

TV Station Archive Tapes on Wanda Lopez Homicide

Description/transcription of DeLuna TV news reports that were made exhibits in the Vargas v. Shamrock Lawsuit. We secured a court order requiring that they be released to us for copying, at which point we burned them onto a DVD

(Transcriber's notes--

There is no time code recorded on the DVD, and a counter was not available while this transcription was being made. Shots are numbered.)

First Tape:

[Not identified by Channel or station call letters. William Belford who picked up the tape and had the DVD made says this is Channel 3.]

1. Shot of 4 police officers, two in uniform, Hispanic; 1 tall, thin, balding Anglo (is this Officer Fowler?); 1 plain clothes, casual. They are standing behind Kevan Baker's white car in between the gas island and the front door to the store. [No audible sound; static.]
2. Shot, many seconds, of 6 men, some in Fire Department uniforms, working on Wanda Lopez on the pavement at the gas station. At one point there is some audible background noise, including what sounds like a train going by or could be feedback on a radio, and also the sound of talk over a police or ambulance radio. At other points, the audio is turned off. Wanda Lopez's feet are visible, with blood on the bottoms. Not much of the rest of her is visible.
3. Man in firefighter's jacket and helmet setting up an I.V. drip bag.
4. EMTs standing around a gurney onto which they have placed Wanda Lopez. Then they roll the gurney across the pavement and place Lopez into the back of an ambulance. Again, the bloody bottoms of Wanda Lopez's feet are the most visible part of her, although for one brief moment her head is also visible. In this progression, one can briefly see a number of onlookers --- the number is unclear --- standing off to the west, or Wolfy's, side of the gas station parking lot, but actually in the lot on the gas station premises, behind some cars. In this shot, an African American officer,

probably McConley, is visible along with the EMS people. The African American officer is standing on the sidewalk just in front of the door to the gas station store.

Second Tape:

[No identifying logo, call letters or channel number. William Belford's label on the DVD indicates that this is **Channel 6.**]

1. Wide exterior night shot of Sigmor station. The camera is facing the gas station from the SPID (south) side and slightly east of the station, looking north and west to the station. The camera is directly behind Kevan Baker's car which evidently was backed away from the station to make room for the EMS personnel. The gas station parking lot looks very dark in these shots, with not much light cast by the neon signs on the store and the lamps over the parking lot. On the east side of the station in front of the ice machine are four or five people standing together. I believe these include the four eyewitnesses: George Aguirre, Kevan Baker, and John and Julie Arsuaga, but they are not terribly distinct, almost silhouettes. One of these people (George Aguirre, I think) is much taller than the others. Two or three officers are standing directly in front of the door to the gas station store in the area between the gas pump island and the sidewalk but closer to, or just on, the sidewalk in front of the store. If there are any onlookers on the west side of the gas station parking lot, they cannot be seen in this shot. There is some sound here, mainly the sound of traffic passing by on SPID, but also the faint sound of police radios.
5. Exterior of gas station, uniformed police officers and a photographer [police photographer? Joel Infante?] with a large, complex camera in front of store entrance. There are three police officer standing directly in front of the store --- the same tall, thin, balding officer from the first tape (Fowler?); a tallish Hispanic man in a grey dress suit carrying what looks like a large box-type camera (Joel Infante probably) and a shorter uniformed officer. The officers look like they are waiting for something to happen: no one is inside the store.
6. Exterior of gas station, night, cars in foreground, uniformed officers and a woman in a trench coat [Olivia Escobedo?] moving about in background in front of store. Officers open the front door of the store. This shot is also of the front of the store, but from farther away and looking over or past some cars. The woman in a trench coat (Olivia Escobedo, probably) is talking to the man with the large

camera (Infante probably). Three uniformed officers are standing a few feet away in a cluster right in front of the door to the store. One of these officers is the same tall, thin, balding Anglo [Bruce Whitman interviewed Fowler; we should ask Bruce if this is Fowler]. Another officer holding a large flashlight walks towards the three officers near the door, who then come towards the officer with the flashlight. The man with the flashlight puts out both arms about thigh high, palms outward in a shrug as if to say, "no luck." At just this moment, the man with the camera (Infante?) seems to use a key to get into the store and is followed in by the woman in the trench coat (Escobedo?). The tall, thin Anglo officer seems to be stationed just outside the door to the store.

7. Two men and one woman standing outside front of store. These three civilians are standing on the sidewalk in front of the store, on the eastern corner (the right side as you face the store). The shot is from close to the people but behind them slightly south and east of the station. I am guessing that the three people are George Aguirre (young, tall, with what looks like a small back pack on his back), Julie Arsuaga (white blouse, skirt, purse), and John Arsuaga (glasses, dress pants and sport coat). The latter two are shorter and more dressed up (the Arsuagas were on their way to a night club). The three have their backs to the camera and are looking into the store. They look like they might be conversing to each other.
8. Wide exterior night shot of Sigmor station, one police car and one plain white sedan in foreground. Police car backs away and leaves. This shot is from almost the identical location as the first shot on this part of the tape (item 6 above), from back somewhere to the south and east looking over the lot towards the gas station. Four or five uniformed officers including the tall, thin, balding Anglo, are directly in front of the door. The tall Anglo can be seen making a shrugging-like gesture much like the gesture described above (item 8). The man I'm thinking is Infante can be seen moving around inside the gas station. The woman in the trench coat who went inside the building is not visible inside. Instead, at one point, it appears as if she may be standing with the officer outside the gas store in between the sidewalk and the gas pump island, clip board in hand. What I believe are the eyewitnesses (again, only three are visible) are still on the southeast corner of the store --- one tall male (Aguire?) and a shorter male and female (the Arsuagas?). These three people again appear to be talking to each other. A police car backs out directly towards the camera. There

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are some people standing around just west of the gas pump island and further west beyond that to the Wolfy's side of the station. It is hard to see them, how many there are, and whether they are police or civilians.

9. Exterior front of store. Police officer standing outside. Man (Infante?) dusting the inside of the glass front door to the store for fingerprints. Standing outside the store, in front of the door, is the tall, thin, balding officer. This shot reveals several signs and merchandise displays inside the store that block visibility from outside to inside. Very briefly it appears that there is someone inside the store with a clip board --- perhaps Escobedo, though only the clip board moving is visible.

Third tape: [Later identified, in Karen Boudrie's reports, as **Channel 10.**]

10. Carlos DeLuna, handcuffed, led by man in suit and woman in dress. Passes TV cameras and photographers. Led up to a car. This is a day-time "perp walk." Carlos DeLuna's arms are cuffed behind his back, in a jail jump suit, unbuttoned and unzipped to show his chest, being escorted by Olivia Escobedo (purple (could be light gray) and pink frilly dress; sun glasses) and Paul Rivera (dark suit, tie, sun glasses, long hair). CDL is same height as Olivia Escobedo; shorter than Paul Rivera. The three move outside of some building (police station?), pass several people with news cameras, and into a car parked on the street. CDL has his head down. You can see he is unshaven. Because CDL is bent over, his thick, dark, wavy hair is very visible. The officers start to put CDL into a car.
11. Countdown from four to two.
12. Interior narrow hallway: two men, one in law enforcement uniform, one, Carlos DeLuna, in a suit, walking towards camera. Carlos DeLuna is dressed in gray slacks, a blue sports coat, a light shirt (maybe pinkish) and dark tie being escorted down a hallway to court by an African-American court officer. CDL (no handcuffs) has his head down a little, and the officer is doing most of the talking (which you can just barely hear). CDL walks in a distinct way, swinging his arms; looks a bit nervous but not agitated. (In her videtaped interview, Karen Boudrie explained that each of the three local TV stations had a "hole" in the corridor through which they could point their cameras and film suspects being walked to court.)
13. Exterior shot of Sigmor Shamrock Gas Station: close-up on

- neon Sigmor sign. Zoom out to wide angle on storefront and pumps. This is a day-time shot of the outside of the Sigmor Shamrock Station. The sky is cloudy. It looks like it is raining; puddles. Wolfy's with a bunch of pick up trucks pulled up to it in its parking lot is visible in the background. A car goes north up Dodd St.
14. Courtroom sketch of Carlos DeLuna in court, looking handsome and well groomed; in a dress jacket, tie and pink shirt. While the camera is filming this sketch, there is talking in the background, but the words cannot be made out.
 15. Courtroom sketch of the jury --- 6 men, 4 women and two indistinct.
 16. Interior narrow hallway: The same law enforcement officer as in item 22 above and Carlos DeLuna are walking the other way down the hall, away from the camera, with their backs to the camera. In this shot, CDL is doing more of the talking. He appears to be somewhat relaxed, gesturing in conversation.
 17. Countdown from four to three

[The four segments below are clearly identified by the reporter (Karen Boudrie) as "News Watch 10." There appear to be several segments here, and that they bounce around chronologically.]

Fourth Segment: Probably July 20, 1983, after the verdict of guilty was announced at around 5:30 p.m. that day.

18. Exterior day-time shot of the Sigmor Shamrock station. Wide angle on storefront and pumps. Shot of outside of the Sigmor Shamrock station on the same cloudy, rainy day. Karen Boudrie is describing the trial:
Karen Boudrie (voice over): In the last few days of the trial, several witnesses testified that they saw DeLuna on or near the scene of the murder that evening. One even testified that he saw DeLuna struggling with Lopez in side the station.
19. Brief shot of courtroom sketch of artist drawing of prosecutor Steven Schiwetz.
KB: Today Schiwetz told the jury that these witnesses had no reason to lie, and their testimonies were credible.
20. Karen Boudrie with microphone, in parking lot outside Nueces County Courthouse.
KB: Today, Schiwetz again played the recording of a phone call Lopez made to police before she was killed. During that call, Lopez said, "I'll give it to you, please leave me alone," and then she screamed. Schiwetz told the jury

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there was no need to kill Lopez because she was willing to hand the money over. But he said that DeLuna knew she could identify him, so he killed her.

21. Interior narrow. CDL and court officer walking up corridor towards courtroom.

KB: Yesterday, DeLuna took the stand and told the jury that he didn't kill Lopez, but pointed the finger at a friend, Carlos Hernandez. Hernandez has yet to be found. Schiwetz accused DeLuna of lying under oath to save his own life.

22. Close-up pan across courtroom sketch of jury; also shot of courtroom artists' sketch of CDL's attorneys James Lawrence (taller) and Hector DePena (shorter).

KB: But defense attorney Jim Lawrence said that in order to convict DeLuna of capital murder, the jury must be convinced beyond a reasonable doubt that DeLuna is guilty, and he says this case reeks of reasonable doubt. He said the prosecution's evidence is flimsy, and there is no concrete physical evidence such as fingerprints. He also tried to discredit the prosecution's witnesses by saying that they were under high stress on the night of the murder, and what they say they saw may not be accurate.

23. Interior narrow corridor. Another shot of CDL and court officer walking up corridor towards court.

KB: But the jury saw otherwise and handed down a verdict of capital murder today. Now DeLuna could get the death penalty. Karen Boudrie, News Watch Ten.

Fifth Segment: Probably done on the afternoon of July 20, 1983, after closing arguments but before the jury's verdict was announced at about 5:30 p.m. that afternoon.

24. Exterior shot. Sigmor station, day. Wide angle includes storefront, pumps, and part of street.

25. Ext. Sigmor station, day. Diamond Shamrock/Sigmor sign in foreground, pumps and storefront in background.

26. Interior, narrow corridor: Another shot of CDL and court officer walking to court towards the camera, turning the corner and going in.

KB: There was contention that DeLuna would not testify in his own defense because of his previous criminal record. But once on the stand, DeLuna told the court that he had been released from jail six weeks prior to the murder. He had been serving a sentence for attempted rape and unauthorized use of a motor vehicle.

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27. Shot of CDL walking out of court escorted by one or two different, beefy, court officers, and into an office, behind a closed door.

KB: He went on to say that on February 4th, the day of the murder-

28. Large white male, thinning dark hair, entering same room past TV cameras.

KB: -his parents dropped him off at the Gulf skating rink on S.P.I.D. at about 7 p.m. He says he was going to meet a girl named Mary Ann Perales.

29. Shot of Mary Ann Perales, seated. [THIS NEWS SEGMENT MISDESCRIBES CDL'S TESTIMONY BY COMBINING TWO PEOPLE TO WHOM HE REFERRED. HE TESTIFIED THAT HE WAS SUPPOSED TO MEET YVONNE GONZALES AT THE RINK, BUT BY CHANCE RAN INTO MARY ANN PERALES. BOUDRIE REPORTS THAT DELUNA SAID HE HAD PLANNED TO MEET PERALES.]

KB: Later, Perales testified that, although she knows DeLuna, she is married and had never planned to meet him. DeLuna said that when Perales did not show up at the skating rink, he left-

30. Courtroom sketch of CLD.

KB: -and ran into an old friend named Carlos Hernandez. He said that, later, Hernandez told him he had to go buy something-

31. Exterior. Sigmor station, day. Wide angle on storefront, pumps, and street.

KB: -and went to the Sigmor station in the 2600 block of S.P.I.D. DeLuna said he never entered the station, but he did see Hernandez struggling with a woman inside.

32. Close-up on Diamond Shamrock/Sigmor sign (also shows Ziebart's sign from next door).

KB: When police cars began to arrive, DeLuna says he ran because he was afraid the police would think he was involved.

33. Courtroom sketch of CDL's lawyers, James Lawrence (taller) and Hector De Pena (shorter).

KB: DeLuna says he told his attorneys about Hernandez-

34. Interior narrow corridor; CDL being escorted back up the corridor from the courtroom by uniformed officer.

KB: -but he didn't tell the police right away because he was scared [sic-on the night of his arrest, he told Officers Schauer and Veragara, "I didn't do it, but I know who did."]. And, police have yet to find this Carlos

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Hernandez who DeLuna says is the real murderer. Karen Boudrie, News Watch Ten.

Sixth Segment: Probably done on the afternoon of either July 17 or, 1983, in the middle of trial, with the state presenting it's case.

35. Courtroom sketch of CDL.

KB: 20-year-old Carlos DeLuna sat calmly, taking notes on a legal pad as the witnesses testified today, even when deputy constable Ruben Rivera pointed to DeLuna as the man he arrested hiding under a truck near the scene.

36. Courtroom sketch of prosecutor Schiwetz seated in court. This is different from the sketch of Schiwetz used in the above segments.

KB: The state contends that Deluna murdered Lopez-

37. Exterior. Sigmor station, daytime. Storefront and pumps.

KB: -while robbing this Diamond Shamrock station where she worked.

38. Courtroom sketch of trial judge, Wallace Moore.

KB: DeLuna told Judge Wallace Moore that he is innocent. Most of the witnesses testifying today were Corpus Christi police officers who arrived at the scene after Lopez was slain.

39. Courtroom sketch of jury.

KB: Rivera said that DeLuna smelled of alcohol when he arrested him, and another officer testified that several beer cans were found on the grounds near the station. But I.D. officers were unable to lift any clear fingerprints.

40. Close-up on one face in courtroom sketch [DeLuna?]

KB: Defense attorneys Jim Lawrence and Hector de Peña, Junior, maintained that the testimony was inconclusive because witnesses could not say for sure that the beer had been consumed that evening. Testimony will continue Monday.

41. Close-up on one face in courtroom sketch [DeLuna?]

KB: If convicted, DeLuna could face the death penalty. Karen Boudrie, News Watch Ten.

Seventh Segment: Probably done on July 21, 1983, after the

sentencing phase of trial but before the jury's verdict was announced that evening.

42. Courtroom sketch of jury.

KB: Citing a list of DeLuna's past crimes, Schiwetz told the jury that DeLuna had his chance to straighten out his life-

43. Deluna, handcuffed, in a button-down white shirt and suit jacket, being led down corridor by a man in a suit.

KB: -and become a normal citizen, but he contended that DeLuna has adopted a convict psychology, and only cares about himself.

44. Shot of prosecutors Steven Schiwetz (first chair) and Ken Botary (second chair), in suits, in conversation outside the courtroom.

KB: Schiwetz brought in a 52-year-old ailing widow, who testified that DeLuna tried to rape her last year, although DeLuna was not charged in the incident.

45. Interior narrow corridor; uniformed court officer escorting DeLuna into court, walking towards camera.

KB: Two other witnesses also testified, connecting DeLuna with the incident. It occurred two days after DeLuna was released from the state penitentiary. He had served a three-year sentence for attempted rape and stealing a car.

46. Courtroom sketch of man Schiwetz.

KB: Schiwetz says this only proves that DeLuna does not want to reform, and would most certainly pose a continuing threat to society, and he should therefore be put to death.

47. Courtroom sketch of CDL's two lawyers, James Lawrence (taller) and Hector DePena.

KB: In reference to the death penalty, defense attorney Jim Lawrence called our society absurd and callous. He said death doesn't solve anything-

48. CDL and men in suits entering hallway, past TV cameras

KB: -and he argued that DeLuna never really had a chance. And he asked that the jury not give up on Carlos DeLuna.

49. Photo of Wanda Lopez.

KB: Defense attorney Hector de Peña questioned DeLuna's intent to kill Lopez, saying he may have intended to rob her and only cause bodily injury, but not death.

50. Close-up of telephone behind counter inside Sigmore Shamrock Station.

KB: But Schiwetz told jurors to listen again to the phone

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call Lopez made to police on the night she died. During that call, Lopez told DeLuna she would give him the money-

51. Interior gas station, behind counter, cash register in foreground.

KB: -and Schiwetz contended that DeLuna killed her because he realized she was describing him to the police.

52. Exterior Sigmor station, day. Storefront and pumps.

KB: And therefore the act was deliberate. Karen Boudrie, News Watch Ten.

53. Countdown from four to three

54. Text: "The End"