

**DeLuna Tape #205**

*(note: there are noticeable distortions at peak audio levels throughout this interview)*

**JSL:** Will you just tell us who you are and a little bit about yourself, where you grew up, where you live?

*DeLuna Tape #205 13:20:35*

**Marcella Brown:** My name is Marcella Brown. I grew up in the area like on Beaufort Street, I don't know as far as North, South, whatever. My young adult life has been, like, on Beaufort Street, Hancock Street, pretty much in that area, couple blocks from the bayfront.

*DeLuna Tape #205 13:21:00*

**JSL:** And where are you living now, in Corpus Christi?

**MB:** Right, in Corpus Christi, Texas.

*DeLuna Tape #205 13:21:08*

**JSL:** And do you know a family of brothers by the name of Hernandez?

**MB:** Yes.

**JSL:** Javier, Efrain, Carlos.

**MB:** Yes.

*DeLuna Tape #205 13:21:18*

**JSL:** Ok. So tell me about the Hernandez family as far as you know.

*DeLuna Tape #205 13:21:21*

**MB:** Well, Efrain, I met him when I was in my-

**RP:** Hold on, . . . Ok, whenever you're ready.

DeLuna Tape #205 13:21:27

**MB:** I met the Hernandez family individually. First I met Efrain Hernandez. I met him in my early teens through a mutual friend. Later on we found out he was beaten and had died and we went to his funeral. I didn't meet Carlos Hernandez and Javier Hernandez 'til, I had to be in my early twenties, I believe, mid to early twenties, something like that. I met them through mutual friends, partying, hanging out. When I met Carlos, I met him through his brother, Javier Hernandez. We also hung out together. Him and his girlfriend babysat my kids, and we hung around. I knew him for quite a few years. I think the last time I saw him was mid to late nineties, the last time that he was in jail, and evidently died in jail. That's about how I met them.

DeLuna Tape #205 13:22:43

**JSL:** Tell me how you first met Carlos Hernandez and what your impression of him was.

DeLuna Tape #205 13:22:49

**MB:** When I first met him was . . . We were at a friend's house, a mutual friend's house, partying, and I needed a ride home. And his brother, Javier Hernandez, you know, said, "My brother," Carlos Hernandez, "will give you a ride home." And when I first saw him I was a little intimidated, found out he had just gotten

out of prison, didn't know for what, but as far as first impressions, I'm pretty good about that. When I see somebody, there's just something that rubs me the right way, wrong way, or whatever. I thought about it for a second and I went ahead took the ride home because I did know Javier, his brother, and we had mutual friends like Mary Ellis and stuff, so I figured if they were saying he could give me a ride home then it was ok, because they also look out for me too. So I got a ride home, and then that's it. He dropped us off. I didn't see him again for a while. When I did see him again he was with Cindy Maxwell, they had moved in together, you know, living as boyfriend and girlfriend. We hung around, the same thing, kind of like with Javier and stuff, you know, hung around as friends, I had known him for quite a while. And him and his girlfriend, like I said, would babysit my kids.

DeLuna Tape #205 13:23:58

**JSL:** Thinking back to that first time when you met Carlos Hernandez: You said you're pretty good with first impressions. What was your impression of him? Using his name.

DeLuna Tape #205 13:24:09

**MB:** I don't know how to explain it other than a caution thing went up. You know, just seeing him, I just felt, like, caution. I don't know how other . . . 'Cause I work a lot with people, so I

get that where I see a person and it's like, I don't know. It's a first impression, just looking at them. And him, for some reason, was intimidating. I just felt intimidated by him. Until I got to know him, and then it was like, "he's a weak man." But other than that he was a little scary at first.

DeLuna Tape #205 13:24:43

**JSL:** Did you see Carlos Hernandez when he was drinking?

**MB:** Yes.

**JSL:** What was he like then?

DeLuna Tape #205 13:24:49

**MB:** That goes back to how when I first met him. That's the impression I got, kind of scary. Of course, once I got to know him, as far as him drinking, that's the way he was. So I kind of, I guess, accepted that, ignored it. But I wasn't afraid of it, I stood up to him. You know, when you show fear, it's scarier. So I guess he learned the way I was and I learned to put up with the way he was. I didn't have to live with him.

DeLuna Tape #205 13:25:26

**JSL:** But you probably don't take too much from anybody.

**MB:** No. *(laughs)*

**JSL:** When you first met him, he had a car, describe the car.

DeLuna Tape #205 13:25:33

**MB:** I don't know if it was his car it was, if it was his or not.

It was a black car with red interior. I don't remember the style of the car, it was kind of an old make, and old model car.

DeLuna Tape #205 13:25:48

**JSL:** And when you first met him, let's try to figure out when that was. You said you were in your early twenties?

**MB:** Yeah.

**JSL:** When were you born?

**MB:** '62.

**JSL:** '62. So this would have been in the early, mid eighties.

DeLuna Tape #205 13:26:01

**MB:** Yeah, something like that. 'Cause my son was born in '81, and I'm thinking because he was between a year and two.

**JSL:** So we're talking, when you first met-

**MB:** No, I take that back. I think I met him before I had my little boy. No, no, I'm getting confused. Two boys, it's confusing. No, I had to have Justin. And I believe, come to think of it now, he was about four, Justin.

**JSL:** So we're thinking maybe the mid-1980s.

**MB:** Yeah.

DeLuna Tape #205 13:26:39

**JSL:** Using his name, tell us how Carlos Hernandez dressed in the Winter and the Summer.

**MB:** Well, winter time he usually wore jeans-

**JSL:** Let's start over, use his name.

DeLuna Tape #205 13:26:50

**MB:** Carlos Hernandez, the way he dressed for the winter time was usually a pair of jeans, a T-shirt underneath, and the he had, like, a white or off-white thermal long-sleeved shirt. That's pretty much what he wore, 'cause he was pretty much always at home. If he went out or something, I don't know, a blue jean jacket, somebody got Carlos Hernandez a blue jean jacket, or flannel-type, those thick, kind of coat shirts, something like that, too.

DeLuna Tape #205 13:27:20

**JSL:** And what about in the Summer?

**MB:** T-shirts and jeans, that's about it.

**JSL:** And what about on his face, did he have any hair on his face?

DeLuna Tape #205 13:27:27

**MB:** Yes, he's always, Carlos Hernandez has always had a mustache, as long as I've known him.

**JSL:** Tell me about those flannel shirts that Carlos wore, tell us about that.

DeLuna Tape #205 13:27:38

**MB:** Well it was kind of like the quilted type, jacket-wise. But other than that, as far as I can remember, he pretty much always wore that off-white -- I don't know if it was the same one or his

girlfriend had bought him quite a few -- but Carlos pretty much always wore long, kind of thermal-style shirt. Looked like an undershirt, like the top of a long-Jon.

**JSL:** And the color was?

**MB:** Like an off-white.

*DeLuna Tape #205 13:28:05*

**JSL:** Now, tell me about the different places that you lived, and where you lived in proximity to Carlos Hernandez.

*DeLuna Tape #205 13:28:21*

**MB:** Well, when I lived on Beaufort Street -- that was off of Staples Street -- Carlos Hernandez and Cindy Maxwell, they lived across the street from me. And then I think I lived there for about two years, and I believed they moved first on Hancock, which is a block over. And they lived on [sic] an apartment downstairs, and I lived next door in an apartment upstairs. So we kind of, pretty much after we met, lived in the same area. Plus it was convenient, they took care of my boys also, they babysat my boys while I worked.

*DeLuna Tape #205 13:28:55*

**JSL:** You mention Cindy Maxwell. Can you describe to me the relationship between Cindy Maxwell and Carlos Hernandez and what your thoughts were about that, and maybe even what you talked to Cindy about?

DeLuna Tape #205 13:29:09

**MB:** Right. Well, Carlos, like I said, was an . . . Well, he's an alcoholic. He drank, and when he drank he got very obnoxious. And Cindy tolerated it. He would talk down to her, degrade her. And when I was around, I'd stand up for her, you know. And I always told her, why does she put up with him? Why doesn't she get rid of him? Nobody else wants him, she's the only one taking care of him and providing for him. And yet, he doesn't appreciate her, you know.

**JSL:** What was her reaction?

DeLuna Tape #205 13:29:44

**MB:** She wouldn't say anything. She was very timid and naïve. I guess she just didn't want to be alone. I don't understand it.

**JSL:** And what is your assessment of Cindy's mental functioning?

DeLuna Tape #205 13:30:00

**MB:** Not a lot of common sense. Very naïve and kind of timid.

DeLuna Tape #205 13:30:08

**JSL:** What about her intelligence level?

DeLuna Tape #205 13:30:11

**MB:** Well, when she told me she graduated from Moody, made me wonder about the school. 'Cause I don't know how she graduated, to tell you the truth. She's very slow. I don't know if she was in special classes or anything like that, I never really asked



her. But I was surprised when she told me she graduated.

DeLuna Tape #205 13:30:30

**JSL:** You said that Cindy and Carlos would babysit for your sons?

**MB:** *(affirmative)* Mmm-hmm.

**JSL:** Was there an incident that occurred?

DeLuna Tape #205 13:30:38

**MB:** Yes, but I didn't find this out until actually, I'm thinking it's been within the last 6 months. And not in any detail at all, just . . . When that man came over, that talked to me . . .

**JSL:** Mr. Chavez.

DeLuna Tape #205 13:31:01

**MB:** Mr. Chavez was over here and talking to me. Actually, it was before that. My son, we were talking about other people that had gone through being molested or whatever. Well, his girlfriend had been raped at the age of 15 and stuff, and he knows about I also, that happened to me when I was about 8 years old from a brother in law. And then that's when he came out and said that he, also, had been molested, which was a really big shock to me because I had no clue. And that's when he told me that it was Carlos. And I was just so upset, you know. It was hard for me to get it together and consult [sic] him, but he was consulting [sic] me 'cause I felt guilty. These were people that I trusted. We never got him to detail or anything. I didn't know if he wanted to talk about

it or not. So he just told me it was ok, it was over with, it wasn't my fault. But I had no clue, I never would have thought, because Cindy was also there. So I don't know if it happened when Cindy wasn't around, or while they were sleeping, I don't know. I've never. Since it just came out recently that my son told me, it's hard for me to ask him about it and I'm not sure he wants to talk about it with me. So I really don't know any details other than that it happened, and I know he's not going to lie.

*DeLuna Tape #205 13:32:34*

**JSL:** When you say Carlos that's ...?

**MB:** Carlos Hernandez.

*DeLuna Tape #205 13:32:44*

**JSL:** Did you ever see Carlos Hernandez or hear about him with knives?

*DeLuna Tape #205 13:32:49*

**MB:** Oh, yeah. He used to sleep, Carlos used to sleep with a machete next to him. It was an old, rusted, the kind you use, maybe, to whack off those sugarcanes or whatever. It was probably about, I don't know, a foot and a half long or something like that. Yeah, he slept with it next to his bed. And there was an incident where him and Cindy babysat my kids. And my son, which was at the time, I believe, he was about, maybe, eight or nine. And he called me to work and told me that Carlos Hernandez had

pulled out a knife. He was drunk and he was waving a knife around. And he got scared and ran to the neighbor's house and called me to work and then he called the police. I don't remember what happened after that, if the police came out or whatever. As I said, I was at work, so my neighbor at the time took my kids in until I came off of work that night. I don't remember if I spoke to Cindy or Carlos much after that. I might have had words with them. It's been so long I don't remember.

*DeLuna Tape #205 13:33:57*

**JSL:** Did you know a man by the name of Jon Kelly in connection with Carlos Hernandez?

*DeLuna Tape #205 13:34:04*

**MB:** Yes. Carlos Hernandez had introduced me to him, that that was his lawyer. And one time, I was at his apartment, when they used to live next door to us on Hancock Street. Him and Cindy were at the apartment. I don't remember why I was there, I think I was there to ask him something, and it happened that Jon Kelly was sitting on their couch and he introduced me. I don't know if it was before that or after that, that Carlos Hernandez had told me that he used to go score marijuana for Jon Kelly. And that's about it, that's about the only time I saw Jon Kelly or, you know, talked. He might have mentioned him later on, but that's about it as far as it goes, meeting him and knowing a little about him.

DeLuna Tape #205 13:34:48

**JSL:** Next I wanted to show you some pictures and just see if you can identify them. What I'm going to do is, I'm going to write here "M.B.," Marcella Brown, number one, and 2/24/05, because that's the day that we spoke. And I'm going to hand you this, and if you'd look at that and then maybe hold it up to the camera so we can see you and it at the same time. But this is a picture that we got from Cindy Maxwell. Who is that?

DeLuna Tape #205 13:35:25

**MB:** That's me. That's me. I don't remember exactly where it's at, though, I'm trying to think which apartment. 'Cause we hung around with a lot of friends at one place or another, so I'm not too sure.

DeLuna Tape #205 13:35:40

**JSL:** And that's sort of what you looked like when you were around Carlos?

DeLuna Tape #205 13:35:44

**MB:** Yes, and then I lost a lot of weight. And then I gained it back.

DeLuna Tape #205 13:37:18

**JSL:** Looking back on your time with Carlos Hernandez and having him around your children, just tell me what your thoughts or reflections are.

DeLuna Tape #205 13:37:35

**MB:** He would always say stuff like, "These are my boys." I go, "No, their dads are handsome. There's no way, don't even say that." Or he would say stuff that one of my kids called him "dad" or whatever, which I knew wasn't true. My kids were old enough to know who their daddy was. My youngest son's dad died when he was a year old, and my oldest son's dad has been in prison most of his life, so they never had a dad, you know. Which makes it even sadder, you know, you'd think he wouldn't take advantage of that situation, but I guess he did.

DeLuna Tape #205 13:38:14

**JSL:** One other question about Carlos. If somebody saw him walking down the street as you remember him, what impression do you think he would give off to somebody. What would they think if they saw him? How might they-

DeLuna Tape #205 13:38:35

**MB:** Kind of scary looking. Not too . . . I don't think they'd be easy to trust, you know, like. I don't know. Kind of scary looking, intimidating. Just something about his demeanor, the way he looks. The only reason, I guess, I wasn't as scared was that I got to know him and that's the way he looks, you know. But, like I said, that was my first impression. Pretty much, I'm sure if anybody else met him that's probably what they'd think too.

DeLuna Tape #205 13:39:04

**JSL:** And how did they describe him? You know, you see somebody, you say he looks clean-cut, or he looks . . . How would they describe him like that if they just saw him?

DeLuna Tape #205 13:39:17

**MB:** I mean, he always got his hair cut, but I think when you saw him you really weren't thinking about his hair. You know, something about an expression in his face, it just kind of looked intimidating. And that's the way he looked, intimidating.

**JSL:** Did he try to intimidate people?

DeLuna Tape #205 13:39:34

**MB:** I don't know, I don't know. I know when he's drunk, you know, they get that little bit of courage, you know, and he looks kind of, I think a little more intimidating when he's drunk, you know. No, I think his friends . . . I think he knew not to do it around his friends, 'cause the males, I doubted they were going to put up with him. So I think they kind of just . . . He learned when to keep his mouth shut, around the guys. Now around the girls, you know, he pretty much thought he could say whatever. But if my kids were around, if I was around, you know, I pretty much would put a stop to it and say, you know, "I don't want to hear it, don't be talking," you know, especially when he would get verbally abusive with Cindy. You know, I would jump in for her.

I don't know if she liked it or not, 'cause some women, when they're being in that situation, don't want you to get involved for fear of what might happen later. But I just couldn't stand there and let him badmouth her when she does nothing wrong and she tolerate it.

DeLuna Tape #205 13:40:54

**JSL:** One of the descriptions that we have in one of the cases that we're looking at is a of a man, five foot eight, hundred and fifty, medium size, Hispanic male, mustache, dressed in white, long-sleeved, thermal shirt, jeans, and looking like a derelict. That is, like he hadn't, you know, like he didn't have a lot of money, things like that. Does that ring true with you for Carlos?

DeLuna Tape #205 13:41:27

**MB:** Yeah, yeah. And more when he was drunk. 'Cause he was like, there's no expression on his face. It's like he's in another . . . His mind's not all there when he's been drinking, you know. He might say stuff and you're like, "What did you just say?" or "What are you talking about?" Stuff like that, you know. Stuff that might not make any sense, might be a couple words and no clue as to what he was thinking. But yeah, that's the way he was. And he didn't have any money. And he was pretty much a derelict, he was. If it wasn't for Cindy he would have been homeless on the street.

DeLuna Tape #205 13:42:05

**JSL:** Ok. Would you say that again, "he was pretty much," we almost lost the word. "He was pretty much", just repeat what you said.

DeLuna Tape #205 13:42:12

**MB:** He was pretty much a derelict, you know. No money.

DeLuna Tape #205 13:45:13

**JSL:** What kind of work have you done over the years?

DeLuna Tape #205 13:45:16

**MB:** Pretty much sales, like Wal-mart, 7-11, stuff like that.

DeLuna Tape #205 13:45:22

**JSL:** And you worked at a 7-11, where was-

**MB:** On Staples and Mary Street. I worked there for six years.

DeLuna Tape #205 13:45:29

**JSL:** Did Carlos come into that store?

**MB:** A couple of times. But pretty much, since they were taking care of my kids, you know, they didn't show up at the store very much. Plus, you know, he drank a lot. I wouldn't allow him to hang around the store being drunk.

DeLuna Tape #205 13:45:46

**JSL:** What did he drink?

**MB:** Beer. Well, I take that back, he also drank liquor, you know. Whatever there was, you know. I think half of the time



Cindy would keep Carlos drunk. I don't know if it was so he could pass out, because really, when he was drunk, you know, he was kind of rude, you know, and ugly to her. But I don't know, I guess, she had to, I guess. I don't know.

*DeLuna Tape #205 13:46:18*

**JSL:** What brand of beer?

**MB:** Oh, god, I can't remember. Pretty much whatever. If they didn't have a lot of money, whatever was on sale.

***(end of tape and end of interview)***