

## **Linda Carrico interview 1 with JSL, late September 2004:**

I interview CDL on death row.

I was a journalist at the time. I did not get hot and heavy into criminal justice until 1980 or maybe 1981.

One issue I was interested in was death sentences imposed in Corpus Christi. I set up an appointment to interview the CC inmates on death row. Most of the time these people had never testified at trial, so I wanted to interview them. I would get permission from the prison, but most of the time the inmate wouldn't come out and talk to me. One of the few to come out and talk to me was Carlos DeLuna.

[LC mentions Richard Andrade as one who wouldn't agree to an interview. He was executed around Christmas. Just before his interview, his family finally agree to an interview. She remembers talking to the family and how heartbreaking it was for them at that time of the year. She wrote an article about the victim's family, but was struck at the time by the effect on Andrade's family.]

I remember talking to [CDL] on death row. I remember thinking how much better he looked in prison than he had at trial.

He told me it was strictly a case of mistaken identity. He said: "He looked like me, same height and weight."

I remember Carlos DeLuna --- he was very simply, you know. He didn't really understand he was on death row and that they were trying to execute him.

He looked 100 times better at that time in prison than at trial. Hew was working out, preparing to get out. He didn't understand why he was there.

At trial he was overweight. Looked like a mess. Not in good shape. He looked puffy. I was surprised on death row, when this Adonis appeared for the interview. It was the same face, but there was a big transformation in his body; much thinner.

She remembers Jon Kelley as very aggressive. Ken Botary was more laid back.

[Re: witnessing executions: I was the CC criminal justice reporter. Death Row kept a list of reporters, and you were permitted to witness when your name came up on the list, whether or not it was from your town. Usually it was some case out of Houston or Lubbock (she saw 1 or 2 from Lubbock). Later on, they let you see the executions from your town. She saw Andrade executed. She remembers the A.P. reporter, Gracyck who covered all executions and showed her the ropes.]

It has been awhile, so she wanted to go look at her clippings and refresh her recollection. Call her back. We agreed to talk late in the week of 10/4.

[JSL NOTE: As in the fed habeas papers, and in the letter we have from Carlos DeLuna to his sister in the late 1980s, Linda Carrico's recollection suggests that CDL had a very specific "Carlos Hernandez" in mind, who looked like him. The letter, now that I reconsider it, suggests that CDL made something of a conscious decision back at trial in 1983 --- a decision he later regretted --- to fail to specify "the" Carlos Hernandez, as opposed to "a" Carlos Hernandez. He doesn't identify "the" Carlos Hernandez until he sends his lawyer the clipping from the CC newspaper re: CH's 1986 arrest (mis-identified as a 1983 arrest).

Still, though, a puzzle why this comes out later but didn't come out at trial. Maybe the result of fear on CDL's part. Maybe the result of adhering at first to some kind of "code" forbidding ratting out one's friends. But not yet entirely understandable.

This, by the way, may provide an entre to the trial attorneys: they were hampered by what amounted to a conspiracy between the police and prosecutor (who knew who CH was but hid that), CH (who laid low and may have intimidated Mary Ann), Mary Ann (who lied), and also retarded CDL (who allowed his goose to be cooked by failing to identify "the" Carlos Hernandez). To that extent, the trial lawyers were the only ones not to know the truth. [Not that this actually excuses them, but we can present it to them as an excuse.]