

IN THE 28TH JUDICIAL DISTRICT COURT

FOR NUECES COUNTY, TEXAS

EX PARTE

NO. 83-CR-194-A

CARLOS DELUNA

APPLICATION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Carlos DeLuna, Petitioner in the above-styled and numbered cause, by and through his attorney, R. K. Weaver, and files this his Application for Writ of Habeas Corpus, and in support thereof, would respectfully show this Honorable Court as follows:

I. CUSTODY

Petitioner is confined on Death Row in the Ellis I Unit of the Texas Department of Corrections in Huntsville, Texas, pursuant to a judgment of conviction and sentence of death in Cause No. 83-CR-194-A pursuant to a jury verdict returned July 15, 1983, for the offense of capital murder, and the jury finding the special issues to be true, the Court sentenced Petitioner to death.

II. JURISDICTION

Petitioner invokes this Court's jurisdiction pursuant to Article 11.07, Texas Code of Criminal Procedure.

### III. PROCEDURAL HISTORY

Petitioner is confined on Death Row in the Ellis I Unit of the Texas Department of Corrections in Huntsville, Texas, pursuant to a judgment of conviction and sentence of death in Cause No. 83-CR-194-A pursuant to a jury verdict returned July 15, 1983, for the offense of capital murder, and the jury finding the special issues to be true, the Court sentenced Petitioner to death.

The conviction and sentence were automatically appealed pursuant to Texas law to the Texas Court of Criminal Appeals. On June 4, 1986, Petitioner's conviction was affirmed in Cause No. 69,245. See: *DeLuna v. State*, 711 S.W.2d 44 (Tex. Crim. App. 1986).

Petitioner was represented by court-appointed counsel at the trial of the cause, and one of his court-appointed counsel represented him on appeal. The latter abandoned him after affirmance by the Court of Criminal Appeals for the State of Texas and Petitioner's first execution date was set for October 14, 1986.

An Application for Stay of Execution to the United States Supreme Court pending the filing of an Out of Time Writ of Certiorari was filed on October 8, 1986, and denied by the Supreme Court of the United States on October 10, 1986.

Simultaneously, on October 8, 1986, an original Application for Writ of Habeas Corpus pursuant to Art. 11.07, TEX. CODE CRIM. PRO., along with an Application for Stay of Execution pending a hearing, was filed in the convicting court, the 28th Judicial District Court, Nueces County, Texas. Petitioner's Application for Writ of Habeas Corpus was denied in an unpublished opinion on October 9, 1986, without the opportunity for an evidentiary hearing. An Appeal of the denial of an evidentiary hearing and Motion for Stay of Execution were filed with the Texas Court of Criminal Appeals on October 10, 1986, the latter denying the Appeal and the Stay of Execution that same date.

On October 14, 1986, Petitioner filed his original Application for Writ Habeas Corpus pursuant to 28 U.S.C. sec. 2254 in the United States District Court for the Southern District of Texas, Corpus Christi Division. Petitioner raised three issues in the original Application for Writ of Habeas Corpus:

- (1) That Petitioner's rights had been violated pursuant to the FIFTH, SIXTH, EIGHTH and FOURTEENTH AMENDMENTS, UNITED STATES CONSTITUTION, in that the statutes allowed prosecutorial discretion in determining in a discriminating manner based on the victim's race, in which cases the death penalty would be sought.
- (2) That Petitioner was denied effective assistance of counsel pursuant to the SIXTH and FOURTEENTH AMENDMENTS, UNITED STATES CONSTITUTION, in several difference particulars, by court appointed trial counsel.
- (3) That Petitioner was denied effective assistance of counsel on appeal by court appointed counsel.

An Order for Stay of Execution was issued by the United States District Court on October 14, 1986.

On November 12, 1986, Respondent filed a Motion for Summary Judgment requesting dismissal of Petitioner's Application for Writ of Habeas Corpus. On January 25, 1987, Petitioner filed his Response to the Motion for Summary Judgment, further delineating aspects of proof that he intended to present at an evidentiary hearing. On February 3, 1988, Respondent filed a Motion to Expedite the Court's decision. On June 13, 1988, the trial court, without an evidentiary hearing, entered an unpublished Order Dismissing Petitioner's Application for Writ of Habeas Corpus and Vacating the Stay of Execution. On June 29, 1988, Petitioner filed a Motion for Relief from the Order of June 13, 1988, and simultaneously filed its First Amended Writ of Habeas Corpus and Brief in support thereof in which Petitioner (1) abandoned his first point of attack concerning the discriminating application of the death penalty, pursuant to the decision of the Supreme Court of the United States in *McLeskey v. Kemp*, 107 S.Ct. 1756 (1987); (2) further delineated Petitioner/Appellant's allegations of ineffective assistance of counsel at the time of trial and (3) reiterated his claim of ineffective assistance of counsel on appeal. On July 12, 1988, Petitioner filed a Motion to Attach Affidavits along with a number of Affidavits supporting the claim concerning his trial counsel's failure to investigate

and present mitigating evidence that was available at the punishment phase of trial. On July 19, 1988, the district court entered an Order Denying Relief from Judgment and Petitioner gave notice of appeal on July 28, 1988. An unpublished panel Opinion of the Court of Appeals for the Fifth Circuit was issued April 26, 1989, affirming the dismissal of the Writ of Habeas Corpus and Denying Relief from Judgment. A Suggestion for Re-Hearing to the Fifth Circuit was denied May 26, 1989.

An Application to Recall Mandate and to Stay the Setting of an Execution Date Pending Certiorari was filed in the Fifth Circuit, however, that Court has yet to rule on that Application upon the State's assurances that it would not seek to have an execution date set until the case before the Supreme Court was final. Currently no execution date is set in this cause.

On August 24, 1989, a Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit was filed on Petitioner's behalf. That court, with two justices dissenting, denied the Petitioner's petition in a *per curiam* opinion on October 10, 1989.

#### IV. EXHAUSTION OF STATE REMEDIES

Petitioner has presented none of the claims presented here on direct appeal or in his prior Application for Writ of Habeas Corpus, and no court has passed upon Petitioner's contentions in this Application for Writ of Habeas Corpus.

#### V. STATEMENT OF THE CASE

Petitioner was convicted on an indictment that alleged that on the 4th day of February, 1983, while in the course of attempting to commit a robbery of Wanda Lopez, he intentionally caused the death of Wanda Lopez by stabbing her with a knife.

#### VI. STATEMENT OF CLAIMS

Petitioner was denied rights of constitutional dimension, as guaranteed under both the United States Constitution and the Constitution of the State of Texas, in the following particulars:

- (a) The Texas Death Penalty scheme set forth in TEX. CODE CRIM. PROC. ANN. art. 37.071, and as authoritatively construed by the Texas courts and as applied against the Petitioner, denied him his fundamental constitutional rights under the FIFTH, SIXTH, EIGHTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION, as well as ARTICLE I, SECTIONS 10 and 11 of the TEXAS CONSTITUTION because it did not allow for the effective presentation or consideration of available mitigation evidence concerning the Petitioner's past difficulties with drug and alcohol abuse, his personal background, his youth, or his mental condition.
- (b) The Texas Death Penalty scheme set forth in TEX. CODE CRIM. PROC. ANN. art. 37.071, and as authoritatively construed by the Texas courts and as applied against the Petitioner, denied him his fundamental constitutional rights under the FIFTH, SIXTH, EIGHTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION, as well as ARTICLE I, SECTIONS 10 and 11 of the TEXAS CONSTITUTION because the jury was fundamentally misled as to the meaning of the word "deliberately" in Special Issue Number One.
- (c) The Petitioner was denied his fundamental constitutional rights under the SIXTH, EIGHTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION, as well as ARTICLE I, SECTIONS 10 and 11 of the TEXAS CONSTITUTION when the

trial judge, at the Motion for New Trial hearing, refused to permit the Petitioner to discharge his appointed attorneys and represent himself at all further stages of his case.

#### VII. HEARING

As a basis for these claims, an evidentiary hearing will be required to provide Petitioner an opportunity to elicit additional testimony and evidence for the Court's consideration that was not developed at the trial of this cause. In addition, various documents and affidavits are attached hereto as Appendices to establish that there is a factual basis for the allegations contained in this writ.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that this Honorable Court:

1. Issue a Writ of Habeas Corpus to have Petitioner brought before it to the end that he may be discharged from his unconstitutional confinement and restraint and/or relieved of his unconstitutional sentence of death;

2. Conduct a hearing at which proof may be offered concerning the factual and legal allegations of this Petition;

3. Permit Petitioner, who is indigent, to proceed without payment of costs or fees;

4. Grant Petitioner, who is indigent, sufficient funds to secure expert testimony to prove the facts as alleged in this Petition;

5. Grant Petitioner the authority to obtain subpoenas in forma pauperes for witnesses and documents necessary to prove

the facts as alleged in its petition;

6. Allow Petitioner a period of sixty (60) days, which period shall commence after the completion of any hearing this Court determines to conduct, in which to brief the issues of law raised in this Petition;

7. Immediately stay Petitioner's execution pending final disposition of this Petition, or, if no execution date has yet been set in this cause, refrain from setting any execution date pending final disposition of this Petition; and

8. Grant such other relief as the Court deems appropriate.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of this Motion has been delivered to Mr. John Grant Jones, District Attorney of Nueces County, Texas, 901 Leopard, Corpus Christi, Texas, 78401.

SIGNED this the 2nd day of November, 1989.

A handwritten signature in black ink, appearing to read 'R. K. Weaver', written over a solid horizontal line.

R. K. WEAVER

IN THE 28TH JUDICIAL DISTRICT COURT  
FOR NUECES COUNTY, TEXAS

EX PARTE

NO. 83-CR-194-A

CARLOS DELUNA

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF NUECES

My name is CARLOS DELUNA. I am the Petitioner in the above and foregoing Application for Writ of Habeas Corpus. I have read the Application for Writ of Habeas Corpus and state that the facts related therein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
CARLOS DELUNA

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, by Carlos DeLuna on this the 2nd day of November, 1989, to certify which witness my hand and seal of authority.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

My Commission Expires: \_\_\_\_\_

**APPENDIX A**

**Carlos DeLUNA, Petitioner-Appellant,**  
v.

**James A. LYNAUGH, Director, Texas  
Department of Corrections,  
Respondent-Appellee.**

No. 88-2613.

United States Court of Appeals,  
Fifth Circuit.

April 26, 1989.

Defendant convicted of capital murder of gasoline station attendant during course of committing robbery petitioned for writ of habeas corpus. The United States District Court for the Southern District of Texas at Corpus Christi, Hayden W. Head, Jr., J., denied petition. On consolidated appeal from denial of petition and from denial of motion for relief from judgment, the Court of Appeals, Jerre S. Williams, Circuit Judge, held that: (1) petitioner's trial counsel was not ineffective for strategic decision to make strong statement as plea for life sentence rather than putting defendant's family and friends on the stand at punishment phase to offer mitigating testimony; (2) petitioner was not entitled to oral hearing on habeas claims; and (3) petitioner lacked standing to raise issue of whether state of Texas had constitutional obligation to appoint counsel in habeas cases.

Affirmed.

**1. Criminal Law** ¶641.13(7)

Trial counsel in capital murder prosecution was not ineffective for strategic decision to make strong statement as plea for

life sentence rather than calling defendant's family members and friends at punishment phase of trial to offer mitigating testimony emphasizing defendant's youth, intelligence level, and substance abuse; jury might have reacted unfavorably to their testimony when it had full knowledge of brutal crime and defendant's prior felonious record. U.S.C.A. Const.Amends. 6, 14.

**2. Habeas Corpus** ¶90.2(3)

Habeas petitioner was not entitled to oral hearing before court with respect to his claims related to adequacy of representation by counsel at punishment stage of trial; attorneys' activities were clearly before court and petitioner did not raise the fact issue as to what occurred or propose putting on any evidence to establish that attorneys' effectiveness did not reach required norms. 28 U.S.C.A. § 2254; U.S.C.A. Const.Amends. 6, 14.

**3. Constitutional Law** ¶42.1(3)

Habeas petitioner who received representation by appointed counsel through trial and direct appeal to Texas Court of Criminal Appeals and who had volunteer counsel in state and federal habeas proceedings lacked standing to raise issue of whether state of Texas was constitutionally obligated to supply counsel in habeas case. 28 U.S.C.A. § 2254.

Appeal from the United States District Court for the Southern District of Texas (CA-C-86-234).

Before POLITZ, WILLIAMS and JONES, Circuit Judges.

Synopsis, Syllabi and Key Number Classification  
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The Synopsis, Syllabi and Key Number Classification constitute no part of the opinion of the court.

JERRE S. WILLIAMS, Circuit Judge:

Appellant, Carlos DeLuna, was convicted of capital murder of a gasoline station clerk during the course of committing a robbery. In a separate punishment proceeding he was sentenced to death. He was convicted in July 1983, and his conviction and sentence were affirmed on direct appeal in the state court. *DeLuna v. State*, 711 S.W.2d 44 (Tx.Crim.App.1986). Execution date was set for October 15, 1986. The Supreme Court of the United States denied leave to file an out-of-time petition for writ of certiorari on October 10, 1986. Appellant then filed an application for writ of habeas corpus and a stay of execution in the Texas trial and appellate courts. The Court of Criminal Appeals denied all requested relief October 13, 1986. A petition for writ of habeas corpus, 28 U.S.C. § 2254, and a motion for stay of execution were filed in the United States District Court, and the district court granted a stay.

After various pleadings and delays at the request of appellant's counsel, the district court issued an order denying habeas corpus relief on June 13, 1988, and cancelling the stay of execution. The district court later denied a motion for relief from judgment under Fed.R.Civ.P. 60(b) on July 19, 1988. Appellant has appealed both from the denial of the habeas corpus petition and the denial of the motion for relief from judgment.

The Attorney General of Texas informed this Court that it would not ask that a new execution date be set until after the appeals were heard in this Court. The State filed a motion for an expedited appeal; it was denied. Briefing was completed around the first of this year. The Court

has taken the time since then to give this capital case thorough serious consideration.

The claims asserted on appeal all revolve around the issue of the adequacy of representation by counsel at the punishment stage of the trial as it arises under the Sixth and Fourteenth Amendments of the United States Constitution. We make our own enumeration of those issues to accomplish a clearer focus upon the precise claims advanced on behalf of appellant:

1. Appointed counsel representing appellant at trial were inadequate in presenting evidence in mitigation at the punishment phase of the trial.
2. Appellant was constitutionally entitled to an oral hearing before the court on his petition for habeas corpus.
3. Effective assistance of counsel was denied because the State of Texas has no procedure for supplying counsel in habeas corpus cases involving the death penalty.

*Adequate representation by counsel.*

[1] The core of this allegation is that appellant's counsel did not put on the witness stand relatives and friends who would have "begged for his life" and who would have testified that he was kind and loving to his family members. In addition, he asserts that such mitigating testimony should have included emphasis upon his "youth", his "low level of intelligence", and his "substance abuse".

The decision not to claim his youth, intelligence level, and substance abuse was the kind of decision properly left to counsel. His age was the full adult age of 21 at the time he committed the offense. This age is in the background of evidence showing that at the age of 18 he had been convicted of

unauthorized use of a motor vehicle and attempted rape, and sentenced to three years in prison. The day after he was released on parole he attempted to rape the mother of a friend. For this offense his parole was revoked. He had been released from penitentiary only six weeks before the current offense was committed.

The allegation of a low level of intelligence is not supported by any evidence of any kind. The only evidence available as to his intellectual level was a showing by the State that he had been examined by a psychiatrist and found competent, and that he had successfully taken high school academic courses while he was in prison. The claim of "substance abuse" is not supported by any proffered evidence.

An attempt to emphasize any of these three alleged claims might well have resulted in backfire, destroying any attempt to try to convince the jury that a life sentence was appropriate. There remains only the issue, therefore, as to whether failure to put family and friends on the stand establishes inadequate representation by counsel.

In *Strickland v. Washington* 466 U.S. 668, 686, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674 (1984), the Supreme Court held that "[t]he bench mark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." The Supreme Court established a two-prong test for determining the effectiveness of counsel's performance:

A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or death sentence has two components. First, the defendant must show that counsel's per-

formance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings, it cannot be said that the conviction or death sentence resulted from a breakdown in the adversarial process that renders the result unreliable.

466 U.S. at 687, 104 S.Ct. at 2064.

In determining the deficiency of counsel's conduct, the relevant inquiry is whether counsel's representation fell below an objective standard of reasonableness as informed by prevailing professional standards. 466 U.S. at 688, 104 S.Ct. at 2065. This assessment of attorney performance requires that conduct be evaluated from counsel's perspective at the time of occurrence. "Judicial scrutiny of counsel's performance must be highly deferential." 466 U.S. at 689, 104 S.Ct. at 2065. Because of the difficulties of such an evaluation, the Supreme Court has directed us to "indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" *Id.* (citations omitted); see also *Knighton v. Maggio*, 740 F.2d 1344, 1350 (5th Cir.1984), *cert. denied*, 469 U.S. 924, 105 S.Ct. 306, 83 L.Ed.2d 241 (1984).

Then, second, as is stated in the extensive quotation from *Strickland* above, mere error by counsel, however, even if professionally unreasonable, does not justify setting aside the judgment of a criminal proceeding if the error had no adverse impact on the defense. Thus, to assert successfully a claim of ineffectiveness, the defendant must also affirmatively prove prejudice.

The district court concluded that the decision of trial counsel simply to make a strong statement as a plea for a life sentence was an acceptable trial strategy. We agree that this was a reasonable decision of defense counsel because in a case such as this witnesses claiming considerations of dubious merit may well cause the jury to react unfavorably when it has full knowledge of the brutal crime and the criminal's prior felonious record. Under these circumstances, we cannot conclude that the district court was in error in finding that the attorneys representing appellant acted at least at the level of reasonable professional standards. Placing such witnesses on the stand opened the opportunity for cross-examination which could have resulted in a further dramatization of the heinous crime and the prior criminal record.

Since we have concluded that there is no showing that appellant's counsel at the punishment stage of the trial fell below accepted standards of competence and conduct, it is unnecessary to inquire into the second objective issue as to whether any prejudice was shown. We simply state that the district court in its memorandum order also found no showing of prejudice.

The conclusion that trial counsel met acceptable professional standards also constitutes a determination that the district court was not in error in denying DeLuna's mo-

tion for relief from the order pursuant to Fed.R.Civ.P. 60(b). That motion was filed together with an amended petition for writ of habeas corpus which undertook to name the names of family members and friends who would testify and to supply affidavits from them as to appellant's personal conduct with them. This claim was made, but without details and affidavits, in the first habeas corpus application which was before the court. We find no abuse of discretion in the failure to grant the Rule 60(b) motion and the proffer of the amended habeas corpus petition which actually added no new contention. The separate appeal from this denial of the motion must result in affirmation of the decision of the district court.

*Right to an Oral Hearing.*

[2] A second issue raised by appellant is the failure to grant an oral hearing with respect to his habeas corpus petition. As the discussion of the evidence set out above reveals, there was nothing to hear. The activities of the attorneys at the punishment phase of the trial were clearly before the court, and appellant did not raise a fact issue as to what occurred. Appellant did not propose putting on any evidence to establish that the attorneys' effectiveness did not reach required norms. The appellant stood on the factual record of what happened, and the district court considered it fully. Since no dispute as to the facts was raised, appellant did not meet the required burden of undertaking to prove facts which would entitle him to relief. *Willie v. Maggio*, 737 F.2d 1372 (5th Cir. 1984).

The entire matter of the right to a hearing, even in a capital case, was recently presented in this Court's opinion in *Byrne v. Butler*, 845 F.2d 501, 512 (5th Cir.1988),

*cert. denied*, — U.S. —, 108 S.Ct. 2918, 101 L.Ed.2d 949 (1988). In that opinion we concluded:

[I]f the record is clearly adequate to fairly dispose of the claims of inadequate representation, further inquiry is unnecessary, *Baldwin v. Maggio*, 704 F.2d 1325, 1339 (5th Cir.1983), *cert. denied*, 467 U.S. 1220, 104 S.Ct. 2669, 81 L.Ed.2d 374 (1984); *see also Joseph v. Butler*, 838 F.2d 786, 788 (5th Cir.1988).

Just as in the case before us, the Court considered the record in *Byrne v. Butler* and concluded "... that Byrne's claims may be resolved without recourse to an evidentiary hearing." *Id.*

*Constitutional Obligation to Supply Counsel.*

[3] Finally, appellant claims a violation of the Constitution because the State of Texas has not set up specific procedures for the supplying of counsel once the direct appeal of a conviction to the Court of Criminal Appeals has been decided. This contention was not made to the state courts and thus there has been no exhaustion of state remedies. In addition, this claim was not presented to the district court and is not properly before us for consideration. *Profitt v. Waldron*, 831 F.2d 1245, 1250 (5th Cir.1987). We have held, however,

that where a question has not been earlier raised and is a question solely of law we may consider it because of the possibility that it may "be resurrected in a new petition,..." *Long v. McCotter*, 792 F.2d 1338, 1345 (5th Cir.1986). We simply state, therefore, that the law is clearly established that there is no constitutional right to appointed counsel in collateral proceedings such as a habeas corpus petition. *Pennsylvania v. Finley*, 481 U.S. 551, 107 S.Ct. 1990, 1993, 95 L.Ed.2d 539 (1987). Appellant received representation by appointed counsel through his trial and his direct appeal to the Texas Court of Criminal Appeals. He has had volunteer counsel in his state and federal habeas corpus petitions. Certainly no prejudice has been shown in his case. He has no standing, therefore, to raise the issue. His assertion is no more than a general policy claim that guaranteed legal assistance should be supplied in habeas corpus proceedings. Such is not the law.

We deny both the appeal from the denial of the petition for habeas corpus under 28 U.S.C. § 2254 and from the denial of the motion for relief from judgment under Fed. R.Civ.P. 60(b).

CONSOLIDATED APPEALS AFFIRMED.

**APPENDIX B**



PSYCHOLOGICAL EVALUATION

NAME: Carlos De Luna

DATE: 6-15-83

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CLINICAL INTERVIEW:

Early Segment

When I met with the patient in the waiting room he responded to me right away. He was able to follow directions to get to my office correctly. He began by acting like he could not remember very much of anything at all. He said that he could not even remember events from his childhood or from his teenage years. He was not able to recall anything about any jobs he had ever had, nor anything about the events surrounding the crimes for which he has been accused. In fact, Mr. De Luna stated that he couldn't remember anything up to a few moments before the assessment had begun.

When asked what crime Mr. De Luna was being held for, he responded "I think that I am accused of murder." He refused to give any details. When I probed for details about his life, he continually answered that he did not know, he could not recall, he could not remember. It seemed as though he was trying to claim total amnesia. After a long line of attempts at gaining information, I finally asked, "Well, how are you feeling?" and the prisoner responded, almost reflexively, "I don't know, I can't remember." To that I responded, "I mean right now?" to which Mr. De Luna replied, "I know." It appeared to me that he wanted me to believe that he could not remember anything at all prior to today.

Late Segment

After I had done my early inquiry and it was obvious that the patient was trying to portray total amnesia, I opted to administer the standardized psychological tests. The tests took over 2 hours to administer, after which I continued with my clinical interview. In this later segment, after rapport had been established and Mr. De Luna had become comfortable with answering questions and responding to standardized psychological test items, his memory seemed somewhat different.

In this later clinical interview segment, the patient was able to tell me that he had been in school in the local area, but he does not believe that he finished school. He also said that he believed he had been a prisoner at some time before. He told me that he has a parole officer, but would not provide me with a name. He stated that he was single, and that his family lives in the local community. He strongly objected to spending time with Mr. Kiki Rodriguez at the jail, stating "I don't like him," indicating that Mr. De Luna had some memory of individuals employed at the jail and had formulated an opinion. At one point during the testing, Mr. De Luna asked if he would "have to see the other doctor again," indicating that he recalled his previous visit to our office complex on May 19th, and wondered if

PSYCHOLOGICAL EVALUATION

NAME: Carlos De Luna

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he would be required to attend another interview with Dr. Kutnick. Mr. De Luna also made statements which indicate he recalled working at some kind of semi-skilled occupation, but he was not willing to give details. Just before leaving for the morning, the patient requested that his favorite radio station be tuned in on my office stereo. At this time, he provided me with the name of the station and the station's frequency. Within a few moments, the patient was singing along with the broadcast to "I Honestly Love You" by Olivia Newton-John. This indicates that at least part of his long-term memory is intact. It certainly struck this examiner that Mr. De Luna was attempting to deceive, and that his memory loss was selective.

Mr. De Luna used words which he claimed not to have knowledge of during the IQ testing, and he showed a knowledge of these words. For example, when he was asked "What is your sentence?" near the end of the examination session, Mr. De Luna replied, "I don't have one." And when I asked "Do you see lots of arguments there in the jail house?", the patient responded "Yes ... you learn to live with it." I also asked him at one point to look at the ceiling and he reflexively looked up. The words "sentence," "argument," and "ceiling" were among those that the patient claimed not to have knowledge of. Again, it appeared that the patient was attempting to deceive.

FINDINGS AND IMPRESSIONS:

Intellectual Factors

Mr. De Luna's present level of intellectual functioning as measured by the WAIS-R is within the Borderline range (WAIS-R VIQ-72, PIQ-72, FSIQ-72). It is my opinion that the results of this testing are a gross underestimate of this patient's intellectual abilities. I believe that his intelligence is much higher than indicated by the quotients, and that one can assume that these measures are absolute minimums that Mr. De Luna is capable of. Making the assumption that the intelligence quotients derived from Mr. De Luna's responses are accurate, he still has plenty of native intelligence to understand the proceedings of the court, the discrimination between right and wrong, and the ability to assist in his defense. His thinking and cognitive abilities are perfectly adequate for these tasks. Even people with a much lower intelligence quotient than 72 could perform these tasks.

There was considerable evidence of faking on the WAIS-R. The evidence arose independently on three of the individual subtests, Picture Arrangement, Arithmetic, and Digit Span. These subtests were administered out of order after the patient had been prepared with the false expectation that the items ranged in difficulty from easy to complex. I administered these items out of order and Mr. De Luna, assuming that the first few items he received were the simple ones,

## PSYCHOLOGICAL EVALUATION

NAME: Carlos De Luna

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correctly negotiated a number of the more difficult items and then later, when he thought he was receiving the more difficult items, managed to miss simple ones. This was true in all three of the above-stated subtests. The patient was attempting to portray himself as functioning poorly cognitively.

On the PPVT-R, again the false expectation of easy-to-difficult item progression was established. I began the exam by administering to him several of the easier items and then skipped to difficult items and began to work backwards (that is, I began with difficult items and with each item administered, it became easier). The patient managed to answer correctly to a number of the more difficult items on the instrument and then missed items down to some which are commonly known by 4-year-old children, and a number of which he later showed knowledge of (e.g., ceiling, flaming, argument).

On the Wide Range Achievement Test the patient responded in a manner which is about what one would expect of a person with Borderline intelligence. As on the IQ test, I believe that the patient was trying to deliberately show himself in a bad light. Even so, his responses demonstrate that he possess cognitive skills which are well-enough developed for him to understand academic material adequate to carry on a simple independent existence. This test shows that Mr. De Luna's cognitive abilities and understanding are at least adequate enough to understand day-to-day living.

### Neuropsychological Screening Factors

On the Bender Visual Motor Gestalt Test, a neuropsychological screening device, the patient's renditions of the geometric figures are fairly poorly drawn. He drew them rapidly and flippantly, and the general quality of his responses are not indicative of an organic syndrome.

Likewise, the patient drew a human figure quickly and then handed it back to me without a head. When I asked about this, he said that he had "forgot" and that he would be happy to put a head on the figure. This is not a valid effort on the patient's part.

### Personality Factors

The patient was administered the Rorschach Inkblot Technique according to the norms tables and formulas scientifically validated by Exner. Although the patient attempted a number of times to make his percepts appear to be "crazy sounding" (e.g., "A bug head, it's scary, I don't want to look at it."), the actual percepts were almost all quite normal. When scored against published norms tables, Mr. De Luna's responses were well within the normal range. In fact,

PSYCHOLOGICAL EVALUATION

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Page 5.

it shows that this patient is not suffering from any particularly debilitating anxiety or a serious depression. The Rorschach is particularly difficult to fake when using the Exner System, and it is extremely difficult to "fake normal." The results indicate that Mr. De Luna's personality is free of significant neurotic and/or psychotic processes.

On the MMPI, Mr. De Luna approached the instrument in a way which was patently designed to deceive. This is a classic "fake bad" profile which is often associated with individuals who are in trouble and wanting to appear to be mentally ill when they are not. This kind of profile suggests that the patient made a deliberate attempt to deceive, and endorsed a strategy of over-responding to the items, endorsing many statements which a bonified mentally-ill individual would not accept. It would not surprise me to find that this patient is suffering from a character disorder. From the present testing, it is not possible to make an accurate determination about this.

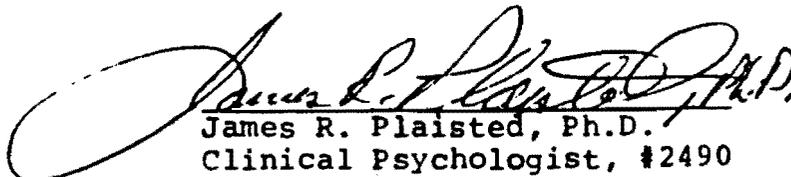
DIAGNOSTIC IMPRESSION:

AXIS I: V65.20 Malingering.  
Borderline or Higher Intellectual Functioning.

AXIS II: V71.09 No Diagnosis.

CONCLUSIONS:

It appears fairly obvious to this examiner that Mr. De Luna was making a major effort to deceive me into thinking that he was suffering from a psychotic process. In fact, there is no evidence in the psychometric data to support that he is suffering from anything other than perhaps a personality disorder. The patient is fully competent to stand trial, and his level of intelligence, even if it is Borderline, is high enough for him to understand the proceedings of a court room, to tell the difference between right and wrong, and to aid in his defense. The patient's claim of amnesia, which turns out to be selective in that he can recall things that he wants to recall when he wants to recall them, fits no known medical patterns of amnesiac syndromes. It is my opinion that the patient is probably faking his memory loss.

  
James R. Plaisted, Ph.D.  
Clinical Psychologist, #2490

JRP:dp

cc: file

**APPENDIX C**

*Joel Kutnick, M.D., P.A.*

*Diplomate American Board of*

*Psychiatry and Neurology*

3030 S. Alameda, Suite 1

Corpus Christi, Texas 78406

512-885-8862

June 14, 1983

PSYCHIATRIC EVALUATION

The Honorable Walter Dunham, Jr.  
28th Judicial District  
Nueces County Court House  
Corpus Christi, Texas 78401

SUBJECT: THE STATE OF TEXAS VS. CARLOS DE LUNA  
CAUSE NUMBER: 83-CR-194-A

Dear Judge Dunham:

This defendant was seen for psychiatric evaluation as requested by the court on May 19, 1983. My examination consisted of interviewing the defendant, reviewing a number of records, and having a brief conversation with his probation officer, Mr. Garcia.

One record was the order for examination which defines competency and insanity. It also states he is indicted for Capital Murder.

There are also numerous police offense reports and witness statements. Essentially, the defendant apparently robbed a Shamrock Gas Station at knife point and then stabbed the female clerk in the store. Apparently one witness talked to him just before the incident when he asked for a ride. He was confronted by another witness. He told this witness, "Don't mess with me, I got a gun." He was seen by other witnesses to have run away from the gas station and to be hiding under a car. He was approached by police officers where he was apprehended. As he was being apprehended he told them not to shoot him, that he was giving up.

It was noted by the police officer that he knew the Miranda warning. He was given this warning and then started to recite the lines by heart himself. He appeared to be somewhat anxious and agitated. Apparently alcohol was smelled on his breath. He was interested to know if the woman had died. It was of interest to note that he knew the victim was a female, even though he stated he knew nothing about the situation.

One police officer noted that he knew this defendant because he arrested him for disorderly conduct at the Club Casino. Apparently the defendant recognized the police officer from before. He told the police officer that he would beat this one like he did the first one. The police officer felt he was more intent on seeking revenge for being captured than for facing a charge of robbery. The police

PSYCHIATRIC EVALUATION

NAME: Carlos De Luna

DATE: 6-14-83

Page 2.

officer went on to state that in the past he saw him as being intimidating, disrespectful and an unstable person. However, he feared those that he had respect for. He seemed to pick on others that he could intimidate.

The defendant related he did not know why he was here. He does not know what a psychiatrist does. He was given a warning whereby he was told that this conversation was not confidential and that it may be used against him. He was asked if he understood this, and he replied, "In a way." I asked him to elaborate on this but he did not say anything else.

He went on to relate that he has been in the County Jail for two to three months. He knows he is charged with murder. His attorney is Mr. Pena. He recalls talking just once to his attorney. He states he has trouble communicating with his lawyer. He states he just doesn't understand what the lawyer tells him. He was not able to give me any examples as to why he did not understand. He just stated that he could not remember.

He denies going to any pretrial hearings or knowing how a psychiatric evaluation came about. He was asked if he could get out of jail by bail or bond. He began to answer this question and his lips started to form the word "yes," but then he stopped and stated he just doesn't pay attention to this kind of thing.

He went on to state that no one has explained his legal situation, at least he doesn't remember anything about it. He was asked specifically if he was given the Miranda warning or a warning about his rights. He states he doesn't know what that is.

He does not remember ever seeing a psychiatrist before. In fact, this is the first time he heard this word and doesn't know what it really means. He was asked if he had mental problems and he replied that people said he did something, but he can't remember doing anything. I asked him what they said he did and he stated that he cannot remember. This is interesting to note in that in our earlier conversation he apparently did know he was charged with murder.

He went on to state he has memory problems. He doesn't seem to remember much of anything anymore. He states before he was in jail he was living with his mother. He cannot remember the address. He was asked what his father did, and he stated he couldn't remember exactly what work his father was into. He doesn't remember the name of the company that the father worked for. He doesn't remember if he has ever been married. He also does not seem to remember where he grew up or if he graduated from high school. He finally was able to

PSYCHIATRIC EVALUATION

NAME: Carlos De Luna

DATE: 6-14-83

Page 3.

state that perhaps he got as far as the 7th or 8th Grade, but he just can't seem to remember very well. He was asked how long he's had memory problems and he replied, "I don't remember." I informed him that I read a report that he is accused of stabbing a lady. He replied, "I don't know." He went on to state he just doesn't remember. He doesn't remember being arrested. The next thing he knows is he is in jail but doesn't know why. He then stated he was told that he murdered someone. Again, this is of interest to note since he keeps changing his mind. At one time he doesn't remember what the charges are and another time he does.

I tried to ask him about why he was hiding under a car when the police found him. He again replied he didn't remember.

He is not certain if he has been in trouble with the law before. He vaguely recalls that perhaps he spent up to 18 months in prison and then was let out and given probation.

He was challenged at this point in that I told him I thought he could remember more than he was willing to admit. I then asked him about his health. He stated he didn't know what his state of health was. He did shake his head no to the question if he heard voices. He was asked if his lawyer was trying to help him and again he stated he didn't know. He was asked what he did in jail all day and his reply again was "I don't know."

He was specifically asked what the judge's function was. He did not know what he did. When asked about the jury, he stated he didn't know what that was. He had not heard the word. He was asked what his lawyer was trying to do. He shook his head and states that he doesn't know exactly what a lawyer does. He was asked if his lawyer was trying to protect his rights. He replied he thought so, but wasn't certain. In fact, now he doesn't even remember his lawyer's name, but he did remember the name in the first part of the interview. He was asked about the District Attorney and he stated he doesn't recall hearing this word.

It was at this point that I decided to terminate the interview in that it seemed I would not get any useful information from the defendant. I asked him if he had any other questions of me. He then stated, "When will they hold my trial?" I told him that I did not know. Again it is of interest to note that he apparently knows what is going on in the court of law but just won't tell me.

I tried to get some more information from the District Attorney, Mr. Schiwetz. Specifically, I was interested in the background information in terms of how far this defendant got in school, and whether there was a question of his being retarded. Mr. Schiwetz did not have this information, but stated he would try to supply it to me if he

PSYCHIATRIC EVALUATION

NAME: Carlos De Luna

DATE: 6-14-83

Page 4.

got it. So far I have not heard back from Mr. Schiwetz, and feel that this information is just not obtainable.

I did talk with the defendant's probation officer, Mr. Gilbert Garcia. He stated that he felt this client came across as normal and did not seem to have any memory problems. He also felt his conversation was such that he was not retarded. Apparently he worked as an electrician or plumber. He recalls talking with this client for at least 5 or 6 times, and he seemed to be able to remember a number of things.

MENTAL STATUS:

The defendant was dressed in the white uniform of the County Prison. He had handcuffs and leg irons. His affect was one of anxiety with a little bit of sadness. He was not very cooperative. He kept stating that he couldn't remember. I felt that as the interview progressed, his memory seemed to get worse and worse. It was obvious that he remembered more than he was willing to admit. I thought that several times he remembered things in the initial part of the interview but did not later on. It also was apparent that he knew much more about his legal situation than he was willing to admit. He seemed to understand the questions when he chose to answer them. His vocabulary was fairly good. He had good sentence structure when he chose to answer. However, most of the time he stated he didn't know or just couldn't remember. The defendant does not seem to be having any hallucinations, delusions, suicidal or paranoid ideation. He appears to be oriented to person, place and time. He claims marked memory problems. His attention and concentration span appear to be adequate.

IMPRESSIONS:

AXIS I: Malingering  
AXIS II: No Known Personality Disorder  
AXIS III: No Known Physical Disorder

I definitely feel this defendant is malingering and that he knows much more than he is willing to admit. I feel that he could probably cooperate with his attorney and understand his legal situation. I feel that he could hold a rational conversation if he so chose.

I did want to get psychological testing to confirm my opinion. I think the testing would definitely show malingering. However, I was not able to arrange for this additional data.

**APPENDIX D**

AFFIDAVIT

STATE OF TEXAS

\*

\* KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

\*

"My name is Maria Conejo, and I am over the age of 21 years of age and fully competent to make this Affidavit. I am the sister-in-law of Carlos DeLuna who is on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at Young Fashion Jewelry. My phone number and address are (214) 278-8545, 220 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

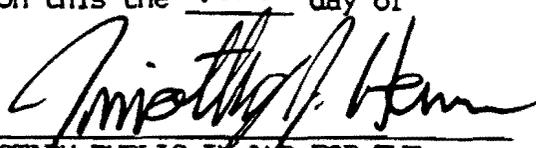
I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I think about all the good things he did when he was around us. He lived with us for quite a while. While he was here with us, he used to take our kids to the park along with his nephews when they were around. He used to do some errands for me like going to the store and mailing the bills and make money orders for us when we needed them. He would take care of my kids while I worked cleaning houses. I remember one time, he brought this girl with two babys to be here with us because he was in love with her at that time. He went out looking for a job and found it. She left him and went back home to her parents. When he was young he was a good boy. When he was a teenager, he was a good boy, but then he started hanging around the wrong kind of people. He has changed. He knows right from wrong now. I could go on and on about how many times Carlos has helped our son and our nephews with fixing their bikes, and in showing them how to be a hard worker. Carlos was never lazy. He was always working and fixing things around the house. I hope I get the chance in person to tell of all the 'good' that Carlos has done in his life, and all the good he could do in the future.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

Maria Conejo

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Hennum  
Print or Typed Name  
05/08/91  
Commission Expires

**APPENDIX E**

AFFIDAVIT

STATE OF TEXAS

\*

\* KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

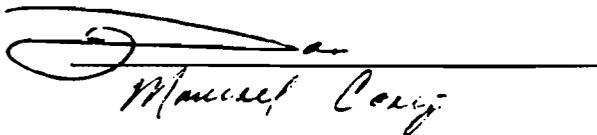
\*

"My name is Manuel Conejo, and I am 16 years of age and fully competent to make this Affidavit. I am the nephew of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently a student at South Garland High School. My phone number and address are (214) 278-8545, 220 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

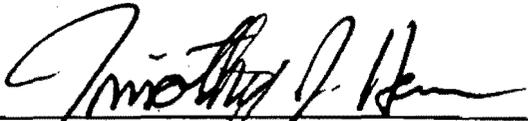
I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

My Uncle Carlos was a fun man to be with. I remember he would take all of my cousins and me to the park, we would play softball. Sometimes we would play football. He would take care of all of us. After we would go to the park he would buy us all something to drink or eat. I remember when I was three or four, Carlos would come to our house to listen to records, he would play with me. But now it is different, he's in jail and I'm at home. I believe he doesn't belong in there because he's not the type of man that should be put in there. Being in jail has changed him alot, mentally and physically. He thinks better and understands things. This is shown in his letters. His appearance has also changed. He has lost weight. This is shown in his pictures. When we go to visit him he looks different than what he used to. If my Uncle Carlos DeLuna was given another chance, he would be a different person. Meaning as in a good person. He doesn't deserve to be executed because other men have done worse crimes than him and they are still alive. He is really a nice person to be with, it would be nice if we could be together again and have fun like we used to do.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

  
Manuel Conejo

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.



NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Timothy J. Hennum

Print or Typed Name

05/08/91

Commission Expires

**APPENDIX F**

AFFIDAVIT

STATE OF TEXAS

\*

\*

KNOW ALL MEN BY THESE PRESENTS:

\*

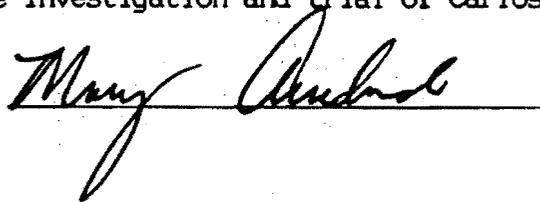
COUNTY OF DALLAS

"My name is Mary Arredondo, and I am over the age of 21 years of age and am fully competent to make this Affidavit. I am the sister of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at Texas Instruments. My phone number and address are (214) 278-7881, 301 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

My brother Carlos DeLuna is very dear to me. He is the youngest boy from a family of nine. As he was growing up we spent lots of hours in movies, carnivals, parks and so on. As the years went by he would go to our home after some of us had gotten married and spent many hours with us. He enjoyed the family gatherings and holidays at Mom's house. It was always something we all looked forward to. I remember when Carlos got a job at What-A-Burger. He couldn't wait to get paid. That day he came home with a lot of burgers and fries for all of us. He was very generous with his nephews, always taking them places and buying them things. Till this day I find it hard to believe that he is where he's at. I was at his trial till the end. I thought that another person was being tried. The lawyer ~~new~~ asked me to testify for his behalf. I might be wrong in saying this, but I never thought he had good representation from the appointed attorney. Carlos was already judged guilty before he stepped into the door by the media, all the newspapers. I believe Carlos deserves a chance. He was very young at the time. When I talk to him now I can see <sup>his</sup> is wiser and at peace with himself. He is very close to our Lord, Jesus Christ. Carlos needs kindness and another chance with his family who loves him so much.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

  
\_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of  
July, 1988.



NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Timothy J. Hennem

Print or Typed Name

05/08/91

Commission Expires

**APPENDIX G**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Max Arredondo, and I am 19 years of age and am fully competent to make this Affidavit. I am the nephew of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently a student at Richland College and am employed at United Parcel Service. My phone number and address are (214) 278-7881, 301 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I am writing this letter to let you know about a person my family and I care a great deal for; my uncle, Carlos DeLuna. I remember as a young child Carlos would take me to the park where we would play football. This is when I learned to enjoy the game and grew closer to him. I never had an older brother. In a sense my Uncle Carlos was my older brother. He would take me and my younger brothers to the movies and out to eat after getting paid. The thing that I noticed the most about him is how much he has changed. You should see him now, he is a better person, he has found God. He is also a more caring person. I know he is still the good person he has always been.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

Max Arredondo

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

Timothy J. Henn  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Henn  
Print or Typed Name  
05/08/91  
Commission Expires

**APPENDIX H**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Robert Arredondo, and I am 18 years of age and am fully competent to make this Affidavit. I am the nephew of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at Brad Rhoton & Associates. My phone number and address are (214) 278-7881, 301 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

My uncle, Carlos DeLuna and I are very close. Carlos was always good to me and my brothers. He would always do things with us. Carlos would take my brothers and I to the park or the library at times. He was a very giving person buying us small gifts and when he could he would take us to the movies. I got to know Carlos pretty well while he was staying with us. Carlos has grown up a lot in the last five or six years. I know he is studying and taking classes and working hard on improving himself. We all love Carlos very much.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

Robert Arredondo

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

Timothy J. Hennun  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Hennun  
Print or Typed Name  
05/08/91  
Commission Expires

**APPENDIX I**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Michael Arredondo, and I am 17 years of age and fully competent to make this Affidavit. I am the nephew of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently a student at South Garland High School. My phone number and address are (214) 278-7881, 301 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

Carlos is my uncle and a nice man. He always took my brothers and me to many different places, the movies, out for ice cream, and out for hamburgers. He always was like a big brother to me. Carlos always took care of us. Carlos needs a chance to prove to society that people can, and do change in life. He was real young when this happened. Now he is alot different, older and wiser. When I think of Carlos, all I remember is how he always helped me whenever I needed it, and he was always nice to us. Now he has lost about sixty pounds, he sent us a picture and he looks good and his letters sound very happy.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

Mike Arredondo

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

Timothy J. Henn  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Henn  
Print or Typed Name  
05/08/91  
Commission Expires

**APPENDIX J**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Salvador Marquez, and I am over the age of 21 years of age and am fully competent to make this Affidavit. I am a brother-in-law of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at American Iron and Metal. My phone number and address are (214) 388-7967, 6600 Ethel Drive, Dallas, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

Carlos has stayed with us and he worked with me at Arrow Ind. He is know to be a hard working person, and he has always had respect for me and my wife. He took care of my family when my wife worked. He is very good with kids and a very understanding person. The kids really love him and miss him. He was very young at the time all this happened. I feel with age he has gotten wiser in life. I would be willing to testify that he is a changed person. With God's help and yours Carlos will be a contributing person to society.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

*Salvador Marquez*

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

*Timothy J. Hennum*

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Hennum  
Print or Typed Name  
05/08/91  
Commission Expires

**APPENDIX K**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Rebecca Marquez, and I am over the age of 21 years of age and am fully competent to make this Affidavit. I am the sister of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at Dallas Tailor Laundry Supply. My phone number and address are (214) 388-7967, 6600 Ethel Drive, Dallas, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

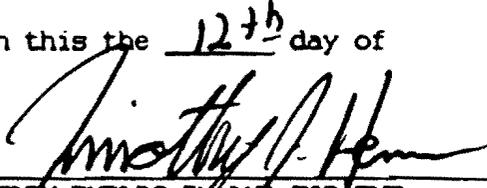
I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I know for a fact that while Carlos stayed with me in Dallas he worked very hard and helped me with our expenses and would also baby-sit my children while I worked. My children were then a 7 yr. old, a 4 yr. old and a 2 yr. old. He was great with the children and my children love their Uncle Carlos. They wouldn't stay with anyone else but him. Everyone has respect from Carlos. I will testify in court how well behaved he is, not only because he is my brother, but Carlos is the greatest. There is something special about him. He always says yes when you need him. If he would go and buy something for himself he never would come home empty handed. He always brought everybody something back, if it were a coke or candy. I do think he deserves to live, to show how much he has improved. Our father is an alcoholic and never supported us when we were young. Our poor mother had to work to support her family. Maybe things would have been different if mother would have had the time to keep Carlos away from the wrong crowd, but now he knows who the good and bad crowd are, and he has chosen the good crowd. He is taking classes to improve his education. He finished high school and is now working on college classes. He is a much different and better person that he was six years ago. I pray God is with you, as you read this, and with Carlos.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

*Rebecca Marquez*

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Timothy J. Hennum  
Print or Typed Name

05/08/91  
Commission Expires

**APPENDIX L**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Joe Anthony Conejo, and I am sixteen years of age and am fully competent to make this Affidavit. I am the nephew of Carlos DeLuna who is is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently a student and am employed at Krogers. My address is 6600 Ethel Drive, Dallas, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I used to stay with my Uncle Carlos when I was small. We had lots of good times together when our Uncle Carlos used to take care of us. He would let us watch t.v. all we wanted to and would get mad at us when we didn't eat our vegetables. I remember once he took us downtown and spent all his money to buy us a remote control car. We had fun that day even though I ended up breaking it and we hid because if Mother would have found out he spent his money on a silly car she would be mad, so we never told her up to this day. There would be times when it was too hot in the summer and he would bathe us outside with the waterhose. That was fun. Carlos was a sweet loveable person. He was the big brother I never had. I pray everything will turn out fine and let him show you what kind of person he really is. I wait with open arms to see him again and pick up where we left off when I was small. Things will be different now that I am older and try to understand life better. I wish nothing but the best for my Uncle Carlos. May God be with him.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

Joe Conejo

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

*Timothy J. Hennum*

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Timothy J. Hennum

Print or Typed Name

05/08/91

Commission Expires

**APPENDIX M**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Daniel J. Conejo, and I am over the age of 21 years of age and fully competent to make this Affidavit. I am the brother of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed as a carpenter. My phone number and address are (214) 278-8545, 220 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I have known and lived with Carlos much of his childhood and teenage life, where I have passed great and happy moments with him and have great brotherly love for him. To my understanding Carlos has always been a nice obedient boy as a child and throughout his teenage years. I have had close contact with Carlos since his incarceration. He has always shown respect for me and his fellowman, always letting me know of his future plans and schooling, i.e., courses he has taken there while being confined with TDC. In his letters they have demonstrated much transformation and maturity in him, self acknowledgement of life with great respect for human life and God's creations and all that surrounds mankind. I truly believe his incarceration with TDC has made Carlos a better citizen. Like I said, it has shown him to have great respect for human life. This is why I believe if Carlos is given a second chance he would be a better citizen in this society of ours and this is why I believe Carlos DeLuna should not be executed under those circumstances of capital punishment.

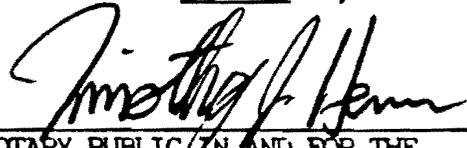
I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

*Daniel J. Conejo* *nil C.*  

---

*Daniel J. Conejo*

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.



NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Timothy J. Hennun

Print or Typed Name

05/08/91

Commission Expires

**APPENDIX N**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Freddy Gutierrez, and I am 20 years of age and fully competent to make this Affidavit. I am the nephew of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at Kraft. My phone number and address are (214) 271-8461, 201 EastRidgewood, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I would have told them about the time when Carlos came to visit us. There was a group of larger kids who were always beating up on the younger kids, including myself. Carlos, by himself, went to each house of the bully kids, and talked to the parents and informed them of their children's activities. He was always concerned about those folks who were helpless, and he always did what he could to see that they got the help they needed.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

*Freddy Gutierrez*

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

*Timothy J. Hennem*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS *Timothy J. Hennem*  
~~*Freddy Gutierrez*~~  
Print or Typed Name  
05/07/91  
Commission Expires

**APPENDIX O**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Alfredo Gutierrez, and I am over the age of 21 years of age and fully competent to make this Affidavit. I am the brother-in-law of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed by Kraft. My phone number and address are (214) 271-8461, 201 East Ridgewood, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I have know Carlos since he was a little boy, approximately ten years. He is a nice boy, even when he grew older he was nice to me and my family. Carlos has always respected me at all times. Carlos used to go fishing with us. He would come to my house in the summertime. Carlos deserves another chance to prove he has changed. In the summertime he would work around the house. He is the hardest worker I have ever known.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

*Alfredo P. Gutierrez*

SUBSCRIBED AND SWORN TO BEFORE ME on this the 11<sup>th</sup> day of July, 1988.

*Timothy J. Hennon*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Hennon  
Print or Typed Name  
05/05/91  
Commission Expires

**APPENDIX P**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Rosemary Deluna-Earley, and I am over the age of 21 years of age and am fully competent to make this Affidavit. I am the sister of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at Brad Rhoton and Associates. My phone number and address are (214) 991-1580, 5050 Quorum Drive, Dallas, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

As kids we were never that close to our parents. My dad was an alcoholic and they never had time for us. Maybe because my mom and dad were older parents or maybe my mother was tired or raising kids. My mom had six kids from a previous marriage. Carlos and I were very close to each other. He would always play with me as kids. Where we grew up all these kids were boys. There were no girls to play with. Carlos would tell his friends that if I could not play with them he would not play. He always helped me with school work. We stayed up late Friday and Saturday and watched t.v. and ate popcorn. My mom worked so she would make me clean the house and cook. My other brothers never helped me but Carlos would and if I broke something around the house and if my Mom found out she would spank me. But Carlos always helped me glue it back together. When my Mom bought Carlos a new truck and he worked at What-A-Burger, he always took me out to eat and would buy me clothes for school and take me out to movie shows and he taught me how to drive. He took me to school and picked me up. We stayed up late talking. When I talked about me problems he always listened to me and helped me out. When I was first married, he lived with us and took care of my baby. He always helped me with the household bills. Carlos has always been nice and friendly to everyone he knew. I have never seen him angry. He was always smiling. Carlos and I write to each other every week. He has completed school programs and he is very much at peace with himself. I can keep writing more about us as kids but I know deep in my heart Carlos is a good person.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."



SUBSCRIBED AND SWORN TO BEFORE ME on this the 11<sup>th</sup> day of July, 1988.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Hennum  
Print or Typed Name  
05/08/91  
Commission Expires

**APPENDIX Q**

AFFIDAVIT

STATE OF TEXAS  
COUNTY OF DALLAS

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*

"My name is Milda Callahan, and I am over the age of 21 years of age and am fully competent to make this Affidavit. I am a friend of Carlos DeLuna who is is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently retired. My phone number and address are (214) 840-1895, 216 East Miller, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I knew Carlos DeLuna several years ago when he lived next door with his brother Daniel Conejo and his wife. He worked as a cook at a fast food place. We all spent many hours sitting out in the yard together. Many times I would be there by myself and he always sat and talked. He was always so nice and polite to me, a very sweet boy. We laughed a lot together. He was always so happy and good with his younger nephews, playing ball and all with them. I am sixty-three years of age, and I enjoy seeing young people trying to do so good. I think he deserves to live and to be happy again, and to show what kind of a nice young man he really is.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

Milda Callahan

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

Timothy J. Hennam

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Timothy J. Hennam

Print or Typed Name

05/08/91

Commission Expires

**APPENDIX R**

**APPENDIX S**

AFFIDAVIT

STATE OF TEXAS

\*  
\*  
\*

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

"My name is Victoria Gutierrez, and I am over the age of 21 years of age and fully competent to make this Affidavit. I am the sister of Carlos DeLuna who is presently an inmate on death row at the Ellis Unit in the Texas Department of Corrections. I am presently employed at Krogers. My phone number and address are (214) 271-8461, 201 East Ridgewood, Garland, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I was never contacted by the attorneys to testify. If I had been called by the lawyers to testify, I would have told the jury many things concerning Carlos' life that I believe would have mitigated against the jury giving the death penalty.

I believe that Carlos should have a chance for another court hearing. Carlos has always been a nice brother to me and my kids. He writes to me all the time, apologizing for his mistakes he made by hanging around with the 'wrong' kind of people. I have visited Carlos recently, and he has matured alot. He sounds serious all the time. He respects me all the time, and he has always had respect for people even when he was a little boy. Carlos has changed for the better because he has become so much wiser and smarter. Thank you sir for reading this. If you can see Carlos, you will see how much he has changed and how much he has matured. Most of all know that I love him.

I am presently available and willing to testify concerning these facts, as I was during the time of the investigation and trial of Carlos' case."

Victoria Gutierrez

SUBSCRIBED AND SWORN TO BEFORE ME on this the 11<sup>th</sup> day of July, 1988.

Timothy J. Hennon  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
Timothy J. Hennon  
Print or Typed Name  
05/05/91  
Commission Expires

**APPENDIX T**

AFFIDAVIT

STATE OF TEXAS

\*

KNOW ALL MEN BY THESE PRESENTS:

\*

COUNTY OF DALLAS

"My name is Brad R. Rhoton, and I am 29 years of age and fully competent to make this Affidavit. I am the future brother-in-law of Carlos DeLuna who is on death row at the Ellis Unit in the Texas Department of Corrections. I am presently the founder of Brad Rhoton & Associates, a real estate investment company, with approximately fifty employees. My phone number and address are (214) 991-1580, 5050 Quorum Drive, Dallas, Texas. I have never been convicted of a felony or a misdemeanor of moral turpitude.

I have known Carlos for about four and a half years now. When I first met Carlos face to face, I visited him with his sister, Rose DeLuna-Earley, my fiance. He weighed approximately two hundred pounds, was very quiet and withdrawn and very polite. We have been writing to each other approximately two to three times per month since our first meeting. About a year and a half ago we visited Carlos again. He had lost approximately sixty-five to seventy pounds and now weighs about one hundred twenty-five to one hundred thirty-five pounds. His personality is much more positive and happy and I have never seen such 'inner peace' in anyone as I saw in him. He says his life has completely changed now that Jesus-God is in his life. And it is very obvious by his massive weight reduction and very positive, happy outlook on life. Carlos talks about when he gets out, he is going to give lectures at high schools, colleges, churches, and everywhere he can telling about how God changed his life. If Carlos were released today, I would hire him. I would love to have someone with his beliefs working for me. I am available and willing to testify concerning the good character of Carlos DeLuna.

*Paul Rhoton*

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12<sup>th</sup> day of July, 1988.

*Timothy J. Hennan*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Timothy J. Hennan  
Print or Typed Name

05/08/91  
Commission Expires

**APPENDIX U**

JULY 11, 1988

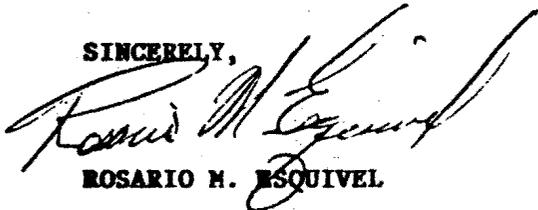
MY NAME IS ROSARIO M. ESQUIVEL. I AM EMPLOYED AT CRUM & FORSTER COMMERCIAL INSURANCE COMPANY AS A CLAIMS SUPPORT FOR FOUR YEARS. MY NUMBER HERE AT WORK IS (214)827-6110 X429. MY HOME NUMBER IS (214)276-1531. I LIVE AT 201 SENDERO DR. GARLAND, TX 75040.

I HAVE KNOWN CARLOS DELUNA FOR FOUR YEARS. WE MET THRU HIS SISTER IN-LAW MARY LOU CONEJO. SHE HAD ASKED ME TO WRITE TO HIM AS A PEN PAL. I WAS HAPPY TO START WRITING TO HIM. WE HAVE BEEN WRITING TO EACH OTHER ON A WEEKLY BASIS. I WOULD SOMETIMES GET FOUR LETTERS OR MORE FROM HIM IN A WEEK AND I WOULD ANSWER THEM AS I RECEIVE THEM. I ALSO VISIT WITH HIM QUITE OFTEN, AS MUCH AS MY WORK WOULD ALLOW ME TO GO AND SEE HIM.

THRU THE FOUR YEARS I HAVE KNOWN CARLOS, HE HAS LEARNED ALOT. TO LAUGH AGAIN, TO HAVE HOPE AND LOVE SOMEONE THAT WILL GIVE HIM SOMETHING TO LOOK FORWARD TO IN THE FUTURE. YES, WE DO HAVE PLANS FOR MARRIAGE. HE HAS THE EDUCATION AND SUPPORT OF HIS FAMILY TO MAINTAIN A NORMAL LIFESTYLE. I WILL BE BEHIND HIM AND GIVE HIM THE LOVE AND SUPPORT HE NEEDS IN WHAT HE DECIDES TO DO. HE IS A VERY CARING PERSON AND PRESENTS HIMSELF AS A GENTLEMEN WHEN I VISIT WITH HIM.

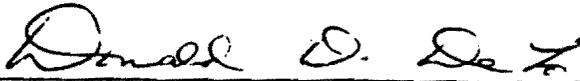
I CAN BE REACHED AT THESE NUMBERS GIVEN ABOVE IF I SHOULD BE CALLED TO TESTIFY ON HIS BEHALF. I WILL BE MORE THAN WELCOME TO.

SINCERELY,



ROSARIO M. ESQUIVEL

ON THIS DATE, ROSARIO M. ESQUIVEL APPEARED  
BEFORE ME TO SIGN ABOVE.



DONALD D. DELO

NOTARY PUBLIC, DALLAS COUNTY, TEXAS  
MY Comm. Exp. 8-6-89

**APPENDIX V**

APPENDIX W

LOCATION OF OCCURRENCE: 522 Flood DATE OCCURRED: 6-19-78 TIME: 6:30 PM

THEFT  CRIMINAL MISC  BURGLARY-NIGHT  BURGLARY-DAY  SCENE PROCESSED  YES  NO

ROBBERY  CRIMINAL TRAFFIC  DAY  DAY  PROCESSED BY:  ID OFFICER

POSSIBLY  BURGLARY-COMMERCIAL  NIGHT  NIGHT  REPORTING OFFICER

REDUCED COSTS  BURGLARY-VEHICLE  UNKNOWN  UNKNOWN  LATENT PRINTS  YES  NO

OTHER OFFENSE: Theft, Paint Sniffing CLASSIFIED TO: OTHER EVIDENCE  YES  NO

VICTIM (IF BUSINESS): TYPE BUSINESS: BUSINESS ADDRESS: BUSINESS PHONE:

LAST NAME: Lanningham	FIRST NAME: Bonnie	INIT: V	RACE: W	SEX: F	AGE: 78	DATE OF BIRTH: 3-25-1900
HOME ADDRESS: 522 Flood	CITY: Corpus Christi	HOME PHONE: 884-4795				
BUSINESS ADDRESS:	CITY:	BUSINESS PHONE:				

WITNESS: BOSS	FIRST NAME: Arturo	INIT: B Jr	RACE: W	SEX: M	AGE:	HOME PHONE:
DISCOVERED REPORTED: 504 1/2 Flood on Route 3, Box 56	BUSINESS ADDRESS: Chapman Ranch	BUSINESS PHONE:	Pasco Santiago			

HOW ATTACKED/ENTERED/STOLEN: DESC. WEAPON: L.C. NO.: STATE:

QUANTITY	DESCRIPTION OF PROPERTY	STOLEN	RECOVERED	SERIAL NUMBER	EST. VALUE	PROP. TAG NO.
	\$10 (1) ten dollar bill				10.00	
	thirty dollars worth of food stamps				30.00	

ADDITIONAL PROPERTY LISTED ON BACK

SUSPECT #1: LAST NAME: DeLuna	FIRST NAME: Carlos	INIT:	RACE: M	SEX: M	AGE: 16	HEIGHT: 5'8"	WEIGHT: 175	HAIR:
IN CUSTODY: YES	EYES: 504 1/2 Flood	CLOTHING: 2-15-62	PHYSICAL CHARACTERISTICS (LIMP, TATTOOS, ETC)					
SUSPECT #2: LAST NAME: Boss	FIRST NAME: Ida	INIT:	RACE: W	SEX: M	AGE: 16	HEIGHT: 5'1"	WEIGHT:	HAIR:
IN CUSTODY: YES	EYES: 504 1/2 Flood	CLOTHING: 9-21-61	PHYSICAL CHARACTERISTICS (LIMP, TATTOOS, ETC)					

ADDITIONAL SUSPECTS ON BACK

RUNAWAY: YES	MISSING PERSON: YES	LAST NAME:	FIRST NAME:	INIT:	RACE:	SEX:	AGE:	DATE OF BIRTH:
HEIGHT:	WEIGHT:	HAIR:	EYES:	CLOTHING:	HOME ADDRESS:			
CITY:			STATE:		HOME PHONE:			
LAST NAME:		FIRST NAME:		ADDRESS:			PHONE NO.:	

**NARRATIVE (Continue on Supplementary if necessary)** Met victim at her home who advised that on this date witness Arturo Boss brought her billfold to her less the afore listed items. Arturo Boss advised that his sister, Ida and Carlos DeLuna went to victim's residence to use the phone. Carlos sat and talked with victim in the living room. The four young people left and upon getting home Arturo saw Carlos pull a lady's purse from his belt. Carlos then took out the money and food stamps and threw the billfold aside. Carlos took victim's personal checkbook, tore it into pieces and threw the pieces away. Carlos and Ida then left with the money and food stamps. At approximately 8:49 PM we received a call to 504 1/2 Flood. We were admitted by Arturo. Upon arrival into the house we observed Ida standing by the bed looking down. There was also a very strong odor of spray paint. We asked Ida if Carlos was there and she said "Carlos?" We looked under the bed and found Carlos and ordered him out. Ida was

Sgt. Mike 347 I. Loa 466 139 Crtr. Foreman 26

REPORTING OFFICERS:  YES  NO RETURN TO:

CASE ASSIGNED TO: ASSIGNED BY:

OFFENSE NO. 20619-113 OFFENSE REPORTED Theft COMPLAINT/VICTIM'S NAME DeLana, Carlos

handcuffed as was Carlos as soon as he got up. Carlos had silver paint on his hands and paint fumes on his breath. Under the bed was a Schlitz can with wet silver paint. A spray can of silver Krylon paint was found yet later destroyed. Carlos and Ida were advised of the charges and put in our unit. The area within their reach was searched with no results. Carlos was also frisked without result. Food stamps and money are located at this time. Carlos and Ida are currently co-habiting.

REPORTING OFFICER Sgt. Bible 347 I. Loc 466 139 Johnson sd

OFFENSE NO. 80619-113	OFFENSE REPORTED: THEFT CLASS A	COMPLAINANT/VICTIM'S NAME BONNIE LANINGHAM
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OFFENDERS:

#1 - CARLOS DE LUNA M/M  
Age 16, D.O.B. 3-15-62  
504 1/2 Flood

#2 - IDA SOSA M/F  
Age 16, D.O.B. 9-21-61  
504 1/2 Flood

The above two subjects were arrested at 504 1/2 Flood after being identified as the two subjects who had stolen ten dollars in cash and \$30.00 in food stamps from a victim living at 522 Flood. Both subjects were booked and then transferred to Martineau.

Both parents were notified.

Subject #1 shows 6 arrests.

Subject #2 shows 7 arrests.

Case Closed: Referred to Martineau Juvenile Hall

REPORTING OFFICER  
Sgt. M. Rodriguez #428

428/336

OFFENSE NO. 80619-113	OFFENSE REPORTED: The Theft & Paint Sniffing	COMPLAINANT/VICTIM'S NAME Lanningham, Bonnie
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6-20-78

Carlos Delama, age 16, D.O.B. 3-15-62, was booked on Arrest #CD9646, for Theft of a \$10.00 bill and food coupon from Bonnie Lanningham, 522 Flood.

Sgt. Bible #347 and L. Lee #466, were the arresting officers. Officer witnesses to Carlos Delama paint sniffing. Can testify that he had paint on his hands and did smell paint fumes on his breath.

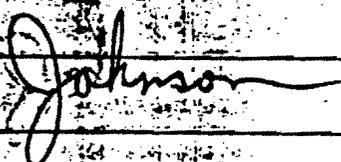
Sgt. J. O. Johnson #133, Criminal Investigation Division, can testify that he took Carlos Delama before Municipal Court Magistrate for Statutory warning of juvenile, which is attached to this supplementary, also attached juvenile field interrogation. Sgt. J. O. Johnson and Sgt. P. Sotierrez #126, of the Criminal Investigation Division, went to 504 1/2 Flood Street with Carlos Delama. Carlos Delama showed us where the food coupons were hidden beneath the wash stand in the bathroom. He got them and gave them to Sgt. J. O. Johnson. The food coupon book #D11505054A had \$27.58 worth of food coupons in it. The food coupons were put on Physical Evidence Tag #23298.

Arturo Soes, 504 1/2 Flood Street, stated he saw Carlos Delama with the \$10.00 bill and food coupons. The \$10.00 bill was not recovered. Carlos Delama stated he would show me where the coupons were hidden, but he would not give me a written statement to that effect.

Case closed - by arrest, filed with Martinez Juvenile Hall

Recovery of \$27.58 in food coupons

Initial report made by Bible #347

REPORTING OFFICER Sgt. J. O. Johnson #133 274	
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PD

C

OFFENSE NO.: 80619-113	OFFENSE REPORTED: Theft	COMPLAINANT/VICTIM'S NAME: Lanningham, Bonnie
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6-21-78  
 20619-113  
 907096

Contacted Arturo Sosa at Villarral Motor Company, 1114 South Fort, ph. 888-6961. This is where he is employed. Stated that he had gone to the victim's residence, 522 Flood and told her that Carlos De Lama had stolen her billfold and food coupons. Stated he went with Mrs. Lanningham to the location where Carlos De Lama threw the billfold and papers in some weeds along a street. Stated they recovered the billfold and her personal check book. Stated he and his sister, Ida Sosa, were there when Carlos took the billfold and food coupons. Sosa was present when Carlos threw the stolen property in the weeds.

Contacted Mrs. Bonnie Lanningham at her residence, 522 Flood St. and returned the food coupons to her. She stated the billfold and her check book was recovered with the help of Arturo Sosa. The victim, Bonnie Lanningham will testify.

Case Closed - by arrest. Referred to Martinez Juvenile Hall. Recovery of billfold and check book.

Initiated by Sgt. Bible #347

REPORTING OFFICER  
 Sgt. J. O. Johnson #1133  
 [Signature: Johnson] 80



THEFT  CRIMINAL MED-OP  BURGLARY-RES  BURGLARY-NON RES  SCENE PROCESSED  YES  NO  
 ARSON  CRIMINAL TRESPASS  DAY  DAY  ID OFFICER  NO  
 FORGERY  BURGL-COM-MACHINE  NIGHT  NIGHT  REPORTING OFFICER  
 RECKLESS DRIBR  BURGL-VEHICLE  UNKNOWN  UNKNOWN  LATE PRINTS  YES  NO

OTHER OFFENSE: **PAINT SNIFFING** RECLASSIFIED TO: \_\_\_\_\_ (Specify) OTHER EVIDENCE  YES  NO

VICTIM OF BUSINESS: **N/A** TYPE BUSINESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

VICTIM (If individual)	LAST NAME	FIRST NAME	INIT	RACE	SEX	AGE	DATE OF BIRTH
	HOME ADDRESS		APT. NO.	CITY		HOME PHONE	
	BUSINESS ADDRESS		CITY		BUSINESS PHONE		

WITNESS  **REPORTING OFFICER**  
 DISCOVERED  REPORTED   
 HOME ADDRESS: \_\_\_\_\_ BUSINESS ADDRESS: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

HOW ATTACHED/ENTERED/REMOVED: \_\_\_\_\_ DESC. WEAPON: \_\_\_\_\_  
 DESCRIPTION OF VEHICLE USED: **N/A** LIC. NO.: \_\_\_\_\_ STATE: \_\_\_\_\_

VEHICLE IMPOUNDED  YES  NO CITY FOUND  YES  NO WHERE (Specify): \_\_\_\_\_

QUANTITY	DESCRIPTION OF PROPERTY	STOLEN	RECOVERED	SERIAL NUMBER	EST. VALUE	PROP. TAG NO.
	<b>N/A</b>					

ADDITIONAL PROPERTY LISTED ON BACK

SUSPECT #1	LAST NAME	FIRST NAME	INIT	RACE	SEX	AGE	HEIGHT	WEIGHT	HAI
	<b>DELINA</b>	<b>CARLOS</b>		<b>W</b>	<b>M</b>	<b>16</b>	<b>5'9"</b>	<b>130</b>	<b>BLK</b>
IN CUSTODY	EYES	CLOTHING		PHYSICAL CHARACTERISTICS (LIMP, TATTOOS, ET)					
		<b>Blue T shirt brown corduroy pants brown high top sneakers</b>							
SUSPECT #2	LAST NAME	FIRST NAME	INIT	RACE	SEX	AGE	HEIGHT	WEIGHT	HAI
	<b>CRUZ</b>	<b>ERNEST</b>		<b>W</b>	<b>M</b>	<b>14</b>	<b>5'4"</b>	<b>110</b>	<b>BLK</b>
IN CUSTODY	EYES	CLOTHING		PHYSICAL CHARACTERISTICS (LIMP, TATTOOS, ET)					
		<b>dark blue/light blue shirt/blue corduroy pants</b>							

ADDITIONAL SUSPECTS ON BACK

RUNAWAY	MISSING PERSON	LAST NAME	FIRST NAME	INIT	RACE	SEX	AGE	DATE OF BIRTH
		<b>N/A</b>						
		HEIGHT	WEIGHT	HAIR	EYES	CLOTHING		
		HOME ADDRESS	CITY	STATE	HOME PHONE			
		LAST NAME	FIRST NAME	ADDRESS	PHONE NO.			

NARRATIVE (Continue on Supplementary if necessary): Officer received a call to San Houston Elementary school reference suspicious subjects. As officers drove up to the portable buildings, observed one subject running behind the buildings in the rear of the school. Officer apprehended subject and found him to have a half can of Kaylon silver spray paint on him and observed also to have a coke can with paint in it. Subject also had his hands and mouth with silver spray paint. Subject placed under arrest for paint sniffing and when taken back to the front of the portable buildings, apprehended the other two subjects with assistance by Unit #127, Sgt. Featherston. The other two subjects also had silver spray paint on their hands and mouth and also were in possession of coke cans with silver spray paint in them. All three subjects were arrested and transported to City Jail and booked. #1-Carlos De Luna, 16 YOA, of 2046 Rockford, arrest sheet #C10616. #2 Ernest Cruz, 14 YOA of 2360 Soledad, arrest sheet #C10617. #3 Ida Sosa,

R.S. Issr: 146 **210** Green 28  
 REPORTING OFFICER: **Sebastian 162** REPORT REVIEW OFFICER: \_\_\_\_\_  
 CASE ASSIGNED BY: \_\_\_\_\_ RETURN TO: \_\_\_\_\_

FORM 98 (Rev. 7/73)

OFFENSE NO. 80719 043	OFFENSE REPORTED PAINT SCRIBING OFFICE	COMPLAINANT/VICTIM'S NAME DOLERA, CARLOS (OFFENDER)
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OFFENSE

16 YOA, of 2046 Rockford, Arrest Sheet #C10618. Subjects were left at booking desk and advised North Bureau of juveniles. Officer L.S. Hoyt, Unit #718, advised reporting officer that follow-up would be made by their office. At the scene of arrest was also Unit #150, Lt. Alvarez and Unit #134, officer J.R. Salinas.

REPORTING OFFICER R.S. Lara #146	310
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OFFENSE NO. 80719-045 OFFENSE REPORTED: PAINT-SNIFFING COMPLAINTANT/VICTIM'S NAME TDA SOSA

OFFENDERS

- #1 - IDA SOSA M/F  
Age 16, D.O.B. 9-21-61  
2046 Rockford
- #2 - CARLOS DE LUNA M/M  
Age 16, D.O.B. 3-15-62  
2046 Rockford
- #3 - ERNEST CRUZ M/M  
Age 14, D.O.B. 7-27-63  
2630 Soledad  
P.O.A. 363 Norton

7-19-78

Above three juveniles were arrested by officer R.S. Lara #146 at Sam Houston Elementary, 363 Norton. Assisting on the arrest were unit 130, Lt. Alvarez and unit 134, officer J.R. Salinas and unit 127, Sgt. Featherston. According to reporting officer R.S. Lara #146 he had gotten a call for some suspicious persons at the school. Upon his arrival observed subject running. Gave pursued and apprehended subject then took subject back and made two more apprehensions. All three juveniles were under the influence of paint and had paint on their hands and mouth.

Previous Contacts:

- #1 - Ida Sosa
  - 6-14-77 Runaway
  - 6-29-77 Runaway
  - 8-30-77 Runaway
  - 9-09-77 Curfew
  - 11-11-77 Runaway & Paint Sniffing
  - 3-13-78 Runaway
  - 4-18-78 Runaway
  - 6-19-78 Theft
  - 6-27-78 Paint Sniffing
- #2 - Carlos De Luna
  - 3-30-77 Truant
  - 6-20-77 Runaway
  - 7-19-77 Runaway
  - 2-14-78 Att. Burglary
  - 3-08-78 Burglary
  - 4-17-78 Auto Theft, Burglary, Runaway
  - 6-19-78 Theft, Paint Sniffing
- #3 - Ernesto Cruz
  - 1-15-78 Burglary
  - 3-07-78 Burglary
  - 2-24-78 Burglary
  - 5-19-78 Theft Class A
  - 5-21-78 Burglary

CASE CLOSED - JUVENILES REFERRED TO MARTINEAU JUVENILE HALL

REPORTING OFFICER J.R. Fernandez #112 112/336

ARREST SHEET NUMBER 610816

DE LUNA, CARLOS  
OFFENSE NUMBER 20719-046  
ID NUMBER 904096  
PLACE OF BIRTH C.C. TEX

RESIDENCE 2046 ROCKFORD  
DATE OF BIRTH 6/15/62  
DRIVER LICENSE NO. NONE  
STATE TEXAS  
EXPIRATION DATE

TIME OF ARREST 1:10 PM  
DATE OF ARREST 07/19/78  
PLACE OF ARREST 565 NORTON  
SOCIAL SECURITY 462-23-9

ARRESTING OFFICER LARA  
VEHICLE MAKE NONE  
VEHICLE LICENSE NONE  
LOCATION OF ARREST 565 NORTON

CHARGE PAINT SNIFFING

ARRATIVE: ABOVE SUBJECT ARRESTED ON ABOVE CHARGE AT ABOVE LOCATION AFTER HE WAS OBSERVED SNIFFING PAINT AT SAME LOCATION. OFFICERS OBSERVED SILVER SPRAY PAINT ON SUBJECT'S HANDS AND MOUTH AREA. ALSO FOUND A COKE CAN WITH PAINT ON SUBJECT.

ADDITIONAL OFFENSE REPORT WRITTEN ( ) YES ( ) NO BOOKING APPROVED BY Capt. K. Green

PROPERTY RECORD											
AMMUNITION	COMB	BRICERIES	KNIFE	NECKLACE	SUIT						
RAS-BAND	DRIVER LICENSE	BROCK'N REA	COIN	PACKAGE	SWEA						
BEER	CAR WINGS	HAT OR CAP	MEDICINE	PAPERS	TIE-CL						
BELT	FLASH LIGHT	ID CARDS	MONEY CLIP	PEN OR PENCIL	TIE-NE						
BILDFOLD	GLASSES	KEYS	WAGS INSBMT.	PURSE-COIN	TOBAC						
BOXES	GLOVES	KEY	NAIL CLIP	PURSE-LADY	TOILE						
CANDY				PURSE-MAN	TOOL						
CIGARETTES	7-19-78	RELEASED - TIME CLIP		RADIO	WATC						
CLOTHING			FACE VALUE OF RARE COINS	RAZOR	WHISK						
COAT			LIST RARE COINS	RING	WINE						
				TOTAL CASH	NO OF TOTAL VAL						

REMARKS

APPROVED TO GO ON BOND

APPROVED TO PAY FINE

APPROVED TO SHELTER

APPROVED TO RETURN

JUVENILE  
RECORD

PERMANENT RECORD

DO NOT REMOVE

#98714

CENTRAL RECORDS

CORPUS CHRISTI POLICE DEPT.

DELUNA	CARLOS	904096	031562 W/H 5-07 150	BR/BR	
02015	ROCKFORD		CORPUS CHR, TX		
ARNO: C05286	ARDT: 021478	OFFNO: B0214008		ATTEMPT BURGLARY	
	DRUNK			RELS TO PARENTS	
ARNO: C08774	ARDT: 032878	OFFNO: B0308048		BURGLARY	
				RLS. NO CHARGES FILED	
ARNO: C08774	ARDT: 032878	OFFNO: B0328050		MUNICIPAL CRT WARRANT	
				TRANS TO MART HALL	
			ARNO: C08973	ARDT: 053178	OFFNO: B0531087
					AUTO THEFT
					BURGLARY
					RUNAWAY
					TRANS TO MART HALL
ARNO: C09646	ARDT: 061978	OFFNO: B0619113			THEFT
					SNIFFING
					TRANS TO MART HALL
ARNO: C06616	ARDT: 071978	OFFNO: B0719045			SNIFFING
					TRANS TO MART HALL
			ARNO: C16196	ARDT: 011279	OFFNO: B1230044
					UNAUTH. USE MTR. VEHICLE
					TRANS TO MART HALL
ARNO: C16196	ARDT: 011279	OFFNO: B0112081			ESCAPE
					TRANS TO MART HALL

XDN

*Need copies of offense reports & arrest sheets for the D.A.*

*Call me when ready - Sgt. Tony Martinez*

*888-0410*

#137

NW 5

CORPUS CHRISTI POLICE DEPARTMENT

C3492  
PROCESSED

De Luna		FNI Carlos		MI		OFFENSE NUMBER 800328-021	LP NUMBER 98714	PLACE OF BIRTH Corpus Christi
20						OFFENSE NUMBER	OCCUPATION Manager	PLACE OF EMPLOYMENT What-A-Burger

SEX M	AGE 20	DATE OF BIRTH 03-15-60	HEIGHT 5'7"	WEIGHT 160	EYES BRO	HAIR BRO	DRIVER LICENSE NO.	DL STATE	EXP. DATE
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ADDRESS 2046 Rockford	NEXT OF KIN TONI RIVERO (Sister)	SOCIAL SECURITY NO. 462-29-9300
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NAME OF ARREST 7:10 AM	DATE OF ARREST 03-28-80	TIME BOOKED 3:30 AM	BOOKING OFFICER Sgt. L. L. BOLT	VEHICLE
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ARRESTING OFFICER(S) D. Hernandez	EMP.# 269	TRANSPORTING	EMP.#	DISPOSITION OF VEHICLE	VEHICLE LICENSE
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ARRESTING OFFICER(S) D. MARTINEZ	EMP.# 221	LOCATION OF ARREST 2000 BIR Rockford	TYPE OF PREMISES Public Street
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RELATIONSHIP DRUNK	BEAT	NOTIFY	BEFORE RELEASING
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NARRATIVE:  
 ABOVE SUBJECT WAS INVOLVED IN A DISTURBANCE AT THE ABOVE LOCATION. UPON ARRIVAL SUBJECT WAS IN THE MIDDLE OF THE STREET, WHEN SPEAKING TO SUBJECT; SUBJECT HAD BLOOD SHOT EYES, SLURRED SPEECH AND BREATH SMELLED OF SOME TYPE OF ALCOHOLIC BEVERAGE. SUBJECT WAS ARRESTED FOR THE ABOVE CHARGE AND TRANSPORTED TO CITY JAIL.

ADDITIONAL OFFENSE REPORT WRITTEN YES  NO

BOOKING APPROVED BY: #31

\*CHANGE OF ARREST SUPPLEMENT\*

PROPERTY RECORD

CHARGE AFTER INVESTIGATION

AMMUNITION	KEY(S)	RING
BELT	KNIFE	SWEATER
BILFOLD	LIGHTER	TIE CLASP
CIGARETTES	MEDICINE	TOBACCO
CLOTHING	MONEY CLIP	TOOL-SMALL
COMB	NAIL CLIP	WATCH
DRIVER LICENSE	NECKLACE	OTHER
EAR RINGS	NECK TIE	
GLASSES	PAPERS	
GLOVES	PEN-PENCIL	
HAT OR CAP	PURSE	
CREDIT CARD(S)	RAZOR	
TOTAL CASH	NO. OF CHECKS	FOREIGN CURRENCY
	VALUE OF CHECKS	

OFFICER CHANGING CHARGE(S)	DATE	TIME
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NO. OF CHECKS

CHARGE AFTER INVESTIGATION

VALUE OF CHECKS

OFFICER CHANGING CHARGE(S)	DATE	TIME
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FOREIGN CURRENCY

PRISONER'S SIGNATURE WHEN BOOKED

NO. OF CHECKS

PRISONER'S SIGNATURE WHEN BOOKED

FOREIGN CURRENCY

PRISONER'S SIGNATURE WHEN BOOKED

FOREIGN CURRENCY

PRISONER'S SIGNATURE WHEN BOOKED

FOREIGN CURRENCY

TELEPHONE NUMBER 52-0598	TIME OF CALL 3:38 AM	NAME OF PERSON TO BE CALLED MARIA AVILA	COMPLETED YES	SIGNATURE
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TOTAL FINE 25.00	PAID	TIME SERVED 5.00	REL. TO PAY 20.00	DUE DATE 4-3-80	CASH BOND	SURETY BOND	RECOGNIZANCE
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TRANSFERRED TO COUNTY ON CHARGE	TRANSFERRED BY	EMP.#	SIGNED OUT BY C. Cavilla	EMP.# 528
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OTHER DISPOSITION (OR) REMARKS

EL. TO PAY

PRISONER'S SIGNATURE ACKNOWLEDGES PROPERTY RECEIVED WHEN RELEASED

DATE 3-28-80	TIME 9:30 A.M.
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PRISONER'S SIGNATURE ACKNOWLEDGES PROPERTY RECEIVED WHEN RELEASED

CORPUS CHRISTI POLICE DEPARTMENT

637221 <sup>53</sup>

PROCESSED

N/DE LUNA		MI/ CARLOS	OFFENSE NUMBER 800523122	I.D. NUMBER 99714	PLACE OF BIRTH CORPUS CHRISTI
ALIAS			OFFENSE NUMBER	OCCUPATION MEAT PACKER	PLACE OF EMPLOYMENT SAM KANE

RACE	SEX	AGE	DATE OF BIRTH	HEIGHT	WEIGHT	EYES	HAIR	DRIVER LICENSE NO.	DL STATE	EXP. DATE
M	M	18	03-15-62	5'7"	158	BRO	BLK	10038462	TX	

RESIDENCE 2046 ROCKFORD C.C.	NEXT OF KIN (WIFE) ERMA DE LUNA C.C.	SOCIAL SECURITY NO. 462-29-9302
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TIME OF ARREST 11:45pm	DATE OF ARREST 05-23-80	TIME BOOKED 12:14A	BOOKING OFFICER LOUTHROP 232	VEHICLE
ARRESTING OFFICER(S) R.S. Leah	EMP.# 101	TRANSPORTING Sgt DAVIS 24	EMP.# 24	DISPOSITION OF VEHICLE

VEHICLE	VEHICLE LICENSE
YR. MAKE STYLE	YR. STATE NO.

LOCATION OF ARREST 1001 S. PORT	TYPE OF PREMISES HOUSE
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VIOLATION Public Intoxiation	BEAT 103	NOTIFY	BEFORE RELEASING
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ARRATIVE: Above Subject staggered up to Officer and told officer that he had arrested him about a month ago and that he would like to see officers do it again. Subject had also started a disturbance approx 20 minutes. Subject's breath smelled strong of some type of intoxicant. Eyes bloodshot, speech slurred.

ADDITIONAL OFFENSE REPORT WRITTEN YES <input checked="" type="checkbox"/> NO	BOOKING APPROVED BY: #31
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*CHANGE OF ARREST SUPPLEMENT*		
CHARGE AFTER INVESTIGATION		
OFFICER CHANGING CHARGE(S)	DATE	TIME
CHARGE AFTER INVESTIGATION		
OFFICER CHANGING CHARGE(S)	DATE	TIME
PRISONER'S SIGNATURE WHEN BOOKED		

PROPERTY RECORD			
AMMUNITION	KEY(S)	RING	
BELT	KNIFE	SWEATER	
BILFOLD	LIGHTER	TIE CLASP	
CIGARETTES	MEDICINE	TOBACCO	
CLOTHING	MONEY CLIP	TOOLS-SMALL	
COMB	NAIL CLIP	WATCH	
DRIVER LICENSE	NECKLACE	OTHER	
EAR RINGS	NECK TIE		
GLASSES	PAPERS		
GLOVES	PEN-PENCIL		
HAT OR CAP	PURSE		
CREDIT CARD(S)	RAZOR		
TOTAL CASH	NO. OF CHECKS	FOREIGN CURRENCY	
- 0 -	VALUE OF CHECKS		

PHONE NUMBER 52-0598	TIME OF CALL 12:16A	NAME OF PERSON TO BE CALLED MARIA VALOS	COMPLETED YES	SIGNATURE
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TOTAL FINE	PAID	TIME SERVED	REL. TO PAY	DUE DATE 6-3-80	CASH BOND 16.00	SURETY BOND	RECOGNIZANCE
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TRANSFERRED TO COUNTY ON CHARGE	TRANSFERRED BY	EMP.#	SIGNED OUT BY P. Ramirez	EMP.# 559
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OTHER DISPOSITION (OR) REMARKS Rel on \$16.00 Cash Bond	IN	OUT
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PRISONER'S SIGNATURE ACKNOWLEDGES PROPERTY RECEIVED WHEN RELEASED	RELEASED	
	DATE 5-24-80	TIME 7:45am

327

CORPUS CHRISTI POLICE DEPARTMENT

631988

PROCESSED

NAME: DeLuna, Carlos	OFFENSE NUMBER: 800206-007	I.D. NUMBER: 98714	PLACE OF BIRTH: Corp Christi
ALIAS:	OFFENSE NUMBER:	OCCUPATION: Bus Boy	PLACE OF EMPLOYMENT: Andy's Restaurant

RACE: W	SEX: M	AGE: 17	DATE OF BIRTH: 03-15-62	HEIGHT: 5/8	WEIGHT: 145	EYES: BRN	HAIR: BRN	DRIVER LICENSE NO.:	DL STATE:	EXP. DATE:
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RESIDENCE: 2046 Rockford	NEXT OF KIN: 2046 Rockford Margente Avelos	SOCIAL SECURITY NO.: 462-29-9302
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TIME OF ARREST: 1:20 AM	DATE OF ARREST: 02-06-80	TIME BOOKED: 1:49 A.M.	BOOKING OFFICER: Sgt. L. L. Bolt #92	VEHICLE:
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ARRESTING OFFICER(S): D. J. Olivarez	EMP #: 340	TRANSPORTING: SAME	EMP #:	DISPOSITION OF VEHICLE:	VEHICLE LICENSE:
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LOCATION: 2046 Rockford	EMP #: 236	LOCATION OF ARREST: 2000 Rockford	TYPE OF PREMISES: Public Roads
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BEAT: 141	NOTIFY:	BEFORE RELEASING:
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**DRUNK & Disorderly**

**NARRATIVE:** Above subject was involved in a disturbance at the above location. On protecting the subject he became unruly and verbal. Subject was found to be intoxicated by evidence of the strong odor of alcoholic beverages, bloodshot eyes and unsteadiness on his feet. Subject involved in an argument with his parents using loud and profane language.

ADDITIONAL OFFENSE REPORT WRITTEN: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	BOOKING APPROVED BY: MR #150
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CHARGE AFTER INVESTIGATION		OFFICER CHANGING CHARGE(S)		DATE	TIME
CHARGE AFTER INVESTIGATION		OFFICER CHANGING CHARGE(S)		DATE	TIME

PROPERTY RECORD		
AMMUNITION	KEY(S)	RING
BELT	KNIFE	SWEATER
BILFOLD	LIGHTER	TIE CLASP
CIGARETTES	MEDICINE	TOBACCO
CLOTHING	MONEY CLIP	TOOLS-SMALL
COMB	NAIL CLIP	WATCH
DRIVER LICENSE	NECKLACE	OTHER
EAR RINGS	NECK TIE	
GLASSES	PAPERS	
GLOVES	PEN-PENCIL	
HAT OR CAP	PURSE	
CREDIT CARD(S)	RAZOR	
TOTAL CASH: 0	NO. OF CHECKS:	FOREIGN CURRENCY:
	VALUE OF CHECKS:	

PRISONER'S SIGNATURE WHEN BOOKED: Carlos DeLuna	853-4778
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TELEPHONE NUMBER: 92-1192	TIME OF CALL: 1:51 A.M.	NAME OF PERSON TO BE CALLED: DAN SANCHEZ	COMPLETED: YES	SIGNATURE: Carlos DeLuna
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TOTAL FINE: 37.00	PAID:	TIME SERVED: 5.00	REL TO PAY: 32.00	DUE DATE: 2-7-80	CASH BOND:	SURETY BOND:	RECOGNIZANCE:
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TRANSFERRED TO COUNTY ON CHARGE:	TRANSFERRED BY:	EMP #:	SIGNED OUT BY: SHAMP	EMP #:
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OTHER DISPOSITION (OR) REMARKS: REL TO PAY 2-7-80	IN RT. INDEX FINGER:	OUT RT. INDEX FINGER:
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PRISONER'S SIGNATURE ACKNOWLEDGES PROPERTY RECEIVED WHEN RELEASED: Carlos DeLuna	RELEASED DATE: 2-6-80	RELEASED TIME: 9:45
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De Luna Carlos  
 OFFENSE NUMBER: 800305113  
 I.D. NUMBER: 98714  
 PLACE OF BIRTH: Corpus Christi  
 ALIAS:   
 OFFENSE NUMBER:   
 OCCUPATION: 1460  
 PLACE OF EMPLOYMENT: 544 Kave

RACE: W M SEX: M AGE: 17 DATE OF BIRTH: 3-15-62 HEIGHT: 5-7 WEIGHT: 161 EYES: Bro HAIR: Bro DRIVER LICENSE NO.: DL STATE: EXP. DATE:

RESIDENCE: 2837 Niagara St. NEXT OF KIN: Mother MARIA ANTONIO 2046 Rockland SOCIAL SECURITY NO.: 482-29-9802

TIME OF ARREST: 10:15 PM DATE OF ARREST: 3-5-80 TIME BOOKED: 10:35 PM BOOKING OFFICER: R.B. Cane #177 VEHICLE: YR. MAKE STYLE

ARRESTING OFFICER(S): P. Garcia EMP.#: 1945 TRANSPORTING: EMP.#: 241 DISPOSITION OF VEHICLE: VEHICLE LICENSE: YR. STATE NO.

LOCATION OF ARREST: 1001 S. Port TYPE OF PREMISES: Bar

VIOLATION: Trespassing Charge BEAT: 123 NOTIFY: BEFORE RELEASING

NARRATIVE: subj. insist on entering the club casino when the owner as well as the police have repeatedly told him not to enter the place because he has somebody buy beer for him and he is only seventeen years old.

ADDITIONAL OFFENSE REPORT WRITTEN YES NO:  NO

CHARGE AFTER INVESTIGATION: OFFICER CHANGING CHARGE(S): DATE: TIME:

PRISONER'S SIGNATURE WHEN BOOKED: *Carlos De Luna*

TELEPHONE NUMBER: 57-6895 TIME OF CALL: 10:37 P.M. NAME OF PERSON TO BE CALLED: Maria Alvarez COMPLETED: YES NO:  NO SIGNATURE: *Carlos De Luna*

TOTAL FINE: 21.00 PAID: TIME SERVED: 10.00 REL. TO PAY: 11.00 DUE DATE: 3-7-80 CASH BOND: SURETY BOND: RECOGNIZANCE:

TRANSFERRED TO COUNTY ON CHARGE: TRANSFERRED BY: EMP.#: SIGNED OUT BY: *mituch* EMP.#:

OTHER DISPOSITION (OR) REMARKS: *rel. to pay!*

PRISONER'S SIGNATURE ACKNOWLEDGES PROPERTY RECEIVED WHEN RELEASED: *Carlos De Luna* RELEASED: DATE: 3-5-80 TIME: 7:30 A



FEB 7 527

CORPUS CHRISTI POLICE DEPARTMENT

632053

PROCESSED

De-Luna Carlos  
 OFFENSE NUMBER: 800207006  
 FD NUMBER: 987144  
 PLACE OF BIRTH: Corpus Christi  
 ALIAS:   
 OFFENSE NUMBER:   
 OCCUPATION: Labor  
 PLACE OF EMPLOYMENT: SANKAUC

RACE: W SEX: M AGE: 17 DATE OF BIRTH: 3-15-62 HEIGHT: 5-8 WEIGHT: 160 EYES: BRO HAIR: BRO  
 DRIVER LICENSE NO.:   
 DL. STATE:   
 EXP. DATE:   
 RESIDENCE: 2046 Rockford Cleo

NEXT OF KIN: Tonic Peña 3027 Niagara 462-29-9302  
 SOCIAL SECURITY NO.:   
 TIME OF ARREST: 1:30 AM DATE OF ARREST: 2-7-80 TIME BOOKED: 1:55 A.M.

BOOKING OFFICER: MARTINEZ #268  
 VEHICLE:   
 YR. MAKE STYLE

ARRESTING OFFICER(S): A Garcia EMP.# 194 TRANSPORTING: B DAVISON EMP.# 241  
 DISPOSITION OF VEHICLE:   
 VEHICLE LICENSE:   
 YR. STATE NO.

LOCATION OF ARREST: 7001 S. Port  
 TYPE OF PREMISES: Bar

VIOLATION: MINOR CONSUMING ALCOHOLIC BEVERAGE  
 BEAT: 23 NOTIFY:   
 BEFORE RELEASING:   
 NARRATIVE: Subj. was at above location and was told to leave because officer knew he was a minor. Subj. left and later returned and somehow entered the club and was drinking beer. It is unknown who bought the beer for him.

ADDITIONAL OFFENSE REPORT WRITTEN YES  NO  
 CHARGE AFTER INVESTIGATION:   
 OFFICER CHANGING CHARGE(S):   
 DATE:   
 TIME:   
 CHARGE AFTER INVESTIGATION:   
 OFFICER CHANGING CHARGE(S):   
 DATE:   
 TIME:   
 PRISONER'S SIGNATURE WHEN BOOKED:   
 BOOKING APPROVED BY: 7-86  
 PROPERTY RECORD:

AMMUNITION	KEY(S)	RING
BELT	KNIFE	SWEATER
BELFOLD	LIGHTER	THE CLASP
CGARETTES	MEDICINE	TOBACCO
CLOTHING	MONEY CLIP	TOOLS-SMALL
COMB	NAIL CLIP	WATCH
DRIVER LICENSE	NECKLACE	OTHER
EAR RINGS	NECK TIE	
GLASSES	PAPERS	
GLOVES	PEN-PENCIL	
HAT OR CAP	PURSE	
CREDIT CARD(S)	RAZOR	
TOTAL CASH: .06	NO. OF CHECKS	FOREIGN CURRENCY
	VALUE OF CHECKS	

TELEPHONE NUMBER: 854-7198 TIME OF CALL: 2:00 A.M. NAME OF PERSON TO BE CALLED: Rangel and  
 COMPLETED: YES NO SIGNATURE:   
 TOTAL FINE: 175.50 PAID:   
 TIME SERVED: 5.00 REL. TO PAY: 50.00 DUE DATE: 2-7-80  
 CASH BOND:   
 SURETY BOND:   
 RECOGNIZANCE:   
 TRANSFERRED TO COUNTY ON CHARGE:   
 TRANSFERRED BY:   
 EMP#:   
 SIGNED OUT BY: Mitchell EMP.# 39

OTHER DISPOSITION (OR) REMARKS: AND \$10.00 EVERY THURSDAY TILL 12 P.M. IN FULL  
 PRISONER'S SIGNATURE ACKNOWLEDGES PROPERTY RECEIVED WHEN RELEASED: X Carlos DeLuna  
 RELEASED:   
 DATE:   
 TIME:   
 RT. INDEX FINGER:   
 RT. MIDDLE FINGER:   
 RT. RING FINGER:   
 RT. PINKY FINGER:   
 RT. THUMB:   
 RT. INDEX FINGER:   
 RT. MIDDLE FINGER:   
 RT. RING FINGER:   
 RT. PINKY FINGER:   
 RT. THUMB:

NAME: **LUNA CACLES**  
 OFFENSE NUMBER: **91130-099**  
 PLACE OF BIRTH: **C. C. TEXAS**  
 RESIDENCE: **2046 Rockford**  
 OCCUPATION: **MANAGER WATAVUE EC.**  
 PLACE OF EMPLOYMENT: **WATAVUE EC.**

DATE OF BIRTH: **11-15-62**  
 HEIGHT: **5'8"**  
 WEIGHT: **150**  
 EYES: **BROWN**  
 HAIR: **BROWN**  
 DRIVER LICENSE NO.: **NONE**  
 D.L. STATE: **TX**  
 EXPIRATION DATE: **NONE**

TIME OF ARREST: **9:20 PM**  
 DATE OF ARREST: **NOV 19 1979**  
 TIME BOOKED: **10:05 PM**  
 SEX: **M**  
 RACE: **W**  
 ADDRESS: **2837 (S) 2837 (S) WILSON**  
 SOCIAL SECURITY NO.: **475-29-98**

ARRESTING OFFICER(S): **BENAVIDES**  
 EMP. NO.: **8**  
 TRANSPORTING: **SAE**  
 EMP. NO.: **300**  
 DISPOSITION OF VEHICLE: **IN PERS**  
 VEHICLE: **74 TOYOTA STYLE 2**  
 BOOKING OFFICER: **R. B. C...**  
 VEHICLE LICENSE: **TX 80**  
 LOCATION OF ARREST: **600 BLK OSAGE**  
 STATE: **TX**  
 NO.: **1118-5**  
 BEAT: **12**

VIOLATION: **DRUNK @ A PUBLIC SCENE**

NARRATIVE: **ON 30 NOV 79 APPROX 9:15 PM, MY PARTNER OFFICER BENAVIDES #58 AND I RECEIVED A CALL IN REFERENCE TO A MINOR ACCIDENT AT THE ABOVE STATED LOCATION. UPON ARRIVAL, MY PARTNER AND I OBSERVED A RED TOYOTA COMPACT CAR WHICH HAD RUN INTO A SECTION OF CHAIN LINK FENCE BELONGING TO THE U-HAUL ACCIDENT DEPT.**

ADDITIONAL OFFENSE REPORT WRITTEN: **YES** BOOKING APPROVED BY: **[Signature]**

AMMUNITION		COMB		GROCERIES		KNIFE		NECKLACE		SUITCASE	
1	SAO-HAND	1	DRIVER LICENSE	1	GROC IN REF	1	LIGHTER	1	PACKAGE	1	SWEATER
1	BEER	1	EAR RINGS	1	HAT OR CAP	1	MEDICINE	1	PAPERS	1	TIE-CLASP
1	BELT	1	FLASH LIGHT	1	ID CARDS	1	MONEY-CLIP	1	PEN OR PENCIL	1	TIE-NECK
1	BILLFOLD	1	GLASSES	1	JUNKIES	1	MUSIC INSTR	1	PURSE-COIN	1	TOBACCO
1	BOXES	1	GLOVES	1	KEYS	1	MAIL CLIP	1	PURSE-LADY	1	TOILET ART
1	CANDY	1	RELEASED - TIME CLOCK	1	FACE VALUE OF RARE COINS	1	PURSE-MAN	1	RADIO	1	TOOLS Sm.
1	CIGARETTES	1	Other Property - Not Checked Above - Location	1	LIST RARE COINS	1	RAZOR	1	RING	1	WATCH
1	CLOTHING	1	2. T-shirt	1	TOTAL CASH	1	WHISKEY	1	CHECKS	1	WINE
1	COAT	1		1	\$679.3	1		1	NO OF	1	TOTAL VALUE

Telephone Number: **854-3071** Time of Call: **10:02 AM** Name of Person to be Called: **Generaly R...** Completed: **Yes** Signature: **[Signature]**

REMARKS: **9:05 AM A-Action Bonding (Yes)** **[Signature]**

aid: **202.00** Laid Out: **202.00** Total Fine: **202.00** Cash Bond: **202.00** Bail Bond: **202.00** Recognition: **12-11-79** Return Date: **12-11-79**

Released to Pay: **C. Carrillo** Due Date: **528** Signed Out By: **[Signature]** Emp. No.: **528** Medical Attention Required: **NO**

Other Disposition - Or Remarks: **REL ON \$202 CASH BOND** **[Signature]**



corporation 790 of ... UNIT #106  
was present at the scene and stated that  
he observed the above stated subject behind  
the subject vehicle. He stated that subject  
was apparently trying to pry out of the  
leave subject was tried to depart his  
vehicle. My partner captured subject  
and subject had a strong odor of alcoholic  
beverage coming from his breath. My  
partner asked subject to recite the ABC's  
and subject could not say them correctly  
subject slumped from side to side as  
he stood on smooth asphalt. Subject  
placed under arrest and transported to  
Arrest scene and transported to  
city jail by unit #06 to be booked  
on same charge. Subject's vehicle  
impounded to area owned by ...  
division

W 00  
DELUNA FN CARLOS MI

OFFENSE NUMBER 830121-12	I.D. NUMBER 2098714	PLACE OF BIRTH CO TEX
OFFENSE NUMBER	OCCUPATION LABORER	PLACE OF EMPLOYMENT TYRONE ADAMTAL

AGE 41	SEX M	AGE 20	DATE OF BIRTH 3/15/62	HEIGHT 5'9"	WEIGHT 170	EYES BRO	HAIR BLK	DRIVER LICENSE NO. 10035462	DL STATE TEX	EXP. DATE 85
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RESIDENCE 2046 ROCKFORD	NEXT OF KIN MARIA AVALOS	SOCIAL SECURITY NO. 46229302
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TIME OF ARREST 1:15pm	DATE OF ARREST 1/21/83	TIME BOOKED 11:30 PM	BOOKING OFFICER J. [Signature]	VEHICLE
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ARRESTING OFFICER(S) M. LLOYD	EMP.# 535	TRANSPORTING R. VELAZQUEZ	EMP.# 107	DISPOSITION OF VEHICLE	VEHICLE LICENSE
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LOCATION OF ARREST 1001 S. PORT	TYPE OF PREMISES NIGHT CLUB
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VIOLATION Public Intoxication	BEAT 125	NOTIFY	BEFORE RELEASING
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NARRATIVE: While working off-duty the above subject asked me if he could talk to me. He then said if I knew Enrique Garcia, the police officer that was shot last year. He then says that he was glad that the officer was shot and that officer Garcia should have been killed. ~~After~~ write he spoke I (over)

ADDITIONAL OFFENSE REPORT WRITTEN YES <input checked="" type="checkbox"/>	BOOKING APPROVED BY: [Signature]
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*CHANGE OF ARREST SUPPLEMENT*	55223810	PROPERTY RECORD
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CHARGE AFTER INVESTIGATION	AMMUNITION	KEY(S)	RING
OFFICER CHANGING CHARGE(S)	Belt	KNIFE	SWEATER
DATE	TIME	LIGHTER	TIE CLASP
CHARGE AFTER INVESTIGATION	CIGARETTES	MEDICINE	TOBACCO
OFFICER CHANGING CHARGE(S)	CLOTHING	MONEY CLIP	TOOLS SMALL
DATE	TIME	COMB	WATCH
CHARGE AFTER INVESTIGATION	DRIVER LICENSE	NECKLACE	OTHER
OFFICER CHANGING CHARGE(S)	EAR RINGS	NECK TIE	
DATE	TIME	GLASSES	PAPERS
CHARGE AFTER INVESTIGATION	GLOVES	PEN-PENCIL	2334, 132
OFFICER CHANGING CHARGE(S)	HAT OR CAP	PURSE	
DATE	TIME	CREDIT CARD(S)	RAZOR
CHARGE AFTER INVESTIGATION	TOTAL CASH	NO OF CHECKS	FOREIGN CURRENCY
OFFICER CHANGING CHARGE(S)		VALUE OF CHECKS	

PRISONER'S SIGNATURE WHEN BOOKED X Carlos Deluna	
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TELEPHONE NUMBER 852-8266	TIME OF CALL 12:22 AM	NAME OF PERSON TO BE CALLED mother	COMPLETED YES	SIGNATURE [Signature]
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TOTAL FINE 277.50	PAID 177.50	TIME SERVED 30.00	REL. TO PAY	DUE DATE 2-1-83	CASH BOND 113.00	SURETY BOND	RECOGNIZANCE
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TRANSFERRED TO COUNTY ON CHARGE	TRANSFERRED BY	EMP#	SIGNED OUT BY M. Escobar	EMP# 668
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OTHER DISPOSITION (OR) REMARKS F.P.# 15890 CB# 3077	IN: RT. INDEX FINGER	OUT: RT. INDEX FINGER
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PRISONER'S SIGNATURE ACKNOWLEDGES PROPERTY RECEIVED WHEN RELEASED Carlos Deluna	RELEASED DATE: 1-22-83 TIME: 2:00 PM
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noticed that his breath had a strong odor of an alcoholic beverage, he swayed from side to side as he stood and his speech was very slurred. Subject as if I wanted to fight about the conversation he just had with me. I then had the subject step outside the night club and arrested him for public intoxication and for disorderly conduct. He was then transported to the city jail where he was turned over to the booking desk personnel.

JAN 21 11 30 PM '63

OFFENSE REPORTED <b>Capital Murder</b>		LOCATION OF OFFENSE <b>2602 S.P.I.D.</b>		OFFENSE RECLASSIFIED TO				
DATE OF OFFENSE <b>2-4-83</b>	DATE OF SUPPLEMENTARY <b>2-8-83</b>	VICTIM'S NAME <b>Lopez, Wanda Vargas</b>			V T Res E E C L Bus			
WITNESSES	1	ADDRESS CHECKED	PERSON CONTACTED	HOME ADDRESS	T E L Res E L Bus			
	2				T E L Res E L Bus			
SUSPECT	RACE/SEX	AGE	HGT	WGT	HAIR	EYES	CLOTHING DESCRIPTION	ARREST SHEET NUMBER
	IDENTIFYING CHARACTERISTICS			NAME (L.F.M)		DOD	HOME ADDRESS	
SUSPECT VEHICLE	LICENSE	STATE	YEAR OF VEHICLE	DESCRIPTION				
Witnesses and suspects not named above should be identified and listed before beginning narrative								
MCI INDEX								

On 2-4-83 at approximately 8:10 p.m. we monitored an armed robbery in progress at the Shamrock gas station, 2602 S.P.I.D. We advised our dispatcher we were going to assist and we headed in that direction from 286 and Horas Rd.

We went directly to the neighborhood area behind the gas station via 358 and Kostoryz, since the suspect had reportedly fled to that area. Suspect was described as a hispanic male, 5'7 to 5'9" tall, wearing a light colored shirt and dark pants.

Together with numerous police units, we began a search of the area behind the service station, along the 2900 blk of Nemec St. Another broadcast on the police monitor indicated that a subject had been seen running east along the 2900 blk of Nemec and we immediately parked our vehicle and began a foot search in the area of Franklin and Nemec Sts. Report also said subject had crawled underneath a truck in that area.

ORIGINAL INVESTIGATING OFFICER <b>Bo</b>	REPORT TYPED BY <b>Cardona #526</b>
REVIEWING SUPERVISOR <b>Available's Prot. 1</b> <b>Ruben RIVERA</b>	STATUS: FILED WITH <input checked="" type="checkbox"/> DAD <input type="checkbox"/> CA <input type="checkbox"/> JP <input type="checkbox"/> MC <input type="checkbox"/> RIP <input type="checkbox"/> UTP <input type="checkbox"/> CONFESSION <input type="checkbox"/> INDEXED <input type="checkbox"/> SUPERVISORY REVIEW <input type="checkbox"/> INSUFFICIENT EVIDENCE <input type="checkbox"/> OTHER <input type="checkbox"/>
PROGRESS REVIEW DATE <b>2/25/83</b>	
SUPERVISOR'S INITIAL <b>RDR</b>	

REPORTED <b>Capital Murder</b>		LOCATION OF OFFENSE <b>2602 S.P.I.D.</b>		OFFENSE RECLASSIFIED TO				
DATE OF OFFENSE <b>2-4-83</b>		DATE OF SUPPLEMENTARY <b>2-8-83</b>		VICTIM'S NAME <b>Lopez, Wanda Vargas</b>				
WITNESSES	1	ADDRESS CHECKED	PERSON CONTACTED	HOME ADDRESS	TYPE Res Bus			
	2				TYPE Res Bus			
SUSPECT	RACE/SEX	AGE	HGT	WGT	HAIR	EYES	CLOTHING DESCRIPTION	ARREST SHEET NUMBER
	IDENTIFYING CHARACTERISTICS			NAME (L.F.M)		D.O.B	HOME ADDRESS	
SUSPECT VEHICLE	LICENSE	STATE	YEAR OF VEHICLE	DESCRIPTION				
Witnesses and suspects not named above should be identified and listed before beginning narrative								
MCI INDEX								

As we approached a pick up truck parked on Franklin St. About 40-50 ft. north of Hemec, we saw some movement underneath it. I directed my flashlight towards the underneath of said truck and saw a male subject. Subject was laying in a pool of water and wore no shirt. I yelled at him from about 20 feet to come out with his hands up as I hit the prone position in the middle of the street. A police dept Officer M.D. Schauer #684 immediately came to assist as I asked Officer Vargas to call for additional assistance. Officer Schauer and myself pulled subject out from underneath the truck and was handcuffed for everyone's safety. Subject wore no shirt, black pants, in his 20's, with wavy black hair, about 5'9" tall, soaked wet. Wet paper currency and a wallet were found in subjects possession. Subject was identified as Carlos Daluna, 3-15-62, by city police officers. Subject was left in custody of the city police department. Myself and Deputy Vargas left the scene at approximately 9 p.m. 2-4-83.

ORIGINAL INVESTIGATING OFFICER		REPORT TYPED BY <b>Cardona #526</b>	
REVIEWING SUPERVISOR <b>Constable's Office Prct. #1</b>		STATUS: RTP <input type="checkbox"/> UTP <input type="checkbox"/>	
REPORTING OFFICER <b>R. Rivera/Carolyn Vargas</b>		FILED WITH DA <input checked="" type="checkbox"/> CA <input type="checkbox"/> JP <input type="checkbox"/> MC <input type="checkbox"/>	
CONFESION <input type="checkbox"/>		INDEXED <input type="checkbox"/>	
INSUFFICIENT EVIDENCE <input type="checkbox"/>		OTHER <input type="checkbox"/>	
PROGRESS REVIEW DATE	<b>2/23/83</b>		
SUPERVISOR'S INITIAL	<b>RDA</b>		

REPORTED OFFENSE <b>Capital Murder</b>	LOCATION OF OFFENSE <b>2602 S.P.I.D.</b>	OFFENSE RECLASSIFIED TO
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DATE OF OFFENSE <b>2-4-83</b>	DATE OF SUPPLEMENTARY <b>2-8-83</b>	VICTIM'S NAME <b>Lopez, Wanda Vargas</b>	Y I E C L B J S
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WITNESSES	1	ADDRESS CHECKED	PERSON CONTACTED	HOME ADDRESS	Y I E C L B J S
	2				Y I E C L B J S

SUSPECT	RACE/SEX	AGE	HGT	WGT	HAIR	EYES	CLOTHING DESCRIPTION	ARREST SHEET NUMBER	
	IDENTIFYING CHARACTERISTICS						NAME (L.F.M)	DOB	HOME ADDRESS

SUSPECT VEHICLE	LICENSE	STATE	YEAR OF VEHICLE	DESCRIPTION
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Witnesses and suspects not named above should be identified and listed before beginning narrative

MCI INDEX							
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With reference to above offense, upon initial contact with suspect I yelled at suspect to come out from underneath the parked pick-up truck from a distance of about 20 feet. I heard suspect yell, "Don't shoot me, I give up." I then approached the truck cautiously on the curb side of the street and with the assistance of Officer Schauer from the City Police Dept., I proceeded to pull suspect from underneath said vehicle. Once suspect was placed on the prone position, clear from the truck, he again repeated, "Don't shoot me, you've already got me." Once handcuffed, Officer Schauer and myself assisted suspect to his feet and walked him to a city patrol unit. During this walk, subject mumbled something not understandable; he smelled strongly of some type of alcoholic beverage, and seemed unsteady while walking. Suspect had no shirt, and was completely wet; seemed exhausted and appeared to be rather nervous. City police took custody of him after that, and continued the follow up.

ORIGINAL INVESTIGATING OFFICER	REPORT TYPED BY <b>Cardona #526</b>
REVIEWING SUPERVISOR <b>Constable's Prec. #1</b>	STATUS: FILED WITH DA <input checked="" type="checkbox"/> CA <input type="checkbox"/> JP <input type="checkbox"/> MC <input type="checkbox"/> SUPERVISORY REVIEW <input type="checkbox"/>
REPORTING OFFICER <b>Ruben Rivera #114</b>	RTP <input type="checkbox"/> UTP <input type="checkbox"/> CONFESSION <input type="checkbox"/> INDEXED <input type="checkbox"/> INSUFFICIENT EVIDENCE <input type="checkbox"/> OTHER <input type="checkbox"/>
PROGRESS REVIEW DATE <b>2/23/83</b>	
SUPERVISOR'S INITIAL <b>RRT</b>	

OFFENSE REPORTED CAPITAL MURDER LOCATION OF OFFENSE 2602 South Padre Island Drive OFFENSE RECLASSIFIED TO

DATE OF OFFENSE 02-04-83 DATE OF SUPPLEMENTARY 02-04-83 VICTIM'S NAME Lopez, Manda Vargas V T E L Res 884-1194 Bus 853-4952

WITNESSES 1 ADDRESS CHECKED PERSON CONTACTED HOME ADDRESS T E L Res Bus 2

SUSPECT RACE/SEX AGE HGT WGT HAIR EYES CLOTHING DESCRIPTION ARREST SHEET NUMBER N/M 20 5'7"-9" blk. brn. no shirt, dark pants C-81177

IDENTIFYING CHARACTERISTICS NAME (F.M.) DeLuna, Carlos DOB 03-15-62 HOME ADDRESS 2046 Rockford

SUSPECT VEHICLE LICENSE STATE YEAR OF VEHICLE DESCRIPTION

Witnesses and suspects not named above should be identified and listed before beginning narrative.

Table with columns: MCI INDEX, 114, 117, 119, 120

Responded to the Shamrock Station, 2602 South Padre Island Drive, for an armed robbery in progress. As we arrived, I observed the clerk lying on her left side in front of the door. She was covered with blood, and there was also blood on the sidewalk and door. Unit #127A, Officer Najia #681, arrived a few seconds after we did, and I advised him to secure several witnesses who were standing in the parking lot. Officer Najia contacted the witnesses and placed a short BOLO out on the suspect, who was last seen running north from behind the Phase III club. Officer Najia generated a supplementary report on his witnesses' statements. Officer McCoy #940 secured the front door of the station, and I tried to stop the bleeding that was coming from a small wound just under her left arm. The victim was breathing very erratically and did not respond to any questions. AID Ambulance arrived at the scene and started working on the victim. Sgt. Escobedo #288 arrived, as did Lt. McConley. Sgt. Escobedo conducted the search inside the store. Officer Najia advised me, at this time, that some witnesses had seen the suspect drinking some beer when he was in the rear of the station. We searched the area and found two lite beer cans in the grass, which were photographed by I. B. Officer Infante and taken to the station by him. Infante also photographed the scene and printed the door and the inside of the station. At this time, we were notified by the dispatcher that Unit #125, Officer Schauer #684, was

ORIGINAL INVESTIGATING OFFICER REPORT TYPED BY #733 REVIEWING SUPERVISOR Lt. McConley #262 REPORTING OFFICER Sgt. S. Fowler #149 STATUS FILED WITH DA CA JP MC CONFESION INDEXED SUPERVISORY REVIEW INSUFFICIENT EVIDENCE OTHER

PROGRESS REVIEW DATE SUPERVISOR'S INITIAL

830204-144

2714

OFFENSE REPORTED **CAPITAL MURDER** LOCATION OF OFFENSE **2602 South Padre Island Drive** OFFENSE RECLASSIFIED TO

DATE OF OFFENSE **02-04-83** DATE OF SUPPLEMENTARY **02-04-83** VICTIM'S NAME **Lopez, Manda Vargas** V T C L Res **884-1194** Bus **883-4952**

WITNESSES	1	ADDRESS CHECKED	PERSON CONTACTED	HOME ADDRESS	T E L Res
	2				T E L Res

RACE/SEX AGE HGT WGT HAIR EYES CLOTHING DESCRIPTION ARREST SHEET NUMBER **C-81177**

IDENTIFYING CHARACTERISTICS NAME (S.F.M) **DeLama, Carlos** DOB HOME ADDRESS

SUSPECT VEHICLE LICENSE STATE YEAR OF VEHICLE DESCRIPTION

Witnesses and suspects not named above should be identified and listed before beginning narrative.

MCI INDEX							
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enroute to the scene with a possible suspect. At the scene, the suspect was positively identified and transported to the City Jail. Officer McCoy and I then went to Memorial Medical Center, where we were notified that the victim, Manda Lopez, had expired at 9:52 p.m., and was pronounced dead by Dr. Arringdale. While at the hospital, I turned the victim's purse and sweater over to Pat Hickey, R. N., who placed it in the victim's personal property. The victim's information is as follows: Manda Vargas Lopez, age 24, BOB 08-26-58. Her address is 2418 Cleo, phone 884-1194. The victim's parents were at the hospital also. The store was turned over to Mr. Pete Gonzalez, the district manager of Shamrock. He can be reached at the main office, 702 McBride, phone 288-1484, or his residence, 3913 Raynos, phone 852-1545. I was notified by Sgt. Escobedo #788 that a weapon had been recovered inside the store itself. The weapon was also taken in by Sgt. Escobedo. Crime scene diagram is attached.

ORIGINAL INVESTIGATING OFFICER	REPORT TYPED BY: <b>#733</b>
REVIEWING SUPERVISOR	STATUS
REPORTING OFFICER: <b>Lt. McCauley #262</b>	FILED WITH DA <input type="checkbox"/> CA <input type="checkbox"/> JP <input type="checkbox"/> MC <input type="checkbox"/> CONFESSION <input type="checkbox"/> INDEXED <input type="checkbox"/> SUPERVISORY REVIEW <input type="checkbox"/> INSUFFICIENT EVIDENCE <input type="checkbox"/> OTHER <input type="checkbox"/>
PROGRESS REVIEW DATE:	
SUPERVISOR'S INITIAL:	

OFFENSE REPORTED <b>Capital Murder</b>		LOCATION OF OFFENSE <b>2602 SPID</b>		OFFENSE RECLASSIFIED TO				
DATE OF OFFENSE		DATE OF SUPPLEMENTARY <b>3/17/83</b>		VICTIM'S NAME <b>Lopez, Wanda</b>				
WITNESSES	1	ADDRESS CHECKED	PERSON CONTACTED	HOME ADDRESS	V T E L R e c o r d			
	2				T E L R e c o r d			
SUSPECT	RACE/SEX	AGE	HGT	WGT	HAIR	EYES	CLOTHING DESCRIPTION	ARREST SHEET NUMBER
	IDENTIFYING CHARACTERISTICS			NAME (L.F.M.) <b>Belma, Carlos</b>		DOB	HOME ADDRESS	
SUSPECT VEHICLE	LICENSE	STATE	YEAR OF VEHICLE	DESCRIPTION				
	Witnesses and suspects not named above should be identified and listed before beginning narrative.							
MCI INDEX								

On 03-17-83 reporting officer contacted the owner, Mr. Wayne Weychoff at YKLARK, 4920 Bear Lane, telephone number, 684-4065, at this time I learned that the suspect's step-father, Elias Avalos is employed by YKLARK and that prior to Belma being paroled, Mr. Avalos had contacted Mr. Weychoff and asked him if he would employ Belma if he were to be paroled. Mr. Weychoff agreed and stated that he had even written letters to the board confirming employment upon Belma's release. Mr. Weychoff states to me that Belma began to work for his company on January 21st, 1983. That Belma worked 4 1/2 hours on that day, on the 24th and 25th of January he worked 8 1/2 hours each day, that he was paid on Friday the 28th. That Belma worked on January the 26th and 27th a total of 8 1/2 hours, on the 28th, worked 8 hours, on the 31st of January worked 9 hours and on the 1st of February worked 8 1/2 hours. Belma was paid on the 4th of February for a total of 43 1/2 hours the amount of \$135.49. This was paid by check. That Belma worked on February 2nd and 3rd a total of 8 1/2 hours, and February 4th worked 3 1/2 hours for which he received a total of \$68.13. That he received this check on February 11th. Mr. Weychoff advised me that the pay period is from Wednesday through Tuesday night of each week, with the workers being paid each Friday by check.

ORIGINAL INVESTIGATING OFFICER		REPORT TYPED BY	
REVIEWING SUPERVISOR		STATUS	
REPORTING OFFICER		FILED WITH DA <input type="checkbox"/> CA <input type="checkbox"/> JP <input type="checkbox"/> MC <input type="checkbox"/> WTP <input type="checkbox"/> UTP <input type="checkbox"/> CONFESSION <input type="checkbox"/> INDEXED <input type="checkbox"/> SUPERVISORY REVIEW <input type="checkbox"/> INSUFFICIENT EVIDENCE <input type="checkbox"/> OTHER <input type="checkbox"/>	
PROGRESS REVIEW DATE	<b>Det. G. Escobedo, 1308</b>		
SUPERVISOR'S INITIAL			