

NOV 30 1989



Carlos DeLuna ... convicted of the 1983 slaying of a Corpus Christi woman.

Convicted killer afraid of execution

Inmate still insists that he's innocent

By Michael Graczyk

Associated Press

HUNTSVILLE, Texas — Inmate Carlos DeLuna, who faces execution next week for the 1983 slaying of a Corpus Christi woman, said Wednesday that he is afraid he might die for a killing that he insists he did not commit.

"I don't think anybody can prepare yourself for dying," Mr. 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."

Mr. 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.

According to prison records, Ms. Lopez, 24, was stabbed 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.

Mr. 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 that 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."

In 1986, Mr. DeLuna came within 12 hours of execution before a federal judge in Corpus 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 to consider mitigating evidence. Mr. DeLuna also contends his constitutional rights were violated because a court would not allow him to be his own attorney during his initial appeal.

Mr. DeLuna, a 10th-grade dropout, said that 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."

Mr. 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," he said. "Whatever happens, it will be his will. I don't want to die, but if that's what it gets down to, I don't have much of a choice."