

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

**- FILED -**  
JUN 2 1977  
RICHARD P. BRINKER  
CLERK

THE STATE OF FLORIDA

VS. # 74-6113

LUIS ALBERTO CRESPO ET AL

ORDER FOR DISPOSITION OF  
EVIDENCE

IT APPEARING UNTO THE COURT that the above styled and numbered cause has been disposed of in accordance with the law and it further appearing that certain evidence is now in the possession of the Clerk which should be disposed of, and the Court being otherwise fully advised in the premises, it is, upon consideration,

ORDERED AND ADJUDGED that the Clerk of this Court dispose of the following evidence as indicated, to-wit:

RETURN the following exhibits to: Mr. Tom Brodie of PSD LAB

Instanter: State's Exhibit 8 - BOOK "The British at the Gates"

State's Exhibit 9 - BOOK (Hollow inside with batteries)

State's Exhibit 10 - Wide Board (Makeshift table top work bench)

State's Exhibit 27 - Large Sketch Floor-Plan of Garage

State's Exhibit 29 - Brown bag containing 2 balls string, roll tape

State's Exhibit 30 - Bag containing fragments of book and paper

State's Exhibit 31 - Plastic bag containing fragments of book & paper

State's Exhibit 32 - Plastic envelope containing receipts & tapes

State's Exhibit 33 - Plastic bag containing burned items

State's Exhibit 34 - Envelope containing miscellaneous items

State's Exhibit 35 - Plastic bag containing fragments and wire

State's Exhibit 38 - BOOK "The British at the Gates"

Defendant Exhibit B - Fake Book "World's Greatest Jokes" (Novelty)

AND the cassette tape recording used in Defendant B, Humberto Lopez, Motion to Revoke Bail.

NOTE: Deft A - 5 Yrs. St. Pen. 12-5-74  
Deft B - 7 1/2 Yrs. St. Pen. 11-14-75 at expir. sentence 73-5087  
Deft C - Acquitted

~~upon the expiration of the appeal period or if an appeal shall be filed~~  
~~such appeals proceedings~~  
Deft A Appeal dismissed by DCA 7-1-75  
Deft B Appeal dismissed by DCA 5-5-76

DONE AND ORDERED at Miami, Dade County, Florida this 2nd. day of

June A. D., 19 77.

  
ALAN R. SCHWARTZ JUDGE

Filed this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 19\_\_\_\_ and recorded in Circuit Court  
Minutes No \_\_\_\_\_ on Page \_\_\_\_\_  
RICHARD P. BRINKER, Clerk

By \_\_\_\_\_ Deputy

CIR/CT/CRI-118

OFF REC

9698 PG 2014

**RECORDED**  
JUN 6 1977  
RICHARD P. BRINKER  
CLERK

**RECEIVED**  
MAY 31 1977  
STATE ATTORNEY OFFICE

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

CASE NO. 74-6113

STATE OF FLORIDA,	:	DISCOVERY UNDER FLORIDA CRIMINAL PROCEDURE RULE 3.220
Plaintiff,	:	
vs.	:	STATEMENT OF PARTICULARS UNDER FLORIDA CRIMINAL PROCEDURE RULE 3.140 (n)
LUIS ALBERTO CRESPO, HUMBERTO LOPEZ and JUAQUIN MIRANDA	:	DEMAND FOR NOTICE OF ALIBI UNDER FLORIDA CRIMINAL PROCEDURE RULE 3.200
Defendant.	:	

FILED FOR RECORD  
 74 AUG 7 PM 3 43  
 RICHARD E. GERSTEIN  
 STATE ATTORNEY  
 ELEVENTH JUDICIAL CIRCUIT  
 DADE COUNTY FLA.

Comes now, RICHARD E. GERSTEIN, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and files this Discovery, Statement of Particulars, and Demand for Notice of Alibi under Florida Criminal Procedure Rules 3.220; 3.140 (n) and 3.200, as follows:

1. The alleged offense occurred on or about \_\_\_\_\_  
March 20, 1974 at or about 12:30 A.M.  
 \_\_\_\_\_  
 at or in the vicinity of 2344 Southwest 16 Street  
 \_\_\_\_\_  
 Dade County, Florida.

2. The persons, known to the State at this time, that have information which may be relevant to the offense charges, and to any defense with respect thereto, are as follows:

Lt. James Gilbert  
Miami Fire Department

Alfredo Sayus, Sr.  
567 Southwest 3 Street #3  
Miami, Florida

✓ C. Felipe  
MPD

Custodian of Records or Mr. William Lynch  
2001 Palm Bch Lakes Blvd. #202  
W. Palm Beach, Florida 33401

R. Sanchez  
MPD I.D.

✓ George E. Davis, Jr.  
FBI, Miami, Florida

Ed Stone  
PSD Lab

David W. Nichols  
FBI Lab, Washington, D. C.

Ed Buff  
MPD

Edmund W. Kelso, Jr.,  
FBI Lab, Washington, D. C.

Charles Samen  
MPD I.D.

William A. Gavin  
FBI Lab, Washington, D. C.

H. Whitaker  
MPD

Richard Kelly  
Hialeah PD

✓ Tom Brodie  
PSD Lab

Robert Potter  
Hialeah PD

✓ Robert Dwyer  
FBI, Miami, Florida

Newton Porter  
PSD Lab

Robert Ross  
FBI, Miami, Florida

Lt. Cole  
Hialeah Fire Department

✓ Alfredo Sayus, Jr.  
567 Southwest 3 Street #3  
Miami, Florida

Charles Hale  
Hialeah Fire Department

NOTE: Paragraphs designated by asterik \* apply to the reciprocal provisions pursuant to Rule 3.220 of the Florida Rules of Criminal Procedure only.

Robbie Clavier  
Hialeah Fire Department

Tom Quark  
PSD Lab

Ellory Richtarcik  
Broward Sheriffs Office

Earnest Zaremba  
Palm Springs Station  
U. S. Post Office

3. Pursuant to Rule 3.220 (a) (1) of the Florida Rules of Criminal Procedure, the State will disclose to defense counsel and permit him to inspect, copy, test and photograph the material and information, if any, provided for in paragraphs (ii) through (xi), upon request, within five (5) days of receipt of this Discovery at a mutually convenient place.

4\*. Pursuant to Rule 3.220 (b) (3) of the Florida Rules of Criminal Procedure, the State demands that within seven (7) days after receipt of this Discovery the defense counsel shall furnish to the prosecuting attorney a written list of all witnesses whom the defense counsel expects to call as witnesses at the trial or hearing.

5\*. Pursuant to Rule 3.220 (b) (4) of the Florida Rules of Criminal Procedure, the State demands that within fifteen (15) days after receipt of this Discovery that the defense disclose to the prosecuting attorney and permit him to inspect, copy, test, and photograph the following information and material which corresponds to that which the defense sought and which is in the defendant's possession or control:

(i) the statements of any person whom the defense expects to call as a trial witness other than that of the defendant;

(ii) reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;

(iii) any tangible papers or objects which the defense counsel intends to use in the hearing or trial.

6. Comes now, RICHARD E. GERSTEIN, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and files this Demand for Notice of Intention to Rely upon Alibi Defense pursuant to Rule 3.220 of the Florida Rules of Criminal Procedure, demanding that the defendant furnish the prosecuting attorney with a Notice of Alibi, not less than ten (10) days prior to trial, stating the place the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses by whom he proposes to establish such an alibi, if such a defense will be relied upon at time of trial.

RICHARD E. GERSTEIN  
STATE ATTORNEY

BY:   
ASSISTANT STATE ATTORNEY  
JAMES H. WOODARD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the above and foregoing was mailed to Laurence D. Faye, Suite 306, 66 West Flagler, Miami, Florida and  
Melvin Greenspahn, 1150 Building Suite 210, Miami, Florida  
on this 5 day of August, 1974.

  
ASSISTANT STATE ATTORNEY

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CASE NO: 74-6113

CRIMINAL DIVISION

CLERK OF DISTRICT COURTS.  
DADE COUNTY, FLA.  
03  
74 AUG 20 PM 1 52  
CLERK FOR RECORD

STATE OF FLORIDA, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 LUIS ALBERTO CRESPO, HUMBERTO )  
 LOPEZ and JUAQUIN MIRANDA, )  
 )  
 Defendants, )  
 )

NOTICE OF PLEA

COMES NOW the Defendant, LUIS ALBERTO CRESPO, by and through his undersigned attorney and does allege:

1. That the Defendant does enter a plea of not guilty to all pending charges against him herein.
2. That defendant demands trial by jury.
3. That defendant demands speedy trial.
4. That the Defendant moves reciprocal discovery pursuant to the Florida Rules of Criminal Procedure and the applicable local rules.
5. The instant pleading is in lieu of the personal appearance of Defendant or counsel at the time set for arraignment herein.

MELVYN GREENSPAHN, P.A.  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130

By: Melvyn Greenspahn  
Attorney for Defendant, CRESPO

I HEREBY CERTIFY that a true copy of the foregoing Notice of Plea was hand-delivered to the office of the States Attorney, 1351 N.W. 12th Street, Miami, Florida this 19th day of August, 1974.

Melvyn Greenspahn

C 12211

August 19, 1974

74 AUG 20 PM 4 10  
CLERK OF COURT  
DADE COUNTY FLA.  
03

Melvyn Greenspahn  
1150 Building, Suite 210  
1150 Southwest 1 Street  
Miami, Florida

Re: State v. Luis Crespo,  
et al  
Case No. 74-6113

Dear Mr. Greenspahn:

Enclosed please find contact photographs requested from Tom Brodie. Please be advised that we are not representing that these comprise all photographs taken in the case.

Sincerely,

RICHARD E. GERSTEIN  
STATE ATTORNEY

By: JAMES H. WOODARD  
Assistant State Attorney

JHW:rrl

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA, IN AND FOR DADE COUNTY SPRING TERM, 1974

CASE NO. 74-6113

STATE OF FLORIDA

AMENDED WITNESS LIST

vs.

LUIS ALBERTO CRESPO,  
HUMBERTO LOPEZ and  
JUAQUIN MIRANDA,

DEFENDANTS.


Comes Now RICHARD E. GERSTEIN, State Attorney  
of the Eleventh Judicial Circuit of Florida, by and  
through the undersigned Assistant State Attorney, and  
files as Amended Witness List the following:

The additional witnesses which the State may  
call at the time of trial are as follows:

Ralph Aguirre  
MPD

James E. Jenkins  
FBI Lab  
Washington, D. C.

RICHARD E. GERSTEIN  
STATE ATTORNEY

By:   
JAMES H. WOODARD  
Assistant State Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the fore-  
going Amended Witness List was mailed to Melvyn Greenspahn,  
1150 Building, Suite 210, 1150 Southwest 1 Street, Miami,  
Florida and Laurence Faye, Concord Building, Suite 306, 66  
West Flagler Street, Miami, Florida, this 21 day of  
August, 1974.

  
Assistant State Attorney

FILED FOR RECORD  
74 AUG 21 PM 4 37  
RICHARD E. GERSTEIN  
CLERK, CIRCUIT & COUNTY CTS.  
DADE COUNTY, FLA.  
03

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CRIMINAL DIVISION

NO. 74-6113

TERM OF COURT Spring

THE STATE OF FLORIDA        )  
                                  ) Plaintiff,                    )  
vs.                                )  
                                  ) LUIS ALBERTO CRESPO,     )  
                                  ) HUMBERTO LOPEZ and     )  
                                  ) JUAQUIN MIRANDA         )  
                                  ) Defendants.                )  
\_\_\_\_\_

MOTION FOR SEVERANCE  
AS TO MIRANDA

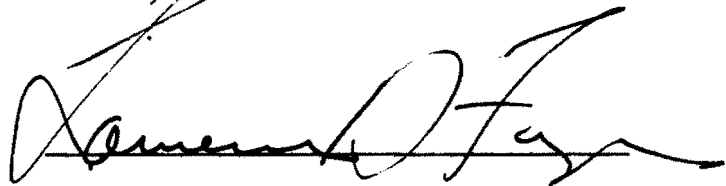
COMES NOW the Defendant, Juakin Miranda, by and through his undersigned counsel and respectfully moves this Honorable Court to sever the Defendant Juakin Miranda from the other two defendants herein, and as grounds, therefore, would show ~~that~~ great prejudice would result from trying Juakin Miranda together with the other two defendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion to Severance was mailed this 26 day of August, 1974, to Assistant State Attorney, Jim Woodard, for the Eleventh Judicial Circuit, 1351 N. W. 12th Street, Miami, Florida, and to Melvyn Greenspan Esq. 1150 S.W. 1st St. MIAMI, FLA.

Respectfully submitted,

LAURENCE D. FAYE, For the Firm  
Attorney for Defendant  
306 Concord Building  
66 West Flagler Street  
Miami, Florida 33130





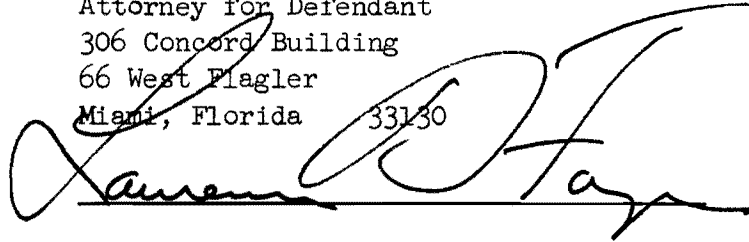


3. The defendant's statements were not freely and voluntarily given in violation of the defendant's rights guaranteed by Section 12 of the Declaration of Rights of the Florida Constitution and the Fourteenth Amendment to the United States Constitution.

WHEREFORE, the defendant prays this Honorable Court to suppress as evidence at the trial in the above styled cause any and all written and oral statements obtained from the defendant by the police or other agents of the State of Florida.

Respectfully submitted,

LAURENCE D. FAYE  
Attorney for Defendant  
306 Concord Building  
66 West Flagler  
Miami, Florida 33130



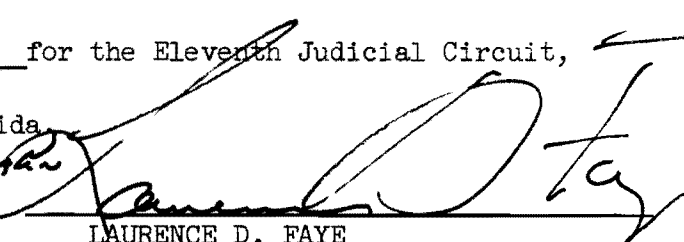
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion to Suppress Confession and/or Statements was mailed this 26 day of August, 1974 to Assistant State Attorney

Jim Woodard for the Eleventh Judicial Circuit,

Street  
1351 N.W. 12th ~~XXXX~~, Miami, Florida

and to Melvyn Greenstein  
Esq. 1150 S.W. 15th St.  
MIAMI, FLA.



LAURENCE D. FAYE

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CRIMINAL DIVISION

NO. 74-6113 TERM OF COURT Spring

THE STATE OF FLORIDA )  
Plaintiff, )  
vs. )  
LUIS ALBERTO CRESPO, )  
HUMBERTO LOPEZ and )  
JUAQUIN MIRANDA )  
Defendants. )

MOTION FOR STATEMENT OF PARTICULARS  
AS TO MIRANDA

COMES NOW the Defendant, Juaquin Miranda, by and through his undersigned attorney, LAURENCE D. FAYE, and respectfully asserts that the discovery filed herein by the State is ~~vague~~ and ambiguous as applies to the Defendant, Miranda and although said discovery may or may not be sufficient compliance as to the other two defendants herein it is constitutionally ~~vague~~ as applies to Miranda.

THEREFORE the Defendant, Miranda would respectfully move for discovery that applies solely to him or in the alternative Motion For Severance and separate discovery applicable to him pursuant to the Florida criminal rules of procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Statement of Particulars was mailed to Assistant State Attorney, Jim Woodard for the Eleventh Judicial Circuit 1351 N. W. 12th Street, Miami, Florida this 26 day of August, 1974, and to Melvyn Greenspan Esq. 1750 S.W. 15th St. Miami, Fla. Respectfully submitted,

LAURENCE D. FAYE, For the Firm  
Attorney for Defendant  
306 Concord Building  
66 West Flagler St.  
Miami, Florida 33130

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO: 74-6113

TERM OF COURT: SPRING

STATE OF FLORIDA, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 LUIS ALBERTO CRESPO, HUMBERTO )  
 LOPEZ and JUAQUIN MIRANDA, )  
 )  
 Defendants, )  
 )

MOTION FOR ORDER M.O.V. OR IN  
THE ALTERNATIVE MOTION FOR NEW TRIAL

CLERK OF THE COURT  
DADE COUNTY, FLA.  
74 SEP 17 PM 4 38

COME NOW the Defendants, LUIS ALBERTO CRESPO and HUMBERTO LOPEZ, by and through their undersigned attorney and each Defendant moves new trial herein, for and in that:

1. The verdict is contrary to the Law.
2. The verdict is contrary to the evidence.
3. The verdict is contrary to the law and the evidence.
4. The Court erred in permitting the Defendants to be referred to by the prosecuting attorney during the course of the proceedings as "terrorists" said description being unsupported by the material and relevant evidence in the cause and further tending to inflame the passions of the jurors.

5. That the Court erred in denying the Defendants Motion for Mistrial when the prosecutor asked the witness, Alfredo Zayus, Jr. whether or not said witness claimed the privilege of the Fifth Amendment at the preliminary hearing wherein Juaquin Miranda was the Defendant. That the Court sustained the objection to the question asked by the prosecutor as aforesaid but the Court's action was not enough to prevent irreversible prejudice in the minds of the jurors as to the Defendants, Crespo and Lopez.

6. That the Court erred in refusing prior to the trial of the cause to sever the trial of the Defendants, Crespo and Lopez, from the trial of the codefendant, Juaquin Miranda, in that ultimately and during the course of the trial, the State did

announce to the Court that it did not have sufficient evidence to further proceed against the Defendant, Miranda, and accordingly, upon Defendant's, Miranda, Motion for Judgment of Acquittal, said Defendant was discharged from further prosecution by the effect of relieving Defendant, Miranda, from prosecution in the midst of the trial of the Defendants, Crespo and Lopez, could only have placed in the jurors' minds the prejudicial impression that the Defendants, Crespo and Lopez, were guilty or else the Court would have discharged them as well.

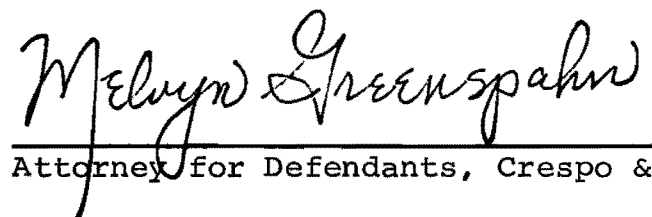
7. The Court erred in permitting the prosecution to introduce objects and items which were not ever tied into the case against the Defendants.

8. The Court erred in denying the Defendants, Crespo and Lopez, Motion for Judgment of Acquittal at the conclusion of the State's case and at the close of all evidence as to Count I of the Information in that there was not evidence direct or indirect or circumstantial which indicated that the explosive device involved was intended to cause property damage or mortal injury.

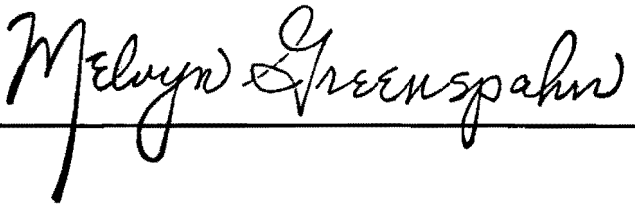
9. The Court erred in admitting for the prosecution certificates from the Office of the Insurance Commissioner and Fire Marshall of the State of Florida as to each Defendant, which said certificates were not executed in accordance with the Law.

WHEREFORE, and by reason of the foregoing, Defendants, Crespo and Lopez, respectfully move entry of an Order granting Judgment to the Defendants notwithstanding verdict or in the alternative granting each Defendant new trial.

MELVYN GREENSPAHN, P.A.  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130

  
Attorney for Defendants, Crespo & Lopez

I HEREBY CERTIFY that a true copy of the foregoing Motion for Order M.O.V. or in the alternative Motion for New Trial, was mailed to the office of the States Attorney, 1351 N.W. 12th Street, Miami, Florida 33125 and the offices of Laurence D. Faye, Esquire 306 Concord Building, 66 W. Flagler, Miami, Florida 33130 this 11th day of September, 1974.

  
\_\_\_\_\_

in THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CASE NO: 74-6113

CRIMINAL DIVISION

STATE OF FLORIDA,

Plaintiff,

-vs-

LUIS ALBERTO CRESPO,

Defendant,

NOTICE OF HEARING

74-6113-4 PH. 8 13  
03  
JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

TO: OFFICE OF THE STATES ATTORNEY  
1351 N.W. 12th Street  
Miami, Florida 33125

YOU ARE HEREBY NOTIFIED that Defendant's Motion for  
On Calendar  
Advancement of Sentencing will be brought on for hearing before the  
Honorable Arden M. Siegen Dorf , Judge of the above styled  
Court, in his chambers at 1351 N.W. 12th Street , Miami,  
Florida on Monday , October 7, 1974 , at 9:00 a.m., or as  
soon thereafter as the matter may be heard.

PLEASE GOVERN YOURSELF (SELVES) ACCORDINGLY.

I HEREBY CERTIFY that a true copy of the foregoing Notice of  
Hearing was ~~mailed~~ hand-delivered to the above addressee this 4th  
day of October , 1974 .

MELVYN GREENSPAHN, ESQUIRE  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130  
Tel: ~~XXXXXXX~~ 545-0487

BY: Melvyn Greenspahn  
Attorney for Defendant

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CASE NO: 74-6113

CRIMINAL DIVISION

STATE OF FLORIDA, )

Plaintiff, )

-vs- )

LUIS ALBERTO CRESPO, )

Defendant, )

MOTION FOR ADVANCEMENT OF  
SENTENCING ON CALENDAR

FILED  
CLERK OF COURT  
DADE COUNTY  
SEP 13 1974

COMES NOW the Defendant, LUIS ALBERTO CRESPO, by and through his undersigned attorney and moves this Honorable Court to set an immediate date and time for sentencing upon said Defendant pursuant to the verdict rendered against Defendant by a trial jury in the captioned cause on September 6, 1974, for and in that:

1. At the time of the rendition of the verdict, the Court set bond upon the Defendant in the sum of \$10,000, said bond being intended to permit Defendant his liberty until the sentencing of the Defendant which was at that time docketed for October 21, 1974.
2. That Defendant in reliance upon the Court's Order setting bond at \$10,000 did contract with a licensed and authorized bail bondsman and in accordance therewith, a surety bond in the sum of \$10,000 was on September 6, 1974 posted in behalf of the Defendant.
3. That in order to obtain the posting of the surety bond as aforesaid, Defendant, who is financially insolvent, was required to pay a bond premium of \$1,000 to the bail bondsman and in addition thereto, to execute a mortgage constituting a lien upon the Defendant's homestead to collateralize said bond.



4. That the Defendant did thereafter at all times while at liberty conduct himself in a manner consistent with the obligation of his bond and did not default therein.

5. That on October 2, 1974, upon the Motion of the State the Court did revoke the bond as previously set upon Defendant and did issue a Capias for the arrest of the Defendant. That on October 3, 1974, the Court did reset bond upon the Defendant in the sum of \$100,000.

6. That Defendant is now in the custody of the Public Safety Department of Dade County and is incarcerated in the Dade County Jail.

7. That the Defendant is without sufficient means to enable himself to obtain a surety bond in the sum of \$100,000 and is, therefore, unable to obtain his liberty pending sentencing by the Court.

8. That the Defendant is not entitled to appellate review of his conviction until such time as the Court disposes of the pending Motion for New Trial made and filed in the Defendant's behalf which said motion is set for hearing before the Court at the same time and upon the same date as the sentencing as heretofore scheduled. That the Defendant is without recourse in challenge of the verdict and the subsequent revocation of bond and resetting of bond.

9. That the Defendant suffers infirmities of the body which prevent him from attending his most basic and personal bodily functions and hygienic needs. That while in custody, the Defendant's inability to care for himself is not assisted nor remedied by the personnel at the Dade County Jail. That while Defendant remains incarcerated, he must suffer the greatest of physical discomforts and emotional trauma. That such incarceration of the Defendant constitutes excessive cruel and unusual punishment and is violative of every basic right guaranteed by the Constitution of the State of Florida and the United States of America.

10. That the Defendant herewith moves and Order of immediate setting of the instant cause for sentencing in accordance with the rules of procedure and the Laws of the State of Florida upon appropriate appellate review and correction of all wrongs perpetrated upon him.

MELVYN GREENSPAHN, P.A.  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130

BY: Melvyn Greenspahn  
Attorney for Defendant

I HEREBY CERTIFY that a true copy of the foregoing Motion for Advancement of Sentencing on Calendar was hand-delivered to the office of the States Attorney, 1351 N.W. 12th Street, Miami, Florida 33125 this 4th day of October, 1974.

Melvyn Greenspahn

107 DMH  
20050

**FILED**  
NOV 1 9 1974  
RICHARD B. BRINKER  
CLERK

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

THE STATE OF FLORIDA  
VS.# 74-6113-A  
LUIS ALBERTO CRESPO

RE-COMMITMENT  
ORDER COMMITTING DEFENDANT  
TO  
THE DIVISION OF MENTAL HEALTH

IT APPEARING UNTO THIS COURT that the defendant, LUIS ALBERTO CRESPO in the above cause, has been examined by a competent physician, pursuant to order of this Court,

AND IT FURTHER APPEARING UNTO THIS COURT that the said defendant should be committed to the DIVISION OF MENTAL HEALTH for treatment and rehabilitation, until ~~NOVEMBER 27~~, 1974, DECEMBER 3, 1974 (9 pp)

IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED that the Sheriff of Dade County, Florida, immediately transmit the said LUIS ALBERTO CRESPO to the DIVISION OF MENTAL HEALTH and take a receipt therefor.

IT IS FURTHER ORDERED AND ADJUDGED that the Sheriff place a hold order with the aforesaid DIVISION requesting notification when the said defendant is to be released.

DONE AND ORDERED IN OPEN COURT at Miami, Dade County, Florida, this 19th day of NOVEMBER, A. D., 19 74

*Arden M. Siegendorf*  
ARDEN M. SIEGENDORF Judge

1cc DMH  
2cc SO

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

**- FILED**  
OCT - 9 1974  
RICHARD P. BRINKER  
CLERK

THE STATE OF FLORIDA

VS. # 74-6113-A

ORDER COMMITTING DEFENDANT  
TO DIVISION OF MENTAL HEALTH

LUIS ALBERTO CRESPO

IT APPEARING UNTO THIS COURT that the defendant, \_\_\_\_\_  
LUIS ALBERTO CRESPO in the above cause, has been examined  
by a competent physician, pursuant to order of this Court,

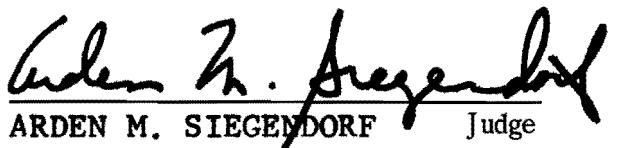
AND IT FURTHER APPEARING UNTO THIS COURT that the said defen-  
dant should be committed to the DIVISION OF MENTAL HEALTH

for ~~reasons and rehabilitation~~ Evaluation and Medical Examination.

IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED that the  
Sheriff of Dade County, Florida, immediately transmit the said \_\_\_\_\_  
LUIS ALBERTO CRESPO to, the \_\_\_\_\_  
DIVISION OF MENTAL HEALTH  
and take a receipt therefor.

IT IS FURTHER ORDERED AND ADJUDGED that the Sheriff place a hold  
order with the aforesaid DIVISION OF MENTAL HEALTH requesting notification  
when the said defendant is to be released.

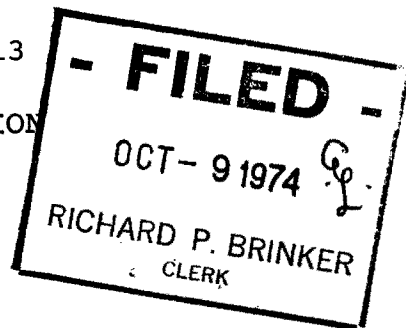
DONE AND ORDERED IN OPEN COURT at Miami, Dade County, Florida,  
this 9TH day of OCTOBER A. D., 1974.

  
ARDEN M. SIEGENDORF Judge

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CASE NO: 74-6113

CRIMINAL DIVISION



STATE OF FLORIDA,

Plaintiff,

-vs-

LUIS ALBERTO CRESPO,

Defendant,

ORDER

THIS CAUSE having come on before the Court upon special setting for sentencing of the Defendant on October 8, 1974, it is ORDERED AND ADJUDGED:

1. That the Motion heretofore filed in behalf of the Defendant for Advancement of Sentencing from October 21, 1974 was granted by the Court and the cause set for October 8, 1974.

2. That on October 8, 1974, the Court, in order to enable full consideration of all material issues relevant to the sentencing of the Defendant and after rendition of a report by Mr. Suarez of the Florida Parole and Probation Commission, did continue sentencing of the Defendant until November 19, 1974 at 9:00 a.m.

3. That the Defendant be and the same is hereby transferred and committed to the South Florida Hospital for medical and psychiatric evaluation. All reports from any and all examining physicians relating to the medical or psychiatric status of the Defendant, LUIS ALBERTO CRESPO, shall be reduced to writing and forwarded <sup>no later than November 19, 1974,</sup> ~~at once~~ to the attention of the undersigned Judge. The States Attorney and the Attorney for the Defendant shall also be provided copies of all such reports.

4. That the Court finds that the Defendant, LUIS ALBERTO CRESPO, has become so weakened by his voluntary fast since incarceration that he cannot meaningfully presently be present before the Court for sentencing. The Court also finds upon the testimony of Mr. Suarez and the medical personnel at the Dade County Jail and upon the observations by the Court of the Defendant in open Court that the Defendant is debilitated, ~~and not desirous of further proceeding before the Court at this time~~ *AMJ*

It is further ORDERED AND ADJUDGED That the wife of the Defendant, LUIS ALBERTO CRESPO, namely; OLGA CRESPO, shall be permitted to visit with and attend to the needs of LUIS ALBERTO CRESPO at the South Florida Hospital, Department of Mental Health, so long as such visitations do not interfere with the orderly operations of the hospital or the medical management of the Defendant LUIS ALBERTO CRESPO.

*AMJ*  
~~It is further ORDERED AND ADJUDGED that instanter and pending admission to the South Florida Hospital, the Defendant, LUIS ALBERTO CRESPO, shall be transferred from the Dade County Jail to the medical facility at Jackson Memorial Hospital where he shall be rendered all necessary medical care.~~

DONE AND ORDERED in Chambers at Miami, Dade County, Florida this 9<sup>th</sup> day of October, 1974.

*Anders R. [Signature]*  
CIRCUIT JUDGE

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

*Handwritten initials: JSP*  
74 OCT - 8 AM 11 13  
CLERK OF COURT  
DADE COUNTY  
FLORIDA

THE STATE OF FLORIDA

VS. # 74-6113-A

LUIS ALBERTO CRESPO

ORDER COMMITTING DEFENDANT  
FOR MEDICAL TREATMENT

IT APPEARING UNTO the Court that the physical condition of the defendant, Luis Alberto Crespo, warrants treatment, for which the County Jail is without facilities, it is therefore

ORDERED that the Sheriff of Dade County immediately transmit the defendant to Jackson Memorial Hospital and take a receipt therefor, and it is further

ORDERED AND ADJUDGED that the defendant be received and admitted to the aforesaid hospital for Medical treatment as necessary, by the Staff Doctors of the said hospital for the period of time necessary to effect the work required, as aforesaid, and it is further

ORDERED that the Sheriff of Dade County place a hold order with the aforesaid hospital, requesting notification when the said defendant is to be released, and upon such notification, the said Sheriff is directed to take and safely return the said defendant to this Court for such further disposition as appropriate.

DONE AND ORDERED at Miami, Dade County, Florida, this the 8th day of October A. D., 1974.

*Handwritten signature: Arden M. Siegendorf*  
ARDEN M. SIEGENDORF Judge

FILED AND RECORDED  
IN CIRCUIT COURT  
MINUTES AS INDICATED HEREON

Richard P. Brinker, Clerk

By: \_\_\_\_\_  
Deputy Clerk

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 74-6113

STATE OF FLORIDA, :  
 :  
 Plaintiff, :  
 :  
 -vs- : ASSIGNMENTS OF ERROR  
 :  
 LUIS ALBERTO CRESPO, :  
 :  
 Defendant, :  
 :  
 \_\_\_\_\_ :

CLERK OF DISTRICT COURT  
DADE COUNTY  
10 JAN - 11 PM '52  
*[Signature]*

COMES NOW the Defendant, LUIS ALBERTO CRESPO, by and through his undersigned attorneys and for Assignment of Error herein does state:

1. That notwithstanding the continued and repeated objections of the Defendant throughout the entire course of the trial proceedings herein, the Court permitted the prosecuting attorney in the presence of the jury to refer to the Defendant and to allude to the Defendant as a "terrorist", said description being wholly prejudicial and inflammatory to the Defendant and implanting in the jurors' minds an image not supported by, or consistent with the evidence.

2. That from the inception of the impanelment of the jury, throughout the course of the trial and in the State's closing argument the Defendant was described as a "terrorist", and his activities were likened to those of international terrorists, whose daily activities were during the course of the trial of the instant cause, being chronicled in the press and on television. The effect of the constant reference to the Defendant as a "terrorist" upon the jury so prejudiced and inflamed the jury as to deprive the Defendant of a fair trial.

3. The Court erred notwithstanding the objections



by the Defendant, in permitting said references to be repeatedly made throughout.

4. The Court erred in denying Defendant's Motion for Mistrial when the prosecutor directly asked the witness Alfredo Zayus, Jr., whether or not said witness had claimed the privilege of the Fifth Amendment at the preliminary hearing wherein Joaquin Miranda was a named Defendant. Notwithstanding the fact that the Court did sustain the Defendant's objections to the question, the question in and of itself was of such inflammatory and prejudicial nature as related to the Defendant CRESPO, that the Court's action in sustaining the objection was not enough to prevent irreversible prejudice in the minds of the jurors as to the Defendant CRESPO.

5. That the Court erred in refusing prior to the trial of the cause to sever the trial of the Defendants CRESPO & LOPEZ, from that of the Co-Defendant, Joaquin Miranda, in that ultimately and during the course of the trial the State did announce to the Court that it did not have sufficient evidence to further proceed against the Defendant Miranda and accordingly upon Defendant Miranda's Motion for Judgment of Acquittal, said Defendant Miranda was discharged from further prosecution. The effect of relieving Defendant Miranda from continuing prosecution in the midst of the trial of the Defendant Crespo, could only have placed in the jurors' minds the prejudicial impression and inference that the Defendant Crespo was guilty, otherwise the Court would have discharged him, as well as the Defendant Miranda. The State's Attorney knew prior to the commencement of the trial that the State did not have sufficient evidence

or a reasonable basis for the further prosecution of the Defendant, Miranda, but in lumping the Defendant Miranda together with the Defendant Crespo, created an aura about the Defendant Crespo, of guilt as opposed to the obvious inference upon discharge that the Defendant Miranda, in the consideration of the Court was not guilty.

6. The Court erred in permitting the prosecution to introduce objects and items which were not ever tied into the case against the Defendant Crespo, and which were wholly irrelevant to the Defendant Crespo. As an example the Defendant would cite a prosecution exhibit introduced by the witness Thomas B. Roney, which was a mock up purporting to be similar to the explosive device alleged by the State to have been in possession of the Defendant. By the witness's own testimony the exhibit was constructed to different dimensions than those alleged to have existed in the destructive device allegedly possessed by the Defendant and much was made by the witness of the model device in demonstration to the jury. Many of the photographs introduced by the State were duplicitous and depicted many items that were never introduced in evidence. Receipts never tied into the Defendant were admitted in evidence, -wrapping which was never tied into the Defendant, was received in evidence. Much was made by the prosecution of the dangerous propensities of the "C-4" explosive, allegedly used in the instant incident, and the Court refused the presentment of the specimens allegedly obtained by the prosecution, notwithstanding the fact that an agent of the Federal Bureau of Investigation, testified that such specimens had been shipped by Railway Express from Miami to the Federal Bureau of Investigation Laboratory in Washington. Such specimens had been shipped by Railway Express from Miami to the Federal Bureau of Investigation Laboratory in Washington. Apparently, the

Federal Bureau of Investigation did not consider the propensities of the alleged explosives to be of any quality of danger. The jurors could not help but visualize the "C-4", as a large and extremely volatile explosive and the Defendant was deprived of the opportunity of examination by the jury of the substance alleged to be "C-4". Also introduced were various irrelevant books and computer print-outs relating to shipment of books which were in no way related to the pending charges.

7. That the Court erred in denying the Defendant Crespo's Motion for Judgment of Acquittal at the conclusion of the State's case and at the close of all evidence as to Count I, of the information in that there was not evidence, direct, indirect or circumstantial which indicated that the explosive device was intended to cause property damage or mortal injury. That the Court inferred without substantive, competent or corroborative evidence of any kind presented by the State, that the existence of the explosive device presumed and intended use for the purpose of bring about injury or property damage. That the State did not meet its burden of proof as to the intentions, if any, of the Defendant as to the usage of the explosive device. That a Judgment of Acquittal properly should have been entered upon Count I, and in favor of the Defendant and the finding and ultimate adjudication of guilty as to Count I, were contrary to law.

8. That the sentence imposed upon the adjudication of guilt as to Count I, of the Defendant was contrary to law by reason of the fact that the State had not presented a prima facia case against the Defendant as to the allegations in Count I.

9. The Court erred in admitting into evidence for the

prosecution, certificates from the office of the Insurance Commissioner and the Fire Marshall of the Sate of Florida, as to the Defendant, which said certificates were not executed in accordance with the law.

I HEREBY CERTIFY that a copy of the foregoing Assignments of Error has been delivered to the State Attorney's Office, 1351 N. W. 12th Street, Miami, Florida, 33129, this 8th day of January, 1975.

MELVYN GREENSPAHN, P. A.  
Attorneys for Defendant Crespo  
Suite 210, Eleven Fifty Building  
1150 S. W. First Street  
Miami, Florida 33130

By: 

DISPOSE OF ON:

~~6/21/75~~  
9/29/75

"A" APPEAL DISM. 2-1-75

JUDGE SIEGEN DORF

APPEAL (B)  
12-12-75  
DISM 5-5-76  
ELADIO LOPEZ

DEFENDANT A CRESPO, 2015 ALBERTO

(B) HUMBERTO LOPEZ

CASE # 74-6113

ON FLOOR

LOCATION ~~FLOOR 3~~

SAFE

CLERK

DATE OF SENTENCING 10/21/74

REMARKS

(A) 12-5-74 5 YRS ST. PEN.  
FIND. IN GUILT - VERDICT

DCA ORDER DISMISSING APPEAL FILED ON 7/1/75

(B) 11-14-75 7 1/2 YRS ST. PEN. exp. sent.  
~~(B) 12-12-75 73-5087~~

DISPOSITION OF EVIDENCE

(C) Juarquin Miranda Acquitted 9-4-74 (NO PLEA)  
DISPOSED OF:

TO:	ORDER & DATE	EXHIBIT #	DATE	RECEIPT
SHERIFF				
DESTROY				
RETURN	<u>Order <del>being</del> signed 5-27-77</u>		<u>6-13-77</u>	<u>Receipt Tom Brodie PSD for all physical evidence</u>
OTHER				

LIST ALL EVIDENCE ON REVERSE SIDE BY DESCRIPTION

(MAN TO REVOKE BAIL)

DISPOSE OF ON:

Hold

JUDGE

Siegen Dorf

DEFENDANT

LOPEZ, HUMBERTO

CASE #

74-6113 B

LOCATION

~~FLOOR 3~~

SAFE

CLERK

LOPEZ, E

DATE OF SENTENCE

REMARKS

DISPOSITION OF EVIDENCE

DISPOSED OF:

TO:	ORDER & DATE	EXHIBIT #	DATE	RECEIPT
SHERIFF				
DESTROY				
RETURN			<u>6-13-77</u>	<u>RECEIPT TOM BRODIE PSD</u>
OTHER	<del>75 ST...</del>	<u>4444</u>		

LIST ALL EVIDENCE ON REVERSE SIDE BY DESCRIPTION

CIR/CT/CRI 66

12/3/74

Luis Crespo changed date

to

Notified NOV 21 1974  
J. Cantor to amend  
order to read 12/3/74.  
dept had not been  
returned to S.F. 4.

Please tell Monte to inform D.M.A. not to bring the prisoner back to court until that date. (not 11/27)

STATE'S EXHIBITS

#1- Tape Recording - Cassette

DEFENDANT'S EXHIBITS

#

STATE'S EXHIBITS

#8- Red Book "The British at the Gates"

9- Red Book (MOCK-UP) -

10- Table top (WORK BENCH).

27- ~~Chart~~ LARGE SKETCH FLOOR PLAN GARAGE

29- Paper Bag contg BALL STRIKE, ROLL TAPES

30- Bag contg fragments of Book + Paper.

31- Plastic Bag contg fragments of Book + Paper.

32- Plastic Cuv. contg receipts + Tapes.

33- Plastic Bag contg BURNED misc. items

34- Cuv. contg misc. items

35- Plastic Bag contg fragments + wire

~~36- Plastic Bag contg fragments of Book + Paper~~

~~37- Plastic Bag contg fragments of Book + Paper~~

38- Book "The British at the Gates"

DEFENDANT'S EXHIBITS

# B- ~~Book~~ <sup>FAKE</sup> "World's Greatest Jokes" NOVELTY ITEM

Case file

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

CASE NO: 74-6113

CRIMINAL DIVISION

FILED FOR RECORD

75 JAN -3

CLERK OF DISTRICT COURT DADE COUNTY FLORIDA

Criteria:  
(1) severity of offense  
(2) co def. fled.

(3) 2<sup>nd</sup> conviction - no respect for the U.S. law  
(4)

STATE OF FLORIDA,

Plaintiff,

-vs-

LUIS ALBERTO CRESPO,

Defendant,

MOTION TO SET SUPERSEDEAS OR APPEAL BOND UPON DEFENDANT, LUIS ALBERTO CRESPO

COMES NOW the Defendant, LUIS ALBERTO CRESPO, by and through his undersigned attorney and moves this Honorable Court to set reasonable Supersedeas or Appeal Bond upon the Defendant. Further, Defendant would offer in support of said Motion, the following:

1. That Defendant does incorporate and by reference make a part hereof each and every of the allegations set forth in that certain Motion for Advancement of Sentencing on Calendar heretofore filed in behalf of the Defendant, a true copy of same being attached hereto as Exhibit 1.

2. That the Defendant is wholly without means, directly or indirectly, of obtaining and posting a cash or surety bond of substantial proportion. The Defendant was required to collateralize the original \$10,000 bond placed upon him pending sentencing with an all encompassing mortgage upon his home and the real estate upon which it is situate. There yet remains no further equity in said home by Defendant or his wife.

3. That Defendant does not have available to him any sources of ready money and Defendant has become well-nigh insolvent in the expenditure of the sum of \$1,000 as and for bond premium previously paid and further in the expenditure of all monies

available to Defendant for the living expenses of the Defendant's wife and children since the date of the incident for which the Defendant stands convicted.

4. That the Court consider the criteria of the determination of amount of bond to be set in accordance with *Younghans vs. State*, 90 So.2d, 308 and further, "in accordance with the Florida Rule of Criminal Procedure 3.691.

5. That there has never at any time been adduced any evidence whatsoever of non compliance or intent to non comply by the Defendant with all past and further Orders and Obligations including but not limited to appearance, imposed upon the Defendant by the Court and the judicial process. That Defendant should be granted an appellate bond in an amount reasonable to his circumstances and not disproportionate thereto otherwise the setting of said bond, as unreasonable, is punitive in nature, depriving Defendant of fair, adequate and reasonable protection against an abuse of judicial power.

6. That the Defendant is wholly without means of caring for himself and the State Penal System is entirely without means of caring for the physical and emotional needs of the defendant. That in accordance with the testimony adduced by the State at the time of sentencing herein, it is entirely probable that further penal confinement can only serve as a fixative of any formed attitudes, complexes or psychological aberrations which have, or will attach to the Defendant and no useful purpose can be served by requiring Defendant to remain in custody during such period of time as his appeal pends. That the appeal to be filed and pursued in behalf of the Defendant is based upon meritorious ground and is subject to scrutiny and possible reversal by the Appellate Court



and it constitutes grave and cruel injustice to require the Defendant, who is so seriously and permanently injured, to remain in custody without proper attendance upon him.

WHEREFORE, Defendant moves entry of an Order setting upon said Defendant reasonable and minimal appellate bond pending full and complete judicial review in accordance with the Laws of the State of Florida and the Rules of Criminal and Appellate Procedure therein.

MELVYN GREENSPAHN, P.A.  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130

By: 

Attorney for Defendant

I HEREBY CERTIFY that a true copy of the foregoing Motion to Set Supersedeas or Appeal Bond Upon Defendant, LUIS ALBERTO CRESPO, was hand-delivered to the office of the States Attorney, 1351 N.W. 12th Street, Miami, Florida this 19th day of December, 1974.

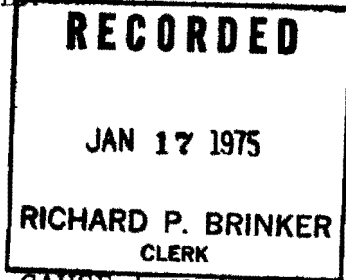


CASE NO. 74-6113

STATE OF FLORIDA

vs.

LUIS CRESPO,  
DEFENDANT.



ORDER DENYING  
SUPERSEDEAS BOND

75-1-18-113-20  
JAN 17 1975  
CLERK

THIS CAUSE having come on to be heard in Open Court, pursuant to notice, on the 8th day of January, 1975, on the Defendant's Motion to Set Supersedeas Bond, the Court having considered testimony and evidence previously received, the argument of counsel and being otherwise fully advised in the premises, finds as follows:

1. That the Defendant and his co-defendant, one Humberto Lopez, were found guilty by a jury on the 6th day of September, 1974, of the Unlawful Possession of Plastic Explosives with the Intent to Harm Life, Limb or Property and the Unlawful Possession of Plastic Explosives without a Permit.
2. That the Defendant was adjudicated guilty of the above listed felonies and sentenced to five years in the State Prison on the 5th day of December, 1974.
3. That the evidence adduced at the trial of this case clearly showed that the Defendant and Humberto Lopez were actively engaged in terrorist activity in concert with one another and were in the process of manufacturing a bomb hidden in a book.
4. That Humberto Lopez, subsequent to the finding of guilt on the 6th day of September, 1974, and prior to the pronouncement of adjudication and sentence, issued a tape recorded message to the news media professing membership in the National Front for the Liberation of Cuba, commonly known as the FLNC and fled the jurisdiction of the Court forfeiting a \$10,000 surety bond.

8

5. That the Defendant plead nolo contendere on the 30th day of July, 1970, to the Unlawful Possession of Explosives and the Unlawful Possession of Machine Guns in Case No. 70-907 and was sentenced to three years probation on a withholding of adjudication.

6. That psychiatric examinations of the Defendant reveal:

2. That, "his tenacious, circumscribe, asocial behavior most likely would persistently continue. . ." (Report of Dr. Benito Hernandez 11/25/74)

b. That the Defendant, ". . . is pre-occupied with the cause of liberating Cuba and. . . refuses to consider any other laws that interfere with this patriotism."

(Report of Dr. C. B. Mahon, 11/8/74, incorporating the findings of Dr. Hahn, Division of Mental Health.)

7. That the severity of the sentence imposed, together with other above enumerated facts, indicates a likelihood that the Defendant will flee the jurisdiction of the Court.

8. That it is the opinion of this Court that the Defendant will continue his unlawful activity and constitute a serious threat to the well being of the community.

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendant's Motion for Supersedeas Bond be and the same is hereby DENIED and the Defendant is remanded to the custody of the proper authorities to continue serving his sentence in the above styled cause.

DONE AND ORDERED in Open Court at Miami, Dade County, Florida this the 9<sup>th</sup> day of January, 1975.

  
ARDEN STEGENDORF  
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

CASE NO: 74-6113

STATE OF FLORIDA, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 LUIS ALBERTO CRESPO, )  
 )  
 Defendant, )  
 )  
 )

NOTICE OF HEARING

FILED FOR RECORD  
74 DEC 30 PM 3 23  
CLERK OF COURT  
DADE COUNTY, FLORIDA

TO: JAMES H. WOODWARD, ESQUIRE  
ASSISTANT STATE ATTORNEY  
Metropolitan Justice Building  
1351 N. W. 12th Street  
Miami, Florida 33125

YOU ARE HEREBY NOTIFIED that Motion to set Supersedeas or  
Appeal Bond will be brought on for hearing before the  
Honorable ARDEN M. SIEGENDORF, Judge of the above styled  
Court, in his chambers at 1351 N. W. 12th Street, Miami,  
Florida on Wednesday, January 8th, 1975, at 9:00 a.m., or as  
soon thereafter as the matter may be heard.

PLEASE GOVERN YOURSELF (SELVES) ACCORDINGLY.

I HEREBY CERTIFY that a true copy of the foregoing Notice of  
Hearing was mailed ~~hand-delivered~~ to the above addressee this 26th  
day of December, 19 74.

MELVYN GREENSPAHN, ESQUIRE  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130  
Tel: ~~377-0697~~ 545-0487

BY: Melvyn Greenspahn

**FILED**  
4 CC SAO  
OCT 6 1975  
RICHARD P. BRINKER  
CLERK

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA IN AND FOR DADE COUNTY SPRING TERM, 1975

CASE NO. 74-6113A

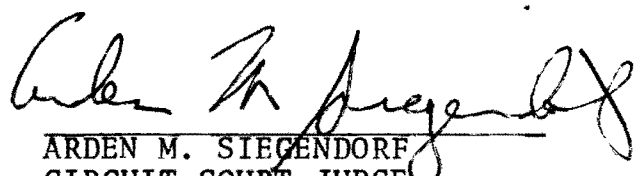
STATE OF FLORIDA :  
VS. :  
LUIS CRESPO, : ORDER DENYING MOTION  
DEFENDANT. : FOR MITIGATION OF  
: SENTENCE  
: \_\_\_\_\_

THIS CAUSE HAVING COME before me in Open Court on the Defendant's Motion to Mitigate the Sentence heretofore entered, and the Court being specifically advised as follows:

1. That the Defendant was adjudicated guilty and sentenced on the 5th day of December, 1974.
2. That on the 19th day of December, 1974, the Defendant filed his Notice of Appeal.
3. That on the 1st day of July, 1975, the Defendant's appeal was discharged.
4. That on the 8th day of August, 1975, the Defendant filed his Motion to Mitigate and timely set the Motion for Hearing before me for the 15th day of August, 1975.
5. That on the 15th day of August, 1975, the matter was not heard due to the illness of counsel.
6. That the Motion was next called for hearing the 1st day of October, 1975, more than sixty days after the receipt by this Court of the Order of the Third District Court of Appeal dismissing the appeal.

It is therefore ORDERED AND ADJUDGED that this Court lacks jurisdiction, under Rule 3.800(b) Rules of Criminal Procedure as interpreted by State v. Evans, 225 So. 2d 548, to consider the Defendant's Motion.

6th DONE AND ORDERED at Miami, Dade County, Florida, this  
6 day of October, 1975.

  
ARDEN M. SIEGENDORF  
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

CASE NO: 74-6113-A

CRIMINAL DIVISION

THE STATE OF FLORIDA,  
  
Plaintiff,  
  
-vs-  
  
LUIS ALBERTO CRESPO,  
  
Defendant,

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NOTICE OF HEARING

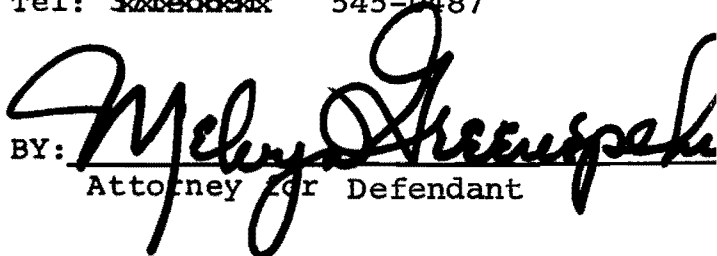
TO: HONORABLE JAMES WOODARD  
State Attorneys Office  
1351 N. W. 12th Street  
Miami, Florida

YOU ARE HEREBY NOTIFIED that a Motion for Mitigation  
  
will be brought on for hearing before the  
  
Honorable Arden M. Siegendorf , Judge of the above styled  
  
Court, in his chambers at 1351 N. W. 12th Street , Miami,  
  
Florida on Wednesday , October 1st , at 10:00 .m., or as  
  
soon thereafter as the matter may be heard.

PLEASE GOVERN YOURSELF (SELVES) ACCORDINGLY.

I HEREBY CERTIFY that a true copy of the foregoing Notice of  
Hearing was mailed ~~hand delivered~~ to the above addressee this 16th  
day of September , 19 75 .

MELVYN GREENSPAHN, ESQUIRE  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130  
Tel: ~~378-8698~~ 545-0487

BY:   
Attorney for Defendant

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CASE NO: 74-6113(A)

CRIMINAL DIVISION

STATE OF FLORIDA,

Plaintiff,

-vs-

LUIS A. CRESPO,

Defendant,

NOTICE OF HEARING

RECORDED & INDEXED  
CLERK, CIRCUIT & COUNTY CLKS.  
DADE COUNTY, FLA.  
03

75 AUG -8 AM 11 04

FILED FOR RECORD

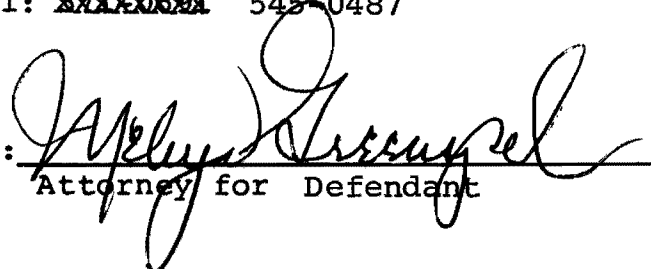
TO: OFFICE OF THE STATES ATTORNEY  
1351 N.W. 12th Street  
Miami, Florida

YOU ARE HEREBY NOTIFIED that Defendant's Motion for Mitigation of Sentence will be brought on for hearing before the Honorable Arden M. Siegendorf, Judge of the above styled Court, in his chambers at 1351 N.W. 12th Street, Miami, Florida on Friday, August 15, 1975, at 10:00 am., or as soon thereafter as the matter may be heard.

PLEASE GOVERN YOURSELF(SELVES) ACCORDINGLY.

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was mailed ~~and delivered~~ to the above addressee this 7 day of August, 1975.

MELVYN GREENSPAHN, ESQUIRE  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130  
Tel: ~~545-0487~~ 545-0487

BY:   
Attorney for Defendant

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO: 74-6113(A)

STATE OF FLORIDA, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 LUIS A. CRESPO, )  
 )  
 Defendant, )  
 )  
 \_\_\_\_\_ )

MOTION FOR MITIGATION OF  
SENTENCE

75 AUG -8 AM 11 04  
RICHARD P. ...  
CLERK, CIRCUIT & COUNTY OF  
DADE COUNTY, FLA.  
03

FILED FOR RECORD

COMES NOW the Defendant, LUIS A. CRESPO, by and through  
his undersigned attorney and moves this Honorable Court to enter  
its Order mitigating the sentence of the Defendant, for and in  
that:

1. The Defendant has been in penal custody and subsequent  
to sentencing, has remained in incarceration having been first  
incarcerated at the Lake Butler Florida Prison Facility and  
thereafter and presently, at the Belle Glade Florida Prison  
Facility.

2. That the Defendant has been penally incarcerated for  
well-nigh one year and has been subjected to grievous and terrible  
losses as a result thereof.

3. That Defendant's crippling and disabling injuries have  
prevented him from engaging in normal and usual prison activities  
and such injuries have continued to impair and hinder Defendant's  
ability to look after himself even in the most fundamental,  
essential matters of personal hygiene.

4. That Defendant is without any source of income and  
while in prison can do nothing to earn or acquire monies to  
maintain his wife and children. That, save for the diminishing



charity of close family members whose resources are limited, the wife and children of the Defendant would be totally dependent upon the community.

5. That the Defendant has been punished severely enough and the privations and humiliations coupled with the agony of his injuries have fully exacted from the Defendant society's damage that the Defendant be punished for his wrongdoing.

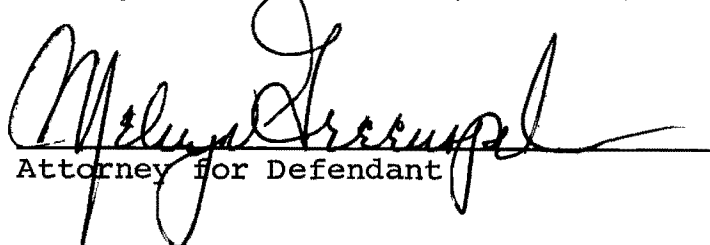
6. That no useful purpose to rehabilitate, to obtain retribution or to deter others can be further served by the continued incarceration of the Defendant.

Counsel for the Defendant does respectfully suggest that the axiom that "The Law is Just" should be tempered by the further axiom that "The Law is Merciful". To further continue the imprisonment of the Defendant can serve no purpose, commendable or otherwise, and can only serve to exact a far greater retribution by society upon the Defendant than should be permitted. That there is a thin line between just punishment and cruel and inhumane punishment. The line separating one from the other will have been breached if the Defendant is further required to remain incarcerated.

7. The manifest interest of justice and the humane instinct of man can only be served by mitigation of the Defendant's sentence and his release from penal custody upon such terms and conditions as to the Court are meted and proper.

WHEREFORE, the Defendant moves entry of an Order mitigating sentence herein and releasing Defendant from further incarceration.

MELVYN GREENSPAHN, ESQUIRE  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130 (545-0487)

  
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion  
for Mitigation of Sentence was mailed to the office of the  
States Attorney, 1351 N.W. 12th Street, Miami, Florida this  
7 day of August, 1975.

  
MELVYN GREENSPAHN

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

74  
CASE NO: 75-6113

CRIMINAL DIVISION

STATE OF FLORIDA,

Plaintiff,

-vs-

HUMBERTO LOPEZ,

Defendant,

NOTICE OF HEARING

03  
RICHARD T. BARKER, CTS.  
CLERK, CIRCUIT & COUNTY, FLA.  
DADE COUNTY, FLA.

75 DEC -2 PM 2 31

FILED FOR RECORD

TO: JAMES WOODARD, ESQUIRE  
1351 N. W. 12th Street  
Miami, Florida

YOU ARE HEREBY NOTIFIED that a Motion to Mitigate Sentence will be brought on for hearing before the Honorable Arden Siegendorf, Judge of the above styled Court, in his chambers at 1351 N. W. 12th Street, Miami, Florida on Friday, December 12, 1975, at 12:00noon, or as soon thereafter as the matter may be heard.

PLEASE GOVERN YOURSELF (SELVES) ACCORDINGLY.

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was ~~mailed~~ hand-delivered to the above addressee this 24th day of December, 1975.

MELVYN GREENSPAHN, ESQUIRE  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130  
Tel: ~~371-8681~~ 545-0487

BY: Melvin Greenspahn  
Attorney for Defendant

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 74-6113

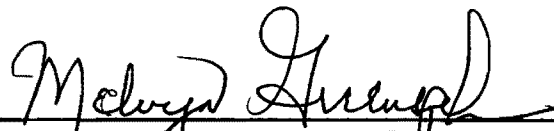
STATE OF FLORIDA, :  
 :  
 Plaintiff, :  
 :  
 -vs- : MOTION TO MITIGATE  
 :  
 HUMBERTO LOPEZ, :  
 :  
 Defendant, :  
 :  
 \_\_\_\_\_ :

FILED FOR RECORD  
75 DEC -2 PM 2 31  
RICHARD T. FRANKER  
CLERK, CIRCUIT & COUNTY CTS.  
DADE COUNTY, FLA.  
03

COMES NOW the Defendant, HUMBERTO LOPEZ, by and through his undersigned attorney and hereby files this his Motion for Mitigation of sentence imposed herein, for and in that:

1. Sentence imposed by the Court was harsh and excessive.

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the office of the State Attorneys, 1351 N. W. 12th Street, Miami, Florida, this 24th day of November, 1975.

  
\_\_\_\_\_  
MELVYN GREENSPAHN, P. A.  
Suite 210, 1150 Building  
1150 S. W. First Street  
Miami, Florida 33130

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

CASE NO: 74-6113

CRIMINAL DIVISION

STATE OF FLORIDA,

Plaintiff,

-vs-

LUIS ALBERTO CRESPO,

Defendant,

NOTICE OF HEARING

TO: JIM WOODARD, ESQUIRE  
Assistant State Attorney  
Metropolitan Justice Building  
1351 N. W. 12th Street  
Miami, Florida

74-6113  
H00117

YOU ARE HEREBY NOTIFIED that Defendant's Motion for Direction  
& Adjudication of Insolvency will be brought on for hearing before the  
Honorable Arden M. Siegendorf, Judge of the above styled  
Court, in his chambers at 1351 N. W. 12th Street, Miami,  
Florida on Wednesday, January 22, 1975, at 9:00 a.m., or as  
soon thereafter as the matter may be heard.

PLEASE GOVERN YOURSELF (SELVES) ACCORDINGLY.

I HEREBY CERTIFY that a true copy of the foregoing Notice of  
Hearing was ~~made~~ hand-delivered to the above addressee this 9th  
day of January, 1975.

MELVYN GREENSPAHN, ESQUIRE  
Suite 210-1150 Building  
1150 S.W. 1st Street  
Miami, Florida 33130  
Tel: ~~305-0691~~ 545-0487

BY: Melvyn Greenspahn  
Attorney for Defendant

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT COURT  
IN AND FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 74-6113

STATE OF FLORIDA,

:

Plaintiff,

:

-vs-

:

LUIS ALBERTO CRESPO,

:

Defendant,

:

:

MOTION OF THE DEFENDANT  
FOR ADJUDICATION OF INSOLVENCY  
AS TO TRANSCRIPT OF THE PRO-  
CEEDINGS

COMES NOW the Defendant LUIS ALBERTO CRESPO, by and through his undersigned attorney and moves this Honorable Court to enter its Order adjudicating the Defendant, pursuant to Rule 6.8, of the Florida Rules of Criminal Appeals, to be insolvent and thereupon further ordering the State of Florida and Dade County, Florida, to pay the cost necessary upon Appeal, for the transcript of the trial proceeding and copies thereof. The Defendant would allege:

1. That the Defendant is incarcerated in the State Penal System, pursuant to conviction in the instant cause.
2. That the Defendant has made and taken notice of appeal in the instant cause, of the conviction therein obtained, notice of appeal being filed on December 19, 1974.
3. That the Defendant is by virtue of his incarceration unemployed.
4. That the Defendant has been mutilated and disfigured by reason of the explosion, the subject matter of the instant cause, and has no earning capacity.
5. That the Defendant by reason of his crippling injuries has sustained medical and hospital expense of enormous

portions and Dade County, by and through Jackson Memorial Hospital has asserted a lien against the Defendant to the extent of a great sum of money, which said lien remains unsatisfied by reason of the Defendant's insolvency.

6. That the Defendant possesses no assets, although he is the titled owner of an undivided one half interest of his residential home, said title being held by the Defendant and his wife as tenants by the entireties. That there is little if any equity in the home. That the Defendant's Wife and two children are without income or support and rely heavily upon the kindness of others in the community and family, in order to sustain themselves.

7. That substantial efforts have been made to obtain contribution of monies for the purpose of paying the legal costs and fees required to further and dilligently prosecute the appeal herein, but the community's response has been without success.

8. That the undersigned attorney, as attorney for the Defendant from the inception of the instant proceedings and through trial has, by reason of ethical obligation, agreed to proceed in the appellate phase of the case without demand of fee and has in fact, received no fee payment for services rendered therein.

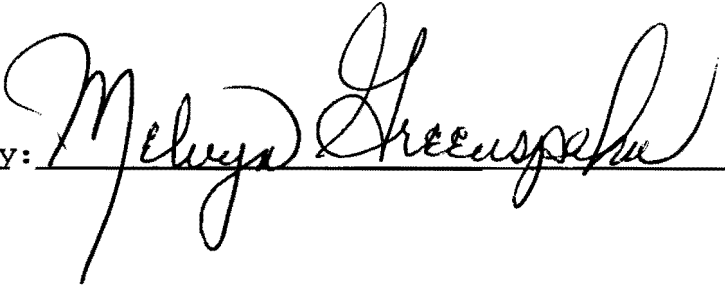
9. That the Defendant cannot perfect his record on appeal without the full and complete transcription of the reporters' notes herein.

WHEREFORE, Appellant/Defendant LUIS ALBERTO CRESPO, respectfully moves for the entry of an Order adjudicating him insolvent for appellate purposes and ordering the cost

of the court reporter's notes herein to be born by the  
County of Dade or the State of Florida.

WE HEREBY CERTIFY that a copy of the foregoing has  
been hand-delivered to the State's Attorney Office,  
1351 N. W. 12th Street, Miami, Florida, this 9th day of  
January, 1975.

MELVYN GREENSPAHN, P. A.  
Attorneys for Defendant  
1150 S. W. First Street  
Suite 210, Eleven Fifty Building  
Miami, Florida 33130

By:  \_\_\_\_\_



IN THE CRIMINAL COURT OF RECORD  
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 74-6113

STATE OF FLORIDA, :

-vs- :

LUIS CRESPO,

AFFIDAVIT OF INSOLVENCY

Defendant.

LUIS CRESPO

FILED  
2011  
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23  
07

BEFORE ME, the undersigned authority, personally appeared LUIS CRESPO, Defendant in the above-styled cause, who being first duly sworn, deposes and says that he is insolvent at the present time, that he has no funds with which to retain counsel, and that he is financially unable to pay the costs of any judicial proceedings in this cause, including trial and appeal. Defendant further deposes and says that he has not divested himself of any property, either real or personal, in order to take advantage of this oath. Defendant understands that a judgment or lien will be imposed against him in favor of the State of Florida for an amount which shall constitute the reasonable value of the legal services rendered the Defendant by the Public Defender of the Eleventh Judicial Circuit of Florida.

[Signature]  
Defendant

Sworn to and subscribed before me this 14 day of FEB, 19 75.

[Signature]  
Deputy Clerk, Criminal Court of Record  
of Dade County, Florida

[Signature]  
NOTARY Floyd C. Schumel

Notary Public, State of Florida at Large  
My Commission Expires Apr. 25, 1977  
Bonded by American Fire & Casualty Co.

ORDER DECLARING DEFENDANT INSOLVENT AND  
APPOINTING COUNSEL

After due and careful consideration, being satisfied of the good faith and truth of the foregoing Affidavit, I hereby adjudge the Defendant, LUIS CRESPO, insolvent for all judicial proceedings in this cause including trial and appeal, and the Public Defender for the Eleventh Judicial Circuit of Florida is hereby appointed as counsel for the Defendant for all judicial proceedings in this cause, including trial and appeal.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

[Signature]  
Judge, Criminal Court of Record  
Division

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,  
IN AND FOR DADE COUNTY BOND ESTREATURE  
NO. 74-33883

THE STATE OF FLORIDA, for the use  
and benefit of Dade County, :

Plaintiff :

vs. :

HUMBERTO LOPEZ and RESOLUTE  
INSURANCE COMPANY, a Rhode  
Island corporation, :

Defendants :

SATISFACTION OF JUDGMENT

FILED FOR RECORD  
'75 MAR 26 PM 3:47  
RICHARD P. BRINKER  
CLERK, CIRCUIT & COUNTY  
DADE COUNTY, FLA.  
03

I, RICHARD P. BRINKER, Clerk of the Circuit Court of the Eleventh Judicial Circuit of Florida, do hereby certify that the defendant-surety company has paid to the State of Florida and the Clerk has received the sum of TEN THOUSAND ONE HUNDRED EIGHTY-ONE AND 23/100 - - - - - (\$ 10,181.23 )DOLLARS, in full payment of the Final Judgment entered in the above styled cause and recorded in Official Record Book # 8843 at Page # 1447 of the Public Records of Dade County, Florida, and that the same has been satisfied in full.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Miami, Dade County, Florida, this 11th day of February 19 75

RICHARD P. BRINKER, CLERK OF THE  
CIRCUIT COURT, ELEVENTH JUDICIAL  
CIRCUIT OF FLORIDA

(Court Seal)

By M. M. Moore  
Deputy Clerk

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

Case Numbered 74-6113

THE STATE OF FLORIDA

VS.

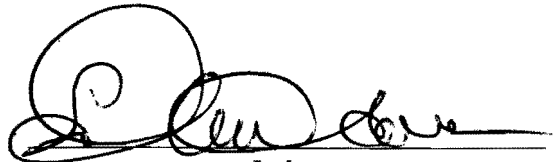
Luis Crespo  
\_\_\_\_\_  
\_\_\_\_\_

ORDER ALLOWING WITHDRAWAL  
OF COURT FILE

THE OFFICIAL COURT REPORTER having made application to the Court for an order allowing the withdrawal of the original court file in the above styled and numbered cause and it appearing unto the Court that such reporter requires said file for use in the preparation of the transcript of testimony and proceedings in said cause, and the Court being otherwise fully advised in the premises, it is, upon consideration,

ORDERED AND ADJUDGED that MONA R. Gesse,  
Official Court Reporter, is hereby granted permission to withdraw the original court file in the above styled and numbered cause for a period of 7 days.

DONE AND ORDERED in Miami, Dade County, Florida this the ~~2<sup>ND</sup>~~ 2<sup>ND</sup>  
day of April A. D., 19 75.

  
\_\_\_\_\_  
Judge

RECEIPT IS HEREBY ACKNOWLEDGED FOR THE ORIGINAL COURT  
FILE in the above styled and numbered cause this ~~2<sup>ND</sup>~~ 2<sup>ND</sup> day of April  
A. D., 19 75.

Mona R. Gesse  
\_\_\_\_\_  
Official Court Reporter

FILE RETURNED this 16 day of April A. D., 19 75.

Marie Ungaro  
\_\_\_\_\_  
Deputy Clerk

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 74-6113

STATE OF FLORIDA,

Plaintiff,

-vs-

LUIS ALBERTO CRESPO,

Defendant,

:  
:  
:  
:  
:

DEFENDANT'S MOTION FOR  
DIRECTION OF THE REPORTER  
TO TRANSCRIBE TRIAL NOTES

FILED FOR RECORD  
75 JAN 13 PM 12  
CLERK OF COURT

---

COMES NOW the Defendant, LUIS ALBERTO CRESPO, who having filed Notice of Appeal on December 19, 1974, in the instant cause, does pursuant to Rule 6.8, of the Florida Rules of Criminal Appeal, moves this Honorable Court to direct the Court's Reporter to transcribe the notes of the proceedings inclusive from the voir dire and inpanelment of the jury and consecutively thereafter through and inclusive of the finding and adjudication by the Court and the imposition of sentence upon the Defendant.

WE HEREBY CERTIFY that a copy of the foregoing has been hand-delivered to the Honorable James Woodard, State's Attorneys Office, 1351 N. W. 12th Street, Miami, Florida, this 9th day of January, 1975.

MELVYN GREENSPAHN, P. A.  
Attorneys for Defendant  
Suite 210, Eleven Fifty Building  
1150 S. W. First Street  
Miami, Florida 33130

By: 

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

**FILED -**  
DEC - 5 1974  
RICHARD P. BRINKER  
CLERK

THE STATE OF FLORIDA

VS  
#74-6113-A

ORDER ADJUDGING DEFENDANT COMPETENT

LUIS ALBERTO CRESPO

THIS CAUSE HAVING COME ON TO BE HEARD upon Motion properly made before the Court and the Court having examined the evidence presented, and the Court being fully advised in the premises, therefore

IT IS THE FINDING OF THE COURT that the Defendant, LUIS ALBERTO CRESPO is now COMPETENT

IT IS THEREFORE THE JUDGMENT OF THE LAW and it is hereby adjudged that the aforesaid Defendant is now COMPETENT.

DONE AND ORDERED in open Court at Miami, Dade County, Florida, this 5th day of DECEMBER, A. D., 19 74.

*Arden M. Siegen Dorf*  
ARDEN M. SIEGENDORF JUDGE

**RECORDED**  
DEC 19 1974  
RICHARD P. BRINKER  
CLERK

FILED AND RECORDED  
IN CIRCUIT COURT  
MINUTES AS INDICATED HEREON

Richard P. Brinker, Clerk

By: \_\_\_\_\_  
Deputy Clerk

*[Handwritten signature]*

*see (1) cc  
to AAO  
\$2.00*

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA IN AND FOR DADE COUNTY FALL TERM, 1974

CASE NO. 74-6113A

STATE OF FLORIDA

VS.

ORDER OF COMPETENCY

LUIS CRESPO,

DEFENDANT.

FILED  
JAN 2 1975  
CLERK OF COURT

THIS CAUSE having come before this Court for  
determination of the Defendant's mental competency to be  
sentenced as provided by Rule 3.740 (a), Rules of Criminal  
Procedure, the Court having considered the testimony of  
three disinterested qualified experts and being otherwise  
fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Defendant, LUIS CRESPO,  
is found to be sane and therefore competent to be sentenced  
according to law.

DONE AND ORDERED at Miami, Florida, this 2<sup>nd</sup>  
day of January, 1975.

*Arden M. Siegen Dorf*  
ARDEN M. SIEGENDORF

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

FALL TERM, 1974

11-3-74  
123

CASE NO. 74-6113

STATE OF FLORIDA

vs.

LUIS ALBERTO CRESPO,

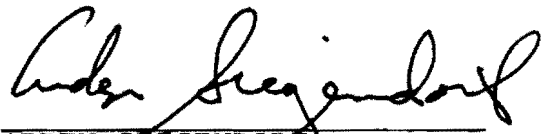
DEFENDANT.

ORDER DIRECTING SHERIFF  
OF DADE COUNTY, FLORIDA  
TO RETURN DEFENDANT TO  
DADE COUNTY JAIL

It appearing to this Court that the defendant is presently incarcerated in the South Florida State Hospital at Hollywood, Florida, and that it is necessary that he be brought before this Court for the purpose of sentencing, it is,

CONSIDERED, ORDERED AND ADJUDGED that the Sheriff of Dade County, Florida, take the said LUIS ALBERTO CRESPO from the custody of the Superintendent of the South Florida State Hospital at Hollywood and transport him safely to the Dade County Jail by the 4th day of December, 1974, where he shall be held pending further proceedings in this Court.

DONE AND ORDERED at Miami, Dade County, Florida, this 3<sup>rd</sup> day of December, 1974.



ARDEN S. LEGENDORF  
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
 IN AND FOR DADE COUNTY. CAUSE NUMBERED 74-6113

*See (1) CC  
 to #1.00*

STATE OF FLORIDA )  
 -vs- )  
 LOUIS CRESPO, et al )  
 )

ORDER  
 TO PAY OUT OF STATE WITNESS

It appearing unto the Court that CHARLES A. ELLIOTT  
Double Day Publishing Co.  
245 Park Avenue  
New York, N. Y., whose address is

74 OCT 18 PM 3 58  
 03

was duly summoned as a witness in the above entitled cause and did in response to said summons appear as a witness on behalf of the State of Florida, for which said witness is entitled to receive the sum of 10¢ per mile and \$5.00 per diem as provided by Statute, it is therefore

ORDERED that the Board of County Commissioners of Dade County, Florida, pay unto the said CHARLES A. ELLIOTT

the following sums, to-wit:

From <u>New York, N. Y.</u> to Miami, Florida	adn return
<u>2654</u> miles @ 10¢	\$ <u>265.40</u>
Per diem <u>2</u> days @ \$5.00	\$ <u>10.00</u>
Total amount owing witness	\$ <u>275.40</u>
Less hotel bill to be paid by F. Dept.	<u>38.64</u>
Less transportation advanced (if any)	\$ <u>-----</u>
Net amount owing witness	\$ <u>236.76</u>

and the Clerk of this Court be and he is hereby directed to forthwith forward a certified copy of this Order to the said Board in order to effect the provisions hereof.

DONE AND ORDERED in Miami, Dade County, Florida this the \_\_\_\_\_ day of September, 19 74.

*Anders M. Szejnfeld*  
 \_\_\_\_\_  
 Circuit Judge

MOTION

Counsel for the State moves for entry of the above order.

RICHARD E. GERSTEIN  
 State Attorney

By *[Signature]*  
 Assistant State Attorney



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

CAUSE NUMBERED 74-6113

*see (1) ec  
 to \$1.00*

STATE OF FLORIDA )

-vs- )

LOUIS CRESPO, et al )

)

ORDER  
 TO PAY OUT OF STATE WITNESS

It appearing unto the Court that ALFRED W. THIEM  
Double Day Publishing Co.  
 \_\_\_\_\_, whose address is 245 Park Avenue  
 \_\_\_\_\_  
New York, N. Y.

was duly summoned as a witness in the above entitled cause and did in response to said summons appear as a witness on behalf of the State of Florida, for which said witness is entitled to receive the sum of 10¢ per mile and \$5.00 per diem as provided by Statute, it is therefore

ORDERED that the Board of County Commissioners of Dade County, Florida, pay unto the said ALFRED W. THIEM

the following sums, to-wit:

From <u>New York, N. Y.</u> to Miami, Florida and return	
<u>2654</u> miles @ 10¢ .....	\$ <u>265.40</u>
Per diem <u>2</u> days @ \$5.00 .....	\$ <u>10.00</u>
Total amount owing witness .....	\$ <u>275.40</u>
Less hotel bill to be paid by F. Dept. ....	<u>24.07</u>
Less transportation advanced (if any) .....	\$ <u>-----</u>
Net amount owing witness .....	\$ <u>251.33</u>

and the Clerk of this Court be and he is hereby directed to forthwith forward a certified copy of this Order to the said Board in order to effect the provisions hereof.

DONE AND ORDERED in Miami, Dade County, Florida this the \_\_\_\_\_  
 day of September, 1974.

*Arthur R. Fitzgerald*  
 \_\_\_\_\_  
 Circuit Judge

MOTION

Counsel for the State moves for entry of the above order.

RICHARD E. GERSTEIN  
 State Attorney

By *[Signature]*  
 \_\_\_\_\_  
 Assistant State Attorney

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA, IN AND FOR DADE COUNTY SPRING TERM, 1974

**- FILED -**  
SEP 3 - 1974  
RICHARD P. BRINKER  
CLERK

CASE NO. 74-6113

STATE OF FLORIDA

vs.

LUIS CRESPO, ET AL

DEFENDANTS.

MOTION TO HAVE PROSPECTIVE

WITNESSES MADE COURT

WITNESSES

Comes Now the State of Florida and respectfully shows unto this Honorable Court as follows:

That it is necessary for the Honorable Court and this jury panel to hear the testimony of one ALFREDO SAYUS, JR. and ALFREDO SAYUS, SR., hereinafter referred to as the witnesses, and it is my opinion, as an Assistant State Attorney, made in good faith, that the said witnesses will be reluctant to testify to certain material facts which are within their knowledge and may attempt to conceal material facts upon the question of the guilt of the above styled defendants upon the charges contained in the information of the cause now pending before this Honorable Court, to the detriment of the State of Florida.

That the testimony of these witnesses is material and not merely cumulative, and that the facts to be proven by these witnesses cannot be proven by other available witnesses.

These witnesses are personal friends of one or more of the above-styled defendants and have given diametrically opposed sworn statements to the undersigned and to Sgt. Harold Whitaker, Miami Police Department, regarding the involvement of the defendants in this case. Further, when called upon to testify at the preliminary hearing for Juaquin Miranda, Magistrate Case No. 74-6739, the witnesses refused to testify for the State and asserted their rights against self incrimination.


That it appears to the undersigned Assistant State Attorney that these witnesses will undoubtedly prove to be hostile witnesses to the interest of the State of Florida in that there would be a reluctance to testify against the defendant. As the Assistant State Attorney prosecuting the above-captioned case, I do not wish to assume the responsibility of jeopardizing the State's case by calling the said witnesses as witnesses for the State, thereby vouching for their truthfulness and being bound by their testimony in the event that they would prove to be adverse witnesses.

WHEREFORE and for the reasons so stated, I respectfully request that the said ALFREDO SAYUS, JR. and ALFREDO SAYUS, SR., be called as witnesses by this Honorable Court to be questioned by the Court and examined and cross-examined by the prosecution and the defense, but not as witnesses either for the State or the defendant, all of the same being in accordance with the law of this State.

Respectfully submitted,

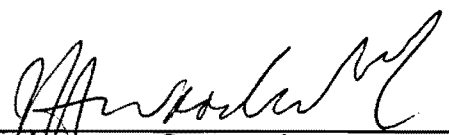
RICHARD E. GERSTEIN  
STATE ATTORNEY

By:

  
\_\_\_\_\_  
JAMES H. WOODARD  
Assistant State Attorney

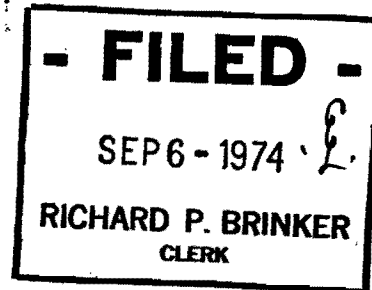
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the above and foregoing Motion to Have Prospective Witnesses Made Court Witnesses was delivered to Melvyn Greenspahn and Laurence Faye, Attorneys for the Defendants, in open Court this 3 day of September, 1974.

  
\_\_\_\_\_  
Assistant State Attorney

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

Case No. 74-6113-A



STATE OF FLORIDA

vs.

LUIS ALBERTO CRESPO

Defendant

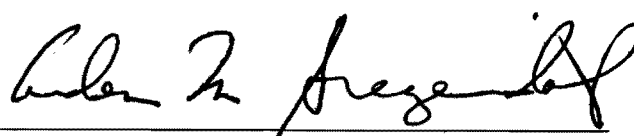
**ORDER FOR PRESENTENCE INVESTIGATION**

IT APPEARING TO THE COURT that the Defendant has been found guilty of a criminal offense and that further information is most desirable or necessary for the Court to arrive at an appropriate disposition in this case, it is therefore

ORDERED AND ADJUDGED that the Florida Parole and Probation Commission and its staff are hereby directed to complete a presentence investigation of the Defendant, returnable to the Court at least two days before the disposition of the case now scheduled for OCTOBER 21, 1974, and it is further

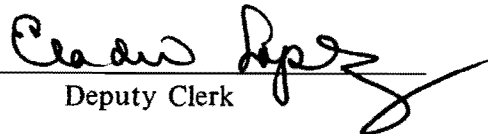
ORDERED that any agency or person, having information concerning the Defendant or the offense for which he (she) has been found guilty, shall cooperate fully with said Florida Parole and Probation Commission and its staff by furnishing copies of relevant reports or documents and giving whatever other information is requested.

DONE AND ORDERED at Miami, Dade County, Florida, this 6th day of SEPTEMBER, 19 74.

  
CIRCUIT JUDGE  
ARDEN M. SIEGENDORF

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to the Florida Parole and Probation Commission on \_\_\_\_\_, 19 \_\_\_\_.

RICHARD P. BRINKER  
Clerk, Circuit Court

By   
Deputy Clerk

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

Case No. 74-6113-B

STATE OF FLORIDA

vs.

HUMBERTO LOPEZ

Defendant

**- FILED -**  
SEP 6 - 1974  
RICHARD P. BRINKER  
CLERK

**ORDER FOR PRESENTENCE INVESTIGATION**

IT APPEARING TO THE COURT that the Defendant has been found guilty of a criminal offense and that further information is most desirable or necessary for the Court to arrive at an appropriate disposition in this case, it is therefore

ORDERED AND ADJUDGED that the Florida Parole and Probation Commission and its staff are hereby directed to complete a presentence investigation of the Defendant, returnable to the Court at least two days before the disposition of the case now scheduled for OCTOBER 21, 1974, and it is further

ORDERED that any agency or person, having information concerning the Defendant or the offense for which he (she) has been found guilty, shall cooperate fully with said Florida Parole and Probation Commission and its staff by furnishing copies of relevant reports or documents and giving whatever other information is requested.

DONE AND ORDERED at Miami, Dade County, Florida, this 6th day of SEPTEMBER, 19 74.

*Arden M. Siegendorf*  
CIRCUIT JUDGE

ARDEN M. SIEGENDORF

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to the Florida Parole and Probation Commission on \_\_\_\_\_, 19 \_\_\_\_\_.

RICHARD P. BRINKER  
Clerk, Circuit Court

By *Richard P. Brinker*  
Deputy Clerk

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA, IN AND FOR DADE COUNTY SPRING TERM, 1974

**- FILED -**  
SEP 3 - 1974 *8*  
RICHARD P. BRINKER  
CLERK

CASE NO. 74-6113

STATE OF FLORIDA

AMENDED WITNESS LIST

vs.

LUIS CRESPO, ET AL

DEFENDANTS.

Comes Now RICHARD E. GERSTEIN, State Attorney  
of the Eleventh Judicial Circuit of Florida, by and  
through the undersigned Assistant State Attorney, and  
files as Amended Witness List the following:

The additional witness which the State may  
call at the time of trial is as follows:

Custodian of Records  
Double Day Book Company  
277 Park Avenue  
New York, New York 10017

RICHARD E. GERSTEIN  
STATE ATTORNEY

By:

*[Signature]*  
JAMES H. WOODARD  
Assistant State Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the fore-  
going Amended Witness List was hand delivered to Melvyn  
Greenspahn and Laurence Faye, this the 3 day of  
September, 1974.

*[Signature]*  
Assistant State Attorney