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Clark

October 2, 1972

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J. F. McCracken
CLERK

Gino Negretti, Esquire
111 Northeast Second Avenue
Congress Building
Miami, Florida

RE: STATE OF FLORIDA VS. RAMON DONESTEVEZ and EMILIO NAVAREO
CASE NO. 72-7137

Dear Mr. Negretti:

Enclosed herein are copies of (a) the telephone conversation between Jose Canto and Ramon Donestevez of September 14, 1972 and, (b) a copy of the tape recording of the conversation between Jose Canto and Ramon Donestevez which took place in front of 9970 Banyon Street on September 15, 1972.

Sincerely yours,

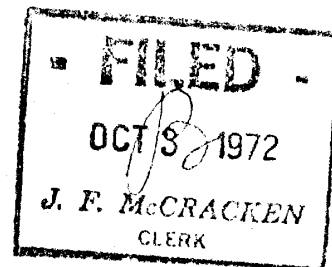
RICHARD E. GERSTEIN
STATE ATTORNEY

BY *WRTunkey*
WILLIAM R. TUNKEY
ASSISTANT STATE ATTORNEY

WRT:mtm
Enclosures

Clark

October 2, 1972



Robert Josefberg, Esquire
Suite 733
25 West Flagler Street
Miami, Florida

RE: STATE OF FLORIDA VS. RAMON DONESTEVEZ and EMILIO NAVARRO
CASE NO. 72-7137

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Sincerely yours,

RICHARD E. GERSTEIN
STATE ATTORNEY

BY *WR Tunkey*

WILLIAM R. TUNKEY
ASSISTANT STATE ATTORNEY

WRT:mtm
Enclosures

STATE OF FLORIDA)
-vs-)
RAMON DONESTEVEZ,)
et al.)
_____)

R O B B E R Y

There appeared in the Office of the State Attorney, Sixth Floor, Metropolitan Dade County Justice Building, 1351 N. W. 12th Street, Miami, Florida, on Wednesday, September 13, 1972, at approximately 3:05 p.m., the following:

WILLIAM R. TUNKEY
Assistant State Attorney

J. C. HARMON
Alcohol, Tobacco & Firearms
United States Treasury

G. R. HAVENS
Public Safety Department
Dade County, Florida

J. J. LAZZERI
Public Safety Department
Dade County, Florida

WITNESS:

JOSE CANTO
4311 S. W. Second Terrace
Miami, Florida

VINCENT OLLER
Interpreter
Public Safety Department
Dade County, Florida

JEAN BOWMAN
Reporter

WHEREUPON THE WITNESS, AFTER BEING
FIRST DULY SWORN, TESTIFIED AS
TRANSLATED BY THE INTERPRETER, AS
FOLLOWS:

JOSE CANTO

Q (By Mr. Tunkey) State your name and home address.

JOSE CANTO

A Jose Canto.

Q Your address?

A 4311 S. W. Second Terrace, Miami.

Q Do you have a phone number at that address?

A 443-6228.

Q Are you employed?

A I work for myself. I have a school bus company.

Q Do you have an office, and if so, where is it located?

A Yes, sir, 1626 West Flagler Street.

Q The telephone number?

A 642-4100.

Q In March of 1972, did you have occasion to purchase a boat?

A I bought it before March.

Q When did you buy it?

A I believe it was in February.

Q Of 1972?

A 1972.

Q Where did you purchase it?

A At the Piranha Boat Corporation.

Q Would you spell it.

A P-I-R-A-N-H-A.

Q The Piranha Boat Corporation in Perrine?

A In Perrine.

Q From whom did you purchase the boat?

A The owner of the factory, Ramon Donestevez.

Q Now, how much did you pay for the boat?

A A little over \$12,400.

Q Did you pay cash for the boat, or did you have a mortgage on it?

A I financed part of it.

Q What was your down payment?

A As far as I can recall, it was about \$4,436.

Q All right, was the boat insured?

A When I financed it, the bank required that I put insurance on it.

Q What bank financed the boat?

A Midway National Bank at Flagler and 73rd Avenue, West Flagler and 73rd Avenue.

Q Why did you purchase this boat?

A For pleasure. I always wanted to have one.

Q What income did you report last year?

A I haven't done last year's income tax.

Q Can you estimate for me, please, what your income was last year?

A About \$10,000, \$10,000 to \$11,000.

Q What were your monthly payments on the boat?

A About \$211.

Q Do you own your home?

A Yes.

Q Is it still mortgaged, or what?

A I still owe on it.

Q What are your monthly payments on the house?

A They just increased the payment to \$112, including taxes and insurance.

Q Are you married?

A Divorced.

Q Do you pay monthly alimony or support?

A No.

Q Do you have any children?

A Yes, from my first marriage. I don't pay any alimony. My ex-wife has remarried.

Q All right, what happened to the boat?

A They stole the boat.

Q Where was the boat when it was stolen?

A It was at the Citgo Service Station on Flagler and 16th Avenue.

Q Why was it there?

A An inspector from the City went to my house and told me if I wanted to keep it at my house, I would have to make a gate in the fence, build a gate in the fence, and back it into the lot.

Q And the boat was stolen from this gas station?

A Yes.

Q Was the boat secured in any fashion when it was stolen?

A The trailer towing bowl, or whatever you call that, was enclosed in something with a padlock so it couldn't be towed.

Q Do you recall approximately when the boat was stolen?

A It was a night between midnight and 7:00 o'clock around the 25th or 26th of March.

Q 1972?

A 1972.

Q Did you report the theft to the police?

A Yes, I reported it right away to the Miami P. D.

Q Do you recall the officer to whom you made the report?

A It was a patrol officer that came to the station.

Q Did you get a copy of the report?

A I think I have one.

MR. TUNKEY: All right, I want that picked up. I want to find out what the case number is and everything.

INTERPRETER: He knows that he had one, but he doesn't know if he still has it. It may be better to go to the City of Miami and pick up a copy.

MR. TUNKEY: I don't care how you get it, I just want it.

Q (By Mr. Tunkey) Do you actually know who stole the boat?

A No.

Q No?

A No.

Q Have you ever seen it since the time it was stolen?

A No.

Q Have you seen the boat or trailer?

A I think I saw it; I could swear that it was my trailer, but of course I cannot be completely certain.

Q Where?

A In the factory of Donestevez.

Q Now, up until before the time you bought the boat from Donestevez, did you know him?

A No, I never met him, but I had heard of him before in the newspapers.

Q Had you ever seen a picture of him before?

A I probably had seen it, but I don't remember.

Q When you purchased the boat from Donestevez, did Donestevez know where you lived or where you worked?

A Yes.

Q How did he know that?

A I had to make an application and I had to

give all the details there.

Q When you purchased the boat?

A Five months before I got the boat or before I actually bought the boat, in February, 1972; that is, five months before February, 1972, I went and talked to him, because the boat had to be made on order. I had to fill out a form that Donestevez filed for me which was to be sent to Washington, to see if an approval could be obtained for me to buy that kind of boat. On that form that was sent to Washington, I had to put my address, my place of business and so forth. About three or four months after that form was sent, Washington answered yes, that I could purchase the boat.

Q All right.

A At that time I received a copy from Washington and Donestevez had received another copy, and at that time he, Donestevez, called me to come over to the factory, and at that time we filled out an application for the bank loan.

Q All right, now, between the time that the boat was stolen and before the robbery, did you see Donestevez during that time?

A And the time of the robbery?

Q Before the robbery.

A In that time?

Q Yes.

A When they stole the boat from me, I went to see Donestevez at that time.

Q All right.

A To tell him about the theft.

Q When did that happen, in March?

A About a week after the boat was stolen.

Q All right.

A That should be the beginning of April.

MR. TUNKEY: Have him tell you, and you tell the court reporter, what was the conversation between Donestevez and himself when he went to see him about the boat being stolen?

INTERPRETER: He explained to Donestevez that somebody had stolen his boat and what could he do. He said he didn't know what he should do; the boat could be here or up north and told him to wait, that many boats were recovered. There were other comments, but --

MR. TUNKEY: Did he accuse Donestevez of stealing the boat?

INTERPRETER: No.

MR. TUNKEY: Who else was present during that conversation?

INTERPRETER: When he arrived at the shop on that day, Donestevez was in the shop, so there were other employees around.

MR. TUNKEY: But who was in hearing distance of the conversation?

INTERPRETER: He doesn't believe so; nobody heard it.

MR. TUNKEY: When was the next time after that that he saw Donestevez?

INTERPRETER: He believes around May he returned to the factory. He returned to tell him that the insurance had not paid him at that time, and since Donestevez had recommended the bank and, of course, the insurance company through the bank -- he was a friend of the agent that insured the boat.

MR. TUNKEY: So he was what, trying to get the insurance money?

INTERPRETER: Right. That was the reason he went

there.

MR. TUNKEY: When was the next time after that he saw Donestevez?

INTERPRETER: Do you want to know any more of the conversation?

MR. TUNKEY: No, unless he accused Donestevez of stealing the boat.

INTERPRETER: Do you want me to ask him that?

MR. TUNKEY: Yes.

INTERPRETER: No.

MR. TUNKEY: He did not accuse him of that?

INTERPRETER: No.

MR. TUNKEY: When was the next time he saw him?

INTERPRETER: At that time, when he went over there in approximately May, Donestevez told him to go and see his attorney because that was a problem with the insurance company that he could not solve.

MR. TUNKEY: He didn't answer the question, when was the next time he saw Donestevez?

INTERPRETER: That time in May he told him, Donestevez told him, "If you collect the insurance, let me know." A couple of months ago, when he collected the insurance, at that time he went back to tell him he had collected the insurance and to thank him if he had done something like talking to the insurance agent, and he said at this time is when he saw the trailer.

MR. TUNKEY: When he saw the trailer, did he accuse Donestevez of stealing the boat?

INTERPRETER: No, he said he realized that he was watching the trailer, looking at it. Mr. Canto believes that Donestevez realized he was suspicious because he was looking closely at the trailer.

MR. TUNKEY: But nothing was said?

INTERPRETER: No.

MR. TUNKEY: When was the next time after that he saw him?

INTERPRETER: The day of the robbery. At that time, two months ago, when he saw him, he said that he shouldn't be so sorry for losing the boat, since he had collected the insurance and the boat possibly could have been in use for some patriotic mission.

MR. TUNKEY: Was there any further conversation about patriotic missions?

INTERPRETER: No. During one of the times he went there while the boat was being built, Donestevéz told him that they were planning to go to Cuba to talk to Fidel Castro to convince him, Fidel Castro, to leave the country, so that Cuba could be free again, and they were thinking that Fidel Castro would leave in 1973. He thought the whole thing was ridiculous.

Q (By Mr. Tunkey) What day of the week did you get robbed on?

A Friday.

Q At what time?

A I arrived at the factory at approximately 9:00 or 9:15.

Q P.M.?

A Yes.

Q How did you get to the factory?

A My own car.

Q Were you alone?

A Yes.

Q Who told you to go to the factory?

A Ramon Estevez.

Q By telephone?

A Yes.

Q When did you receive the phone call?

A About 8:00 p.m.

MR. TUNKEY: What did Donestevez say on the telephone?

INTERPRETER: That he had something very important to talk to him about and he was very hurried and could not explain at this time that it was convenient for him to go.

MR. TUNKEY: To the factory?

INTERPRETER: To the factory. He thought it was about his boat.

MR. TUNKEY: Okay. When he got to the factory, where did he go inside the factory?

INTERPRETER: He parked his car, and as he approached the entry door, he was met by Donestevez. He told him to come into the office and told him to sit down.

MR. TUNKEY: When he went into the office, who was there besides Donestevez and himself?

INTERPRETER: He hadn't finished sitting when he then noticed two men on each side with guns -- with pistols, actually, is what he said.

MR. TUNKEY: What were the men doing with the pistols?

INTERPRETER: They pointed the pistols at his head.

MR. TUNKEY: Where was Donestevez when the pistols were being pointed at his head?

INTERPRETER: They came into the office, he sat in a chair similar to that one (indicating), and Donestevez came behind a desk in this position (indicating). He sat down and saw the guns; he looked back, and at that time, when he turned his head forward again, he saw Donestevez pulling his gun out from the hip.

MR. TUNKEY: Was it a pistol?

INTERPRETER: Yes, a pistol, nine millimeter.

MR. TUNKEY: A nine millimeter pistol?

INTERPRETER: Yes.

MR. TUNKEY: Was it an automatic or revolver?

INTERPRETER: A pistol.

MR. TUNKEY: Indicating an automatic, right?

INTERPRETER: Well, semi.

MR. TUNKEY: Let the record reflect it is an automatic pistol. Let the record reflect it's a semi-automatic pistol. Did he notice the make of the gun?

INTERPRETER: It was a pistol in the style like they call .45. It could be Spanish-made like the Llama or Star.

MR. TUNKEY: How about the other men, what kind of guns did they have?

INTERPRETER: They were exactly the same type of pistol, all three.

MR. TUNKEY: Did he see any other weapons?

INTERPRETER: He saw a rifle.

MR. TUNKEY: A rifle? What kind of a rifle?

INTERPRETER: He thought it was an AR-15.

MR. TUNKEY: He thought it was an AR-15?

INTERPRETER: He said R-15.

MR. TUNKEY: Or AR-15? Ask him when he's talking about this AR-15 if this is an automatic weapon.

INTERPRETER: He had seen it in pictures, and he had seen it in a gun shop. It's about a .22 caliber.

MR. TUNKEY: He had seen pictures of it in a gun shop?

INTERPRETER: He had seen pictures and he had seen a weapon at a gun shop.

MR. TUNKEY: Okay, we'll leave it at that. All right, at that time, the night of the robbery, did he own a pistol himself?

INTERPRETER: He had a revolver.

MR. TUNKEY: And where was that? When he went into the building, where was the revolver?

INTERPRETER: In the glove compartment of his automobile.

MR. TUNKEY: Had he planned to take the pistol or the revolver in with him that night, into the shop?

INTERPRETER: Literally, what he said, "When you go to that area of Perrine, you'd better take a cannon with you."

MR. TUNKEY: All right, after the guns were pointed at his head by the two men and Donestevez was standing there with the R-15, the AR-15, and the other weapon, who spoke first?

INTERPRETER: He says he said to Donestevez, "What is the meaning of this? Are you crazy or something?"

MR. TUNKEY: From then on, I want him to just try and relate what was said and what went on.

INTERPRETER: The conversation on both sides?

MR. TUNKEY: Yes, in sequence, and tell him from time to time you're going to interrupt him and give an answer and continue with it so it doesn't get lost.

INTERPRETER: After he said that, there was a lapse of time in which they didn't say anything. They just stood looking at him, pointing the guns at him, and apparently trying to, he felt, waiting to see his reaction, at which time he kept on saying, "Are you crazy? What's going on?" At this time Donestevez had the pistol in his hand, and this is before he got the AR-15 and after the lapse of time where everybody was quiet, the three subjects were quiet, he, Donestevez, told him, "This is a serious matter; we're not playing games." He said that the reason this was happening was because a lot of the Cuban people are not interested in the Cuban problem and that his group

was not about to just let things to so slowly in the way of propaganda and that they were in need of money in order to buy some weapons and things for Cuba. At that time the other subject, whom he calls the small blonde one, said -- the small blonde one said, "This is to liberate a country you don't deserve."

MR. TUNKEY: For the record, the small blonde one is who among these pictures (indicating photographs)?

INTERPRETER: The FBI told him the name of this subject is Navarro.

MR. TUNKEY: Emilio?

INTERPRETER: Emilio Navarro.

MR. TUNKEY: Emilio Navarro Cespedes?

INTERPRETER: The last one doesn't matter.

MR. TUNKEY: Actually, the name would be Emilio Navarro. Go on, now.

INTERPRETER: He said it was kind of confusing, but at times they were all talking together, but as far as he can recall, at this time Donestevez told him, "Well, there's no time to lose. What we need is we need to have \$800," to which he answered that he didn't have that kind of money. At that time he put away the gun, the pistol.

MR. TUNKEY: Indicate names. There are three people.

INTERPRETER: I'm talking of Donestevez; he put away the pistol and grabbed the AR-15. Donestevez said, "If you don't get that money to me tonight, you will not get out of here alive," to which he answered, "You're going to have to kill me, because I don't have it." The other man, Ruiz --

MR. TUNKEY: Is that R-U-I-Z?

INTERPRETER: R-U-I-Z, said, "Let's do to him what we did to somebody else," and mentioned a name that

use, in an imitation Chinese style, and on the back it has the word, "Chicho," and the date, 3/30/30.

MR. TUNKEY: Okay, what else was taken?

INTERPRETER: A ring, a gold ring with three diamonds, an Omega Seamaster (phonetic) watch with a leather band; those three things. Then Navarro went to his car, from where he got the revolver he had in the glove compartment.

MR. TUNKEY: What happened after they took all these items from him?

INTERPRETER: After he agreed to find a way to pay \$800, things became a little smoother.

MR. TUNKEY: Wait a minute, now. He gave him these items as collateral; is that the idea?

INTERPRETER: They forced him to do this, to take the things off.

MR. TUNKEY: Well, did they say they would return the things when he paid the \$800?

INTERPRETER: Yes.

MR. TUNKEY: How much longer did he stay there at the factory?

INTERPRETER: Altogether, it was about an hour or a little over an hour.

MR. TUNKEY: He said for an hour after they had the stuff?

INTERPRETER: No, altogether.

MR. TUNKEY: How long after that did he leave? Minutes?

INTERPRETER: It was about forty-five minutes.

MR. TUNKEY: What were they doing all that time? What was going on in that forty-five minutes?

INTERPRETER: They sat him in a corner; they said that they had to wait until Ruiz went some place. After they

took the jewelry, he agreed to pay the money, and at this time they told him to sit in the corner and the guy he knows as Ruiz left. They told him he had to wait until this Ruiz got to where he was going, and then they would let him go.

MR. TUNKEY: And then did they let him go?

INTERPRETER: Then Navarro said, "Let's wait until 10:30."

MR. TUNKEY: All right, what happened at 10:30?

INTERPRETER: At 10:30 they still waited a few more minutes before they let him go.

MR. TUNKEY: Did they let him go a few minutes later?

INTERPRETER: Yes, after they made some threats.

MR. TUNKEY: Did they work out arrangements before he left when he was to give them the \$800?

INTERPRETER: "Before the 15th of September, you have to come back and bring us some money," to which he answered that he wasn't going back there, and then Dones-tevez told him to call him by phone.

MR. TUNKEY: Has he called him?

INTERPRETER: No.

MR. TUNKEY: Have you spoken to any of these people since?

INTERPRETER: No.

MR. TUNKEY: Is the first contact, or communication, rather, that you've had from any of these people since that time, the letter you just received?

INTERPRETER: He doesn't know that.

MR. TUNKEY: Well, did you recently receive a letter supposedly from a Miguel Perez (phonetic). Well, that's the name on it; that's what I mean.

INTERPRETER: Yes, he received one at his house yesterday.

MR. TUNKEY: All right, does he know Miguel Perez?

INTERPRETER: No.

MR. TUNKEY: Does he recognize the handwriting on the letter, on the envelope?

INTERPRETER: No.

Q (By Mr. Tunkey) When you received the letter, did you contact Sergeant Oller?

A Yes.

Q Did you feel you were threatened the night that you were robbed?

A Yes.

Q Is that why you gave them your property?

A Yes, I wanted to get out of there.

Q Was it because you were frightened that you gave them your property, or just because you wanted to get out of there?

A I felt -- I was frightened -- if I hadn't given the stuff to them, they were going to take it violently.

Q Were you frightened when you received the letter?

A Yes.

Q Yes?

A Yes.

MR. TUNKEY: Now, for the record, I'm going to read into the record the contents of the letter. The envelope is addressed to Mr. Jose L. Canto, 4311 S. W. Second Terrace, Miami, Florida, 33134, postmarked Miami, 11th of September, 1972, from a Miguel Perez, and an address I cannot read. The letter is written in Spanish, dated the 9th of September, 1972, and the translation of the letter is:

JOSE CANTO

The place where we will meet I will tell you by telephone on the 15th, and make sure that you bring the \$800. This is not a game. I believe you realize that if on the 15th we don't receive the money, we are going to dynamite your house and car and we're going to fill you with lead. Watch your mouth, because there will always be people to collect. Signed, the three.

Q The value of the watch is approximately \$200; is that correct, Mr. Canto?

A Approximately.

Q And the value of the bracelet is approximately how much?

A About \$300.

Q And the value of the diamond ring containing three diamonds is approximately how much?

A \$100 to \$150.

Q What is the value of the pistol that was taken?

A \$50.

Q Was this a .38 caliber Rossi revolver?

A Yes, a five-shot.

Q A five-shot revolver?

A Yes.

(Thereupon the testimony was concluded.)