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Vicky Gutierrez Interview Transcript

00:01:11

(shot of Vicky Gutierrez, seated)

JSL: -here in Garland, Texas. It's February 27th, 2005. We're on Ridgewood Street, 201 East Ridgewood, at the home of Alfredo and Victoria Gutierrez. Vicky, would you just tell me a little bit about your life, where you grew up, your family. If you would just tell us about a little bit about yourself, where you grew up, where you lived, your family.

00:02:00

Vicky Gutierrez: Yes. I was brought up in Corpus Christi. We lived with my mother there, Maria Margarita Martinez. She used to take care of us because she was like a mother and dad to all of us. She would work and, you know, do whatever she did to be able to take care of us. We were a family of nine. From my first dad we were six, then from my second, step-dad there were three, which is Rosemary and Carlos and Manuel. And the other ones, there were six from my first dad, that was Lucente, Antonia, Daniel, me, and -- who else did I forget -- Mary. And then after I got married with my husband, Alfredo Gutierrez, we came to Corpus Christi. We have three kids: my oldest son, Albert Gutierrez Junior; my daughter, Lisa Gutierrez; and my other son, Noel Gutierrez. My youngest one is already married. We just had a little grandkid, a little girl, which I've very proud of -- pretty as can be. My

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other sons, you know, they're not married yet. My oldest son, Freddy Gutierrez, he's already grown up, takes care of himself. He works for AT&T. And Lisa Gutierrez works for the Associates, she's an accountant there.

00:03:49

VG: They do pretty well. They take care of themselves. I've never had problems with them. They don't drink, they don't smoke, none of them. They're real nice kids, they always come to see us. I'm so grateful to God I've never had problems with them. There's so many things going around, like drugs and stuff like that. I have never had problems with them. And for that I give thanks to the Lord.

00:04:19

JSL: Describe how many members of your family who grew up in Corpus Christi ended up in Garland. Tell us how that migration of the DeLunas and the Conejos occurred.

00:04:30

VG: Ok. I got married with my husband, Alberto Gutierrez. We moved to Garland because what he was making over there wasn't enough money. So we moved to Garland, and he found a job here at Kraft Foods, which they were paying better. Then, after that, I told my sister, Mary Arredando, my husband could find her husband a job here. Which he did, so Mary came along and moved over here to Garland, and he found a job there at Kraft Foods, too. But,

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poor Mary, her husband had an accident and died in a car accident. Then, I guess we all talked to Becky, Danny, and everybody sort of followed me, so they all moved over here.

00:05:19

JSL: Do you remember about what year it was that you moved to Garland?

00:05:26

VG: I think it was in 1968.

JSL: And-

VG: My son was 2 months, something like that.

00:05:43

JSL: Tell me what you recall about Carlos DeLuna, your young step-brother. What was he like when you were growing up?

00:05:54

VG: When I was growing up? Well, when they were little, we used to take care of them. We used to buy them clothes. We worked to help my mother, because, like I told you, my mother was like a dad and a mom. So we would work. My mother even . . . I had to get out of school to help my mother with the kids. And we would take care of them. And I would have to work, me and Mary. And we would dress them, buy them clothes, feed them, help my mother. They grew up, they went to school.

00:06:30

VG: I never thought that Carlos would do something like that. It

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was a shock to me when I heard what happened. I know he was a crazy kid that goes out with his friends and stuff like that. But killing? I don't think he would. It was something I couldn't believe.

00:06:55

JSL: Your sister Mary told us this funny story, that when you were growing up and you were going out, you'd want to go out, and so the rule was you had to take one of the younger kids with you and you'd pick which one. Can you tell us about that?

00:07:10

VG: Manuel. Manuel was my favorite. I don't know why, but Manuel was my favorite when I used to take care of him. So it wasn't too much on us, I think, Mary would pick Carlos and I would pick Manuel. Every time they would pay us, paycheck time, we would buy them something, some clothes. That's the way we were raised, to help my mother. When we got paid, we would give the check to my mom and she would give us just so that we could spend something and go buy us something. But it was a habit we had that, every paycheck, we had to go buy something for our brother. It's just like he was our responsibility, something like that.

00:07:53

JSL: Tell us what the little kids were like, what Manuel was like, what Carlos was like, what Rosa was like.

00:08:00

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VG: Nice. They were very nice kids. They would listen to us. We would take them to the movies, anywhere we wanted to go we would take them. They behaved. They were well-behaved.

00:08:19

JSL: I realized that when I asked you that question it was more me talking. If you would go back for a second and tell us how did you and your sisters divide up the work of taking care of the little kids? How did that work?

00:08:35

VG: It was mostly financial. When we got paid, she would take . . . Carlos was her favorite and Manuel was my favorite. *(audio overload distortion)* I'm saying that because that's who I take care of. And Becky was Rosemary. It was just like that, I don't know how. That's the way it was. We took care of them like that.

00:08:58

JSL: Did they go on dates with you sometimes?

00:09:00

VG: *(laughs, audio overload distortion)* We didn't go out a lot. I don't think we went out a lot. We had work. I remember on one day only, like on Mondays we used to like to go dancing. That was our We liked to go out dancing. That's where I met my husband. And we got married. But that was about it, dancing and to the beach.

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JSL: Where did you go dancing? Which club?

00:09:29

VG: It was the Coliseum in Corpus Christi.

JSL: I'm going to ask you about another club, probably a very different club. Did you ever hear of the Casino Club?

00:09:37

VG: Casino? I probably went there, but I can't remember that name.

JSL: Tell me about You said your mother was mother and father to you. Tell me about the husbands, the fathers. There was a Mister Conejo, a Mister DeLuna, and a Mister Avalos.

00:10:00

VG: Ok. There was my father, I can't remember him, because they separated when I was real young. Then DeLuna, which is the father of my brothers, which is Manual, Rosemary, and Carlos. Then Avalos after I was already grown up and married. He kind of took care of my three little brothers, which is Manuel, Rosemary, and Carlos.

JSL: What was Mister DeLuna like? Do you remember him?

00:10:35

VG: Mister DeLuna, he was pretty good for a while, for a few years or something like that. Maybe after he had the kids, I don't know what happened. I guess it was too much on him. They separated. I guess they didn't get along, or it was too much on

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him because of us too. It was not only his kids, but us too. I don't know what really happened.

JSL: Tell me about your mom, how she raised you and what her life was like.

00:11:15

VG: My mom used to clean houses. She'd go every single day, wake up in the mornings and go work, and bring the money. My older sister, she would keep the house. She would make the food and stuff like that for us, for all of us, so that we could eat. And when my mother came, she had her supper ready and stuff like that. I had an older sister, Toni, she was always like a mother to us. She was the one that would take care of us when my mother was gone.

JSL: Do you remember, if you can describe your mother around the time Carlos and Manuel and Rosemary were born, how was her life at that time?

00:12:17

VG: When she was with him, it was ok. But after he left her, it was kind of hard because she had to work more because we were now more, more kids that she had to take care of. It was kind of hard for her, it was kind of hard, you could say that, to be able to take care of us.

JSL: Tell me how . . . Tell me about your mom's relationship with Carlos.

00:12:46

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VG: Oh, God. She loved Carlos. That was her pride and joy. She would do anything for Carlos, anything. She loved us all, but Carlos, he was her love, he was. She would do anything for him.

JSL: Why was that?

00:13:09

VG: Maybe because he started getting in trouble with the law or something like that. That's what I think. A mother is a mother, even if you are bad. You do bad things, your mother is going to love you. It's something in a mother that when your son does something wrong to her, she don't do no wrong. I'm a mother, and that's the way I feel. My kids are angels to me. Even if they do something wrong, to me, they don't do no wrong.

00:13:50

JSL: We did as much of a psychological profile as we could from reading his records from school, and when he was in the court system. And there was a consistent pattern in those records saying that, intellectually, in school, that part of the way his mind worked, he tested very, very poorly. There was a side of him, though, he could be effective in the world and doing things, like with his hands. But, as somebody who could read and do mathematics or could understand language, he was very slow. Does that ring any, is that familiar to you in any way? Is that consistent with what you saw?

00:14:40

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VG: I can't remember his report cards. And Corpus Christi is not the same like over here, I think. Towns have to do a lot with education. Corpus Christi is a town where there are so many Spanish-speaking people, you don't advance as well as other schools. Like here, in Garland . . . And a long time ago, they didn't used to use computers. And look at these days: a kid, six, seven years, they're already doing computers. I think it has a lot to do with the schools, where the towns and stuff like that, the teachers.

JSL: What grade did you go through?

00:15:34

VG: I went through the eleventh. I almost finished my senior year.

JSL: How much was education emphasized or not in your home, especially for the girls?

00:15:45

VG: I wish I could have gone more. But like I told you, I had to help my mother. And I started working, then I got married. But I think I did pretty good, because my job, I can do a computer. I didn't learn it until late years. But I can do all that. It was hard for me, because I had never used a computer and stuff like that. But I can work with it.

00:16:20

JSL: Tell me how Carlos DeLuna's arrest for this capital murder,

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this killing at the gas station, how did that affect your mother?

VG: My mother or me?

JSL: Well, both. How it affected your family.

00:16:39

VG: It affected us real bad. It was real hard. It was real hard for us. And my mother especially. She got sick. After that she just went downhill. She died. It was hard on us, too, because we not only had one person died, my mother, too.

JSL: I'm going to ask the same question, just start with "When Carlos was arrested," to put it in context. If you would describe for me what effect Carlos's, your brother's effect, had on your mother.

00:17:27

VG: What affected my mother? She couldn't afford it. That's one thing that affected her. She couldn't afford to get him out of trouble. She didn't earn much money, so that was part of it. She started getting sick.

RP: It seems like maybe Carlos was your mom's *consentido*.

00:18:05

VG: *Consentido*? Yeah, I think so. Carlos was her *consentido*.

RP: Do you think that's why it hurt her so bad?

00:18:20

VG: She loved us all, like I told you. It was him, I don't know why, it was more.

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JSL: Would you tell me what *consentido* means?

VG: Sort of like a-

RP: Like a favorite.

VG: Favorite. Like a favorite.

JSL: You would say, "Carlos was my mother's"-

00:18:40

VG: Carlos DeLuna was like her favorite son.

JSL: Use the Spanish word, I think it's nice.

VG: *Carlos era como su consentido, consentido hijo de mi mama.*

RP: *Y a un poco. Mexico.*

VG: *Si?*

JSL: Use the word and tell us what *consentido* means.

00:19:06

VG: *Consentido eres decir si que era su favorito hijo. Algo si.*

JSL: And now say the same thing in English, if you would, for people who don't understand Spanish.

00:19:20

VG: It was like he was his favorite son, my mother's favorite son. She loved him very much.

JSL: There were lawyers. How did she handle that?

00:19:35

VG: The lawyers? The city lawyers, I think that those were the ones who help you. Because she could never afford a lawyer that she would pay. She tried, that's when she sold her insurance.

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But it was not enough money. Lawyers are expensive. She had to have the city lawyer.

JSL: Do you have an opinion about what may have really caused your mother to die?

00:20:05

VG: Complications, too many complications. Too much stress.

JSL: Tell us how your mother was, health-wise, before and after these events.

00:20:51

VG: My mother, she was a real healthy woman. She would work, take care of us. After the incident of Carlos DeLuna, she just went downhill. She got sick. She had to go to the hospital. They operated on her three times. Then she died. She died after all that.

RP: Was it real hard, because that's two really stressful things happening for you guys, the kids, at the same time. Your mother getting, sick, and Carlos having those problems. How did your brothers and sisters cope with it? How did you deal with it?

00:21:30

VG: I was . . . I had so much grief. I really did. I didn't want my mom to die, but she did.

00:21:58

JSL: Would you just tell us what you think about Carlos DeLuna's . . . the justice, the fairness of his going to Death

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Row for this crime and then being executed. Did he deserve that in your opinion?

00:22:24

VG: In my opinion? I wasn't sure. I wasn't sure, because nobody knows. The only person that knows is God. But I couldn't believe it. I couldn't believe it.

00:22:45

JSL: Tell me again, what was your reaction, what was your thought when you heard that they had accused Carlos DeLuna, your brother, of knifing a woman to death?

00:22:58

VG: It was like a shock to me. I just couldn't believe it. Me way over here, not being able to go over there to see my mother. It was hard, real hard.

JSL: What did Carlos himself tell you?

00:23:17

VG: When I would go visit him in jail, he would say that he didn't do it. He was always saying he didn't do it. That they were going to execute him. That's all he would say, he said that he didn't do it.

JSL: Did you correspond with Carlos when he was on Death Row? Did you write to him, write back and forth with him?

00:23:52

VG: Oh yeah, we'd write to him. I'd write to him all the time.

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I would send him money. He was always asking me to send him some money. I couldn't send him a lot, but I sent him some all the time.

JSL: Did you save those letters?

VG: Yes, I did.

00:24:10

JSL: What I wanted to do is show you some letters here and ask you if they are letters that you received from Carlos. Maybe get you to read some portions of these letters. First of all, just to make clear here, because these are your letters, I want to give you the originals. So I made photocopies. So we can keep the photocopies and you can have the originals. I'm going to mark this one, I'm going to put up here "V.G.," Vicky Gutierrez, "number one, 2/27/05" so we know who it was, what the date was. I'm going to ask you to look at this letter, first of all, just tell us . . . You can see that the letter was folded *(holds up folded letter)* like this and there's some marking on the outside. If you would read that, starting with this side. So this is number one.

00:25:30

VG: It says, "Mr. Lawrence, this is my" -- I can't read without my glasses.

JSL: Neither can I. *(hands her glasses)*

VG: *(puts on glasses)* It says, "Mr. Lawrence, give this to my

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sister, ok? Tell her to read it at home, not here in the court.

Thank you"

JSL: Ok, and what does it say, there?

00:26:02

VG: "To Mary, from Carlos. Don't read it until you leave the courtroom."

JSL: Ok. Now, if I could ask you to open that letter up to the second page.

00:26:35

JSL: Who signed this letter, can you see there at the bottom?

VG: Carlos, it says "Love, Carlos."

JSL: And if you would read that paragraph that begins, "Mary," what Carlos wrote to your sister, Mary.

00:26:50

VG: *(reads)* "Mary, tell all the others if it is possible to come to my trial, so I can see all of them, in case I should get the death penalty. That way I can see them all *(breaks into tears, audio overload distortion)* one last time." I don't like to read things like that. *(reads)* "What I mean by all of them, I mean my family, Daniel, Manuel, Rosemary, Big, Tony, Becky, Vincent and, of course, you. That's all. Thanks for hearing me out, Mary. Always take care. Love, Carlos."

JSL: Ok.

VG: I'm don't know why I'm so sensitive, I can't-

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JSL: I'm sorry. That's your letter, and you can just keep it with your letters there.

00:28:03

VG: Brings me too much memories.

JSL: It does bring back memories. Ok, I'm just going to ask you to look at this other one, this next one I'm going to mark as "V.G. number two, 2/27/05." This one, there's a, see if you can read the date on the outside of the envelope there, the date of this letter.

00:28:50

VG: The date? July 27, 1983.

JSL: Ok. And if you would open that up to the page there. Who's writing this letter, and who are they writing it to?

00:29:00

VG: Carlos wrote me this letter to me, Vicky Gutierrez.

JSL: And if wonder if you would just read this letter to us.

00:29:12

VG: Ok. It says, "Dear Vicky, here you find me writing you these few lines to say hello and also everybody else. Well, I finally made it to Death Row."

JSL: Tell us how he spelled "Death Row."

VG: D-E-A-T-H Roll, R-O-L-L. He didn't spell it.

JSL: Ok, keep going.

00:29:35

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VG: "I was going to write to let you know that if you want to come and see me your name will be on the visiting list. Visiting time is from Monday to Friday only. No weekend visits, only Monday through Friday, from eight to five p.m. Well, Vicky, don't worry about me, I am fine. But if you could come visit me some time, let me know when. Bring our brothers and sisters, I got their names on the list. You all can come. Well, write back to me, let me know what's going on. P.S.: Write back soon. Love, Carlos."

JSL: Thank you. And again, if you want to put that one back. I'm going to give you this back, that's just an article. The next one I'm going to mark is "V.G. number three, 2/27/05." And again, take a look if you can see on the outside of this envelope, when this one was from.

00:31:20

VG: September 17, 1983.

JSL: Ok. And if I could ask you. I'm sorry to do this but it's so important to have this record made. If you could just read this letter.

00:31:34

VG: Ok. (*reads*) "Dear Vicky, here you find me writing you this short letter to say a few lines. I want to know why you didn't tell me my mom died. Also, if you would have said something, I could have gone to the funeral. Say hello to your family from me."

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Also, tell Daniel I am already back in Death Row. Tell him to write. Tell Mary A. also I'm ok. Let Manuel I said hello. Oh, call Toni Peña and tell her to pick up the stuff on the County Jail. She has to go only because they won't release it to nobody else, only her. So tell her that she has to go, ok? Tell Diana Peña to write, also, and Belinda, ok? Tell Diana Peña to tell Elisa to write to me. Oh, Vicky, I hope you are doing fine. As for me, I am ok. Also write back, ok. I went to Corpus to go to court. I got a new trial, but they haven't set a date yet, ok? I will let you know as soon as they do. Well, I hope you write. Tell Becky to write, ok? P.S.: Write back soon. Love, Carlos."

00:33:25

JSL: Ok. And would you again look back up to the seventh or eighth line and tell us how he spelled "Death Row"? It's where he's talking about talking to Daniel.

00:33:33

VG: The way he spelled "Death Row"? D-E-A-T-H Roll, R-O-L-L.

JSL: Thank you. The next one, this is one I actually just want to ask you a question about. Tell us when that letter was written and who it was from and who it was to.

00:34:28

VG: Oh. This letter? Carlos wrote it and it's got my address on the side, but I'm not even sure if he wrote it to Rosemary. He's got this address on the back of this letter.

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JSL: Who does it say it's to on the letter?

00:34:50

VG: It says "Dear Vicky." The letter is addressed to me.

JSL: Ok. And if you would read . . . What date is this letter?

VG: October 6, '83.

JSL: If you would read the first few lines, just read it and I'll tell you where I want you to stop.

00:35:11

VG: Ok. (*reads*) "Here you find me answering your most welcome letter to say hi. Also, send my regards to all your family for me. Well, how are you? Hopefully fine. As for me, ok, I guess. Well, I can't tell my lawyer the things I am planning to do. I'm doing. Also, I need to tell you all about it, not him. And I need to tell you all in person. I can't seem to understand why you didn't understand what I was trying to say on my last letter you got. Read this letter. I'll see you over again. Oh, also, thanks for the money order."

00:36:06

JSL: Ok. Do you know what he's talking about there, with his lawyers? The problem he was having with his lawyers, what he didn't want them

00:36:15

VG: I guess they didn't believe him. I would think that, that they didn't believe him. The lawyers he had, they were not

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lawyers that we were paying, they were lawyers that were selected by the city. I don't think those lawyers are going to really work for you, take care of you. They're going to want to get paid. I think that was the problem.

JSL: What was Carlos's problem with those lawyers?

00:37:16

VG: The problem with Carlos was that he didn't believe in his lawyers.

JSL: Did they believe in him?

00:37:28

VG: They didn't believe in him. They just didn't like him in Corpus Christi, I think that's what it was. The police and all that, they just thought he was no one, and that was it. I guess the lawyers work with the city, I don't know.

JSL: Tell me then, what you think the lawyers thought when Carlos told them he was innocent?

00:38:04

VG: I don't believe the lawyers believed Carlos because of what he had done in the past. They were just going with what the police said there, and I guess everybody there in Corpus Christi, people that worked there in the court . . .

JSL: How good a job do you think those lawyers did for Carlos, the lawyers in the trial?

00:38:30

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VG: I don't think they did a real good job. If they would have been paid properly, if he would have had the money to pay them, they probably would have done a better job.

00:38:50

JSL: I'm going to hand you another envelope here. Do you want to put those back in so you don't . . .?

VG: It's ok.

JSL: Ok. I'm going to hand you another one. I'm marking this one as "V.G. number five." If I could ask you to just tell me -- this is V.G. number five -- and tell me when was that written, who was it from, who was it to?

00:39:50

VG: This letter is from Carlos, and it was written on January the 21st, 1984, and it's written for Vicky.

JSL: If you would read the first few sentences of that. I'll ask you to stop.

00:40:05

VG: Ok. *(reads)* "Well, Hi. What's up? I was very happy to hear from you. I hope I find you and your family in the best of health as possible. As for me, ok. I guess not much around here. Oh, Vicky, I almost forgot to tell you. I bet you can't guess what. Well, I got put into population. That's right, I am no longer on Death Row. Well, what I mean, I am still sentenced to die, but I am no longer locked up all the time. I now have a job

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and I can also have visits on Saturdays and Sundays. So now there is no excuse you can't come. But I have to be good to stay out here. I hope that I don't get in trouble because I don't want to go back to Death Row. I hope you can come soon to visit me.

RP: We're running out of tape, so I'm going to swap things out.

00:42:10

(same shot of Vicky Gutierrez)

RP: Ok, I'm rolling.

00:42:13

JSL: I'm going to ask you to look at another letter that I'm marking "2/27/05." [V.G. #6] And if I could ask you to tell me who this is from and when it came.

00:42:29

VG: It says "Carlos DeLuna." He wrote me that letter. It's March 20, '84. And he wrote it to me, Vicky. It says, *(reads)* "Here you find me answering your most welcome letter I received today. I was very happy we heard from you. Well send regards to everybody for me. As for me, I am ok, I guess. Not much happening around here. Well, they executed somebody last week. I felt sorry for him, but what can we do? I just hope it never happens to me. But if it does, I am prepared. Well, I never got the paper clipping of Noel being in the paper. Did you forget to send it? Yes, I got moved to C-8, a trusty block. Well, here I enclose some money slips. Tell Fred that I said hello, and tell

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him I am trying to stay out of trouble. I have to admit, I do work a whole lot, but this is the only way I can stay in population. Well, when are you going to be able to come see me? Tell Fred if he wants to come see me I'll put his name on my visiting list. Well, how have you been doing? As for me, I guess, ok. Just trying to make it in this prison. Well, I hope to hear from you soon. Ok. Also, send Noel's picture. Oh, I made you a jewelry box, so be expecting it soon. Take care. God bless you. Love, Carlos."

00:44:34

JSL: Who's Noel?

VG: That's my son.

JSL: And what was he in the newspaper about?

00:44:38

VG: My husband, like I told you, he likes to go fishing a lot. They were fixing that creek -- it's a creek? -- that they have here on Rollet. And the city people, they took his picture. And he was fishing. He was just a little baby, maybe five, six years old. They took his clipping. I told him he had come out in the newspaper, and I was going to send him a clipping of it. I think you've got one there. Did I give you one? No?

JSL: And who's Fred?

VG: My husband is Fred.

00:45:15

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JSL: Ok. The next one I'm going to hand you is, we're going to call this "V.G. number seven." Tell me what that is. Look at it and tell me what it is. Maybe hold it up for the camera.

00:45:30

VG: *(holds up certificate)* Ok. This is an award to Carlos DeLuna for completing his corresponding course of Bible. Offered by extension of the Church of Christ, and director of studies Clifford Emerson gave it to him.

JSL: Do you remember how he felt about that?

00:45:54

VG: He was real proud of it. He wanted me to keep it for him, he said. He wanted me to frame it. He sent a letter to me, he told me he wanted to frame it. He sent it to me because he knew I was the only one who would take care of his things besides his mom.

JSL: Did he make you something?

00:46:23

VG: Yeah, he made me a little church, he made me a little jewelry box. He was always sending me packages with pretty pictures of Mary, Jesus, things like that, real pretty things that he would make and he would send them to me.

00:46:40

VG: *(turns to someone off-camera)* Bring me the little church that I have in my room. There's a little church that he made me.
(back to camera) I had a little jewelry box, but my daughter, she

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broke it because I let her have it and she just didn't keep it.

But the little church, I still have it. Handkerchiefs, he would send me handkerchiefs and stuff like that.

00:47:10

JSL: I'm going to hand you another one.

VG: *(to someone off-camera)* You found it? He made me things like that.

JSL: Oh, wow.

VG: A little church. *(picks up small model church)*

JSL: Take that and just tell us what that is. Hold it up.

00:47:33

VG: This is a little church that my brother, Carlos DeLuna, mailed to me. He made it himself. It's something like a memory from him. *(cameras zooms in to close-up of the model church in her hands)*

JSL: Tell us who made that and where.

00:48:06

VG: Carlos DeLuna made this little church for Vicky Gutierrez when he was on Death Row in Huntsville.

JSL: Where do you keep it?

00:48:20

RP: Hold the front, the other side of it, a little bit, yeah.

VG: I keep it in my room.

JSL: What does that mean to you?

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00:48:36

VG: It means something that I'll always remember from him. He was my brother. *(camera slowly zooms out to Gutierrez)*

00:49:05

JSL: In your materials on Carlos you have an article in a newspaper. If you could just take a look and tell us what newspaper it is and the date. *(hands her a newspaper)* I think up at the very top there it tells you what newspaper it is.

00:49:20

VG: It's *Dallas Times Herald*. Is that it? *Dallas Times Herald*.

JSL: What date?

VG: Wednesday, October 5th [sic, 15th] 1986.

JSL: Flip that over and read that newspaper article starting with the headline.

00:49:50

VG: *(reads)* "Inmate Given Reprieve Hours Before Execution. Associated Press. Huntsville. A federal judge granted convicted killer Carlos DeLuna to stay of execution Tuesday just 12 hours before he was to die by injection for the 1983 robbery/slaying of a Corpus Christi convenience store clerk. U.S. District Judge Hayden W. Head, Jr. said DeLuna attorney Richard Anderson of Dallas had filed several constitutional issues that the state of Texas had not had time to address. The state Attorney General's office did not oppose the stay, said Marianne Boloose[?], a deputy

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clerk for it. Upon hearing of the stay, DeLuna only said, 'Thank you' According to Charles Brown, Texas Department of Corrections spokesman, DeLuna, 24, appeared calm Tuesday while waiting for word of his last-minute appeal. Brown said he talked with other Death Row inmates and visited with a friend and relatives. The convicted took heart medications early Tuesday, but prison officials said they did not know his alignment."

00:51:20

JSL: Did you know about Carlos having any heart problems?

00:51:24

VG: I heard that after he went to prison that he got sick.

JSL: Do you remember this occasion, when he was not executed but he came close to being executed?

VG: Yes.

JSL: Were you there?

00:51:42

VG: Yes, I went over there. I didn't see him being executed, but all my sisters and brothers, they kept us in this little room, where we were waiting.

JSL: Would you describe your last meeting with Carlos?

00:51:58

VG: We talked to him, we saw him. It was sad for me, having to see him the last day.

00:52:20

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JSL: I'm going to hand you another one that we're marking "V.G. number eight, 2/27/05." If you could just tell me when this letter was written, who it was from, and who it was to?

00:52:55

VG: This letter was for Vicky Gutierrez. It was written on May 27, '88.

JSL: Ok.

00:

VG: It says, *(reads)* "Hello, my sister. I hope everyone is well and fine. Do give everybody my love and regards. I don't know why you don't write any more. I hope you haven't forgotten about me. Are you mad at me in any way? But whatever the care is, I would like to get a letter, at least one. The last time you wrote to me was 1984. I think just one letter, Vicky, I know you ain't got nothing to say, but at least write and say hi, I would be very happy with that. I got a degree in college. I'm graduating from a business course, two and a half years of college. I hope I get to use the knowledge I pick up here one day soon. I don't know all you know. I turn 26 years old on March 15th. I am getting older and I wish at times I could be young again. Anyway, I have a few jewelry boxes and two frames I made. I would like to send them to you *(turns page)* because I know you, because will cherish them more than anyone else. Just don't tell our family *(audio overload distortion)* that, because I'm sure they will get mad at

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me. I do need the stamps to mail them to you. If you would send whatever money you think it will cost to mail them to you, they're about the size I gave Mary our sister-in-law one day on the visit. You remember? See--"

00:55:32

JSL: How does Carlos spell "remember"?

VG: "Remember"? R-E-M-B-E-R.

JSL: Ok, if you'd read on from there.

00:55:50

VG: "They're only in my way here, and I just want to send them to you before I break them or something happens to them. Me whatever you think it will" -- mail me, I guess that what he wanted to say (*phone rings*) -- "to send them to you. Just read it and I will send it to you." I can't understand his writing very well. "I want to send you a five-by-eight picture of me I took a few months ago, ok? Well, You take care and I hope to at least get a 'hi' letter from you. I know you can at least write and say hi to me. I would appreciate that. I would appreciate that. (*turns page*) I will understand that and that's ok. I will always love you all, no matter what happens to me. I still haven't heard anything from the federal court in Corpus Christi, but when I do, of course, you will be the one first to know. Let's pray we hear good news. But either way at all, I do have in the handle" -- I don't know.

00:57:40

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VG: (reads) "Let's pray we hear good news, but, either way, I done left . . . done left it in the Lord's hands. I hear Bear . . ."

JSL: Blas[?].

00:58:01

VG: "Blas is sick." Oh, yeah, Blas, that's what it is. "Blas is sick. I hope he gets well soon. I feel very My heart goes out to him. I remember he did a whole lot for me and Rose. I just" -- I can't -- "paid much attention."

00:58:38

VG: "Just never paid much attention when I was young 'cause I was very stupid and hard-headed. I wish I knew what I had now known back then. Well, you take care and God bless you. You sent that second 'get well' mail. There's things that you and I'm sure you will like them. I have all of you by now. Your brother, Carlos."

JSL: Thank you.

00:59:25

JSL: I'm going to give you that, I'm going to mark it "V.G. number nine, 2/27/05." This is a list of people who are approved to visit Carlos as of June 13, 1988. Could you read down the list and tell us who these people are?

00:59:50

VG: Rosemary DeLuna, that's my sister. Escquivel, Rosie, that was a friend of his. Gutierrez, Vicky, that's me. Daniel Conejo,

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my brother. Mary Allejandro, my sister. Conejo, Maria, is my brother's sister, my brother's wife. Subay, Julia, I don't know her. Brad, that's Rosemary's husband. Subay, Ralph, I don't know him either. Philip, Margie, I don't know her either. Probably friends of his.

01:00:30

JSL: If you want to grab one of those napkins . . .

(Gutierrez dries her eyes)

JSL: We're getting real close to the end. If I could give you this next one. That one can just go in your pile. Take another look at this one. I'm going to mark this one -- this is a long one, but it may be the most important -- "V.G. number 10, 2/27/05." Would you tell us . . .

01:01:18

VG: This was written in June, 1988, from Carlos DeLuna to Vicky Gutierrez. It says, *(reads)* "Dear Vicky, I want to send you my love and regards to all of your family, big Fred, little Lisa, little Noel, and, of course, you. I hope all of you are all well and fine. I am your heart in federal"-

JSL: "I'm sure you heard"

01:01:50

VG: "I'm sure you heard the federal court in Corpus Christi ruled against me on my appeal. That means I will be going back to They can set another date of execution. I have a good chance of

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being put to Death Row this time around because it's getting to a point where the court just quit, didn't want to hear our appeals on Death Row."

JSL: If I could get you to read that again.

01:03:36

VG: *(reads)* "I have a good chance of being put to death this time around because it's getting to a point where the courts quit, don't want to hear our appeals any more on Death Row. Vicky, I wrote you about a month ago and I asked you to please send me some money where I can send a few things home, just in case something does happen, I don't want to leave their things. I want to know, I want to make sure you'll get them while I am still alive. I would say about 15 or 20 dollars *(turns page)* would cover most of the postage and I will be able to buy me something to eat and drink, because the food here is very, very bad. I wish there was a way you could send me a tray from home. Do you remember how you would always make pork chops for me? I can still remember that. I can remember when me and big Fred would sometimes go fishing. He would always give me some advice. If only I would have taken it. How stupid I was when I was young. I thought I knew it all. But that goes to show me how much I know about anything. I remember mother used to tell me, 'Son, one day you're going to find yourself in a hole and you won't be able to get out. Or you won't be able to get out for a long time, if you don't behave.'

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And I used to tell her, 'Who, me? A hole? No way.' But how right she was. The older you get the wiser you get. I'm 26 years old now. I was 20 years old when I got locked up. I do feel older and I do look a little older.

01:06:19

VG: "Here I send you a few pictures of me. I have a big one, about five-by-seven. When I get the money for the stamps, I will send it to you if you want it. I sometimes sit here at nights and I cry to myself and I wonder how I could ever have been so stupid. Things like this happen because of a friend where did, and I kept my mouth shut."

JSL: Let me just read that and then ask you to read it again

01:08:29

VG: "I sometimes sit here at night, and I cry to myself, and I wonder, how could I have ever let some stupid thing like this happen because of a friend who did it, and I kept my mouth shut about it all. But I don't blame anyone but myself and I accept that. That is why I will accept it if the state of Texas decides to execute me. I want you to remember that no matter what happens I will never forget all of you all. And I (*turns page*) will always love all of you. They may be able to kill me, but they can't kill the love or memories, always keep that in mind. I will write to you again as soon I hear something from the court. When will . . . When will"

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JSL: Maybe you should start with "I will."

01:10:10

VG: "I will write to you again as soon as I hear something from the court, when they will set my date of execution. Well, I hope you can help me out on the postage due. I close my letter now, my sister, and write whenever you can. God bless you and your family, Mary. He always protects you and your family. Until I hear from you. I will send that big picture of me as soon as I can. When I get the stamps to do it. By now. Love, brother Carlos DeLuna."

01:11:04

VG: Have you seen his picture? Did they show you his picture?

JSL: Do you have it?

VG: *(speaks to someone off-camera)* La pintura de Carlos. The big one that I have hanging up there. *(to the camera)* He sent me . . . It was a friend of his that made a drawing, a drawing of him. *(off-camera)* It's not up here, in the living room? I have it in there somewhere, it's up there somewhere, hanging. *(to camera)* It's a picture a friend of his drew of him, kind of a drawing. I keep moving it everywhere. A real pretty picture of him.

01:12:09

RP: Oh, wow.

VG: We used to call him Elvis Presley. *(holds up portrait)*

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JSL: Let me ask it this way, and you tell us. Did your brother ever send you a picture?

VG: Yeah, he sent me this.

JSL: Tell us about that.

01:12:27

VG: This [VG #10A] is a picture, a friend of his drew it in Huntsville. He sent it to me because he knew I would be the one that would keep it forever. And I have, I have kept it.

JSL: Can you read what it says on the bottom there?

01:12:47

VG: It says, "Con Todo Respecto, by Jesse S. De La Rosas," that's the guy that done it, "1985."

RP: Can you hold it for us?

JSL: De las Rosas.

RP: Just hold it just like that.

01:13:10

(Gutierrez holds up portrait, camera slowly zooms in on it)

01:13:36

VG: This is the one that Mary used to take care of.

RP: Hold it one more time. *(camera zooms out and back in again)*

01:13:45

JSL: Tell us again who took care of him.

VG: Mary, my sister, Mary Arredando. That was her favorite brother, she used to take care of him like a mama would, say. She

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would buy him clothes, take him out. We used to go to the movies together and everybody had a brother that they had to take, and Carlos was my sister's.

RP: Once more.

01:14:18

(Gutierrez holds up portrait again, camera slowly zooms in on it)

01:14:45

JSL: When you look at that picture -- hold it up and tell me what you think of when you look at it.

01:14:53

VG: I think of my brother, and how I loved him. We all loved him, and he's gone now. This is something like a souvenir for me, to keep all my life.

01:15:15

JSL: He looks so young there.

VG: He's young. He was real slim, he got real slim after being in prison. He looked like a kid.

RP: Nice looking.

VG: Very nice-looking. He was always nice-looking.

01:16:20

JSL: We've marked this one as "V.G. eleven." Tell us who this from, who is this to.

01:16:30

VG: This was a letter that Carlos DeLuna wrote for my son, Noel

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Gutierrez, and it was written on November 10, 1988. It says, (reads) "I am very happy to have heard from, and I was just remembering when you were a baby. I used to carry you and I used to hold the . . . when you were a baby. I used to carry you and I used to hold the football for you and you would kick it. But I know you were too young to remember that. Tell your mom I said hello, and your father and brothers and sister. I hope they're all doing well and fine. Oh, do me a favor, give this blue slip to your mom. She will know what to do with it, ok? Thanks. I have not been up to a whole lot, just trying to be cool and hoping that one day we will be able to be a family again. All we have to do is believe in God and everything will be all right.

You're . . . what I am saying . . . ok. Well, how are you doing in school? I hope you are getting passing grades and I hope you do well in school. Remember, school is very important, so always try to do your best, ok? I love the picture you drew for me, and I wanted to thank you so very much. Hey, whenever you want to, you write and I will write back to you. Do take care, and be careful and pay attention to your mom and dad. They're . . .

JSL: "usually" or "always"

01:18:57

VG: "They're usually always right, ok? I'll leave you now, my little nephew. God bless you always. Love, Carlos DeLuna."

01:19:16

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JSL: Vicky, when you think back on what the state of Texas did to your brother, what do you think?

01:19:25

VG: *They were not fair to him, that's all I think. If we had the money, we probably would have had a better lawyer. If we were rich, usually the rich are the ones who get out of things like that. But we were poor. I had to quit school, my mother Becky too, to get ahead in life. I guess God has been good to us now, because we are married and doing good.*