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Judge sentences DeLuna to die

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Carlos DeLuna bowed his head yesterday as visiting State District Judge Wallace Moore sentenced DeLuna to death by lethal injection for stabbing to death a Corpus Christi service station cashier.

At first undisturbed by the jury's decision, DeLuna became agitated when Nueces County sheriff's deputies attempted to escort him back to jail before he could say good-bye to his sister.

"Let me hold my sister, man!" a sobbing DeLuna screamed.

Moore sentenced DeLuna to death after a Nueces County jury answered affirmatively the two issues which determined that DeLuna would die for the murder of Wanda Jean Lopez, 24, whose last pleas for life were recorded on a police department tape as she called for help.

After deliberating for about six hours yesterday, the seven-man, five-woman jury decided that DeLuna killed Ms. Lopez deliberately and that it was probable DeLuna would commit future acts of violence.

On Wednesday, the jury found DeLuna guilty of capital murder in the Feb. 4 knife-slaying of Ms. Lopez, who was killed during a robbery of the Sigmor

Service Station at 2602 S. Padre Island Drive.

Eyewitness testimony and physical evidence presented at the trial showed Ms. Lopez was stabbed to death as she was describing her murderer to a Corpus Christi police dispatcher on the telephone.

A tape-recording of her conversation with the dispatcher revealed that Ms. Lopez hysterically pleaded to her attacker to take all the money in the store before he killed her.

Her final words — "You want it, I'll give it to you. I'll give it to you. I'm not going to do nothing to you. Please!" — were heard only by her murderer and a helpless police dispatcher listening on the telephone.

Because DeLuna was sentenced to death, his case automatically will be appealed to the Texas Court of Criminal Appeals in Austin. DeLuna has 30 days to file a motion for a new trial.

Defense attorneys James Lawrence and Hector De Pena Jr. were not available for comment following the sentencing of their client.

But commenting on the verdict, Assistant District Attorney Steve Schiwetz said: "Hopefully, two things will be ac-

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accomplished, DeLuna will not rape or kill anyone for a long, long time; and other young people thinking that pulling armed robberies is an adventurous lifestyle will be deterred by seeing what the ultimate reward will be.

At about 5:45 p.m. yesterday after five hours of deliberations, the jury announced it had reached a partial decision. It answered affirmatively the issue that DeLuna deliberately killed Ms. Lopez, but left unanswered the question of whether it was probable that DeLuna would commit future acts of violence.

When Judge Moore asked if a decision could be reached with further deliberations, jury foreman Alfred Morales said, "We certainly could give it a try. But we've exhausted both avenues, sir. It would be rather difficult to go back in there and make a decision."

Moore polled the jurors individually and the consensus was that the jurors were willing to continue deliberating. After a dinner break and another hour of deliberating, the jury reached a decision.

"The time it took to deliberate dramatizes the seriousness of this punishment, which should be imposed in the most serious of cases," District Attorney Grant Jones said last night.

Evidence presented at DeLuna's trial included testimony by witnesses who placed DeLuna at the service station at the time that Ms. Lopez was killed.

But testifying in his own defense, DeLuna claimed his innocence and said a man named Carlos Hernandez killed Ms. Lopez.

Yesterday, a 54-year-old Corpus Christi widow testifying in the punishment phase of the trial identified DeLuna as the man who

tried to rape her at her home in May 1982.

The attempted rape incident occurred just two days after DeLuna was released from prison on charges of attempted rape and unauthorized use of a vehicle.

The woman's testimony was presented to assist the jury in determining if it was likely DeLuna would commit future acts of violence and be a continuing threat to society.

The widow, who has kidney and heart ailments, told the jury that she had met DeLuna on May 14, 1982, at a family celebration for her son, Marcus, who had just been released from prison. The woman said her son told her to treat his friend DeLuna "like his brother."

Shortly after midnight while lying on her bed after the celebration, the woman said, she saw a shadow in her room and, believing it to be her son, called out.

Suddenly, a man — whom she identified as DeLuna — jumped on her bed, stuffed a pillow in her mouth and threatened to kill her if she screamed, the woman testified.

After striking her in the side and breaking three of her ribs, DeLuna started to kiss her, she said. The woman testified that DeLuna did not rape her.

Prison records introduced into evidence at the trial showed that DeLuna's parole was revoked and he was returned to prison as a result of the attack on the widow. DeLuna was released a second time on parole on Jan. 13, 1983.

Defense attorneys neither called witnesses nor presented evidence in yesterday's punishment phase of the trial.

In final punishment arguments, Schwetz urged the jury to answer affirmatively the issue of whether DeLuna intended to kill Ms. Lo-

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Luna let the world know what to expect from him," he said. "Carlos DeLuna tried to rape his best friend's mother."

pez. "Listen to the tape again," he said. "Listen to her begging for mercy. Listen to that scream."

On the second issue of whether DeLuna would commit future acts of violence, Schwetz said DeLuna declined the opportunity to reform after being released from prison the first time.

"Two days later, Carlos De-

"At what point do we, as a society, determine that a person can not be rehabilitated," Lawrence said. "Yet the state asks you to give up on Carlos DeLuna because he's of no use to our society anymore."

And only three weeks after he was paroled from prison a second time, Schwetz said, DeLuna killed Ms. Lopez.

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