

DeLuna Tape #002

From DeLuna Tape #002 05:22:00 to DeLuna Tape #002 05:40:54

Diamond Shamrock at night.

[NOTE: This walk-through was recorded on December 4, 2004, before investigators interviewed Rene Rodriguez (Dec. 8, 2004), recovered the District Attorney's File in the case (Feb. 2005) and Jesse Escochea's Manhunt Tape (Feb. 2005), and interviewed Karen Boudrie-Evers (Feb. 2005) and Hector De Peña (Feb. 2005). As a result, its description is incomplete in two places, which are indicted below with information set out in bold and in brackets.]

DeLuna Tape #002 05:40:31

JSL: The state's theory is that there was a single man, a Hispanic man on this side of the station, the east side, over here where this is some grass, drinking beer. And he walked out from there, put a knife in his pocket, went over here, had a short conversation with a man pumping gas at the pump. And then at some point, he went from over here, standing around. There was an ice machine that was right over here, and he went from here into the station [store], opened the door, opened the door over here. And went inside. . . . And then came over to the counter here. And there's a picture that the police took of a Winston pack sitting right here on the counter. At that time, this counter stretched all the way to that wall and there was a

pop up part of the counter that was right here. And the theory is that the man—the woman was standing here and that the man realized that she was on the phone, realized that she was calling the police, and she was saying there is a man here with a knife and he was saying, the dispatcher was asking a lot of questions instead of just sending a car out. And she was trying not to give away the fact that she was talking to the police. And the man suddenly, you hear her voice change, you can read her voice change. And it sounds like the knife was pulled out and she says I'll give you anything. And then the theory is he stabbed her across the counter in the left side of her body, his right side but her left side and punctured her lung. . . .

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JSL: And there was wrestling. There's testimony about wrestling. And the theory is that he was trying to pull her into this back room here, the office. At about this time, somebody pull up and starts to pump gas right where this car is now, on the inside of the island. And he [the assailant] sees him [the customer], drops the woman, runs out here back to the door, back to the doorway, he pushes the doorway open. The man is coming from this direction. He says, "stay out of my way I have a gun." . . .

DeLuna Tape #002 05:47:18 JSL: The first gentleman who had seen the man standing around outside with the knife, came in her after paying gas and he told the young woman, Wanda Lopez, who was working here, there's a man outside with a knife. According to the states theory, she said at that point you don't need to call the police, as he said he was going to do, I'll call them. She picked up the phone in here and she dialed 911 **[actually calling 911 twice]**. Meanwhile, the man has come in. He catches her on the phone. He's angry. He stabs her. And then they struggle and then he runs out. Now the theory is that in all of that process, this man was not wearing gloves. Nobody saw him wearing gloves. He's touching the counter. He's touching the cigarette pack. He may have gone around the back there and hung up the phone. He picked up the counter to get back there. He struggled with her, there's blood all over, by this door that you can see. He's struggling with her who knows where his hand is touching with the blood on it. And then he goes back out and he's going to hit this door. And the theory is he's going to hit this door, he's not going to try to spend a lot of time getting his hands on the handle. He is just going to hit this door, like this, and run out. So

between the door, the cigarettes, the counter, the phone, the doorway where they are struggling, this was a scene where there were multiple potential fingerprints. Not only that, she was bleeding badly behind the counter and there was a struggle. You can see that they were sliding around in the blood. There were footprints, multiple potential footprints that might have been found at this crime scene before he ran away.

DeLuna Tape #002 05:49:23 JSL: . . . Here's what we found when we looked at the reports. The initial police reports of what the people said who were at the scene first. When this man ran out the door like this, he came within 3 feet face to face with a man by the name of Kevan Baker buying gasoline. That man's original description of the man he saw going out this door; blue jeans, gray sweatshirt, **[red plaid over-shirt]**, mustache, he looked like he was a transient. He hadn't eaten for a while he lived on the streets. And he says the man came out here and ran a little ways east, but then turned immediately north. He watched him because he wasn't going to take his eyes off of him until he had gone north. And then when he went north he took his eyes off. The woman, Wanda Lopez, struggled to the door here and collapsed at the door and he helped

DeLuna Tape # 2

December 4, 2004
JSL walks through Crime Scene

her. . . .

End of tape