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Karen Boudrie-Evers Interview Transcript

01:21:55

(shot of Karen Boudrie, seated)

JSL: Today is Monday, February 28th, 2005, we're near the Dallas Fort Worth airport, and we're here with Karen Boudrie-Evers. Karen, if you'd just tell us your name, and give us a bit of a biography, including your work history.

01:22:20

Karen Boudrie Evers: My name is Karen Boudrie Evers. In 1983 I went to work for my first television job in Corpus Christi, Texas, at the CBS affiliate, KZTV. I worked there for a couple of years, then I moved to the NBC affiliate in Corpus Christi, Texas. So I was there for a total of six years, until 1989. Then I moved to Georgia to start up a television station in Georgia as the news director and main anchor there. And after a couple of years I moved to New Orleans to work at the FOX affiliate in New Orleans, where I worked on-air as an anchor and reporter for about nine and a half years. Then I got out of TV news and started my own public relations and advertising and video company, which I've been running for the past three years now. It's still in New Orleans, primarily.

01:23:27

JSL: Would you describe your work as a news reporter in Corpus

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Christi. Just tell us the kind of things that you did there.

01:23:38

KBE: Probably the majority of the time in Corpus Christi as a reporter, I was a beat reporter covering police and courts. I covered City Hall for a while, and various general news. But one of the reasons I was hired away from one station was for the courts and the police contacts I had made, so that was kind of my *forte*. I started my day as a police beat reporter at the police station. Before I even went into the office, would start at the Corpus Christi police station, or the courthouse, depending on what month it was. For a while I would do courts, or police, or both. I would cover an event as it happened, when the police were on the scene, then end up covering the trial, following the process through. Which wasn't the case with Carlos DeLuna, because that crime happened right before I got there in Corpus.

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JSL: Over the course of your work in Corpus Christi, how many capital trials did you cover?

01:24:55

KBE: Gosh, I wish I knew the actual answer. But a number of capital murder trials I watched and covered. And then in New Orleans, covered a number of capital murder trials as well, and noticed the differences in what constitutes a capital trial in

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Louisiana versus Texas versus Georgia. But I must say that Carlos DeLuna's trial was my very first trial of any kind. I paid, I guess, extra attention, because it was so fascinating to me. It was the very first trial I ever covered as a journalist.

01:25:40

JSL: Would you, maybe just as an introduction, describe the effect of the Carlos DeLuna case, from beginning to end, the impact it had on your career, your thinking.

01:25:58

KBE: As I said, being a novice, really, at the time I was covering Carlos DeLuna's, I was kind of like a sponge, soaking up everything. It was kind of like a deer in the headlights, in watching this process and just learning. I had a tendency, I think, at that time, to be very much believing of the prosecution, not wanting to question it as much. I didn't understand what Brady material was and things like that, that I might have dug a little bit harder down the road. In that respect I was very green covering the trial itself, but I found it very, very fascinating. And I think it moved me and it had an effect on me, in the sense that, not only . . .

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KBE: It wasn't your run-of-the-mill murder trial, not that any of them are. I've covered so many since then. And I can say that,

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not simply because it was the first, but because it was one of the more moving to me, and I guess interesting. Partly, I think, because of the punishment phase. That part of the trial, I'll never forget.

01:27:23

KBE: As I continued, and had the opportunity to continue to follow the case over the years. I met Carlos DeLuna on Death Row a year after he had been sentenced. Went up to Huntsville. I remember the only way we could go -- the station couldn't afford, didn't have a big budget. My photographer had relatives nearby. We stayed with his relatives in order to make this trip happen. I had no idea what to expect. I wasn't sure whether I'd be in a room with him, or if there'd be guards all around. It was very interesting, because here's, for the first time, after covering this trial about someone who everybody called this heinous person, this woman-hater, this violent person. And I'm sitting face-to-face, with glass about this thick, from him. And he kind of seemed like an average, nice guy in some respects. And you have to keep telling yourself, this is the guy they were telling me about a year ago is horrible. It was interesting to see him in that light, to see him more as a human being, not just this caricature of himself that was portrayed in the trial. To sit down and have a conversation with him was very interesting.

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KBE: After that first meeting, Carlos began to write to me. He had my address at the station, because I had to write to him to request the interview, to get on his list, and whatnot. So he began to write to me.

01:29:04

KBE: At first it was kind of an eerie thing. Everyone, "Oh my gosh, this Death Row inmate is writing to you, and that's kind of freaky and weird." But I found it interesting, just to see what he had to say, the questions he asked. I was kind of fascinated by the whole thing, to learn more about him as a person, what he was going through, what was happening with his appeal. And as a journalist, I wanted to keep that connection going. I thought, maybe one day I'll be the person he reveals some deep, dark secret to, perhaps, and just continue to stay connected as this case developed. I figured this would be years and years before the appeals were exhausted.

01:29:56

KBE: I remember at one point, too, there was a death date set. And he came back to Corpus. I actually got to talk with him briefly in the hallway. I think one of the prosecutors or somebody had let me get close to him. They were holding him in a back room and I got to talk with him briefly. Then, I don't know,

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I guess it was a couple years later, or a year or two later. He had received a stay at that point. I went up to interview him again on Death Row. This was, I believe, another time that he did actually have a stay. We went to the death house and took pictures of the gurney and showed where he would be. You just can't help but be moved or affected by that. To realize that we're talking about this man's life. Did we dot all the *i*'s and cross all the *t*'s in this case?

01:30:50

KBE: Every time I talked to Carlos, and in every letter, he talked about how his life had gone astray but he always denied committing this crime. Of course, as a journalist, everyone around you's saying, "Oh, come on, Karen, they all say that. They all say that. You're naive, you're green." So I had doubts. I had doubts about myself as far as, are you too green? Are you believing this guy because you haven't been around the block enough? But as the years progressed and I had covered more trials and got a little more experience under my belt, I realized that there was something happening with Carlos. One of things was just kind of a connection.

01:31:35

KBE: I remember him saying, "Karen, you're the only one who treated me like a human being. You're the only one that ever had

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just a little bit of compassion for me, and wrote back to me, and just treated me like a human being." Everybody else just seemed to -- as far as the system or people he came into contact with that weren't prosecutors or defense attorneys -- that treated him as a human being.

01:32:00

KBE: That meant something to me as a journalist, because people think of us as just these cold people who have no feelings. We go out and we just want to ruin people's lives and report all the disaster and all the mayhem out there and not ever put it in a context of humanity, so to speak. That meant something to me. So, through the years, Carlos continued to write. I was not a very . . . I didn't write him back. He probably wrote me more than I wrote to him. Just because life gets busy, and you know how that goes. He would sort of pop up again, and you'd hear something about his appeal. Then he'd come to the forefront and come to my mind again, what really is happening? Towards the early part, the mid part of 1989 I was getting ready to leave Texas to go to a new job in Georgia. That's when we found out that Carlos had received a new death date, which I believe was December 7th, 1989. He had written to me and asked me to be a witness at the execution. I thought about it, but there were a number of reasons I couldn't do it. The least of which was the

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time, right the week or two prior, I was moving and leaving Texas. To come back would have been tough, logistically and financially, for me. And then I wasn't sure if it was something I could handle. I thought I was pretty strong, and I'd seen so many things as a reporter. But I don't think that was something I could handle.

01:33:40

KBE: I started to look at Carlos a little differently over the years. Maybe he was not this monster they made him out to be. I started to see him more as a human being, and I didn't want to see him put to death. Also, about at the time, I started feeling a little bit guilty that I hadn't tried harder to maybe do some more stories, make some more noise, or write about this, do something, say, "Why are they putting somebody to death? Why were the wheels of justice in Texas, in particular, at that time, moving so swiftly for this man versus some of these other people who'd been there ten years longer than Carlos?" I guess that's why, also, in the back of my mind, I kept thinking, he'll get a stay, this isn't going to happen. But it just moved so quickly, I couldn't believe it. Part of me still feels guilty to this day that I didn't step up and say, as a journalist, there's some doubt here, and maybe we ought to take a closer look at this. And I never got that chance.

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KBE: Carlos wrote to me and asked me to be the witness at his execution, and I did say no, I didn't think I could do that. But he did ask for my phone number, and asked, "Could I call you some time?" He asked for my phone number in Ohio. I was going to Ohio to spend a few weeks before I started my new job in Georgia. So he had that phone number. So he did end up calling me, I guess it was just an hour or two before his execution. He told me that I was his last phone call.

01:25:30

KBE: Imagine getting that phone call from him. Thinking, this man is about to die, why did you choose me as the last person to talk to aside from the people that, obviously, would be around there. Then this overwhelming feeling of, "What do I say to this man? How do I comfort him? Should I comfort him? What is my role here? What am I supposed to do?" Sort of a feeling of helplessness, really. So I let him do a lot of talking. I gave him the opportunity, ever the journalist, to say anything he wanted to say, to get it off his chest. If he wanted to admit that, after all this time, "Yeah, I did commit this crime." I said, "Carlos, is there anything you want to tell me? Do you want to tell me anything about what really happened?" He said, "No, they're putting to death an innocent man." And I think at that point it really hit me that maybe they were. He had nothing to lose at

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this point. Maybe get it off his chest and tell one human being. He chose me to be last person to talk with -- why wouldn't he tell me? I'm the person he supposedly trusted. Did he want to take it to his grave, or was he really telling the truth? I found it interesting that, given that situation, that if he was guilty, why wouldn't he just say so? Because of his whole demeanor and the way he changed over the years, I felt it was something he would have wanted to do had he committed the crime.

01:37:29

KBE: He had always admitted other wrongs, the ways his life had gone astray, getting in with the wrong crowd. We talked about that a little bit in that last conversation as well. But he never admitted that one crime for which he was dying for. Again, what do you say to someone who's about to die? I'm not clergy. I don't profess to have some great wisdom. Just being someone that had been there and listened to him, I hoped I was somewhat comforting to him, just to talk to him and listen to him. For many, many years I never talked about it. I kept a file. This *(holds up stack of papers)* is some of what's in that file: a number of the letters he wrote to me, a card he made for me after the first visit, notes that I had written and taken, especially after that phone call. Because I knew I didn't want to forget that conversation, that maybe one day there would be a time to

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talk about it. But for many, many years I didn't talk to anybody about it. I didn't go call the newspapers and say "I'm the last person that talked to him, don't you want to interview me?" and try to be some media darling or something, the journalist who spoke to the Death Row inmate before he died. That wasn't what I was aiming for. Again, I didn't talk about it for years.

01:39:20

KBE: I find it encouraging that you all are here doing this, to think that maybe Carlos was being truthful. I'm hopeful at that. But at the same time disheartened to think that everybody let this happen. That we all let this happen, perhaps, to somebody that didn't deserve to die. And I'm just as guilty as the next person, really, in the sense that I could have done more, could have done something. This case affected me. Before, I was all for capital punishment, and thought it was As murders go, I've seen and read and covered even more brutal and heinous crimes than this one in particular. There were many times I thought, "That person needs to be put to death." But over the years it's changed for me. This case has done that. If we put to death one innocent man, then what's the point? We can put him away for life, but you can't say "oops, we goofed" after someone's been put to death. I hope that this does make a difference for, perhaps, the next person that might be in this situation. But I

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do feel a little guilty that I didn't try harder to help Carlos.

01:41:22

KBE: I was mixed. Years later, ended up living next door to the prosecutor, Steve Schiwetz. He was my next door neighbor. And there were so many days Rene Rodriguez ended up being my attorney in a case. And I covered the civil trial involving the Diamond Shamrock and Wanda Lopez's family. I covered that.

01:41:50

KBE: This case never seemed to let go of me. All those years I was in Corpus, there were connections. There were appeals, I would follow the case itself as a reporter. But different aspects of it, these people that were involved, always seemed to crop up in my life in one way or another. Steve Schiwetz and I would go round and round about it. We'd talk about it. He'd tell me Carlos was a predator, he was a woman-hater. He was so convinced and convincing that Carlos was this evil person that we had put to death. He was so convinced, and I liked Steve and I thought Steve was a good prosecutor. At that time I had nothing to compare it by. But he was impressive. I had very mixed emotions through the whole thing, because of wanting to believe these people that the state had entrusted to make those decisions for us, deciding who to put to death, and deciding what evidence they were going to use and what witnesses. When they put on, in the death penalty phase,

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the 57-year-old woman that Carlos supposedly tried to rape, in my opinion, that sealed his fate. That one person's testimony sealed his fate as far as whether he would get life or death. She was the most pathetic-looking woman you would ever want to see. I can't even remember her name, I'm sorry. But she was the friend's mother that he supposedly tried to rape after being out for only six weeks.

01:43:40

KBE: And you just thought, anybody who would want to touch this woman and harm this little She seemed elderly; she was only 57. She was just very frail and pathetic-looking. And you thought anybody that could harm a hair on this woman's head had to be a monster. So they were very effective in portraying him as someone that just had to be removed from society, not just locked up but put to death. Someone like this was unredeemable and deserved to die, we need to be finished with him. Many of us sat there watching this thinking, yeah, yeah, he needs to be put to death. But over the years I did see a change. Carlos was really cocky throughout his trial, and that didn't help him either. He was just cocky. When you'd watch We'd go down every day to watch him coming through the tunnel. They have a tunnel from the jail to the courthouse. We could go down, and there were three little windows, one from each camera from each station.

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We'd get our spot, and we'd get him coming down each day. You really couldn't get any sound, but it was the only video we could really get of him. He would swagger every day down the hall. He would talk and joke, and be talking with the guard that was escorting him. He didn't look like someone that was remorseful, facing this potentially life-ending ordeal in court. He just seemed like a . . . I can't think of the best way to describe it. But anyway, he was different back then as far as his demeanor, and he was kind of cocky.

01:46:00

KBE: Of course, the first time I met him on Death Row, he was much more subdued. He had found God, and I said, "Oh, yeah, I believe that." But he really was so much more subdued, so much calmer in his demeanor. He didn't seem terribly anxious. I think he was confident that his appeals were going to work for him, I guess. After that first encounter, he sent me a card that he made.

(holds up card with a picture of a rose on the front) He sent me this card and he said, *(reads)* "When I first came to prison, then when I ended up on Death Roll." He didn't even know he was on Death Row. He was on Death Roll, R-O-L-L, to him. So I thought, when I got this card, I started thinking, someone like him, he never had a chance. He didn't have much of a chance in life, obviously. When you heard his background and the type of family

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life he came from, it was so far removed from my life. It was hard for me to fathom. I really tried to put myself in his shoes and think a little bit more about what it was like to be Carlos DeLuna and what he had to face in life versus what my lot in life is. I thought, he's not very educated, here he is, he winds up here, and he doesn't even know where he is.

01:47:55

KBE: But later, as you see through these letters, he gets his G.E.D. on Death Row, and he started taking college classes. You watch and you can see how he changed. Not only he became more educated, somewhat more compassionate, more aware, more articulate in his letters. Does that mean we should let him out of jail and say ok, he's better than he was, let's let him free? No. But it does go to show that there are people who can change. Does that mean we should have put him to death? Could he have stayed behind bars and helped other inmates? Was his life worth something? Could it have been worth more? I think so. All you have to do is look at this (*points to letters*) and see. Does that mean that he was a killer who transformed, or does that mean he was never a killer to begin with who transformed. I'm not sure, and maybe I'll never be sure. But I think that last phone call from him will always convince me, or has made me believe and really want to believe, that he was innocent. Because what did he have to lose

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by telling me or not telling me?

01:49:39

JSL: Start with that last phone call. You say it came within a couple hours of his execution.

01:49:50

KBE: 10:50 p.m., which was -- I was an hour ahead, and I remember him telling me, he said, "At one a.m. your time the process will begin." So he was an hour and ten minutes from midnight in Texas at that time. So it was just a little over an hour before his execution.

01:50:16

JSL: Were his appeals over at that point?

01:50:20

KBE: Yes. He informed me that his last attempt had been denied, I believe late that evening. He informed me that that was it, everything had been exhausted, there were going to be no further stays. He knew that this was it, there was nothing else.

JSL: What did that suggest to you about the likelihood that at a that point he might want, need to be honest with you as he was approaching the end?

01:50:59

KBE: I felt there were things he wanted to get off his chest, and he did. I wasn't family, I wasn't clergy, but I was more of an

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objective observer who he felt comfortable telling things to because I was objective, and I wasn't automatically dismissing everything he said as a typical inmate trying to save his butt at the last minute, or one who's found religion, like they all have. He knew I would be objective with the information that he shared with me, and he shared with me quite a bit. But again, he still denied. He knew he had an hour, a little over an hour to live. He knew there was no hope of any last minute stay or reprieve for him.

01:51:53

KBE: I asked him point-blank, "Do you have something you want to confess to me? Do you have something you want to tell me, Carlos?" He said, "No, I didn't commit this crime that they're killing me for." But he said he had made peace. He said, "There's nothing I can do." He admitted that he was scared to die, but he said he wasn't going to fight it, he wasn't going to go kicking and screaming. I remember him telling me to tell his sister that he loved her, and that it would be ok for her to talk to her. I asked him, I said, "One day, I don't know when, Carlos, but I'd like to write about you and this." He gave me his blessing for that, and said I could talk his sister and his family in Dallas if I wanted to.

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KBE: He talked a little bit about being the black sheep, and admitted some things that he had done, getting into trouble in the past. Wished that his life had gone differently, that he had gotten in with a different crowd and had a different upbringing, so to speak. Again, he had the perfect opportunity to cleanse his soul and tell somebody, get it off his chest. I might have been the perfect person for that, and that didn't happen. And I asked him. I don't think he had anything to tell me other than what he told me. There was nothing to admit to. I believe that.

01:53:55

JSL: Did that affect you at that time? Do you remember how you felt?

01:54:01

KBE: Oh, I was devastated. I remember hanging up the phone and just grabbing my mother and just crying and crying. She and I just fell down, just sat down on the floor and just cried and cried. I said I really didn't think this was going to happen so soon. That I couldn't believe it was happening, I couldn't believe that he called me. The whole thing was overwhelming, and I was just feeling guilty again that I hadn't done more to help him. I kept thinking I could have written him more, just everything. I could have stood up, I could have protested out front, I could have pounded on the governor's mansion, anything.

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Done more stories, gotten more attention, tried to raise money for better to get legal counsel. There's any number of things I could have done. But it probably wasn't until that last phone call that I really, truly believed him. Maybe if I had had an opportunity to have some kind of revelation like that at an earlier time, maybe I would have jumped on board on his behalf and tried to do more. But it was too little, too late, and that was a very frustrating feeling.

01:55:33

KBE: And yet, at the same time I felt good that he felt comfortable enough with me to be the last person he talked to. He could be thinking of that as he went through the process of dying. But then this day, you think, it should have been somebody else. I'm sure I said all the wrong things. It's just one of those things where I will have mixed feelings about it for the rest of my life and can feel very emotional about it. I'm sure if I talked to Wanda Lopez's family I would perhaps have different emotions at that end of the spectrum as well. It's been a number of years now, but it doesn't get any less painful or poignant. It just blows you away, really, to have this experience. In some ways, I probably still don't know how it affects me. There are things I do or haven't done yet because of it, I don't know. All I know is it's definitely changed my opinion of the death penalty,

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and at times it made it hard to cover cases down the road. I had to really close my mind to Carlos and this case to cover capital cases and try to be objective and fair.

01:57:31

KBE: And it's hard to do that. You're shaped by your experiences, and that's hard to not reflect in how you write and present yourself to the community. It's hard not to.

01:57:47

JSL: Just to locate you, you've described you been through a lot of criminal cases. You're not somebody who is a bleeding heart or an activist in this area. You do a lot of political work now, is that right?

KBE: *(affirmative)* Mmm-hmm.

JSL: Could you describe where that places you on the spectrum of the politics of Louisiana and the nation and things?

01:58:15

KBE: As I moved away from doing a lot of the police and courts things coming to New Orleans, and covered a lot of politics -- mayors' and governors' races, local and state races, and even some national political races. That was a good background, a good training field to work on campaigns as a strategist, and as a media consultant and advisor. I work with the mayor of Kenner, which is Louisiana's sixth-largest city. I worked on two of his

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campaigns and help him get elected to his office as mayor in the city of Kenner, which is just outside of New Orleans. It's a city with a 64-million-dollar annual budget, so it's quite a plum for whoever is in charge there. It's where a lot of money in New Orleans is, so to speak, out in the suburbs there. So I work on a daily basis with him.

01:59:42

KBE: I also work with a state agency called the Louisiana Airport Authority, which is very political. They're a state body that is trying to build a cargo airport. They work directly under the governor, so I will be in Baton Rouge a lot, working with lawmakers on that project. We'll go to Washington, D.C. to work with our lawmakers there. There's a lot of overlap between Kenner and some of my other political work, and on the state level. Everything from economic development to the daily operation and dealing with the media from Kenner's standpoint.

02:00:30

JSL: What party is the mayor from?

KBE: He's Republican. Conservative in most All my candidates are Republicans, if that says anything. All the candidates I've worked with are Republican, so they're very conservative. Most of them are proponents of the death penalty.

02:02:00

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JSL: In that last conversation, did Carlos ever explain anything with you about the last-minute processes he'd been through with the governor to get a stay or reprieve?

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KBE: He told me that at seven o'clock his lawyers had met one last time with the governor or the governor's staff. But it was over almost as soon as they got there. They were in at seven, out at twelve minutes after seven, it was over. He knew that was it. There was no more . . . That was several hours earlier, our conversation was taking place after ten o'clock at night. And that's the way he described it. They were in and out. I'll look, he said, *(reads off paper)* "That was it." So he knew. They don't come running in while you're strapped to the gurney and say unplug you, take him off. They don't wait for it to happen, and he knew that. He knows that. They don't wait for you to get on the gurney before making some final decision.

02:03:25

JSL: I'd like you to take us back to trial. You observed the trial. We can read the transcript and things like that, but getting a sense of what it would be like. First of all, I want to just ask you: there was some talk there at the trial about a figure, a character named Carlos Hernandez. Could you tell us what you remember about that and what impression it left about the

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existence or reality of the figure with that name.

02:04:00

KBE: I remember that's the crux of the defense, was Carlos Hernandez. Of course, the prosecution made so much of this ghost, Carlos Hernandez. "We couldn't find him, he doesn't exist." "We tried," I remember, "we tried, we exhausted all avenues to find Carlos Hernandez." And at the time I thought, I'm sure they did, they want to find the right man. In hindsight, now, after years of covering these things, I think, I wonder how hard they really tried? But I remember too, thinking, if they wanted to save his life, why couldn't they produce this guy? How difficult would it be to find this guy? I remember thinking that. And then, also, learning how many Carlos Hernandez's there were out there, and it just wasn't that easy, going through those thoughts and discussions with people. You think, why can't they produce this guy? Then people, talking about the different reasons why and, yeah, it's not quite as easy as it sounds.

02:05:24

KBE: But I know that Carlos's defense, at that point, didn't have the manpower and the money to go hire private detectives and go search for this guy. Certainly, I'm sure the state made a cursory effort and that was it. I just remember this mystery Carlos Hernandez -- does he really exist? Who is he? Did he really get

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away with this crime? And I remember thinking that, in some respects, that all they had was witness identification. I remember reporting and all the same, boy, he ran by, and whoever ran by ran by really quickly. And for people to identify him, could I do that? I don't know that I could. I mean, I'm coming to this town for the first time, being immersed in the Hispanic culture. I've never met that many Hispanic people. And I'm thinking, if I was there in the gas station and I see a Spanish guy running by, would I be able to I.D. him? I don't know. But I remember thinking that's some pretty flimsy evidence. But none of us knew at that time that there were actually conflicting witness statements. That never came out. And to hear that later just really, really bothers me. It absolutely bothers me that the defense never had the opportunity to put a case on with that as the crux of it, to really be able to attack the witness identification. But in any event, I remember thinking that that was amazing, that that's all they had. But the fact that they caught him hiding nearby, under a car, you started to think he was there, they caught him hiding nearby.

02:07:20

KBE: But I think one of the things the prosecution had going for it as well was the fact that this tape was so sensational as well, with Wanda Lopez calling the 911 dispatcher. And you can hear her

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on tape begging for her life, and screaming. The courtroom is in absolute silence, and we're all in shock, in a state of unbelievability that Why did someone have to kill this woman? She said, "I'll give you everything, I'll give you everything." She could see what was coming. It was just horrible. It was very sensational, and you could tell they were out for blood. They were going to make somebody pay for this horrible crime. It was going to be a feather in someone's cap to be able to get the death penalty in this case.

02:08:35

KBE: And as news media, we're picking this up. We're able to have great stories about this trial, because it was so sensational, and everyone wants to know what's going on. Then you get to the punishment phase and it gets even more interesting and sensational in the sense that you get to hear about the past crimes, and they have their star witness of the 57-year-old woman who claimed that Carlos tried to rape her. It was very sensational all around, from the beginning to the punishment, all around.

02:09:24

KBE: Also being my very first murder trial, so it was tenfold sensational and exciting to me, because I had never experienced anything like that before. It was very interesting to see the beginning of this trial, the end, and continue on with the process

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of appeals.

02:09:52

JSL: Let me ask you, as an objective observer at that point, -- somebody who was very attentive to what was going on, like a juror, almost, paying very close attention to what people were saying -- at the end of the day, what impression were you left with at that point about the existence or non-existence of this Carlos Hernandez?

02:10:16

KBE: I do remember thinking, why can't they produce him? Somebody didn't try hard enough. They just didn't try hard enough. Thinking Carlos's defense could have been better. But as far as . . . I just didn't know. I remember thinking, I don't want to be on that jury. I wouldn't want to be the one to decide this, because what if he's really out there and nobody ever tried to find this guy? It was hard, because they did a good job of making you believe that Carlos DeLuna committed this crime, especially when they got to the punishment phase. They did a good job of working everybody up, putting on all this evidence, bringing all these people in, playing the tape as many times as they could get away with. Saying somebody's got to pay, here's the guy, let's put him away, let's put him to death. I think that's the attitude everybody had.

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02:11:29

KBE: There were, kind of, there were jokes about Carlos Hernandez, this fictional Carlos Hernandez. He could have thought of a better alibi than that, or thought of a better story than that. But I remember I wouldn't want to be on the jury to decide this. He was hiding nearby, and he was identified by one or two witnesses who saw him for a fraction, for one or two seconds. What they had was great, titillating, sensational evidence, but they didn't have a lot for Carlos. I think everybody got caught up in it. This is a horrible crime, he must be horrible person, so let's convict him and go on to the punishment phase. Everybody was kind of on the bandwagon, so to speak.

02:12:30

JSL: At that time, did you have any doubt that there was a robbery that took place?

02:12:40

KBE: I'm trying to remember. That's strange. I don't remember very much about . . . I just remember, on the tape, her saying, "I'll give you anything," but all he wanted was cigarettes and beer, the guy at the counter. I don't remember her giving money out of the cash register. I remember thinking . . .

02:13:10

KBE: I remember the prosecution thinking, or making us think . . .

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Let's see. I remember the prosecution arguing that the reason she was stabbed was because she was identifying him to the police on the phone. But she was identifying him before a robbery took place, so there was some confusion there. I remember the beer and the cigarettes, and she was saying, "I'll give you anything," because he's got a knife there, but what was the robbery? I'm not sure.

02:13:40

JSL: You mentioned a moment ago about the prosecutor referring on multiple occasions in conversation with you that Carlos DeLuna, the person who committed this crime, was a woman hater. Where did that come from? That's an interesting perspective on this case, I'm quite interested.

02:14:04

KBE: I'm trying to think of the words he actually used. He didn't say "woman hater," but he said he had a propensity for violence against women. That all his past crimes involved violence against women, and he was a predator, I believe he called Carlos. Steve Schiwetz referred to him as a predator. And he was just convinced that he would harm other women, and continue to do this, that this was just a pattern.

02:14:40

JSL: And he was speaking about Carlos DeLuna.

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02:14:41

KBE: Right, he was speaking about Carlos. And this was years after the fact, too. We'd talk about the case, and he was just convinced.

JSL: You said he was talking about Carlos. Which Carlos?

02:14:47

KBE: I'm sorry. Steve Schiwetz was talking about Carlos DeLuna and saying that he was a predator. He was violent towards woman and that he, Carlos DeLuna, would continue, it was in his blood, and he was simply going to continue to harm women. Of course, that was part of what the prosecution portrayed him as in the punishment phase, that this would continue if we didn't put him to death.

02:15:38

JSL: I just want you to take us one more time through your impression of the eyewitnesses. How much evidence you thought was there from what the eyewitnesses themselves were able to see and do.

02:15:52

KBE: It's funny that you're asking me because . . . More so than any other trial I have ever covered, I remember where they say the witnesses were standing. I can visualize the Diamond Shamrock station as if I'm facing the front of it, off to the right. And

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there was one witness over here who says Carlos ran this way towards them, or Carlos Hernandez, whichever person they thought they saw. I can remember visualizing where they supposedly were when they saw it. I guess I was really trying to figure out what kind of a glimpse, or how long they would have really seen this person. It's funny that you ask me that, because I remember that. I remember thinking, and being out there, shooting the store myself, standing where they were and thinking, how good a look of them would they have gotten at night, and this is kind of flimsy. I remember putting myself in their shoes and trying to get a perspective of how they would have seen him and what kind of look they would have gotten. I remember visualizing that. Because that was the it, that was the crux of the prosecution's case, that they identified, supposedly, Carlos DeLuna. I remember the defense did ask, "It was a few seconds, are you positive?" I remember those types of question. And yet, he was still convicted.

02:17:40

JSL: At the end of the day, what did you conclude about the quality, the reliability, or the impressiveness of the eyewitness identification.

02:17:53

KBE: Well, I'm hoping I'm not . . . All my years of covering trials and realizing I used to believe that witnesses

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would never get up there and lie and make mistakes. These people are helping the police, and they must be right. I think that's how I viewed things back then. Now I see things a lot differently. People can easily be mistaken. But at the time, I do remember, at the end of the day, being doubtful. I still think, despite being green and being more understanding about witnesses now, I had some doubt that these were good I.D.'s. I don't think they were that convincing. And they were so brief. And I remember thinking, I'm glad I'm not on the jury convicting this guy.

02:19:00

KBE: *And another thing always stood out in my mind -- no fingerprints. I think that would have made it a lot easier, if there were fingerprints. But there wasn't that one bit of evidence that would have really said, ok, he was in there, which Carlos. That always bothered me. I thought, boy, I sure wish they had fingerprints.*

02:52:30

(same shot of Boudrie-Evers)

JSL: We were talking about the trial and your impressions of the trial. Do you remember Carlos DeLuna himself testifying?

02:52:41

KBE: Not very much, and I don't know why. He did, didn't he? He did, and there wasn't a whole lot he could say, I guess. I

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remember him admitting he was there, that he was in the parking lot while Carlos Hernandez was inside the Diamond Shamrock. And I remember him saying that he ran because he was scared. He said he could see the struggle, I believe, a little bit of it inside the store, and he knew something was going down. They said, "Why did you run, if you didn't do anything?" Well, he knew he could be tied to the whole scene. Anyway, he was scared, he said. I remember that he ran. And I'm very vague about anything other than that, about where Carlos Hernandez was. I think I remember him saying he was just an acquaintance and he didn't have a lot of knowledge about Carlos Hernandez, where to find him, that he hadn't known him that long. He'd only gotten out of prison for a few weeks. He couldn't provide them with a whole lot. For some reason, and I guess because his testimony wasn't that long, I don't remember a lot about it, other than him saying he ran because he was . . .

02:54:22

KBE: Carlos DeLuna said he ran because he was afraid. He saw that something had happened, and, of course, he would be tied to Carlos Hernandez as an accomplice, even though he claims that he didn't know his friend was going to go in and commit a robbery. Did he profess his innocence, and said that Carlos Hernandez committed the crime. That's about all I remember of his testimony.

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02:54:50

JSL: What about . . . Do you have a memory or an impression of the lawyers in the case. This was your first trial, maybe you were getting to know the legal community in Corpus.

02:55:10

KBE: Steve Schiwetz just really stands out, not only because of his stature -- he's a big guy -- but he was just very animated, very good as far as I was concerned. He was captivating, he told a good story. He made you want to believe him. Second chair, I don't remember, he was second chair. I barely remember Ken. I can picture his face. I don't remember having many dealings with him. Steve was always the front man, the one we did the interviews with. I remember feeling that this guy was good, and he's going to win his case, he's got everybody believing this. He got the ball rolling, and it was just going and it seemed to take a life of its own. Just being impressed with Steve Schiwetz.

02:56:16

KBE: As far as the defense counsel? I can't remember defense counsel. I couldn't even tell you who the guy was at that point. I don't remember him. I have a feeling that I didn't do any interviews with him, either, that he chose not to do interviews, and that's probably part of it.

JSL: Do you remember the judge at all?

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02:56:43

KBE: I remember some of the later judges, and that's only because I got to know them, having been in their courtroom. I have a vague recollection of the judge, because he was a visiting judge, so after that case he was gone and I never saw him again. So I really don't have much memory of him.

02:57:04

JSL: Some of the other personalities in the case, I'm just going to ask you if you can tell us what their reputation for a court reporter, somebody who was covering the court reports for the press. You mention Ken Botary. Did you come to have any impression of him after this point?

02:57:24

KBE: I remember later hearing that he was not very competent. I hate to say that, on the record like this, because it's just a vague recollection that he was perhaps not the most competent, and that there was some kind of sticky situation in his past, or something down the road, perhaps.

02:57:47

KBE: Maybe it wasn't before this case, but maybe it was after this case that I remember that [his integrity] being called into question. But just vague recollections about him, very vague.

02:57:58

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JSL: How about some of the police officers who were operating in the community at the time, homicide investigators. Did you get to know Paul Rivera at all?

02:58:09

KBE: Very well. Very well.

JSL: Tell us.

KBE: Paul had a very, very good reputation for getting his man. Later on, I don't think he was just the brightest bulb in the pack, but he had a way of getting in the community. He had a good reputation for getting sources and getting people to tell him things. He was Hispanic, he could get in the *barrios* and really talk to those folks and get information. Very street-wise. He had a reputation as being one of the crack detectives in Corpus.

02:58:46

KBE: Olivia Escobedo? Terrible. They laughed at her. They said she was awful. I had some dealings with her down the road, but most people said she was not a good detective. Was that because of affirmative action at the time.

02:59:10

KBE: I don't know what we called it back then. They had to promote a female, so they did, but she was Maybe that was really untrue. Just because she was a female, they laughed at her. But there was a lot of talk of incompetence with Olivia that

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I recall. Then, and then in later cases as well.

JSL: How about Eddie Garza? Did you know him?

02:59:38

KBE: I knew Eddie. He was a nice guy. He had a good reputation just as being a good guy and a good cop. How competent he was I'm not really sure. Paul and Eddie were like Batman and Robin. At that time, they were the greatest detectives ever. I think later I learned things about methods, that maybe they didn't do everything by the book, necessarily, but they got the job done. That was the underlying impression that people had about Paul and Eddie. As far as I, in my limited resources at that time, and limited knowledge of the city, having been there at the time of the trial, they had a good reputation.

03:00:38

JSL: How about -- this is a name that you may not even remember -- Joel Infante, who was an I.D. tech?

03:00:45

KBE: I.D. tech, yeah. Nothing comes to mind, just the name, and I was going to say "crime scene investigator" and that's all I remember. I just remember the name, but nothing stands out with him.

03:00:59

JSL: Carlos DeLuna's lawyers were two. There was one named James

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Lawrence, and one named Hector de Peña. Do you have a recollection of their place in the legal community?

03:01:10

KBE: I remember Hector de Peña having been around quite a bit. But I really don't recall the reputation.

JSL: Mary Ann Perales/Benavides, one of the women that Carlos had said he had been with, do you remember that at all?

03:01:40

KBE: Right. I remember her being very reluctant to be involved in the case at all, in any form or fashion.

JSL: Start that over and say "Miss Perales."

KBE: That's right. Sorry about that.

JSL: That's ok.

03:02:00

KBE: I remember Miss Perales being very reluctant to be involved in this case at all. I remember Mary Ann Perales testifying that she was at a baby shower, I believe, when Carlos says he was with her. But she didn't seem to be adamantly sure, I think it left room for doubt, perhaps, that dates and times had been mistaken. This is just many years later, trying to remember this particular witness. I just remember Perales being very reluctant. I don't know that the information was really that solid. That's the impression I got coming away from her testimony.

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03:02:55

03:04:43

JSL: The civil case. You mention earlier that among the things you have covered was the civil case from the family of the victim suing the Shamrock. What are your impressions about that case or what do you recollect about that?

03:04:59

KBE: Yeah, they were suing Diamond Shamrock based on the safety issue. I remember Rene Rodriguez emphatically stating that Wanda Jean Lopez had nowhere to go. When this person lunged at her she was trapped, the way the store was configured. She was rather helpless.

03:05:25

KBE: Nowhere to go. I remember at the time, something about the windows, people couldn't see in well, to see the way the store was configured. The way they had things in the windows, people couldn't see in to see what was happening. There were no signs at the time, I think, on the store saying Now they have signs in all gas stations, convenience stores saying "Less than 20 dollars is in our safe at any given time." Those kind of things weren't posted. Those were the main things. They were really focusing on this 6-year-old girl or little girl that Wanda Jean Lopez had left behind, and there was a part that Diamond Shamrock

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had really played in this case.

03:06:15

03:06:52

JSL: Do you remember if there was any hint at any time, either at trial or during the civil suit, about the failure of the Corpus Christi police department to do what they might have done to protect Wanda, given she was making phone calls to the police.

03:07:11

KBE: Right. I remember during the civil suit, at the filing, that some of the points made were that there were two phone calls that Wanda made to 911. And that the dispatcher, and perhaps the police, failed to respond in a manner or quickly enough or take it seriously. Just telling her, "Call us back if there's more trouble," was kind of the answer she got initially. There was, allegedly, some negligence by the police department and the dispatcher. Again, this was the civil suit, as I recall.

03:07:50

JSL: Describe that again, whatever you remember, what you remember about the two phone calls, because the audience doesn't know about what came up in trial.

03:08:04

KBE: Right. The prosecution played the 911 tapes -- as I'd mentioned . . . let me start over. The prosecution played the 911

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tapes of Wanda Jean Lopez's call to police -- calls, two calls -- of the night she was killed. Of course, that made the headlines, it was such a compelling part of the prosecution's case. But during the civil suit, that was brought up again, and I remember we got to listen to the tapes again. The initial phone call, I remember Wanda is saying, "There's a suspicious . . ." People outside the store told Wanda -- and this is what she's relaying to the police -- that there's a guy out there with a knife, drinking a beer and kind of playing with the knife. "What should I do? I think he might want to come in and rob me. And the people told me, the people outside who saw him said I should call the police."

03:09:13

KBE: And they said, "Well, what's he doing now?" She said, "Well, he's just still standing outside. He hasn't come in the store." And I think I recall they said, the dispatcher tells Wanda, "If he gets closer or something else happens, or if he comes in, or if he threatens you" -- I'm not sure of the exact words -- "then call us back." Rather than dispatching a unit to say, "We should check this out for you," they tell her to call back. So she hangs up and at that point you hear the second call, and the second call says, "He's in the store, and he's coming towards me." Then I think she sees the knife, and you can hear her as she's describing him. They're saying, "What does he look like?" she's describing.

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Instead of saying, "We're sending a unit right out," they're talking to her, trying to get more information from her. Then you hear her saying, "Please don't, I'll give you anything," and then you hear her scream.

03:10:16

KBE: It's terrible. It's a terrifying scream, and you just know something terrible's happening, even if you did not know that she had died, that she was being killed at that moment. If you were to hear that tape, it was awful. And that was played at the trial. I remember, then, describing that for the audience, for the people who weren't in the courtroom. Just being, probably, one of the most compelling pieces of evidence even though she doesn't say who did this to me. It was one of the most compelling, sort of horrifying aspects of this case, to hear her die on tape and beg for her life.

03:11:12

KBE: I certainly believe that played a part into the decision with the death penalty.

03:11:22

JSL: Did the tape get on the news?

03:11:25

KBE: The tape itself, I think they let us play it. I think they did. Unfortunately, my recollection . . . I'm not sure whether

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we got to play it afterwards at the civil case when it was all over. I can't remember. I've looked through the stories, and the ones I have don't have the tape. I remember at least one story, I'm describing what she says. I'm going through the transcript. As a reporter, I paraphrased that phone call. But I think there was a point where we were able to use that tape, and I think it might have been with the civil case at some point down the road.

03:12:22

JSL: At the time of the civil case, what was the implication that was emerging from the information that was coming out or that Mister Rodriguez was saying? What was the implication about the actions of the Corpus Christi police department?

03:12:39

KBE: As I recall, that there had been some mistakes made. But it was not so much indicating that we convicted the wrong man. They didn't really go that far. But just that it was, I remember Rene Rodriguez, I believe saying at one point to me at one point that there was shoddy police work, that Olivia Escobedo was stepping around in the evidence. I'm not sure if he actually attacked her but he might have said that something had been contaminated. I remember him talking about some issues with the police work, that there had been some shoddy police work, and again that the store itself was liable for a number of things, security and general

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configuration.

03:13:38

KBE: But as far as the police department But I also think Rene, he had ties to the police department. So I don't think he went very far with that, that he really pushed that issue as much as he pushed the Diamond -- they were the deep pockets, anyway.

03:13:55

KBE: I think that the civil case really Some of that came out, that there may have been some police incompetence or missteps but that the push was for the deep pockets of Diamond Shamrock.

03:14:11

JSL: Did you correspond with Carlos DeLuna while he was on Death Row?

KBE: Yes.

JSL: I wonder if you would show us the card that he wrote to you. Tell us about that card.

03:14:32

KBE: *(holds up card with a rose on the front, camera slowly zooms in on card)* This, let me see if I can give you the year, first of all. I'm sorry. *(opens card, then closes it)* I'm pretty sure that Carlos DeLuna sent me this card in 1984. I had written to him first, initially, requesting an interview on Death Row. That's the procedure: you don't go through the attorneys; he has

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to agree to the interview and put you on the list. So I wrote to him initially and asked him for the interview.

(camera cuts to news shot, Boudrie-Evers holding up the card)

JSL: Tell us about that card.

03:15:16

(camera zooms in slowly on card)

KBE: Carlos DeLuna sent me this card a little after a year since his trial, when he was on Death Row. I had written to him to request an interview. Carlos granted the interview. He had been on Death Row for a year, so it was a follow-up story to what many people considered the most sensational murder trial of the year before. *(camera zooms out to include Boudrie-Evers)* So we were interested in finding out how his appeal was going, and what it was like to be on Death Row, and whatever else, whatever impressions, just talk to this condemned killer.

03:16:02

KBE: After doing the interview with Carlos, he obviously had my address then, at the TV station, and wrote back afterwards and said he enjoyed meeting me and whatnot. I didn't write him back. I was very, I guess, kind of weirded out that he was just going to start writing me letters. I had done my interview, it was over with. He didn't give up. He proceeded, after I did not write Carlos back after he wrote me his first letter, he made this card.

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It just said, "Thinking of you, hope you're doing well. Did you ever get my first letter? Is there a reason that you're not writing me back? If there is, I wish you'd tell me. I know you're busy." He also mentioned the fact that he was thinking, he'd thought a lot about his life. He thought about writing a book, and would I help him? Just kind of a brief note in here.

03:17:07

KBE: I guess at that point I made the decision to go ahead write him back. Maybe that wouldn't be such a bad thing. I wasn't going to be a Death Row groupie, but I would, as a journalist, continue to stay in correspondence. Maybe he had a story to tell that was yet to be told. Maybe he could be interviewed again down the road, so why don't I stay in touch. That's how the correspondence started, from the initial interview on Death Row in 1984. It wasn't a letter a week, a letter a month, or even a letter a year. There were just He tended to write me a lot more than I wrote him. He enjoyed writing. I was not the best letter-writer. I didn't enjoy it. After typing all day at my job, the last thing I felt like doing was sitting down and writing a letter.

03:18:00

KBE: Anyway, we did keep up a correspondence over the years, and I did go back to see I saw him at one point when a death

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date had been set and he came back to Corpus for a hearing. I got to speak with him briefly in an office. I could see him briefly and just say hi. They kind of let me walk by the office where he was. And then I went back and interviewed him a second time on Death Row when he had a new date set. Actually, a stay had been given, so we had gone to interview him after that stay, so that was a couple of years later.

03:18:48

JSL: What did he tell you when you interviewed him on those occasions, about his guilt or innocence?

03:18:55

KBE: Initially, he continued to profess his innocence, "I'm innocent. I'm confident about my appeals, I have hope about my appeals. But I am trying to go on with my life and do the best that I can, such as getting my G.E.D. and going to school and staying out of trouble." He was sort of lamenting his past at times. He didn't go into it a lot. He professed his innocence. He would not talk about Carlos Hernandez because of the appeals. He didn't want to say anything that would taint his appeal, even though that wasn't an issue that the attorneys were really delving into. Nobody was really trying to find Carlos Hernandez for him, unfortunately. But Carlos really didn't want to get into that. He would not let me delve into who was this guy, really, what did

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you know. You never got to hear a lot about him. It just sounded like that part of his case was a done deal, and nobody was going to believe him. At the same time, he would also bring up the fact that his case was on appeal so he would not talk about that.

03:20:30

KBE: Later, he did talk about the fact that they were going to kill an innocent man, yet he had come to terms with that and made his peace. He felt very helpless. Maybe that's because he knew the appeals were working on points of law rather than his guilt or innocence.

03:21:15

JSL: You have a letter that Carlos wrote to you on December 4th, 1989. I wonder if I could get you to read that letter for us. Give us the date and when it was in relation to when he was executed.

03:21:35

KBE: *(picks up letter)* This is December 4th, 1989. This would have been three days before his execution. And he writes, *(reads)* "Dear Karen, I honestly don't know what to say to you, only that it looks real bad at the present moment. The court of appeals and the federal court in Corpus turned down my appeal. We are appealing to the Fifth Circuit in New Orleans, and, of course, to the United States Supreme Court." *(phone rings)* I can pick this

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up.

03:22:38

KBE: Ok. (*reads*) "I honestly think of they stop the execution . . . I honestly think if they" -- excuse me. "I honestly think if they stop the execution it will have to be stopped by the Supreme Court. I don't have no faith in the Fifth Circuit in New Orleans. They've gotten to the point where they don't want to hear any more appeals at all. Especially if you've already been through there once before, they just don't want to even look at your appeal again. But it is not over until it's over." Okay. (*pauses, looks through letter*) Let me get back to where he's . . .

03:23:33

KBE: He goes on to where he's kind of reminiscing a little bit about his past. (*reads*) "Karen, I wish I could have gone straight. Where I went wrong, I can't honestly say. I try to think where I did go wrong. I was reading your letter again, and I saw the part where you mention you would like to write a book about me. Well, it would be ok with me, Karen. I wish I would get a stay of execution. Who knows? I still might get one. But if not, well, I honestly think it would be hard for you to write a book about me because of how little you know about me or my life history. I wish we would have thought about this a whole lot

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earlier. I was thinking I could tell you a little bit about me and what it was like when I was growing up.

03:24:20

KBE: Well, it probably wouldn't help to even get a book started. It takes a whole lot more. But I will go ahead and tell you a little bit about my childhood. Maybe you will be able to understand me a little more. I grew up in a big family. There were nine of us. My real father left when I was only an infant, about five or six months old, and my mother brought us up. I think I was about five or six years old when she married my stepfather. He was a good man but he was an alcoholic. He drank a whole lot. But he always did support us, and he was a good person. But he never really cared, I guess, a whole lot about us. My mother, she was 40 years old when she had me. And she was old, and I guess she was tired of raising kids. But she did try her best. I can't take anything from her.

03:25:12

KBE: But one of my sisters does blame my mother. I don't know why, but she does. I grew up in a poor neighborhood, and we were poor in many ways, but I'd still never gotten in any trouble, yet, with the Law. I think I was 15 years old when I first got in trouble with the Law. I was going out with this girl who was about two years older than me, and she had already been in trouble

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with the Law before. But I truly did love her, or I thought I did. So you know how that goes, when they say "love is blind," I do honestly believe that. But I met her brother and his friends, and that's where all the trouble started. I, at times, wonder if we, as humans, do really have any control with our own destiny. I don't think so. I believe the cards are already laid out on the table and all we do is play along. *(turns page)*

03:26:03

KBE: Karen, I could go on with my life story, but I'll be honest, I can't write at the present moment. All day, all I've been doing all day is calling my lawyers. Also, they let me spend some of the money I had over here on my account. The rest, well, I left up to them. I told them to give it to a charity or a church in Huntsville. I believe they could use it a whole lot more. I mean, once I'm going, what use do I have for it?

03:26:40

KBE: "Karen, I think you're about 29 years old right now? Hey, I wish we could have honestly met another way. Maybe if I knew or if I had friends like you, maybe my life would have been a whole lot different. Who knows? How I regret my past lifestyle, I really do." *(turns page)* "I'll be honest with you, I am scared to die. I haven't been up to even trying to prepare myself for this. Wow, I'm not even making sense, if you can tell, Karen. I

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will always . . ." Let me see. Let me pick up here. "I felt I had to tell you . . ." Let's see. Wait. I'm sorry. "Karen, I close for now, and if I have to die this way, I'll never forget you. I do believe in life after death, and maybe we'll meet up there. Take care."

JSL: Could you tell us when you received that letter, when it was written, and when it was written in relation to his execution?

03:28:08

KBE: The December 4th letter, and the December 5th letter, I received from Carlos DeLuna after his death. So both of these letters came, I believe, around December 8th, 9th, or 10th roughly. I think I got them both on the same day, or I got them a day apart. But both of these letters came after he was put to death. And I didn't realize, he didn't tell me that he had written these letters. So I got them after I had already talked to him and said goodbye. So it was quite unexpected and very shocking to get these letters, and think that he was spending some of his last moments in life writing to me and thinking about me and having had a correspondence over the years and a strange friendship, so to speak, of sorts.

03:29:17

KBE: On December 5th, 1989, he writes, Carlos DeLuna writes, "Dear Karen, I thought I would write you another letter today. I hope

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you don't get bored with my letters. I usually write a whole lot."

03:29:43

KBE: "Well, today is Tuesday, and I still haven't heard anything. It's 10:32 p.m., and I'm trying to see if they would allow me to make a phone call to call some of my family members. I was just thinking last night, I had set my alarm clock to get up early. That way I could try and talk to some people I needed to talk to. The alarm clock went off, and you know, for the first time since I've been here I never have ever slept right through the alarm. I woke everybody else up in the same tank with me, and my neighbor kept banging on my bars 'till I woke up. I can't believe I am sleeping too good with all this happening.

03:30:28

KBE: But you know what, Karen? I am not scared like I was yesterday. I feel like this fear." I'm sorry. He says, "But you know what, Karen? I am not scared like I was yesterday. I feel like this peace came from somewhere and entered my body, and I feel very peacefully about everything. I was thinking last night, Why me? And wondering if this was . . . Was I only 27 years old? And the end might be here too soon. Karen, I haven't been a bad person all my life. If only you would have gotten to know me, you would have wondered after a while, is this the same Carlos DeLuna people are talking about? There is a whole lot of people

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who feel that way now. Even guards here find it very hard to believe that they may actually execute me in a day or so. The other day a guard was telling me how there are some people out there in the population who have done some a lot worse crimes than what they say we, the people on Death Row, have done. But Karen, honestly, money talks. If you have money, you will never end up in prison. If you are poor, then you better get ready to either do time or face what we're facing here on Death Row. I'm not saying some people here don't deserve being locked up, but I don't think anybody should have the power to say when a person should die."

03:32:00

KBE: "I believe murder is murder, no matter how they are going about it. The Bible says clearly, 'Thou shall not kill,' and that goes for us, us people, and that also goes for the law of the land. But I am sure people have a lot of reasons why the death penalty should stay. I will not argue with anybody about that. We have the right to have our own beliefs in this so-called great land of America. I will send you this letter either way, if I get a stay of execution or not. I guess I want you to know how I felt so close to having to face what I might have to face. I got some letters from people I write to, from London, and they are real good people. They got a whole lot of people from over there to

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write the governor over here and are asking him to have mercy. And a whole lot of people are pleading everywhere, people I don't even know. Wow, it's truly amazing how people I don't even know care about me. I never knew there were so many, many people out there who still had a big heart. And I tell you there are so many people out there who are so wonderful. Karen, I will write you another letter later. Maybe more than another letter. It all depends how I feel, honestly. It's 11:33 p.m. now, and I still haven't heard anything from anybody, so I'm still hoping, you know, that old saying, 'No news is good news.' I don't know. I wonder at times. Well, I'll let you go for now, so you take care and you be careful and God bless you and your family. I hope that all goes well for you at your home town and I hope that all your dreams come true. Remember always, go for the" -- I can't read that, I'm sorry. Go for the top, something, top . . .

03:34:32

KBE: *(reads)* "I don't know. I wonder at times. Well, I'll let you go now. So you take care, and you be careful, and God bless you and your family. I hope all goes well for you at your home town, and I hope that all your dreams come true. Remember, always go for the top, no less. I leave you for now. Thinking of you, Carlos DeLuna."

03:34:55

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JSL: You covered a number of capital cases in Texas when you were working in media there. Did you have any thoughts or impressions about the time it took for this case to get from trial to execution?

03:35:10

KBE: Unbelievably swift, this case was. We talked about that. I talked about that with Carlos. We talked about that. I never got a really good explanation from anybody. I don't understand. It just was unimaginable to me. There were people on Death Row that had been there 10 years, 15 years longer than Carlos, who were still there. And he was just rushed through. It was unheard-of.

03:35:50

KBE: And right about the time, right before this last death date for Carlos, I remember they were working on some legislation concerning the swiftness of the appellate process. They were actually trying to cut down the number of appeals. This was being pushed at the time. They were saying the appeals process was taking too long, and they were trying to limit the number of appeals, I believe there was some legislation at the time. I remember interviewing, I want to say, not [inaudible] Garza, but Villareal, judge. I remember interviewing him talking about And I remember one of his quotes. Judge Villareal said, "We've got to make sure we dot all our *I*'s and we cross all

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our t's when it comes to these capital cases, but they're dragging on." There was just no good explanation for it from anybody, that I ever got. It was just unbelievable. That was why I kept thinking there's more time, there's more time, if I'm going to do something, if I'm going to try to help Carlos or go visit him again, I've got plenty of time. I never dreamed that it was going to happen when it did, that it would happen when it did.

03:37:24

JSL: Would you describe your reaction when I told you that we, when you heard that Carlos Hernandez might have been located.

RP: And if you can incorporate the question.

03:37:42

KBE: When I heard that Carlos Hernandez might actually have committed this crime, that he might have told people, that this story might have been true, I was just floored. Absolutely floored that Carlos had been saying this all along and nobody really believed him. Even I had my doubts through the whole correspondence with him, perhaps up until the very end when he had the opportunity, when Carlos DeLuna had the opportunity to possibly confess to me if he wanted to. But it blows my mind that something like this could happen and that this person really existed. And it makes me mad, because I think that nobody really probably wanted to find this Carlos Hernandez. Nobody wanted to

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find him, because we had our sacrificial lamb, he was here, he fell into our laps, he was right here, let's put this guy away, what a heinous crime, the public wants justice and they want it now, and Carlos DeLuna is as good as any, we're going to make this happen and we're going to make it happen swiftly. I don't think anybody cared to find Carlos Hernandez. He was just a little kid from the *barrios*. He was disposable, Carlos DeLuna was, in the eyes of a lot of people. Maybe that's the way I felt in the beginning, too, until I saw him as a human being, later.

03:39:23

KBE: But it blows my mind. "K.B. number one" and today's date. *(hands her a photo)* Look at that and maybe hold it up and say who, anybody there you recognize.

03:40:20

KBE: Ok. This guy's got a tattoo. It looks kind of like Carlos DeLuna, but I don't think it is. But I don't know who this person is.

03:40:48

JSL: Karen, I'm going to hand you another one. This is labeled "K.B. number two" on the back. See if you recognize anybody in that picture.

03:41:02

KBE: I think the guy in the cowboy hat is Carlos DeLuna. It's

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certainly his eyes, it looks like Carlos's eyes.

03:42:32

JSL: Any last reflections, thoughts on Carlos DeLuna?

03:42:45

KBE: There's just so many unanswered questions. I think I felt that way through the trial, that there were a lot of unanswered questions, a lot of evidence that I wish there was for a journalist, let alone a juror, to look at. There's so many unanswered questions. I would love to know for sure, I really would. I'd like to believe, I'd really like to believe that Carlos was innocent. I believe that. But I would like to have the proof other than what's in my heart.