

**DeLuna Tape #222**

DeLuna Tape #222 23:26:30

*(shot of Rosie Esquivel, seated)*

**JSL:** So here we are in Garland, Texas. It's Sunday, February 27<sup>th</sup>, 2005, and we're in the home of Rosie Esquivel. Rosie, I'm going to ask you questions, but I'd like you to do is if you do most of the talking as much as possible. And it would be very helpful to us if you use full names of everybody so we know who you're talking about. It's especially important in this case because there are two Carlos's and we can get confused between them. And if you take my question and incorporate it into, at the start of, your answer so it's like you're starting cold from the beginning. In any event, if you would just tell us a little bit about yourself, where you grew up, where you live now, how many people are in your family.

**RP:** Wait, I need to make one minor adjustment. *(camera cuts to new shot, still Esquivel)*

**JSL:** Tell us a little bit about yourself.

DeLuna Tape #222 23:27:30

**Rosie Esquivel:** My name is Rosie Esquivel, I was born in Iowa, Mason City, Iowa, 1963. We moved down here in 1975 I believe. My dad transferred, and we moved to Texas, here in Garland. I have three brothers and three sisters, all of which are out of the

house. I'm the only one that lives here with my parents and my daughter, trying to help them out. I've been working and raising my child.

*DeLuna Tape #222 23:28:15*

**JSL:** What kind of work do you do?

*DeLuna Tape #222 23:28:17*

**RE:** I'm a claims adjuster for a company here in Plain Oak, Texas.

*DeLuna Tape #222 23:28:45*

**JSL:** Tell us how you met the DeLuna/Conejo family.

*DeLuna Tape #222 23:38:49*

**RE:** We were . . . I was working at a warehouse, and I got my cousin in. She knew somebody else that wanted to work. We talked to the owner, so it was Mary Conejo who came and applied and worked there with us. I can't remember how long it was down the road that she had asked me to write to Carlos DeLuna, her brother-in-law. I told her I would, yes, I didn't have a problem with it. Because he was in prison, on Death Row, at the time. I know the DeLunas through Mary Conejo, because I worked with her. Every once in a while I stopped by the house and some of her relatives would be there and I would meet them.

**JSL:** Who is Mary Conejo married to?

*DeLuna Tape #222 23:29:50*

**RE:** Mary Conejo is married to Danny Conejo, which is Carlos

DeLuna's brother.

**JSL:** And what other members of the siblings did you get to know at the time?

*DeLuna Tape #222 23:30:03*

**RE:** I got to know Manuel, his brother, which I had a relationship with. I knew more of his family through Manuel. I knew Tony. I was introduced to Peggy and Vicki. Rose, I had already known through the writings with Carlos. I think that's about all of the family I know.

**JSL:** Tell us about your relationship with Carlos DeLuna. Just tell us, from beginning to end, in your words, what that was like, what he was like, whatever you remember.

*DeLuna Tape #222 23:30:45*

**RE:** It's been such a long time ago. I wrote him and we wrote each other. We were basically friends for years. I believe it was seven years, up until his death, when I wrote to him. I was twenty-one years old when I started writing to him. I think it ended seven years later. We just . . . He would talk, and he would tell me the things he wanted to do outside of jail, and what he missed, and what he would do over. A few times he would . . . I can't remember. It's been a long time.

*DeLuna Tape #222 23:31:56*

**JSL:** How many letters did you pass between each other?

*DeLuna Tape #222 23:32:00*

**RE:** I would get maybe two or three letters a week from him.

Sometimes I would get none one week and maybe two, three again the next week. He would tell me about life around his area, in his cell.

**JSL:** Did you visit him face-to-face on any occasion?

*DeLuna Tape #222 23:32:24*

**RE:** I believe I may have visited him about three or four times.

**JSL:** Did you keep those letters for a while?

*DeLuna Tape #222 23:32:34*

**RE:** I kept the letters, I believe it was maybe five years after his death.

**JSL:** Can you show us how big, physically, the stack of letters was?

*DeLuna Tape #222 23:32:45*

**RE:** I would say, it would probably be a box almost like that, that I kept from him.

**JSL:** Describe that in your own words.

*DeLuna Tape #222 23:32:57*

**RE:** I had a box, I'd say about this wide, like this, and about this tall. And they were filled with letters from him. As far as measurements, I really can't tell you how big a box it was.

**JSL:** What happened to that box?

*DeLuna Tape #222 23:33:20*

**RE:** I finally got rid of it, all the letters. I'm not sure if it was because I was mad at his brother. I probably decided it was time to move on.

**JSL:** And this . . . You said that Carlos described what his aspirations might have been if he ever got out. Can you describe some of that for us?

*DeLuna Tape #222 23:33:51*

**RE:** I know that when we wrote each other, our relationship grew more into a love relationship and not just a friend. Through a friend and then it grew to love. He wanted to get married when he got out. I waited through the whole seven years afterwards. He wanted to settle down. He wanted to have kids. He wanted a life, the life that he missed, the life I think he took for granted. Because I remember when he said he missed the trees, he missed the green grass. He would tell me, one doesn't know what they miss unless it's taken away from them. And he missed a lot of things. He missed a lot of things.

*DeLuna Tape #222 23:34:59*

**JSL:** If you would tell us, what did you feel for him? What were you looking forward to with him?

*DeLuna Tape #222 23:35:09*

**RE:** I was looking forward that he would get out, that they would believe him, that he would fulfill his dreams of settling down and

living as a free man.

*DeLuna Tape #222 23:35:30*

**JSL:** Did you hope that maybe the two of you could have a life together?

**RE:** I think that's what we both wanted, yes.

**JSL:** So if you could tell me, in your own words, what you both wanted, using his name.

*DeLuna Tape #222 23:35:50*

**RE:** Carlos and I-

**RP:** I'm sorry, but if you can use his last name, too.

*DeLuna Tape #222 23:36:00*

**RE:** Carlos DeLuna and I, we wanted to get married. We wanted to have kids. We wanted to grow old together. That's what his wish was, that's what he wanted. And it just didn't happen.

*DeLuna Tape #222 23:36:25*

**JSL:** Tell us about what happened around the time that he was executed. How did you hear about it, how did you feel, surprised that it happened?

*DeLuna Tape #222 23:36:35*

**RE:** I was surprised. I knew that his last appeal, he had told me it didn't work out for him. I got the call from Rose. I didn't know the actual date that he was going to get executed. But when I got a phone call from Rose, she told me that Carlos was up for

execution that night. They were hoping for a stay of his execution. He said he didn't want to call me, he didn't want to talk to me or anything like that, because he was afraid. When I talked to Rose that night, I think I prayed. I prayed for him, up until I guess I heard that he had been executed. I was sad. I didn't think it would happen.

DeLuna Tape #222 23:37:45

**JSL:** How did it affect you and your life?

DeLuna Tape #222 23:37:56

**RE:** I know I didn't go out for a while. I wasn't looking for anyone for a while. I just couldn't believe it. I couldn't believe it. I didn't think it was going to happen.

**JSL:** Do you think it should have happened?

DeLuna Tape #222 23:38:17

**RE:** I didn't think it should have, no. Because I believed him. I believed him when he told me he didn't do it. He sounded sincere and he was sincere about it. He wasn't the type that would. He was well-mannered. He was really nice. I know you hear that [they are all] all nice guys. They are really not nice. Carlos, he was. He was a gentleman. I don't think he could have done it.

DeLuna Tape #222 23:39:00

**JSL:** I'm going to read you some information that was taken down

from you when you spoke to Mr. Peso Chavez back in August. "In the early 1980s, Ms. Esquivel worked with Mary Conejo, Carlos DeLuna's sister-in-law, and was aware that Carlos was on Death Row. She became a pen pal, and the letter writing began. Over the years, hundreds of letters were written. Some years ago, Ms. Esquivel discarded them. Between the letter writing and several personal visits, Ms. Equivel was of the opinion that Carlos DeLuna did not kill the person he was convicted of. She bases this opinion on a number of factors, including statements Carlos made to her. She stated," -- and this is a quotation -- "'Carlos never liked talking about what had happened. He would rather look to the future. But he told me on numerous occasions that he did not kill the woman, and that it was another Carlos, I think Hernandez. He said he was not involved in any way. When he told me this, I believed him. It was the way he looked at me when he told me. He sounded sincere and truthful. The only other thing he told me was that he ran when he saw the cops and they found him hiding under a car.'" Is that an accurate statement of yours?

**RE:** Yes.

*DeLuna Tape #222 23:40:25*

**JSL:** Ok. I wonder if I could get you to describe an answer to this question, but using full names. What did Carlos tell you about what happened that night, that ended up getting him on Death



Row? What did he tell you, and what did you believe?

DeLuna Tape #222 23:40:45

**RE:** He was on probation. I think he'd just gotten out, and he was on probation. He went with a friend of his, or some guy that he knew, to get a drink. When he came out, I guess he was going to go get some cigarettes, or go buy something from the store, I'm not sure what. And Carlos waited for him.

**RP:** Instead of using "he," can you always use "Carlos DeLuna."

DeLuna Tape #222 23:41:58

**RE:** Carlos DeLuna had just gotten out of prison. And he went with a friend of his -- at the time, I didn't know his name -- to get a drink. When he came, when Carlos DeLuna came out, when both of them came out, his friend went to the store for either some cigarettes or whatever. Carlos DeLuna heard some sirens. I guess they were police sirens coming around. When he saw the cops, when Carlos DeLuna saw the cops he took off, he took off running. They found him, I believe, shirtless under a car. When I asked him if he did kill . . . I asked Carlos DeLuna if he did kill the girl, and she said no, I mean he said no. *(baby cries)* Bridget, what's the matter? *(camera cuts to new shot, still Esquivel)*

DeLuna Tape #222 23:43:15

**RE:** I asked Carlos DeLuna if he had any involvement in it. And he told me no. Carlos told me no. Carlos DeLuna told me no. And

I asked him, "Who was it? Who was this person who did it?" And he specifically told me it was Carlos Hernandez. He knew who he was. He, himself, Carlos DeLuna did not do it. It was another guy, another Carlos, Carlos Hernandez, was the one that killed her.

**JSL:** How did Carlos feel about the way things went for him, how his lawyers were working for him? How did he feel out that? In the end, things didn't work out for him.

*DeLuna Tape #222 23:44:30*

**RE:** No. I think the first lawyer, Carlos DeLuna had said he didn't do anything right. He didn't ask the questions, or he didn't look further into the case, even after Carlos DeLuna gave up Carlos Hernandez's name. Nothing was done. Only because Carlos DeLuna told me he'd been in a lot of trouble there in Corpus and the cops wanted to get rid of him. And since he was around the incident, this was the best way to stick Carlos DeLuna with this crime, to get him out of the way.

*DeLuna Tape #222 23:45:18*

**JSL:** Did he fight? Did you feel like he was fighting? Did he give up? How did he- *(clock chimes)*

**JSL:** How did he fight? Did he fight for his-

*DeLuna Tape #222 23:45:40*

**RE:** He fought up until his death. Like I said, they didn't listen to him. He gave enough information, he thought, Carlos

DeLuna thought, but it just wasn't there, it wasn't there for him.

DeLuna Tape #222 23:46:00

DeLuna Tape #222 23:47:12

**JSL:** Reflecting back on it if you would, Rosie, if you would.

Just ask and answer for yourself, why is it that Carlos DeLuna couldn't get the help he needed or get the facts out, the truth out. Why was it, in your view, that he was executed? What happened, what broke down or didn't work?

DeLuna Tape #222 23:47:40

**RE:** It's hard to say what happened. There's a lot of things that happened in this case. Maybe money, maybe not enough money. Maybe people just didn't want to listen to someone, to a youthful troublemaker that was in a wrong place at the wrong time and felt like he did it. Not willing to give him the benefit of the doubt. He's just another troublemaker out of the way. They didn't want to listen to him at all. But he fought, Carlos fought all the way to the end. He maintained his innocence all the way to the end. Most killers don't. From what I've seen on TV, usually they do confess and say "I'm sorry" to the family. But Carlos wasn't sorry for anything that he's done. Because he didn't do it. He didn't believe he did it. He believed he did not do it. And I believe he didn't do it. I believe that this other Carlos Hernandez did. And they just didn't want to listen to him. He

said it numerous times. I don't know if he was telling the right people, or his lawyers didn't do what they could for him. I don't know. He really didn't mention . . . He did mention that his lawyers were doing this hab . . .

**JSL:** *Habeas corpus.*

*DeLuna Tape #222 23:49:47*

**RE:** *Habeas corpus.* I don't know what that is. But that he was doing that, his lawyers, Carlos DeLuna's lawyers were doing that. And I know that he did tell me, "They just don't want to listen. I tell them this. I give them all the information. They just don't want to listen."

*DeLuna Tape #222 23:50:00*

**JSL:** What did he tell them?

*DeLuna Tape #222 23:50:05*

**RE:** He gave up the name. He gave up the fact that Carlos Hernandez was the one that went into the store. He had nothing to do with this crime. He only ran because he, you know, he just got out of prison. He was on probation. He didn't want anything to happen to him.

*DeLuna Tape #222 23:50:34*

**JSL:** Over the time that you wrote to him and you knew him, did he change?

*DeLuna Tape #222 23:50:43*

**RE:** No. No. I only knew Carlos when he was in prison. I didn't know him when he was out. He didn't change any of his story from the time that I heard it first to the last.

**RP:** I'm going to stop for a second. *(camera cuts to new shot, still Esquivel)* Ok.

DeLuna Tape #222 23:51:08

**JSL:** Rosie, can you tell me approximately how many letters you think you wrote to him and he wrote to you, just an estimate?

DeLuna Tape #222 23:51:22

**RE:** That's a lot of letters. That's a lot of years. It was seven years that we wrote to each other. I'd say more than, maybe 200. Maybe more.

DeLuna Tape #222 23:51:48

**JSL:** How would you like Carlos DeLuna to be remembered?

DeLuna Tape #222 23:52:00

**RE:** He was honest. Carlos was honest. Even though he didn't like to talk about it, he was honest and sincere. He was a nice guy. Very good looking. But he was really honest, yes.

DeLuna Tape #222 23:52:28

**JSL:** I'm going to show you some pictures here. I'm writing "R.E.," Rosie Esquivel, "number 1," because it's the first one we're looking at, and today's date. *(hands her a photograph)* Look at that and maybe hold it up and tell us if you recognize who

that is.

DeLuna Tape #222 23:52:50

**RE:** Yes, that's Carlos DeLuna.

**JSL:** Could you hold it and show it?

**RE:** I have one just like that. I'm not sure whether I still have it. I may still have it. I just don't have his letters.

DeLuna Tape #222 23:53:07

**JSL:** "R.B. number two, 2/27/05." *(hands her a photograph)* Just take a look at this picture and tell me if you recognize anybody in it.

DeLuna Tape #222 23:53:24

**RE:** No I don't. I'm thinking this might be Carlos.

**JSL:** Can you hold it up and show us?

DeLuna Tape #222 23:53:50

**RE:** *(holds up photo)* I'm thinking this one *(points to figure on right side of photo)* might be Carlos.

**JSL:** Carlos?

**RE:** DeLuna.

**RP:** I'm sorry, can you make that more clear?

DeLuna Tape #222 23:53:57

**RE:** Ok, I'm thinking this one here, in the hat, he's awfully young, might be Carlos DeLuna.

DeLuna Tape #222 23:55:20

**JSL:** Rosie, what do you think when you think about what the state of Texas, in the name of the people of Texas, did to Carlos DeLuna?

DeLuna Tape #222 23:55:34

**RE:** I think they did something, and it was unjustified what they did to him. I think they should have listened to him a little bit more clearly and given him the benefit of the doubt. Especially when he maintained his innocence. He didn't brag. Usually if someone does kill someone they usually end up bragging to someone else, and Carlos never did that. He maintained until the end, when he was executed, that he was innocent. And they should have listened to him. They treated his case unfairly. It was unjustified, what they did.

DeLuna Tape #222 23:56:47

**JSL:** How did that affect your life?

DeLuna Tape #222 23:56:55

**RE:** It changed a lot of our plans. I missed him. I missed corresponding with him, and just going up there to see him. It changed a lot. It changed.

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