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AM-TX--DELUNA EXECUTION, BUT.520

Corpus Christi Man Afraid to Die

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By MICHAEL GRACZYK

Associated Press Writer

HUNTSVILLE, Texas (AP) - Condemned inmate Carlos DeLuna, who faces execution next week for the 1983 slaying of a Corpus Christi woman, said Wednesday he is afraid he might die for a killing he insists he did not commit.

"I don't think anybody can prepare yourself for dying," DeLuna, 27, said in a death row interview. "I can't imagine myself laying down on that gurney. I try to but I can't. I'm scared to face this - I'll be honest.

"I'm only human. Anybody would be afraid to die. I figure if anybody says they're not afraid they're lying or stupid."

DeLuna was convicted of the robbery-slaying of Wanda Jean Lopez, a Corpus Christi service station clerk. He is scheduled for lethal injection before dawn Dec. 7.

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... WAS SENTENCED TO DEATH MINUTES
after she phoned police and attempted
to describe her assailant to an
emergency dispatcher. Her last words,
pleading for safety while she
surrendered money, were captured by a
police tape recording.

DeLuna, on parole about six weeks
after serving part of a three-year
sentence for attempted rape and car
theft, was arrested while hiding under
a truck in the area. Two eyewitnesses
identified him at trial.

He has insisted another person
committed the robbery and killing and
said Wednesday he was about a
quarter-mile away from the scene at the
time of the slaying.

"I'm not going to talk about it,"
he said when asked to elaborate.

"When you're in prison, you learn
to keep your mouth shut. If they caught
you doing something and didn't catch
the other person, well, you were just
supposed to take the blame."

DeLuna in 1986 came within 12 hours
of execution before a federal judge in
Coreus Christi granted him a stay. His
case eventually went to the U.S.
Supreme Court, which in October
rejected his direct appeal.

Attorneys now are back in the Texas
Court of Criminal Appeals, contending
jurors should have been allowed
consider mitigating evidence. DeLuna
also contends his constitutional rights

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allow him to be his own attorney during his initial appeal.

Deluna, a 10th-grade dropout, said he drank too much and had "messed with drugs" and jurors were not allowed to consider that in deciding his punishment.

"The substance abuse may have done something to my mind," he said. "I don't know what's going to happen, but we will appeal to the other courts. We will go to the federal district court in Corpus, then the 5th Circuit and then the United States Supreme Court."

Deluna would be the fourth inmate to be put to death in Texas this year and the 33rd to die since the Supreme Court allowed capital punishment to resume in 1976.

"I believe there is a God," Deluna said. "Whatever happens it will be his will. I don't want to die, but if that's what it sets down to, I don't have much of a choice."

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