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

CRIMINAL DIVISION

STATE OF FLORIDA, )  
 )  
 vs. ) No. 77-29739  
 )  
 ANTONIO CALATAYUD, )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )

DEPOSITION OF:

MAX LESNICK

April 10, 1978  
Monday, 11:00 a.m.

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

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WITNESS

DIRECT

CROSS

Max Lesnick

3

--

EXHIBITS

(None marked)

JOE TROIANO

OFFICIAL REPORTER, CIRCUIT COURT

TELEPHONE 374-1714

14 N. E. 1st Avenue / Suite 1412 Ainsley Building / Miami, Florida 33132

APPEARANCES:

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

[No appearance on behalf of  
the Defendant.]

- - - - -

Thereupon:

MAX LESNICK

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

DIRECT EXAMINATION

BY MR. SLATER:

Q Mr. Lesnick, my name is Andrew  
Slater. I'm what's called a Certified Legal Intern.  
That means, I'm a third year law student. I'm not  
an attorney, but I am certified by the State of  
Florida to conduct proceedings as we're going to  
conduct today.

The reason that you're here is  
for what we call a deposition. It's where the  
State has an opportunity to find out a little bit  
about the defendant's case. It's provided for in  
the Rules of the State of Florida.

You are here because you have been  
listed as a defense witness, and we're just going

to try to find out a little bit about the defense

1 in this case, just so all the facts come out now.

2 Before we begin, I'd like to put  
3 on the record, that Mr. Gino Negretti, who was the  
4 attorney for the defendant, Antonio Calatayud, has  
5 been notified to appear for today's deposition  
6 at 10:30 a.m. It is now 11:10, and because of  
7 Mr. Negretti's tardiness, we have decided to pro-  
8 ceed without him.

9 Sir, would you state your name,  
10 please?

11 A. Max Lesnick.

12 Q. And your address?

13 A. 5530 Sardenia, Coral Gables.

14 Q. And is that in Dade County, Florida,  
15 or in Miami, Florida?

16 A. It's in Dade County; Coral Gables,  
17 the city, Dade County.

18 Q. And sir, where are you employed?

19 A. I'm the owner and editor of Replica  
20 Magazine. It's a company--we publish magazines  
21 and newspapers in Miami; Spanish magazines.

22 Q. What kind of publications are they?  
23 What's the substance of your---

24 A. News and entertainment.

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Q News and entertainment, okay.

1 A All kinds of news.

2 Q And how often do you publish?

3 A The magazine is weekly on national  
4 distribution.

5 The paper is weekly, local dis-  
6 tribution, and the TV Guide is local distribution,  
7 weekly, too.

8 Q Okay. Mr. Lesnick, do you know  
9 a gentleman by the name of Antonio Calatayud?

10 A Yes.

11 Q Would you tell me in what connection  
12 you know Mr. Calatayud?

13 A Mr. Calatayud is a businessman and  
14 a Cuban exile, that for many years, he was involved  
15 in Cuban politics.

16 I am editor of the publication  
17 before, and the reason that I know Mr. Calatayud  
18 is because it's impossible for an editor in the  
19 Latin media--don't have contacts or personal knowl-  
20 edge of the people involved in the Cuban affairs.

21 Q Do you know Mr. Calatayud personally,  
22 like we're sitting here talking, or do you know  
23 him through stories that you've seen and have been  
24 reported in your newspaper?

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A Both ways. I know him personally,

1 and sometime I have a statement that he made through  
2 my paper. I know him personally.

3 Q And in what regard do you know him  
4 personally?

5 A He's younger than me. He don't  
6 belong to the same generation because---

7 Q Excuse me? I didn't catch what  
8 you first said.

9 A Yes. I am older than him; in other  
10 words, I belong to older generation than him, and  
11 in some way he's a militant of the Cuban organization.  
12 The name is Dictorio Revolutionario.

13 Q Do you know him personally? Under  
14 what circumstances have you come in contact with  
15 him?

16 A Oh, because many years ago, he had  
17 a radio station in Miami. The name of the station  
18 is Radio Mundo.

19 In this radio station, there is a  
20 program, a news program, and he and other people  
21 involved in the radio station used to invite people  
22 in the community to speak on the radio, and then  
23 I went once a week to the radio station, and this  
24 is the reason that I meet him; sometimes in the

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radio station.

1 Q Okay. You said that Mr. Calatayud  
2 is a militant; is that correct?

3 A Yes.

4 Q And could you describe what you  
5 mean by "militant"?

6 A Militant is a Cuban, and in town,  
7 in Cuban--Little Havana--involved in Cuban affairs.

8 Q Any type of Cuban affairs makes  
9 him a militant?

10 A I'm talking about the Cuban affairs  
11 related to the Cuban problems; in other words, the  
12 people are involved in the Cuban struggle against  
13 Castro or for Castro, in other words.

14 Q Which side is Mr. Calatayud on,  
15 as far as you know?

16 A I suppose that he is against Castro.

17 Q Okay. Now, you also said you know  
18 Mr. Calatayud in some of the articles that have  
19 been published in your newspaper; is that correct?

20 A Yes.

21 Q Could you tell me something about  
22 some of the articles that have been published in  
23 the newspapers about Mr. Calatayud?

24 A He write articles about---

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Q He writes articles or they have been

1 written about him?

2 A Yes; about him or he writes the  
3 articles.

4 Q I'm more concerned about the articles  
5 written about him.

6 A About him, that he is a Cuban leader;  
7 that he is always fighting for the Cuban freedom,  
8 you know, is in the same way that there are a lot  
9 of Cubans here talking about the Cuban situation,  
10 that they want to liberate Cuba, and they are  
11 involved in activities, meetings and parades and  
12 demonstrations.

13 Q Okay. Did you ever publish any  
14 articles concerning any bombings of Mr. Calatayud's  
15 car or home?

16 A I don't remember if we published  
17 the information about the bombing, but I know that  
18 his house was bombed one time. I remember that.

19 I suppose I read it in the paper.  
20 You know, it's a weekly, and if the situation happened  
21 Friday and my paper is published every Thursday,  
22 we cannot publish a story about what happened a  
23 week ago; in other words, I cannot recollect that,  
24 if we published the information, but I know---

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Q But you knew that Mr. Calatayud's--

1 was it his house or car that was bombed?

2 A I suppose it was his car in front  
3 of his house.

4 Q And do you know why it was bombed?

5 A No.

6 Q Do you have any idea why it was  
7 bombed?

8 A No.

9 Q Are there any suppositions or remarks  
10 that have been made in the Cuban community as to  
11 why it was bombed?

12 A No.

13 Q I'd like to relate back to September  
14 19, 1977. That's the date on which there was a  
15 parade in downtown Miami to protest ties with the  
16 Cuban government.

17 Were you present at that parade?

18 A No.

19 Q Do you know anything about that  
20 parade at all?

21 A I read in the paper about the parade  
22 and what happened there, and Calatayud was arrested.  
23 There was a piece in the paper.

24 Q Do you know anything about the arrest

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of Mr. Calatayud?

1 A Nothing about that.

2 Q Have you heard anything in the Cuban  
3 community about the arrest of Mr. Calatayud?

4 A Some people told me that he was  
5 there and the policeman catch him and asked about  
6 why he have a pistol, and he answered he had that--  
7 some people told me that.

8 It's hearsay that he had the pistol,  
9 because he was afraid of some people to kill him.

10 Q Did you ever have any conversations  
11 with Mr. Calatayud, himself, concerning the incident?

12 A I don't know if he told in Replica  
13 about the incident, but not the technical way. He  
14 went to my office and told some people there about  
15 the incident, but I was--

16 I don't have time to, to know  
17 everything that was happening. I read it in the  
18 paper and I suppose that he told about that, but  
19 not in detail.

20 Q Do you have any idea why you would  
21 be called on Mr. Calatayud's behalf as a witness?

22 A I don't know. He don't call me to  
23 inform or know his lawyer that he intends to use  
24 me as a witness. I received by directly or by mail--

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I don't remember--the subpoena from the State Attorney's

1 Office, and until now, I don't know why I am here  
2 and Mr.--

3 Mr. Negretti, I know Mr. Negretti.  
4 He never called me to tell that he want my presence  
5 here for any of the depositions; in other words,  
6 I came here because the state attorney subpoenaed  
7 me, and I want to obey the law.

8 Q Okay. I have just one more question,  
9 and pardon me if it's repetitive.

10 How long have you know Mr. Calatayud?

11 A More than--we are now in '78. I  
12 suppose from the early '60s'. I suppose '65, '65.

13 Q Okay. Did you ever live in Cuba?

14 A No. I never met him in Cuba.

15 Q Never met him in Cuba?

16 A Yes.

17 MR. SLATER: Okay. I have no more  
18 questions, Mr. Lesnick.

19 I'd like to thank you for coming  
20 here. You've been very helpful.

21 AND FURTHER DEPONENT SAITH NOT.  
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STIPULATION

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

(Signature waived)  
Deponent

(Whereupon, the deposition was concluded at 11:25 a.m.)

CERTIFICATE

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STATE OF FLORIDA )

COUNTY OF DADE )

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

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

*Sue Ann Kupperberg*  
SUE ANN KUPFERBERG  
Notary Public in and for  
the State of Florida at Large

My Commission expires:  
October 21, 1980