

# APPENDIX G

## Carlos DeLuna's Criminal Record

Note: When we reviewed many of these files, the exact date of release from custody, e.g. on bail while awaiting disposition. Further review is required.

| Offense  | Dates of offense, arrest, incarceration awaiting disposition | Sentence  | Date of sentence | Actual release date and status | Source                                 |
|--|--|---|------------------|--------------------------------|--|
| Juv. Truant  | 03/30/77   | None  |                  |                                | See Timeline                           |
| Juv. Runaway   | 06/20/77   | None  |                  |                                | See Timeline                           |
| Juv. Runaway   | 7/19/77  | Referred to juv home  | 9/23/77          |                                | See Timeline                           |
| Juv. Runaway   | 9/23/77  |   |                  |                                | See Kevan Donovan/Morgan Lewis summary |
| Juv. Attempted burglary, public drunk  | 2/14/78  | Dismissed insufficient evidence   |                  |                                | See Timeline                           |
| Juv. 2 counts burglary [this and next entry may be for the same offense]                               | 3/8/78   | charges on one dismissed; may have been sent to local juv hall on the other     |                  |                                | See Timeline                           |
| Juv. Burglary (report says charge was a mistake; instead was class 3 misdemeanor -- trespassing? B&E?) | 3/28/78  | None --- court had no jurisdiction over the minor (Class C misdemeanor) offense |                  |                                | See Timeline                           |

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| Juv. Auto theft, burglary, runaway: "Carlos DeLuna had run away to Garland, Texas [where his sisters and brother lived], and that there he had stolen a car. He had also broken into his mother's house and stolen a TV set and other items."        | 4/17/78 is date of one of the offenses (unclear which, probably the car theft); CDL was arrested on 5/31 or 6/1/78; and taken to local juv hall [This arrest was at the Club Casino, by R. Garcia] | "His mother refused to press charges ... and the Garland Police Department has never sent the auto theft report"                    |  |  | See Timeline                            |
| Juv. Theft, paint sniffing: CDL and Ida Sosa stole \$10 and \$30 in food stamps from a woman and used it to purchase Krylon (spray) paint which was found smeared all over their hands and mouths when they were arrested under a bed later that day | 6/19/78; upon his arrest, was referred to local juv hall and remained in custody at least thru 6/27/78   | For this and/or next offense, CDL evidently was assigned to the Job Corps Center in Indianola, which he ran away from on 9/1/78     |  |  | See Timeline                            |
| Car theft: CDL and three other boys were arrested in another man's truck   | 6/27/78  | Charges dismissed because the vehicle belonged to the uncle of one of the suspects  |  |  | See Timeline; Donovan/Morgan Lewis memo |
| Juv. Paint sniffing: CDL, Ida Sosa, and Ernesto Cruz were picked up behind an elementary school with a can of spray paint and paint smeared on their hands and mouths  | 7/19/78; taken to juv hall   | For this and/or previous offense, CDL evidently was assigned to the Job Corps Center in Indianola, which he ran away from on 9/1/78 |  |  | See Timeline                            |

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| Juv. Run away from Job Corps Center in Indianola   | 9/1/78; arrested in Garland (where sibs live) on 9/3/78; referred to juv authorities on 9/8/83            | Sent back to Job Corps Center in Indianola                      |         |  | See Timeline   |
| Juv. Unauthorized use of motor vehicle, escape: evidently escaped in a stolen car from juv facility and drove to CC where parents turned him in  | 1/12/79 – 1/15/79; referred to local juv hall at time of arrest   | “Released to Crocker State School as authorized by his parents” | 1/15/79 |  | See Timeline; Arrest No. C16196; Offense No. 81230044, 90112081, |
| Drunk at wreck scene: CDL arrested after he drove a truck (his brother’s we think) into a fence; he was so drunk he could barely stand up  | 11/30-12/1/79; called bonding co.; released on bond at 8:40 a.m. on 12/1/79                               |   |         |  | See Timeline   |
| Violation of juvenile parole: “Subject refused to give any information.” Arrested at 1001 S. Port --- Casino Club  | 12/22/79 at 10:50 p.m. at Casino Club by <i>Garcia</i> ; called mother; released at 4:50 a.m. on 12/23/79 |   |         |  | See Timeline   |
| Drunk and disorderly (on street in front of his parents home; “strong odor of alcoholic beverages, blood shot eyes, and unsteady on his feet”; “involved in an argument with his parents using loud and profane language”) | 2/6/80; called Dan Sanchez at 992-1192; released on bond 2/6/80 at 9:45 a.m.                              |   |         |  | See Timeline   |

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| Minor consuming alcoholic beverages (“subject was ... told to leave [Casino Club] because officer knew he was a minor”; he “left and later returned ... and was drinking a beer”   | 2/7/80; arrested at Casino Club by <i>E. Garcia</i> . Called Rangel Bond. Release date is obscured; may be 2/7/80 at 9:?? a.m. |  |  |  | See Timeline |
| Trespassing at Casino Club where he was present, but underage for drinking   | 3/5/80; arrested by Sgt. <i>E. Garcia</i> . Called mother. Released at 3/6/80 9:30 a.m.  |  |  |  | See Timeline |
| Public drunk: disturbance at parents’ home; “found in the middle of the street with blood shot eyes, slurred speech and breath smelling of alcohol.”   | 3/28/80; called mother; released 3/28/80 at 9:30 a.m.  |  |  |  | See Timeline |
| Public intoxication: “DeLuna staggered up to Officer A. S. Leah (CCPD 101) ... and told him that Leah had arrested him about a month ago, and that he would like to see the officers to it again. DeLuna’s breath smelled strongly of an intoxicant, his eyes were bloodshot and speech slurred” | 5-23-80; arrested after 11 p.m.; called mother; released 5-24-80 at 7:45 a.m.  |  |  |  | See Timeline |
| Attempted rape of 17-year-old <i>Martha Aguirre</i> , in Dallas  | 6/19/80 in Dallas between 10:50 and 11:15 p.m.; released on bond on 7/4/80   | 2 (min)-3 years, concurrent with sentence for next offense | 9/25/80 on nolo plea; arrives in TDOC on 10-9-80 | Paroled on 5/13/82, but rearrested on 5/15/82, see below | See Timeline |

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| Unauthorized use of vehicle: Smith County (Garland, near Dallas I think)  | Offense on 7/26/80; arrested on 7/28/80 | 2-3 years concurrent with attempted rape above  | 9/25/80 on nolo plea; arrives in TDOC on 10-9-80  | Paroled on 5/13/82, but rearrested on 5/15/82, see below | See Timeline |
| Class A Assault; parole violation: Mrs. Garcia was lying in her bed. CDL jumped on top of her, began choking her, put a pillow over her face, struck her face 2 times” in the ribs, breaking 3 of them, then “suddenly left.” | 5/15/82                                 | “Upon investigating ... it was determined that there was no rape or attempted rape that was prosecutable in this case, however, there was a class A assault .... Upon discussing this with the victim a copy of the report was furnished for victim to file a restraint order on ... De Luna and also I took the complaint to the Municipal Court where charges of assault were filed. If any new conviction occurred, it was not subject to a prison term and CDL was returned to prison on a parole violation | 6/22/82: CDL received back into TDOC on “P/V [parole violation]” stemming from prior incarceration. “No new charges.” | 6/22/82 rec'd back into TDOC; paroled on 1/13/83         |              |

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| DeLuna approached police at the Club Casino ... and informed them that he knew Officer Garcia, who was shot the prior year, and thought Garcia should have died. DeLuna then asked if the officer wanted to fight. The officer smelled a strong odor of alcohol on DeLuna's breath and DeLuna swayed as he stood." | 1/21/83; arrested by Officer Mylett; called mother; released 1/22/83 at 3:00 p.m.          |                                      |         |  | See Timeline.                                    |
| Aggravated robbery later changed to capital murder   | 2/4/83. Booked at 9:45 p.m. 5'8", 150 lbs. At first bond set for \$150,000, then "no bond" | Death by lethal injection            | 7/21/83 |  | See Timeline. arrest # C81177 by Officer Schauer |
| Failure to turn out for work --- prison infraction   | 3-11-84 CDL failed to turn out for work; instead remained in his cell.                     | 3-13-84: 15-day cell restriction     |         |  | See Timeline. TDC offense #46, level 2:          |
| Possession/use of intoxicating inhalants: CDL found in the "pipe chase" with another inmate, David Allen Gardner (#000679) sniffing glue. "Upon shaking down, we found one bottle of glue and one bottle of paint thinner."  | 5/11/84; on 5-16-84: Received "15 days in solitary".                                       |                                      |         |  | See Timeline; Disciplinary Report C-41789        |
|  |  | 12/7/89 Executed by lethal injection |         |  |  |