

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**CASE NO: EP-07-CR-87-KC**

**THE UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LUIS POSADA CARRILES,**

**Defendant.**

---

**DEFENDANT'S NOTICE TO GOVERNMENT OF  
POTENTIAL RULE 404(b) EVIDENCE**

In the event the Government seeks to introduce evidence at trial through Cuban witnesses, any evidence derived from any Cuban investigation or from the Government of Cuba, Defendant, Luis Posada Carriles, through undersigned counsel, hereby provides the Government notice of evidence it will seek to introduce as classical impeachment evidence during the trial of this cause, and in an abundance of caution, further provides notice of said evidence pursuant to Rule 404(b) of the Federal Rules of Evidence, the following:

1. Evidence of the history and practice of the Government of Cuba and/or Castro Regime's (hereinafter GOC) falsification and fabrication of evidence for use in criminal cases and the lack of an independent judiciary free from the political will of the GOC's leaders.

2. Evidence of The Cuban Spies, "The Wasp Network" and the downing of the two Brothers to the Rescue planes. For instance, the GOC provided falsified evidence of the coordinates of the shoot down in order to show that the shoot down had occurred over Cuban territorial waters. The GOC provided to the defense testimonial, documentary and physical evidence that were admitted during the trial. The evidence consisted of handwritten onionskin layovers of radar locations showing that the actual place of the shoot down was over Cuban waters and a black box device that was pristine condition after the explosion on the aircraft indicating the location of the shoot down. The Government prosecutor representing the United States, John Kastranekas, in *United States v. Gerardo Hernandez, et al.*, Southern District of Florida Case No. 98-721-cr- Lenard, argued that the evidence provided by the GOC was incredible and that the GOC had fabricated this evidence in order to justify its crime. Additionally, the Defendant intends to introduce the closing argument of the United States Government in the Cuban Spy case, attached hereto as *Appendix 1*, as an admission by a party opponent made during the course of employment for the purpose of showing the United States Government's views and position regarding evidence from the GOC.

3. Evidence of the 2004 arrest in Cuba, summary trial and execution three days later of three Afro Cubans who had commandeered a boat at gunpoint to escape from Cuba.

4. Evidence of the 2006 arrest in Cuba, detention, summary trial of 75 independent journalist and sentencing to long prison terms known as the "Black Spring."

5. Evidence of the July 13, 1994, tugboat incident in Cuba where 37 people, including 10 children, were intentionally drowned by the GOC after being rammed by two steel frigates and its occupants hurled into the sea where they were drowned by strong water cannons from Cuban Coast Guard vessels. The defense may call witnesses who were on the vessel and/or who lost relatives who will testify regarding the threats and intimidation and drugging applied by the GOC officials to survivors at Villa Marista prison to change their stories for the international press and for a show trial in Cuba.

6. Evidence of the long history of summary executions of the GOC's political enemies throughout the island but in particular at the Cabana prison in Havana during the early years of the Revolution.

7. Evidence regarding the 1989 overdose death of Cuba's Interior Ministry Officer, General Jose Abrahantes, who was detained and died mysteriously of a heart attack while in a Cuban prison within days after stating that high level GOC officials were involved in or authorized drug trafficking during the Ochoa trial.

8. Evidence of the trial in Cuba of Major General Arnaldo Ochoa, who was thereafter executed by a firing squad.

9. Evidence of the trial in Cuba of Batista era pilots during the early days of the Revolution who fought against Castro. In particular, the Defendant may introduce evidence regarding the trial of Sosa Blanco in Cuba. The pilots were acquitted at trial. Castro was incensed. He declared the verdicts null and void and ordered a retrial before judges that he named. During the second trial, the pilots were all found guilty in a one-day trial. Some were executed others were sentenced to long prison terms.

Respectfully submitted,

/s/ Rhonda A. Anderson  
**RHONDA A. ANDERSON**  
Fla. Bar No. 708038  
Attorney for Defendant  
RHONDA A. ANDERSON, P.A.  
2655 LeJeune Road, Suite 540  
Coral Gables, Florida 33134  
Telephone: (305) 567-3004  
Facsimile: (305) 476-9837  
E-Mail: [randersonlaw@gmail.com](mailto:randersonlaw@gmail.com)

/s/ Arturo V. Hernandez  
**ARTURO V. HERNANDEZ**  
Fla. Bar No. 0324078  
Attorney for Defendant  
ARTURO V. HERNANDEZ, P.A.  
2937 S.W. 27<sup>th</sup> Avenue, Suite 101  
Miami, Florida 33133  
Telephone: (305) 443-7527  
Facsimile: (305) 446-6150  
E-Mail: [avhlaw@bellsouth.net](mailto:avhlaw@bellsouth.net)

/s/ Felipe D.J. Millan

**FELIPE D.J. MILLAN**

Texas Bar No. 00788791

New Mexico Bar No.: 7220

Attorney for Defendant

1147 Montana Avenue

El Paso, Texas 79902

Telephone: (915) 566-9977

Facsimile: (915) 562-6837

E-Mail: [elpasolawboy1@msn.com](mailto:elpasolawboy1@msn.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of December 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system:

**T.J. Reardon III, Esq.**

Counterterrorism Section, Nat'l Security  
Division, U. S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Telephone: (202) 514-1083  
Facsimile: (202) 514-8714  
E-Mail: [t.j.reardoniii@usdoj.gov](mailto:t.j.reardoniii@usdoj.gov)

**Jose Gonzalez, Esq.**

United States Attorney's Office  
700 E. San Antonio, 2nd Floor  
El Paso, TX 79901  
Telephone: (915) 534-6884  
Facsimile: (915) 534-3418  
Email: [Jose.Gonzalez3@usdoj.gov](mailto:Jose.Gonzalez3@usdoj.gov)

**Paul Ahern, Esq.**

U.S. Department of Justice  
10th Constitution Ave. NW  
Washington, DC 20530  
Telephone: (202) 514-0849  
E-mail: [Paul.Ahern@usdoj.gov](mailto:Paul.Ahern@usdoj.gov)

**Stephen Brundage, Esq.**

Counterterrorism Section, Nat'l Security  
Division, U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
E-Mail: [Stephen.Brundage@usdoj.gov](mailto:Stephen.Brundage@usdoj.gov)

**Bridget Behling, Esq.**

Counterterrorism Section, Nat'l Security  
Division, U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Telephone: (202) 514-7146  
Facsimile: (202) 514-8714  
E-Mail: [bridget.behling@usdoj.gov](mailto:bridget.behling@usdoj.gov)

**Jerome Teresinski, Esq.**

Counterterrorism Section, Nat'l Security  
Division, U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Telephone: (202) 514-7146  
Facsimile: (202) 514-8714  
E-Mail: [jerome.teresinski@usdoj.gov](mailto:jerome.teresinski@usdoj.gov)

**John Williams Van Lonkhuyzen**

U.S. Department of Justice

10th Constitution Ave. NW

Washington, DC 20530

Telephone: (202) 307-1102

E-mail:

[john.van.lonkhuyzen@usdoj.gov](mailto:john.van.lonkhuyzen@usdoj.gov)

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

*/s/ Rhonda. A. Anderson*

**RHONDA A. ANDERSON**