

# Restaurateur told to testify about Morales slaying

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By AL MESSERSCHMIDT

*Herald Staff Writer*

The Third District Court of Appeal has ordered Key Biscayne restaurant operator Roger Novo to testify about the shooting of freelance spy Ricardo (Monkey) Morales in December 1982.

Novo, who operates Cherry's restaurant and discotheque where Morales was killed, refused to provide a sworn statement about the shooting when subpoenaed in July by

prosecutor Sam Rabin Jr.

Novo received immunity from prosecution, but refused to answer questions about the shooting. He claimed that Florida's immunity statute does not bar prosecutors from using leads obtained during a statement against the person who provides the information.

Circuit Judge Thomas Scott rejected Novo's argument July 27 and ordered the restaurant operator to cooperate with Rabin. Novo ap-

pealed Scott's ruling.

In a decision released Tuesday, the appeal court said that Florida's immunity statute is constitutional and protects against possible self-incrimination. The appeal court said it will not consider a rehearing.

Morales was shot in the head by former Cuban policeman Orlando Torres after an argument in the bar. Torres has claimed that he shot in self-defense. No charges have been filed.