you would quit your job  
20 at the Tamiami Gun Shop?

21 A No, it wasn't. I was planning to let  
22 my father and my oldest daughter and--I so stated to  
23 Mr. Martin, but after the things turned out the way  
24 they did, I went into the business.

1 Q When is that?

2 A Before.

3 Q Why did you go into it yourself?

4 A The health problem. This way if I feel  
5 like taking my lenses out and sitting in my office in  
6 the dark--I couldn't very well do it holding a regular  
7 job. If I could not get in in the morning, I wouldn't  
8 go in.

9 Q Are you personally obligated in indebted-  
10 ness which was created as a result of the February 15th  
11 transfer of Mr. Tolin's interest to you?

12 MR. GINSBERG: Again, I am going to  
13 object. It calls for a legal conclusion. He is not a  
14 lawyer. He wouldn't know.

15 Q (By Mr. Averill) Do you personally owe  
16 Mr. Tolin any money?

17 A Yes.

18 Q A lot of money?

19 MR. GINSBERG: Again, a lot, that is a  
20 rather relative question.

21 THE WITNESS: Excuse me. My wife, she  
22 is a mortgage broker. She takes care of all the legal  
23 paperwork and everything else.

24 Q (By Mr. Averill) Did you enter into this



1 February 15th transaction with Mr. Tolin with the  
2 contemplation that it would be economically beneficial  
3 for yourself?

4 A Yes.

5 Q You didn't enter into that transaction  
6 under any form of duress, economic or otherwise?

7 MR. GINSBERG: Do you know what duress  
8 means?

9 THE WITNESS: I want to be certain.

10 Q (By Mr. Averill) What do you think the  
11 word "duress" means?

12 A To my advantage.

13 MR. GINSBERG: Economic duress--physi-  
14 cal--it just means any pressure put on you to go into  
15 this deal.

16 THE WITNESS: Oh, no. No pressure put  
17 on me.

18 Q (By Mr. Averill) Did you initiate--

19 A I initiated.

20 Q --the negotiations?

21 A Yes.

22 Q In what way has the arrest or the ensu-  
23 ing publicity hindered the business of the pistol range,  
24 the rifle range?

1 A I have never claimed it hindered my  
2 business, except for my physical ability to contribute  
3 more.

4 Q Mr. Castro, you were present when Mr.  
5 Sosin and I were at Mr. Ginsberg's office for a deposi-  
6 tion a month or so ago, correct?

7 A Right.

8 MR. AVERILL: Off the record.

9 (Informal discussion off the record.)

10 Q (By Mr. Averill) I was not present at  
11 the prior depositions taken of Mr. Sosin. Were you  
12 also present at them?

13 A I don't recall.

14 Q Prior to the time when you met Mr. Sosin  
15 at Mr. Ginsberg's office, had you ever met him?

16 A No.

17 Q Had you had any dealings with him?

18 A No. I had never seen him before, if I  
19 can remember.

20 Q Had you ever heard his name before?

21 A Oh, sure. I heard his name.

22 Q Prior to your arrest, had you ever heard  
23 his name?

24 A No.

1 Q You had no dealings with him, either  
2 personally or over the telephone or written or other-  
3 wise?

4 A None whatsoever that I can remember.

5 Q Had you ever heard of him?

6 A No.

7 Q Do you have any reason to believe that  
8 Mr. Sosin had ever heard of you prior to your arrest?

9 A I can't answer that question.

10 MR. GINSBERG: Do you know of any way  
11 that he might have known you?

12 THE WITNESS: No, I never had been--

13 Q (By Mr. Averill) Do you have any facts  
14 in your possession or know anyone who has a fact in  
15 their possession that would indicate that Mr. Sosin had  
16 ever heard of you?

17 MR. GINSBERG: I don't mind the first  
18 part of the question. The second part, I object to  
19 as what is in somebody else's mind.

20 MR. AVERILL: Let us cut a part out of  
21 it.

22 THE WITNESS: What was the first one?

23 Q (By Mr. Averill) Do you have any fact  
24 in your possession that indicates to you, sir, that

1 Mr. Sosin had ever heard of you prior to your arrest?

2 A No.

3 Q Do you know of any person who was ever  
4 indicated to you that that person has a fact in his  
5 or her possession which indicates that Mr. Sosin knew  
6 of you prior to your arrest?

7 A No.

8 Q Do you, sir, have any fact in your  
9 possession which indicates to you that Mr. Sosin at the  
10 time he wrote about your arrest in the Miami News or  
11 for the Miami News knew that what he was writing was  
12 false?

13 A I don't have the facts.

14 Q Do you have, sir, any fact in your  
15 possession which indicates that Mr. Sosin, when he  
16 wrote about your arrest for the Miami News, wrote with  
17 a high degree of awareness of probable falsity of the  
18 contents of the article he was preparing?

19 MR. GINSBERG: I am going to object to  
20 that question because he could have no idea of what the  
21 degree or lack of degree or anything of what is in  
22 somebody else's mind.

23 Q (By Mr. Averill) We will take your  
24 answer, sir.

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A No.

MR. AVERILL: Off the record, read that back.

(The pending question was read back by the reporter as above recorded.)

MR. GINSBERG: Again, I just for the record object to the form of the question.

MR. AVERILL: That is just informational. I am just trying to pose yet another question on top of it.

Q (By Mr. Averill) Do you, sir, have any fact in your possession which indicates that at the time he wrote of your arrest, Mr. Sosin was aware that what he was doing was possibly false?

MR. GINSBERG: I am going to just have another objection again as to the form and also that if anything of this does include work product, he wouldn't answer, but go ahead and answer of your knowledge.

THE WITNESS: Of my knowledge, no.

Q (By Mr. Averill) Do you know a gentleman named Salvador Madruga?

A I have heard the name, but I don't know

1 him personally.

2 Q Did you work with him at Tamiami?

3 A He used to work there prior to me. I  
4 never met him before.

5 Q Do you know a gentleman by the name of  
6 Francisco Rodriguez Tomaya?

7 A No.

8 Q Do you know a gentleman whose name is  
9 El Mexicano?

10 A No.

11 Q Do you know a gentleman who is known as  
12 The Mexican?

13 A No.

14 Q Do you know a gentleman named Luis  
15 Tordinez Garcia?

16 A That is a common name. I don't--I can't  
17 think of anybody with that name.

18 Q Do you know three gentlemen named  
19 Madruga, Tordinez and Rodriguez who were charged in  
20 1970 with the sale of silencers?

21 A I have heard the name of Madruga. The  
22 other two, I haven't.

23 Q You never worked at the Tamiami Gun  
24 Shop at the same time as Madruga?

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A. No.

Q. Other than the one incident which we have discussed about the Canadian salesmen, or purported salesmen, have you provided any information to any agent or employee of the ATF?

A. Not that I can recall, no.

Q. Would you recall if you had?

A. I believe I would recall if I had, but I don't--

MR. GINSBERG: Again, just--when you say to any agent of the ATF, are you talking about knowing that they were agents? He may have discussed something with somebody that was an ATF agent--

Q. (By Mr. Averill) I will amend the question to say any person whom you knew to be an ATF agent.

A. No, sir. Not that I can recall.

Q. Did you ever provide any information to any person whom you believed to be an ATF agent?

A. No, sir.

Q. Do you know anybody who is an ATF agent?

A. Yes.

Q. Who?

A. Larry O'Dey.

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Q Besides Mr. O'Dey.

A There was another there. At the present, I can't recall his name.

Q Besides those two gentlemen?

A You see, it is rough. A lot of these agents do come shooting at my place.

Q At the time of your arrest or prior to the time of your arrest, did you know any ATF agents?

A No.

Q Had you ever offered to provide information to the ATF?

A One time I had a phone call from this John. I can't remember what his last name is, and I called ATF and told them about it.

Q Other than that?

A Not that I can recall, no.

Q Would it surprise you if Mr. Madruga is of the view you set him up for his 1970 arrest?

A I wasn't even here. I wasn't working for Tamiami.

Q Where were you working?

A I believe in '70 I was in Michigan. I never even patronized the Tamiami Gun Shop.

Q Had you ever done any business with any



1 FBI agents?

2 A Yes.

3 MR. AVERILL: Let me strike that.

4 Q (By Mr. Averill) Prior to the time of  
5 your arrest, did you know any FBI agents?

6 A One of them was a customer there at the  
7 gun shop.

8 Q Besides the customer.

9 A Not that I can recall.

10 Q Prior to your arrest, did you ever agree  
11 to offer to an FBI agent or to a person whom you  
12 believed to be an FBI agent, information?

13 A There is a fellow that came in one time  
14 looking for a guy, and he brought some pictures. I  
15 can't recall his name, and he showed them to all the  
16 employees there, and he asked, if he comes in, would  
17 you call us and I agreed, but I don't recall the guy.

18 Q Other than that one incident?

19 A Not that I can recall.

20 Q Since your arrest, have you ever agreed  
21 to provide information to a person you believed to be  
22 an FBI agent?

23 A Yes.

24 Q Who was that?

1           A     I believe he is an FBI agent. Gutierrez  
2 is his last name, but I can't think of his first name.

3           Q     Have you in fact provided him with any  
4 information?

5           A     He called me in reference to a weapon.  
6 I found some information for him on that weapon.

7           Q     Other than that one incident?

8           A     Not that I can recall.

9           Q     Was that your first conversation with  
10 Mr. Gutierrez?

11          A     No. He was the original customer I  
12 mentioned prior. He--he is stationed in Key West.

13          Q     Other than Mr. Gutierrez, have you agreed  
14 to provide information to any other FBI agents?

15          A     There is another one, but I am not sure  
16 what department he is in. I believe him to be with the  
17 FBI. His last name is--his first and last name is Nick  
18 Zapata.

19          Q     This Mr. Zapata, how did you come to  
20 meet him?

21          A     As a customer at the range.

22          Q     He is a customer at the range?

23          A     Right.

24          Q     Any other FBI agents?

1           A       Not that I can recall. I only know  
2 Zapata. I am not sure he is an FBI agent, but I know  
3 Gutierrez for a fact is.

4           Q       Have you ever received any money from  
5 the FBI?

6           A       No.

7           Q       Have you ever received any funds from  
8 any federal agency for information which you provided?

9           A       None whatsoever.

10          Q       Have you ever provided information to  
11 any state or local law enforcement agency?

12                   MR. GINSBERG: I am going to object to  
13 that. I think that part of the record will reveal that  
14 he was employed--

15                   THE WITNESS: At one time, I was in the  
16 police department.

17                   MR. GINSBERG: --with the local police  
18 department.

19          Q       (By Mr. Averill) Since 1970, have you  
20 been employed by any law enforcement agency?

21          A       No.

22          Q       Since 1970, have you provided any state  
23 or local law enforcement agency with information?

24          A       I had a gun come to the range that was--

1 a--damaged and when we checked--I checked the number  
2 out. It appeared to--came back stolen.

3 I said the gun had been stolen and the  
4 guy left it. I called District 3, they in turn got  
5 ahold of Mr. O'Dey. When they were sitting there wait-  
6 ing for the guy to come by, Mr. O'Dey rechecked the  
7 serial numbers and found out that the gun was clean.

8 It wasn't-- MR. AIRBILL: Yes.

9 Q Other than that one instance? Have

10 seen this? A Not that I can recall.

11 Q The police arrived at your house on  
12 May 6th; is that correct?

13 A I don't remember the date. I don't recall.

14 Q The police arrived at your house, in  
15 any event, with a search warrant; is that correct?

16 A Right. That is correct.

17 Q That search warrant was based upon an  
18 affidavit by a United States Customs agent?

19 A Right. Neil--I don't remember his name.

20 Q Heims? Document referred to was

21 A I believe so. "Defendants"

22 Q Let me show you a document, sir, and ask  
23 if you can identify it. Is attached hereto.

24 Q MR. GINSBERG: May I see it? Yes, Mr.

1 MR. AVERILL: Would you show it to your  
2 attorney.

3 What is the question?

4 Q (By Mr. Averill) I show you a document  
5 and ask you to identify it.

6 MR. GINSBERG: Other than what it pur-  
7 ports to be--you mean, has he seen it before?

8 MR. AVERILL: Yes.

9 THE WITNESS: Yes, I believe I have  
10 seen this before.

11 Q (By Mr. Averill) Can you identify it  
12 for us?

13 A It is an affidavit for a search warrant.

14 Q Is the address given in that document  
15 the address of your residence, sir?

16 A That is correct.

17 MR. AVERILL: Mr. Reporter, would you  
18 mark that as Defendants' Exhibit A for Identification  
19 and we will proceed from there.

20 (The document referred to was  
21 thereupon marked "Defendants'  
22 Exhibit A for Identification,"  
23 and a copy is attached hereto.)

24 Q (By Mr. Averill) This document, Mr.

1 Castro, speaks of a reliable confidential informant  
2 who provided information to this Customs agent who  
3 provided that document.

4 A. That was--

5 MR. GINSBERG: The document speaks for  
6 itself.

7 Q. (By Mr. Averill) Since your arrest,  
8 have you ever learned as a fact the identity of that  
9 reliable confidential informant?

10 A. No.

11 Q. Who do you think it was?

12 A. I have no idea.

13 MR. GINSBERG: If he knows, to say he  
14 knows. I would ask him not to speculate.

15 THE WITNESS: I have no idea.

16 Q. (By Mr. Averill) You have no idea?

17 A. No.

18 Q. How many persons, sir, were in your  
19 house personally between the 28th of April, 1975, and  
20 the 5th day of May, 1975?

21 A. You gave me an approximate--what time  
22 was that, prior to the arrest?

23 Q. Yes. Again, from the 28th of April  
24 through May 5th.

1           A.     I can't recall more than two or three  
2 people. I remember the week, because I was out when  
3 my lenses--I broke my lenses.

4           Q.     Who were those people, sir?

5           A.     Oh, boy. Catalina Rodriguez.

6           Q.     Catalina? Is that a man or a woman?

7           A.     A man. He goes under Carl Rodriguez.  
8 They can't pronounce his name. He is an employee of  
9 the Tamiami Gun Shop.

10          Q.     Is he still there; to your knowledge?

11          A.     Yes.

12                     John Altman, A-l-t-m-a-n. He is an  
13 employee of Southern Bell.

14          Q.     Do you know where he lives?

15          A.     No. I don't have his address.

16          Q.     What end of town does he live in?

17          A.     Southwest, way down.

18          Q.     Far Southwest?

19          A.     Far Southwest, off U.S. 1, somewhere.

20          Q.     Who else?

21          A.     Pepe Magnotes. I think he goes under  
22 Jose Magnotes.

23          Q.     Can you spell his last name?

24          A.     M-a-g-n-o-t-e-s.

1 Q Who is Magnotes?

2 A He is a friend of mine who is a part-  
3 time gunsmith.

4 Q Where does he work when he is not being  
5 a part-time gunsmith?

6 A Right now, he is driving a tractor-  
7 trailer. He does some work for me now, also.

8 Q Out at the gun range?

9 A At the range. He picks up the guns  
10 and takes them home and works on them and comes back.

11 Q Where does he live?

12 A It is on 21st Terrace, between 22nd  
13 and 18th Avenue.

14 Q The address, again?

15 A Approximately 22nd and 19th, in that  
16 area. Right near the river. It is a--

17 Q Who else was in your house?

18 A His wife, Maria.

19 Q Who else?

20 A Ray Suarez. I believe his last name is--  
21 I don't have any idea where he is. I haven't seen him  
22 since this happened.

2-B

23 Q What did he do?

24 A He used to do installations for kitchen



1 cabinets. I think he was a Sears or Burdine's--

2 Q For both of them?

3 A I am not sure which one of the two.

4 He is a carpenter.

5 August Pinto.

6 Q What does Mr. Pinto do?

7 A He was teaching real estate at one of  
8 the colleges, and also he was--had something to do with  
9 the food stamps that were issued or getting food stamps.  
10 I haven't seen him. Correction, I have seen him once.

11 Q Who else?

12 A I can't remember everyone off the top  
13 of my head right now.

14 Q In the week or in the two-week period  
15 prior to the police raid, where were these explosive  
16 devices located within your house?

17 A Which explosives?

18 Q The ones that were confiscated by the  
19 police.

20 MR. GINSBERG: I am going to object to  
21 the term "explosive device." I think he referred to it  
22 as--

23 THE WITNESS: Firearms.

24 MR. GINSBERG: They weren't actually

1 explosive devices or bombs, whatever you want to call  
2 them.

3 MR. AVERILL: I didn't use the term  
4 "bomb."

5 MR. GINSBERG: Explosive, an explosive  
6 device that--

7 MR. AVERILL: An explosive device is a  
8 device that goes off.

9 THE WITNESS: It could be a cap gun.  
10 They were in the metal cabinet along  
11 with all my reloading components.

12 Q (By Mr. Averill) How much volume, more  
13 or less, did they occupy?

14 A You mean the space?

15 Q Yes.

16 A The devices themselves are you talking  
17 about?

18 Q As an aggregate, all of them.

19 A A little space like this (indicating).  
20 Maybe five by five square inches.

21 Q And how high?

22 MR. GINSBERG: He said five by five  
23 square inches.

24 MR. AVERILL: That was two. I am looking

1 for the third dimension.

2 THE WITNESS: About an inch, an inch  
3 and a half, two inches.

4 Q (By Mr. Averill) Which of these people  
5 who you ticked off knew they were there?

6 A I didn't even know they were there. I  
7 don't know. I don't believe any.

8 Q Did any of them ever have access to  
9 that cabinet?

10 A Every one of them.

11 They used to stay there at the house and  
12 do reloading on their own.

13 Q Have you seen all the other people since  
14 your arrest?

15 A Constantly.

16 Q How did you come to know Mr. Suarez?

17 A As a customer at the Tamiami Gun Shop.

18 Q How did the relationship between sales-  
19 person-customer evolve to the point where he was coming  
20 to your house?

21 A He was interested in reloading. I had  
22 all the equipment ready to go to the range.

23 Q Were you doing reloading at that time  
24 at your home, also?

1           A     For my own use. They were members of  
2 some gun club and they would do their reloading at my  
3 house.

4           Q     Who?

5           A     We would sit there and supervise--you'd  
6 have to know the process to it. I had to do part of  
7 it, they would do part of it.

8           Q     Was there any economic benefit to you  
9 in that regard?

10          A     To myself?

11          Q     Yes, sir.

12          A     No.

13          Q     Mr. Suarez never came back?

14          A     He came back once after the raid, and  
15 that is the last I have seen him.

16                   Then he came--I don't know. I hadn't  
17 seen him for months and months, and one day he came  
18 into the range. He was there for about five minutes  
19 and left the first time he ever walked into the place.  
20 That was about six months ago.

21          Q     How did you come to know Mr. Pinto?

22          A     Again, he was a customer at the Tamiami  
23 Gun Shop.

24          Q     Was he also interested in reloading?

1 A Yes.

2 Q Have you seen him since the raid?

3 A One time.

4 Q Can you describe that to me?

5 A He came in and asked me if I could  
6 purchase some bullet heads for him in a large volume.

7 Q Did you agree to do it?

8 A I agreed to, but never did I--I didn't  
9 place an order for them, because I make my own and I  
10 have never seen him since.

11 Q Did you make them for him?

12 A No. He wanted a special type from a  
13 factory, but you have to put in too big an order to  
14 get what he wanted.

15 Q You agreed to do it, but he--

16 A If I make an order--he never came back  
17 after that. I had never spoken to him or heard from  
18 him.

19 Q Rodriguez, do you still see him?

20 A Yes, frequently.

21 Q He still works at the Tamiami Gun Shop?

22 A He was, as of yesterday.

23 Q What is the relationship between you?

24 A Very close friends.

1 Q Friends?

2 A Very close.

3 Q Does the relationship turn upon guns  
4 and reloading and that sort of thing?

5 A And shooting at the range.

6 Q Mr. Altman, how did you come to know  
7 him?

8 A Again, as a customer at the gun shop.

9 Q Was he also interested in reloading?

10 A Yes.

11 Q That is how he came to be in your house?

12 A He was there. He came over to reload  
13 some ammunition.

14 Q Is the same true of Mr. Magnotes?

15 A Mr. Magnotes, he came to load and worked  
16 repairing guns and things of that order.

17 Q How did you come to know him?

18 A Again, as a customer of the gun shop.

19 Q And his wife?

20 A She came with him.

21 Q Does his wife have an interest in guns?

22 A No. She did fire a few times, but not  
23 one that you would call a real interest.

24 Q How did these explosive devices get in

1 your house?

2 A The small stuff, I made them.

3 Q Where did you make them?

4 A Right there.

5 Q When did you make them?

6 A I made them quite a few months before.

7 I used to take them down to the Keys.

8 Q How many months before?

9 A I don't have any idea. For six, seven  
10 months before.

11 Q It wasn't 18 months before?

12 A No.

13 Q How long have you been living in that  
14 house?

15 A Since--this house?

16 Q Prior to your arrest, how long were you  
17 living in the house?

18 A Approximately a year.

19 Q So, you made them about halfway between  
20 the arrest and when you were married?

21 A Right.

22 Q Between the arrest and when you were  
23 married--

24 A I was married before the arrest.

1 Q Oh, really. I am sorry, for some reason  
2 I had the impression your wife owned the house and  
3 you moved in afterwards when you were married.

4 A I was married long before the arrest.

5 Q Let me back up a minute. I asked you  
6 how long had you lived in the house. You told me  
7 prior to your arrest, you told me about a year, and I  
8 asked you how long had you had the devices in your  
9 house prior to the arrest and you told me about six  
10 months.

11 So, I said it was six months after  
12 your marriage or approximately that you made them?

13 A Six or eight months, give or take.

14 MR. GINSBERG: You said between the  
15 time you came in and your marriage, meaning the marriage  
16 coming later. It was the other way around.

17 Q (By Mr. Averill) About how many of  
18 those did you make?

19 A About 15.

20 Q In how many sittings did you make the  
21 batch?

22 A One time.

23 Q All 15 in one shot?

24 A Approximately.



- 1 Q How many was it that the police took?
- 2 A I believe they found 13.
- 3 Q What happened to the other two?
- 4 A I set them off in the Keys.
- 5 Q Where in the Keys?
- 6 A Off of Knight Key, which is just north
- 7 of the Seven Mile Bridge. I take them out in the ocean.
- 8 Q What did you do with them?
- 9 A The--most of the time, I would throw
- 10 them in the shallow water for bait and attach a short
- 11 string to them with a small hook and sometimes catch
- 12 sharks.
- 13 Q That was your plan?
- 14 A That is what I used them for, yes.
- 15 Q You only used two of them, you said?
- 16 A Of that batch, but I had a few more
- 17 before that. I don't recall the number.
- 18 Q So, then, these 13 that were confis-
- 19 cated weren't the only ones you made?
- 20 A No. I made a few before that, but they
- 21 weren't the same type. They were made out of cardboard.
- 22 Q Do you presently have any of those in
- 23 your home?
- 24 A No.

1 Q Do you presently have any of those  
2 anywhere?

3 A No.

4 Q Since your arrest, have you had any of  
5 those?

6 A No way.

7 Q Do you own a fishing rod?

8 A A what?

9 Q A rishing rod.

10 A Yes.

11 Q What size fishing rod and what length?

12 A I got about six or seven different small  
13 casting rods. I usually handle that mostly.

14 Q Are all of them small casting rods?

15 A Yes.

16 Q What is the heaviest line you have?

17 A The hand line.

18 Q Any kind?

19 A Oh, I got 60-pound test.

20 MR. GINSBERG: Just for clarity and  
21 rather than go--did you say what size that was?

22 THE WITNESS: Hand line is just like--  
23 we fish down here--we don't believe in these Yankee  
24 poles.

1 Q What is the heaviest hand line you  
2 have?

3 A It is--it could run up to 50-pound test.

4 Q Do you have any of those 1500-pound  
5 lines on a pole

6 A No. We used them in a hand line.

7 Q Do you own a boat?

8 A A 16 footer.

9 Q Where do you keep it?

10 A On the side of the house, in the yard.

11 Q Indoor or outdoor?

12 A Outdoor. It hasn't been moved in two  
13 years now.

14 Q When was the last time you took the  
15 boat out?

16 A Quite a while, before the arrest. I  
17 don't believe I have taken it out since.

18 My son might have taken it out once and  
19 skied with it. That is about all.

20 Q When was the last time you set off one  
21 of these devices?

22 A In the Keys a long time prior to the  
23 arrest.

24 Q How long prior to the arrest?

1                   A     A couple of--about a month.

2                   Q     Who was with you?

3                   A     Pepe Magnotes.

4                   Q     Who else?

5                   A     His wife, August Pinto.

6                   Q     Who else?

7                   A     My wife. That is all I can recall.

8                   Q     Did it make a big noise?

9                   A     I can't tell. I never set one off on

10 top of land.

11                  Q     Do they splash a lot of water in the

12 shallow water?

13                  A     Shallow water, maybe a foot and a half

14 of spray.

15                  Q     How close would you stand to them when

16 they go off?

17                  A     I am in the boat and I drop them over

18 the side. So, I don't know how deep they go.

19                  Q     You throw them off?

20                  A     Yes. I laid them and flipped them out.

21                  Q     About how far out do you throw them?

22                  A     Maybe across the room.

23                  Q     The distance across the room?

24                  A     Twelve feet, 15 feet.

1 Q Did you ever give any of those to any-  
2 body?

3 A No.

4 Q Did you ever sell anybody any of those?

5 A No.

6 Q Never ever?

7 A Never.

8 Q How long have you been making those  
9 things?

10 A Well, those--just like I said, about the  
11 length of time--I made them out of cardboard since I  
12 was a kid.

13 Q You have never given any one of the  
14 cardboard ones out?

15 A You are talking about 35, 40 years. I  
16 can't remember. I doubt it.

17 Q In the last five years?

18 A In the last five years, definitely not.

19 Q What made you switch from cardboard to  
20 metal?

21 A The cylinders were available and it  
22 seemed waterproof.

23 Q Where did you get them from?

24 A There is a gentleman that repairs all

1 the guns at Tamiami, and he brought them to me and I  
2 made sinkers out of them, I made an arrowhead out of  
3 them and I--he used to bring them to see--he would save  
4 them and bring them all to me in a batch.

5 Q What is his name?

6 A Monroe Eule.

7 Q Was he an employee?

8 A No. He is an--authorized by Crossman  
9 and another company to repair Daisy--to repair all  
10 their pellet guns.

11 He goes to all the gun shops and picks  
12 them up and repairs them.

13 Q If I bought a BB gun, he would be the  
14 one to go to?

15 A He probably would be the one to fix it.

16 Q Mr. Castro, as a result of the Miami  
17 News article, which friends of yours have avoided you?

18 A Right offhand, I can think of Pinto, for  
19 one, August Pinto.

20 Q Who else?

21 A Ray Suarez. Now, there are several  
22 others. I don't know their names. I don't know who  
23 they are, let's put it that way, but I have heard from  
24 another friend of mine that--

1 He was going into the gun shop when  
2 another friend--he wouldn't tell me who. He was coming  
3 out and he was questioning him as to where I was. He  
4 said for them to go over and see me and that fellow  
5 refused.

6 Q What is the name of that friend?

7 A The one that told me?

8 Q Yes.

9 A Kiki Hernandez-Silva.

10 Q Is that gentleman's name a Mr.  
11 Hernandez or a Mr. Silva?

12 A It is a double name. It is Spanish. We  
13 call him Kiki.

14 Q What does Mr. Hernandez-Silva do for  
15 his livelihood?

16 A Right now, he is in advertising. I  
17 believe it is like that pen that you have--something  
18 like that.

19 Things like that (indicating). Patches,  
20 sun visors, cigarettes.

21 Q Does he have his own business?

22 A I believe he works for Miami Advertising  
23 Company.

24 Q Who else?

1           A     Off the top of my head, I can't recall.  
2     There is a few more, but--Walt Bristol.

3           Q     Who is Mr. Bristol?

4           A     He is a worker for the Miami Elevator  
5     Company and after--we were very close and we would  
6     go out together. The family, the wives and the kids  
7     and all--after this, he started fading away.

8           Q     Did you see him after that?

9           A     A few times, but he was very cold towards  
10    me.

11          Q     Who else?

12          A     I can't recall now.

13          Q     Anybody else?

14          A     Not that I can think of.

15          Q     Did you, yourself, ever hear anyone call  
16    you a terrorist?

17          A     No.

18          Q     You are sure of that?

19          A     No one ever called me that, not to my  
20    face.

21          Q     Has it ever been reported to you that  
22    anyone--

23                   MR. GINSBERG: Are you talking about  
24    other than the newspaper article?



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MR. AVERILL: Any person.

THE WITNESS: Oh, no.

Q (By Mr. Averill) Never?

A No.

Q Mr. Castro, how would it be possible to fix with absolute certainty the day that you visited the ATF office to discuss this business about the Canadian salesmen?

A I don't have any way of fixing that date.

Q You do not keep a journal or a diary or a log?

A What for?

Q I do not know what for. I am asking you if you do.

A No, I don't keep any.

Q In whose company were you when you went there?

A Ron Martin.

Q To your knowledge, does Mr. Martin keep a journal or a diary or a log?

A Not that I know of. Let's see. He has an appointment book on his desk which I don't know about.

Q Is it stress that causes--as I understand

1 your testimony the sugar which in turn affects your  
2 eye; is that correct?

3 A Right. Any time I get uptight, nervous.

4 MR. GINSBERG: I am going to object  
5 to the form of the question, in that that can be only  
6 one of the factors. I mean, if you are trying to  
7 imply that is the only way--

8 MR. AVERILL: I am trying to understand  
9 his testimony. I am not trying to anticipate a  
10 doctor's testimony.

11 THE WITNESS: Whenever I am calm,  
12 relaxed, my vision is 100 percent better. I get these  
13 calls, I get uptight and nervous and that is when I  
14 really start having trouble with my eyes.

15 Q All of the callers have been Latin?

16 A No.

17 Q Some of them have been Latin?

18 A Perfect English.

19 As far as I know, they have no accent,  
20 like myself. I speak both languages. When I am speak-  
21 ing Spanish, you can't tell I speak English well.  
22 When I speak English, you can't tell I speak Spanish  
23 well.

24 There have been calls in English that

1 you could not find a trace of accent.

2 Q Are those in Spanish?

3 A It varies. There is no way I can give a  
4 percentage.

5 Q Are any of them in Spanish only?

6 A Most of them are.

7 Q Most of them are in Spanish?

8 A But they have an accent. I know they  
9 are Spanish, but some others--some people speak  
10 Spanish well.

11 MR. GINSBERG: The point that he is  
12 saying is that the accent that they have is a Spanish  
13 accent or a Cuban accent which is perfect.

14 Q (By Mr. Averill) In other words, they  
15 are native?

16 A I can tell they are Cubans. Let's put  
17 it that way.

18 Q These harassing phone calls, as I now  
19 understand the situation, are mostly in the Spanish  
20 language?

21 A I wouldn't put it that way. I couldn't  
22 give a percentage.

23 Q Some of them are in the Spanish language?

24 A Yes. Spoken in Spanish.

1 Q Others are in English?

2 A Right.

3 Q Of the ones that are in English, are  
4 some of them from persons who are speaking English but  
5 have a decided accent which would lead you to believe  
6 that they are not native-born Americans?

7 A They lead me to believe that they are  
8 bi-lingual.

9 Q And that English is not their first  
10 language?

11 A I don't believe so.

12 Q As a matter of fact, you concluded they  
13 are Cubans who are speaking English?

14 A It could be Spanish. It could be Puerto  
15 Ricans. It could be--

16 Q But, you have in fact concluded that they  
17 are Cubans and that they are Spanish-speaking?

18 A Yes.

19 Q Then, there are some people who are  
20 speaking in the English language who are Spanish that  
21 have almost no accent at all?

22 A With none at all, right.

23 Q Has any person ever given you a reason  
24 to believe what the rationale of these phone calls is?

1 A From the phone calls themselves?

2 Q Yes.

3 A Just that they are waiting their time,  
4 they are going to get me sooner or later.

5 Q Why?

6 A That is it. I have no idea.

7 Q You have never gotten a hint from any  
8 of these phone calls as to what you had done?

9 A I am trying to recall some of them.  
10 Other than we will get--

11 Q But never for what?

12 A No.

13 Q Have you ever figured it out?

14 A Sure. The way they come in on--at the  
15 times they come in--was anything on television, news-  
16 papers, in reference to a bomber, they start. They  
17 constantly--they go for a few days.

18 Q Why did they start before your arrest?

19 MR. GINSBERG: I am going to object to  
20 the form of the question. He had testified that there  
21 was one phone call prior to his arrest.

22 THE WITNESS: That is the only one.

23 Q (By Mr. Averill) Why was there one  
24 phone call before your arrest, if that is your theory?

1 MR. GINSBERG: Again, it is repetitious.  
2 He had already told you it had something to do with  
3 the ATF.

4 Q (By Mr. Averill) The first phone call  
5 was in English or Spanish?

6 A Perfect English.

7 Q When was the last time you received a  
8 perfect English phone call?

9 A About four days ago.

10 MR. GINSBERG: Off the record.

11 (Informal discussion off the record.)

12 Q (By Mr. Averill) I am not meaning to  
13 burden you with unpleasant memories, but what time did  
14 the police arrest you?

15 A Exactly the time they came, I can't  
16 tell you. I think they got there a quarter to 11,  
17 10:45.

18 I was watching a program. They walked  
19 in the door. They banged the door and I opened it and  
20 I saw their badges and they served me with a search  
21 warrant.

22 They pushed their way right in and I  
23 wasn't arrested at that time. They pushed their way  
24 in, went over and turned off the television.

1 Q Are you involved in any litigation with  
2 the police as a result of that arrest?

3 A I don't follow you.

4 Q Have you sued anybody for false arrest?

5 A No.

6 Q Do you plan to? Do you want to?

7 A I am thinking about it.

8 Q Are you involved in any litigation at  
9 all now?

10 A I am not sure.

11 Q Are you suing anybody else?

12 A Yes.

13 Q Who?

14 A The Replica.

15 Q Why?

16 A The same thing, same reasons.

17 Q What did they say?

18 A False statements, untruthfulness.

19 Q Stemming from a news report concerning  
20 your arrest?

21 A It came out the same time that the Miami  
22 News paper came out.

23 Q And what they said was basically the same  
24 thing?

1 A Almost, yes.

2 Q In what way did the Replica article  
3 differ from the Miami News article?

4 MR. GINSBERG: If you know.

5 THE WITNESS: I am not sure of which  
6 one it was, when they said they had information from  
7 the Cuban community.

8 Q (By Mr. Averill) Is that the only  
9 difference?

10 A They said something about 100 bombs  
11 planned to be exploded in the Miami area or something  
12 around that time.

13 Q So, that lawsuit has been filed in Dade  
14 County?

15 A Yes.

16 Q And Mr. Ginsberg is representing you?

17 A No, Ron Smith.

18 Q Do you have any other lawsuits now?

19 A No.

20 Q Is anybody presently suing you?

21 A Me, no.

22 Q Is anybody presently suing the corpora-  
23 tion, the rifle range?

24 A No.



1 Q That is your only business interest?

2 A That is right. That is it. There is  
3 also a gun shop in there. I mean, it is a complex. I  
4 have a range and a gun shop.

5 Q I did not know that.

6 A It is a range. I just opened a gun shop  
7 three weeks ago.

8 Q Does the same corporation run the gun  
9 shop?

10 A Right now, I haven't even filed a  
11 d/b/a. It is doing business as the FRA Pistol Academy.

12 Q And there is no separate corporation?

13 A I haven't set--as I said, I just opened  
14 three weeks ago.

15 Q You were taken to jail, I take it, by  
16 the police?

17 A Yes.

18 Q How long were you in jail?

19 A About an hour.

20 Q You were bonded out?

21 A Bonded out right away.

22 Q You went home or you went somewhere else?

23 A I went home. I couldn't drive. My  
24 wife had to drive me.

1 Q She came to the jail?

2 A She came and picked me up.

3 Q When was it that you learned of the

4 Miami News article?

5 A The following day.

6 Q About what time?

7 A I couldn't recall the time. My wife

8 brought it in and showed it to me.

9 Q Do you subscribe?

10 A Yes.

11 Q Do you still?

12 A Yes.

13 Q You like the newspaper?

14 A No. I don't read that often. It

15 bothers my eyes to read. Unless it is a point of

16 interest, I don't read it.

17 Q Had you gone to work that morning?

18 A No.

19 Q Why not?

20 A I couldn't.

21 Q Why not?

22 A My eyes were bothering me very badly.

23 I was up until about 3:30, 4 o'clock in the morning.

24 Q When was it that you learned about the

1 Replica article?

2 A About the next day--the day afterwards,  
3 someone called me and told me about it and they brought  
4 me a copy.

5 Q Did you hear any radio broadcasts?

6 A Yes. It was over the radio.

7 Q Are you suing anybody over what was on  
8 the radio?

9 A At the present, I am only suing the  
10 Miami News and the Replica.

11 Q Are you planning on suing over anything  
12 that was on the radio?

13 A I am not sure.

14 Q Are you mad at any particular radio sta-  
15 tions?

16 A No.

17 Q Did any radio stations broadcast any-  
18 thing that you found particularly offensive?

19 MR. GINSBERG: Again, you are going to  
20 have to--you are going to have to be a little more  
21 specific, and if you are talking about a particular  
22 radio station or one he heard--if he actually heard it  
23 on the radio. He may not have.

24 THE WITNESS: I heard just the last part.

1 My wife heard it and several friends.

2 Q Where, on what radio station?

3 A A radio station. It is--

4 Q Was it in English or Spanish?

5 A The one my wife was listening to must  
6 have been English. She doesn't speak Spanish.

7 Q You do not know what radio station?

8 A I do not recall.

9 Q Did she say it was inaccurate in any  
10 regard?

11 A I don't remember.

12 Q You do not remember?

13 A No.

14 Q Did you hear any yourself?

15 A Not on the radio station, no.

16 Q Did anyone report to you having heard--

17 A Most of my friends called me immediately  
18 and they were concerned about what they heard on the  
19 radio.

20 Q Did they tell you it was in any way  
21 inaccurate?

22 MR. GINSBERG: I am going to object.  
23 How would they know whether it was inaccurate.

24 MR. AVERILL: Excuse me. I agree. I

•3-A

1 will withdraw the question.

2 Q (By Mr. Averill) Based on what they  
3 told you, did you come to the conclusion that the  
4 radio station reports were inaccurate?

5 A Definitely. There is no truth in any-  
6 thing.

7 Q In what regard?

8 A I never mixed up with any politicians  
9 or any terrorists or anything like that.

10 Q Did the radio station say you were  
11 involved in terrorism?

12 A I don't recall, really. I have to check  
13 on that.

14 Q Then, you don't know whether or not the  
15 radio station reports were accurate or inaccurate?

16 MR. GINSBERG: Again, I think that I am  
17 going to have to object to the form, because we haven't  
18 got yet to what the people told him.

19 MR. AVERILL: I will agree with that.

20 Q (By Mr. Averill) Your wife still sub-  
21 scribes to the Miami News?

22 A She gets it at the office. I get the  
23 Herald at home.

24 Q At that time--

1           A.     It has been like that always.  It  
2 hasn't changed.

3           Q.     She has always gotten it at her office?

4           A.     She gets it there.

5           Q.     How did she get the Miami News the day  
6 of your arrest?

7           A.     I don't remember.  She probably got it  
8 at the office and brought it in.

9           Q.     So, then, it would have been in the  
10 afternoon?

11          A.     I believe so.

12                   Then I went out and found a couple of  
13 copies somewhere and brought them home, too.

14          Q.     Would it have been in the evening,  
15 around dinner?

16          A.     I can't remember.  She gets home about 4.

17          Q.     Did she stay home from work that day?

18          A.     No.

19          Q.     Had you received any phone calls from  
20 friends concerning the radio reports prior to--

21          A.     I called and I wasn't going to--

22                   MR. GINSBERG:  Prior to what?

23                   MR. AVERILL:  Prior to discussing the  
24 Miami News article with your wife.

1 THE WITNESS: I can't remember. The  
2 only thing I recall right now is that she called in  
3 and said I wasn't coming in to work, and I said I was  
4 very uptight.

5 I had trouble with my eyes and couldn't  
6 see and she said--she told Ron Martin what had happened  
7 that night or John Canton--one of the--of which, I am  
8 not sure. One of the two. She told them I wouldn't  
9 be in that day, and she heard it on the radio.

10 Q (By Mr. Averill) She had already heard  
11 this on the radio?

12 A Yes.

13 Q Prior to the time that your wife brought  
14 home the Miami News, had you heard from persons,  
15 employers or friends who had heard that report, the  
16 report of your arrest on the radio?

17 A Someone called, but I can't recall who  
18 it was.

19 MR. GINSBERG: Excuse me. You said  
20 prior in time to the article, so you are talking  
21 about from a period in the morning of the arrest in  
22 that afternoon and when his wife came back?

23 MR. AVERILL: Precisely.

24 MR. GINSBERG: Other than his employer

1 who reported it to him, did anyone else call him; is  
2 that what you really want?

3 Q (By Mr. Averill) Your employers heard  
4 of your arrest on the radio?

5 A They heard it.

6 MR. GINSBERG: I am just going to object  
7 to this testimony. What they heard or what--

8 THE WITNESS: They didn't specify.

9 Q (By Mr. Averill) What time was it that  
10 your wife called?

11 A It had to be around--between 8 and 8:30.

12 MR. AVERILL: Off the record.

13 (Informal discussion off the record.)

14 Q (By Mr. Averill) When was it that the  
15 charges against you were finally dropped, approximately?

16 A I don't have an idea.

17 Q Three, four months after the arrest?

18 A I don't know, offhand.

19 Q The charges against you were ultimately  
20 dropped; were they not?

21 A Completely.

22 Q Mr. Ginsberg succeeded at one point  
23 getting the charges dismissed, and then the State came  
24 back again and refiled?



1 A I got it dropped again.

2 Q Did they rearrest you?

3 A Yes.

4 Q They came--

5 A I went down there voluntarily.

6 Q You went down there and you were again  
7 processed through the jail?

8 A Right.

9 Q A second time?

10 A A second time.

11 Q Then again, Mr. Ginsberg succeeded in  
12 having the charges dismissed?

13 MR. GINSBERG: I think that is an untrue  
14 characterization. The judge dismissed the charges,  
15 and rather than--

16 Q (By Mr. Averill) Mr. Ginsberg convinced  
17 the judge to drop the charges; is that correct?

18 A I don't know if--he could have--the  
19 judge did it on his own.

20 Q Eventually, the charges were dismissed  
21 the second time, also?

22 A Also.

23 Q That took a period of some several  
24 months, at least?

1 A Yes.

2 Q Had all this terminated by the time you  
3 began to do the work on the--

4 A Yes.

5 MR. GINSBERG: I am sorry, Ed. You  
6 are going to have to wait until he finishes his ques-  
7 tion before you answer.

8 Q (By Mr. Averill) --on the rifle and  
9 pistol range?

10 A Right. I believe it was.

11 Q That was about in October?

12 A No. It had to terminate by the time  
13 I started construction.

14 Q Had it terminated by the time you opened  
15 up?

16 A Yes.

17 Q That was in January?

18 A I believe it was.

19 Q The state of your health has been what  
20 since January of 1976? What has it been in terms of  
21 improvement or deterioration?

22 A The only thing I can tell you--

23 MR. GINSBERG: I am going to object.  
24 I don't think he is qualified, really, to answer that.

1 You can ask him if he feels better, but to ask him the  
2 state of his health, I think you should be clearer and--

3 THE WITNESS: On the contrary, it is a  
4 lot worse.

5 Q (By Mr. Averill) Not to the contrary.  
6 I asked what it has been.

7 A It feels worse.

8 Q Since January of '76, have you felt  
9 progressively worse?

10 A You say January '76. I don't--all I  
11 can do is since the arrest.

12 Q I am asking you since January of '76,  
13 do you feel better or worse or about the same?

14 A It is roughly--it comes and goes. I  
15 can't tell. Right now, I am starting to get nauseous.

16 Q Right after your arrest, did your condi-  
17 tion deteriorate?

18 A Quite a bit.

19 Q You hadn't been to work for the week  
20 prior to this?

21 A Right. Can I explain why?

22 Q Please.

23 A My wife took my contact lenses overnight  
24 to clean them, and this one night she forgot to turn it

1 off and burned them. So, I had no way of getting  
2 another contact. It took about eight days to make  
3 another one.

4 Q At the same time, you had to make  
5 another appointment prior to your arrest for surgery?

6 A I was already set up for surgery, right.

7 MR. AVERILL: One last thing--I think  
8 I am almost done.

9 Off the record.

10 (Informal discussion off the record.)

11 Q (By Mr. Averill) Mr. Castro, you are  
12 claiming emotional distress; are you?

13 A Definitely.

14 Q In what ways has that emotional distress  
15 manifested itself?

16 MR. GINSBERG: Again, I am going to  
17 object to the form of your question.

18 Q (By Mr. Averill) I said in what ways?

19 A What happens, from this pressure and  
20 everything--every time a car goes by the house, if it  
21 keeps going by the house more than once, I start get-  
22 ting edgy and after the phone calls, I am very short-  
23 tempered.

24 I can't sleep at night. If I hear one

1 noise outside or a car that sounded--I am awake the  
2 rest of the night.

3 It is just like my wife--anything going  
4 on, all I can do is hear one car go by, that is the  
5 end of it.

6 If the phone rings in the middle of the  
7 night or any time it rings, I am jumpy.

8 Q Have you sought treatment from a  
9 psychiatrist?

10 A No. A Dr. Kessler handles--he got me  
11 on a Milltown, a mild tranquilizer, and he also says  
12 that I have got to quit working, but how do you quit?

13 Q Has this affected your sex life?

14 A Yes, definitely.

15 Q In what way?

16 A If I am getting into things and I hear  
17 a car or anything else, the moment it stops, it stops  
18 me completely dead in the tracks.

19 Q How often does this happen?

20 A Every time, just about.

21 Q With what frequency did you have sex  
22 before you were arrested?

23 A Quite often.

24 Q Quantify for me, if you would, in terms

1 of weekly---

2 A. I had sex six times a week.

3 Q. And now?

4 A. I am lucky if it goes well once a month.  
5 It just makes me more frustrated and--

6 Q. In what other regards has this matter  
7 or this emotional distress manifested itself?

8 A. Like I said, any time I see a car--if I  
9 am driving down the road, I have to stay on the extreme  
10 right. I don't want anyone coming up on me on my left  
11 side.

12 When I drive home from work at night  
13 and I call my wife before I leave, I--I had to put a  
14 telephone in my car. I usually check when I leave and  
15 she waits for me when I get home.

16 Any time somebody walks into the range  
17 that I don't recognize, I get kind of edgy.

18 Q. Has this diminished your ability to meet  
19 people?

20 A. Well, it has, because it limits me. It  
21 limits me to the--amount of hours I can be there.

22 Q. What I am talking about is in terms of  
23 your personality.

24 A. I have got a short temper now, very

1 short.

2 Q Didn't you always have a short temper?

3 A Not that short.

4 Q What else?

5 A I get--like I said, it is just nerves.  
6 Very nervous.

7 Q What other ways?

8 A Sometimes when I try to do something,  
9 like add something up, the tickets or the records--the  
10 tape and I get a phone call--during any short period  
11 of time, I can't add up even two and two. I can't  
12 concentrate on what I am doing.

13 Q Isn't this a result of your diabetes?

14 A No. I can't answer that question truth-  
15 fully. I know my sugar goes up any time I get under  
16 pressure.

17 Q Mr. Castro, in what other regards that  
18 we have not discussed today, has the Miami News article  
19 in your view impacted your life?

20 A Well, the slanderous part of it--no  
21 matter how many people--there is still doubt in their  
22 minds.

23 MR. GINSBERG: The question is, how has  
24 it affected your life.

1 THE WITNESS: That is it. Loss of  
2 friends, a nervous condition has increased. It seems  
3 to bring out my diabetes, which in turn affects my  
4 vision.

5 That limits me as to how many hours I  
6 can put in in a day.

7 Home life.

8 Q (By Mr. Averill) Go ahead.

9 A And every time a car comes up, I get  
10 all jittery, especially if they come up real fast behind  
11 me.

12 Every time I stop at a light and some-  
13 body gets behind me and--I am constantly watching.

14 The other day, I didn't--a guy kept  
15 staring at me. He was on the right side, and the  
16 light changed and I went through the turn signal and  
17 I went right through it.

18 Q Other than the doctors we have dis-  
19 cussed, have you consulted with any other physicians in  
20 the past two years?

21 A None that I can remember.

22 Q Do you have appointments with any others?

23 A Different appointments?

24 Q With any doctors other than the ones whom



1 we have discussed?

2 A No.

3 Q You have not consulted a psychiatrist  
4 or psychoanalyst?

5 A No.

6 Q I am sorry, what is the name of the  
7 doctor on Miami Beach?

8 A Albert Kessler.

9 Q How did you come to go to Dr. Kessler?

10 A He came into the range, my place of  
11 business, and I found he was specializing mostly in  
12 diabetes.

13 Q Do you know how it is he came to come  
14 into the range?

15 A One of my other customers brought him  
16 in.

17 Q Which one was that?

18 A Steve Miranda.

19 Q Who is Mr. Miranda?

20 A He is an associate of Dr. Kessler. He  
21 just came into the--

22 Q Do you consider yourself knowledgeable  
23 in firearms?

24 A Yes.

1 Q Where did you acquire that knowledge  
2 and ability?

3 A It has been a hobby of mine since I was  
4 ten, twelve years old.

5 Q Have you ever thrown one of these little  
6 devices at a shark?

7 A Yes. I have thrown them in the general  
8 area of the shark.

9 Q What was the result?

10 A Just scared him.

11 Q Do sharks have blood?

12 A Yes, they bleed, sure.

13 Q Did you ever see blood?

14 A Only on the ones I tied to the shark.  
15 Not the ones I threw at it, but that ruptures the gills  
16 because of the pressure.

17 Q Where did you get the formula that you  
18 use?

19 A There is no formula. Just black powder.

20 Q What about the configuration of it?  
21 What about the configuration of these devices? How did  
22 you figure that out?

23 A If you see a firecracker, it is just a  
24 duplicate.

1 Q You do not have any of these devices  
2 left in your possession?

3 A None whatsoever.

4 Q Besides your wife, who else would know  
5 of your emotional distress?

6 A Quite a few people.

7 Q Who?

8 A I would say at least--

9 Q Dr. Kessler?

10 A Oh, no. So many, I can't think of one.  
11 Pepe Magnotes.

12 Q I want some names and when I get some  
13 names, I want some addresses.

14 A That would be Dr. Albert Kessler, whose  
15 address you have; Pepe Magnotes, Catalina Rodrigues.

16 Q Right.

17 A Frank Mathus.

18 Q Who is Mr. Mathus?

19 A He owns Frank's Auto Glass on Salzedo.  
20 You had better get a new pad because  
21 there is about three or four hundred of them.

22 Q How do you know Mr. Mathus?

23 A He owns Frank's Auto Glass. He has  
24 been doing work on my wife's car for years.

1                   Pat and Hester O'sales. He has a very  
2 bad heart condition, so--

3                   Q     How do you spell his last name?

4                   A     It is an English name.

5                   Q     What does he do for a living?

6                   A     He used to be a car salesman for about  
7 20 years.

8                   Q     Where did he sell cars?

9                   A     Oh, boy.

10                  Q     Last.

11                  A     He hasn't worked for about ten, fifteen  
12 years.

13                             I don't have any idea.

14                  Q     Who else?

15                  A     Let's see. Jose Porto, P-o-r-t-o.

16                  Q     Who is Mr. Porto?

17                  A     He is one of my former employees.

18                             Jack Flarity.

19                  Q     Who is Mr. Flarity?

20                  A     He is an officer for Metro, a detective,  
21 PSD.

22                             Jack Edelstein. Don't ask me to spell  
23 his name.

24                  Q     Is Mr. Flarity, or Officer Flarity, a

1 customer?

2 A No. He has been a personal friend for  
3 about ten years, eight or ten years.

4 Q Who is Mr. Edelstein?

5 A Jack--he has been a friend, also, for  
6 quite a few years. He is a salesman for Miles Abbott.

7 Q Go ahead.

8 A There are so many, I can't even remember  
9 them.

10 Chico Menendez. I have known him as  
11 Chico.

12 Q Where does he live?

13 A He is a police officer in Monroe County,  
14 the Sheriff's Department.

15 Q How often do you see Mr. Menendez?

16 A Any time he comes up. I'd say on an  
17 average of one to every two, three times a month. It  
18 depends on whenever I go down to the Keys.

19 Q Go ahead.

20 A My stepson, Frank Shea, III.

21 My stepdaughter, Susan Shea.

22 Q Does Susan live at home?

23 A Yes.

24 Q How old is Susan?

1 A Susan is 17.

2 Q And Frank is a year or two older?

3 A Right.

4 Dr. Cruz, Armando Cruz. I mentioned him  
5 earlier.

6 Ivan Martinez.

7 Q Who is Mr. Martinez?

8 A He is another friend and he does--right  
9 now he is in construction in chain link fences. I don't  
10 have an address on him. He is Dr. Cruz' son-in-law.

11 Q Is he a contractor?

12 A For fence work, yes.

13 My parents, but my father, he has a bad  
14 heart. I don't want to have him involved in this.

15 I can't recall. There is a bunch of--  
16 but I can't recall names right offhand.

17 Q Who are your employees?

18 A Right now, I only have one.

19 Q Who is that?

20 A Anthony Soles. The other two are sub-  
21 contractors.

22 Q I do not understand.

23 A I have two others. One other is a sub-  
24 contractor.

- 1 In other words, they work by piece work.  
2 Albert Espinoza.
- 3 Q What does Mr. Espinoza do?  
4 A All he does is case the bullet heads,  
5 and I pay him piece work. He has no set hours, not set.
- 6 Q If there is no work, there is no pay?  
7 A That is right. Piece work, strictly.
- 8 Q Who else?  
9 A My daughter, Susan. She comes a couple  
10 of days a week and the rest of the time, my wife and I  
11 fill in.
- 12 Gordon Cassell.
- 13 Q Who is Mr. Cassell?  
14 A He works for Dr. Sanders. He is the  
15 one that fits the contact lenses. He just moved up in  
16 Florida.
- 17 Q How often do you see him?  
18 A I was seeing him once or twice a week  
19 until three weeks ago, when he moved.
- 20 Q Did he know you before the arrest?  
21 A Yes. He was--in fact, he was there  
22 through surgery and everything.
- 23 Q He is an M.D.?  
24 A No. He works for the optometrist, like

1 fitting contacts and--

2 Q He is a technician of sorts?

3 A Yes.

4 Q Besides Mr. Soles--is that his name,  
5 Soles?

6 A Soles.

7 Q Besides Mr. Soles, have you ever had any  
8 other employees?

9 A Yes. There was Jose Porto, which I men-  
10 tioned before.

11 Q He is no longer there?

12 A He is no longer with me. I can't  
13 remember the last name--he was before him, and then the  
14 first one was Santiago and then Espinoza.

15 Q Who was the first employee?

16 A Medaco. I can't remember his last name  
17 because I never made the pay checks. My wife--

18 Q Am I correct that you make more money  
19 now out at the gun range than you did at Tamiami?

20 A When I draw a salary.

21 Q On an annual basis?

22 A I haven't--I haven't broken even. It  
23 is the same as last year.

24 MR. AVERILL: No further questions.



## CROSS EXAMINATION

1  
2 BY MR. GINSBERG:

3 Q Mr. Castro, do you think that there are  
4 certain people or organizations that will not attend  
5 or go to your establishment; to your knowledge?

6 A Certain organizations?

7 Q Yes, like--I mean, is there any group  
8 or individual, either one, that of your own knowledge  
9 will not go to your place of business basically because  
10 of this adverse publicity?

11 A Not groups.

12 Q But there are individuals?

13 A I can't name them, but I have heard of  
14 some of them that wouldn't come over there.

15 Q Are you aware of these people belonging  
16 to any organizations?

17 MR. AVERILL: Wait a minute. I am  
18 going to make an objection. I asked the man if he  
19 was making any claim for economic damages and he told  
20 me no, and you are apparently trying to establish some  
21 evidence that would lay a predicate for economic  
22 damages.

23 MR. GINSBERG: Not necessarily. If he  
24 is aware of how this article has affected him, and if

1 the loss of income--

2 MR. AVERILL: I have skipped that whole  
3 area.

4 MR. GINSBERG: I am again--I am not  
5 sure that he is aware of when you speak of economic  
6 damages. I don't know what the pleadings again refer  
7 to, but if he knows of people who are not coming in  
8 his place--I thought that you had gone through that.

9 MR. AVERILL: Once we established that  
10 he wasn't making a claim, I walked away from it.

11 MR. GINSBERG: Let me--maybe it is some-  
12 thing that--it may be something that you might want to  
13 go back into.

14 MR. AVERILL: Off the record.

15 (Informal discussion off the record.)

16 Q (By Mr. Ginsberg) Going back to this  
17 information, there were certain law enforcement agencies,  
18 the FBI, the local police groups--what type of informa-  
19 tion did they seek?

20 A They consulted me as to--like guns.  
21 They asked me about if I knew--if a certain type of  
22 gun was a full automatic or not.

23 Q It was technical information?

24 A Technical information.

- 1 Q That these people sought from you?
- 2 A Right.
- 3 Q Did they ever ask you to inform on an  
4 individual?
- 5 A I wouldn't think so.
- 6 Q They did bring photographs, though, in  
7 one case?
- 8 A The ATF--that was prior to the arrest,  
9 no.
- 10 Q But all the information, that was sought  
11 from you in your field of expertise as an expert?
- 12 A That is correct.
- 13 Q How did you give them this information  
14 they sought?
- 15 A I looked it up in different manuals and  
16 called them back.
- 17 Q Did you ever inform on any individual  
18 or group?
- 19 A Only on that one that came in and had a  
20 gun damaged and left it for repairs.
- 21 It was an expensive gun and he really  
22 wasn't that interested in it. If it would have been  
23 mine, I would have been taking a lot of interest in it.  
24 He just kind of bypassed it.

1 Q How did this come about?

2 A He went--mumbled--he claimed that he was  
3 shooting the gun and the gun blew up and he asked me  
4 if I could fix it.

5 I told him, leave--let me try. He just  
6 left it with the gun shop and that was it. I went  
7 ahead and ran a check on the serial number.

8 Q On the weapon?

9 A On the weapon.

10 Q What did you find?

11 A The gun was apparently stolen from a  
12 police officer in Georgia.

13 Q What did you do about it?

14 A I notified the Public Safety Department  
15 and they notified the ATF.

16 Q Do you know the results?

17 A They threw it out. They had the wrong  
18 gun.

19 Q When was this?

20 A Dates--it was not very long after I  
21 opened up. So, it had to be March or April of last  
22 year.

23 Q Do you recall the name of the person  
24 that was involved?

1 A No.

2 Q What happened after?

3 A After the arrest? After I opened up?

4 Q Then, that is the only individual that  
5 was ever involved with you as far as reporting to any  
6 agencies indirectly; is that correct?

7 A (No response.)

8 Q Now, in this--I think it is a week period  
9 prior to your arrest, you listed several people that  
10 came to your house.

11 Q Could anyone else have come to your  
12 house during that period without your knowledge?

13 A I doubt it, because the dogs--

14 Q Were you at home every day?

15 A I couldn't go out, I couldn't drive.

16 Q You stayed home 24 hours a day?

17 A Maybe I went to the store. When my  
18 wife's home, no way anyone could have gotten in the  
19 house.

20 Q Was there ever a time that you weren't  
21 in the house and your children--like say on one of  
22 those occasions where you went to the store?

23 A I can't recall of anyone coming in. If  
24 they did, they would have waited for me when I got back.

1 Q Could it be a friend of one of your  
2 stepchildren?

3 A They got numerous friends in and out of  
4 the house.

5 MR. AVERILL: Let me move to strike the  
6 answer as pure speculation.

7 Q (By Mr. Ginsberg) By the way, how much  
8 did you weigh prior to your arrest?

9 A About 160, 165.

10 Q How much do you weigh now?

11 A I have come--I did go way down as far  
12 as 128. I have gone back up to 150 now.

13 Q It is my understanding you weighed  
14 about 165?

15 A Close.

16 Q Prior to this article appearing in the  
17 newspaper?

18 A That is right.

19 Q And from that time, as I understand it,  
20 you said you were down to 128?

21 A 128.

22 Q Over what period of time did you go down  
23 to 128 pounds?

24 A After surgery, approximately five or six

1 months.

2 Q So, in the five- or six-month period,  
3 you lost about 30 to 40 pounds?

4 A Thirty to 40 pounds.

5 Q How long did it take you to regain that?

6 A I am still.

7 Q How much do you weigh now?

8 A About 157, 158.

3-B

9 Q Now, prior to these articles appearing,  
10 were you considered an expert shot or did you consider  
11 yourself to be an expert shot?

12 A Yes, I did.

13 Q Has your shooting ability diminished?

14 A It had to change. Let's put it this  
15 way--

16 Q How is it changed?

17 A Well, I can't use a sight any more. I  
18 have to learn to shoot off hand and without the use of  
19 sights.

20 Q How would this affect your shooting  
21 ability, not being able to use a sight?

22 A I can't go into competition, sir.

23 Q Did you compete before?

24 A Up in Michigan.

1 Q Have you won any awards or prizes for  
2 your ability?

3 A Several quick-draw contests, high-powered  
4 1,000 yards shooting which I cannot do any more in  
5 competition.

6 Q Now, one thing else I would like to get  
7 cleared up, and that is Dr. Kessler. Was he your  
8 wife's family physician?

9 A No. I met Dr. Kessler at--

10 Q Who was your wife's family physician?

11 A I am not sure. I know one of them is  
12 Mummery and--

13 Q Would you spell that, please?

14 A I can't.

15 Q Did you see any family physician of your  
16 wife's?

17 A No.

18 Q By the way, have you ever been a public  
19 figure, Mr. Castro?

20 MR. AVERILL: Objection. That calls for  
21 a legal conclusion.

22 THE WITNESS: No, never.

23 Q (By Mr. Ginsberg) Have you ever been  
24 elected to public office?



1 A Never.

2 Q Has your name ever been in the news-  
3 papers before?

4 A Never.

5 Q Has it ever been on the radio?

6 A No.

7 Q Television?

8 A No.

9 Q Have you ever been a movie star or a  
10 sports figure?

11 A No.

12 Q Did you authorize your attorneys to  
13 write the Miami Daily News asking for a retraction?

14 A I did.

15 Q Did you ever receive one?

16 A No.

17 Q With all the problems that you have had,  
18 would you still like the Miami Daily News to print a  
19 retraction?

20 A Yes, I would.

21 Q Have you ever gone under any other name  
22 other than your own name?

23 A Never.

24 Q I do not mean other than the diminutives

1 of Edward, like any?

2 A Butch.

3 Q Were you known as Butch for a while?

4 A When I worked in a meat market, Little  
5 Butch.

6 Q Was that because your father was a  
7 butcher?

8 A Yes.

9 Q Your last name, you have always gone  
10 under Castro, C-a-s-t-r-o?

11 A Right.

12 Q Did you ever put the De in front of it?

13 A No.

14 Q Have you ever had anyone ever tease you  
15 or joke with you about being a De Castro?

16 A Years ago.

17 Q Has anyone kidded you since then about  
18 that?

19 A No.

20 Q Have you given us all of the damages  
21 that you sustained as a result of this article?

22 A I believe so, unless something more  
23 comes up physically. Sometimes it makes me worry about  
24 my family.

1 Q You said you worried about that?

2 A Sure. Suppose my daughter has my car  
3 and they don't recognize her or suppose my father is  
4 using the car.

5 MR. GINSBERG: No further questions.

6 MR. AVERILL: No questions.

7 (Reading, subscribing, and  
8 notice of filing waived.)

9 (Thereupon the taking of the  
10 deposition was concluded.)

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