

[Material that is irrelevant to Los Tocayos Carlos and contains sensitive personal information about one or more persons has been removed.]

MEMORANDUM

To:	DeLuna Team
From:	Sita Sovin, Lauren Eskenazi Capital Case Project
Date:	November 8, 2004
Re:	Sylvia Hernandez Interview October 27, 2004 <i>Carlos DeLuna</i>

Sylvia Hernandez

Sylvia Hernandez was married to Carlos Hernandez's brother, Javier Hernandez. Before interviewing Sylvia we did not know when she and Javier married, but learned that hung out at the garage with "Old" Margaret and Lester. Unfortunately, Sylvia did not move to Corpus Christi until 1985. Sylvia did not know Javier when Wanda was murdered. We interviewed Sylvia on her front porch. During the middle of the interview Sylvia's daughter came home from school and was present for the interview.

Carlos Hernandez

Sylvia did not know CH independent of Javier. She met him a few times and, based on that, she decided she did not like him. CH had a mean face. Sylvia was scared of CH. She never saw CH with a knife.

Javier and CH always fought.

Sylvia was with JH for seven years. The last two years "went down fast." Javier was taking drugs, drinking more, and becoming very obnoxious. Javier cheated on Sylvia. People told Sylvia that they saw Javier with other women, but Sylvia did not believe them until she saw it with her own eyes.

After Sylvia left Javier, in approximately 1992, she moved to the Valley. Javier hitchhiked to the Valley to visit Sylvia and the children. Sylvia was living in a place called Primera which is located near Harlingen.

Javier visited Sylvia and the children around December 12, 1991 or 1992. He stayed with them for about one week.

Javier died on December 19, 1991 or 1992.

When Javier went to the Valley to visit Sylvia for the last time, he stayed with Sylvia at her house. Sylvia was renting her house. Javier went to Sylvia's brother-in-law's house to drink. Javier was drinking a lot. Sylvia and her sister went out to get WIC cards before they expired. They stopped at the Maverick Market. When they returned, they saw that Javier was drinking a 12 pack of Budweiser. Sylvia thought this was strange because Javier usually drank Milwaukee's Best.

That evening, Sarah (daughter) was in bed with Sylvia and Javier. Anthony, their son, was asleep in a separate bedroom. Javier and Sylvia started to fight. Someone had told Javier that Sylvia started to see someone. Sylvia stated that she was not seeing anyone. As the argument escalated, Sylvia took Sarah to the other bedroom. When Javier became more violent, Sylvia opened the bedroom window and called out for her sister to help.

Javier purchased gasoline the day before. He bought it for the

lawnmower, but kept warning Sylvia "something is going to happen tonight."

Javier and Sylvia started to fight over the gas tank. Javier pushed Sylvia and the kids. At first, Javier did not have matches. Then he lit a match. Sylvia and the kids were able to get outside the house before the match ignited. They ran to Sylvia's sister's house and called 911.

Sylvia thinks Javier intentionally stayed inside the house.

The police arrived on the scene. They did not arrest Sylvia but questioned her about how the fire started. Sylvia took a polygraph test (which indicated she was telling the truth).

Javier regularly asked Sylvia what she would do if there was a fire in the house. Sylvia consistently told Javier that she would throw the kids out the window to save their lives.

Fidela told Sylvia that Javier said, "if I come back it will be in a coffin" before he left to see Sylvia.

Dahlia Salceda Murder

Javier told Sylvia that CH was charged with the murder of Dahlia Saucedo and "got off." [CHECK MEANING OF THIS] Javier was drunk when he relayed this information. Sylvia told Javier she did not want to know anything about it.

Javier told Sylvia that Dahlia had an "X" on her back. CH went to Javier's work and told Javier that the person who killed Dahlia put an "X" on her back. CH never admitted killing Dahlia.

[Lauren's notes say: Sylvia Interview: my notes read "Javier told Sylvia - CH charged with murder of Dahlia Salceda and got off." "[Javier] talk when he was drunk. Sylvia said she didn't

want to know." Sita and I both have same independent recollection that Javier never provided CH hearsay admission regarding Salceda admission to Sylvia. Javier only told Sylvia that CH said that "whoever" committed the crime put an X on Dalhia's back.] [JSL: BUT ISN'T LAST MENTIONED TANTAMOUNT TO ADMISSION: CH HAD INSIDE INFO ABOUT CRIME SOON AFTER IT OCCURRED.]

Javier's Family

Fidela drank.

Sylvia does not know anything about Frank's murder.

Paula Hernandez didn't like Sylvia because Sylvia "pussy whipped" Javier. Sylvia was scared of Paula and thought Paula was mean.

Fidela always fed Sylvia's children if they came over.

Sylvia only remembers that CH went out with Cindy (black). Sylvia never knew any of CH's other girlfriends.

Javier has a social security number. Sylvia has a death certificate for Javier which she showed us. The cause of death was noted to be suicide. Javier also had cirrhosis of the liver.

Javier and Sylvia lived together on and off. Javier often lived on the streets, coming home from time to time. Javier worked with a guy named "Eddie." They did sandblasting together. [Labor Ready - Los Efficios??]

Sylvia saw Priscilla on the bus today (10/27/04) Priscilla was taking her son to the doctor.

Javier and CH were heavy drinkers. Javier's choice drug was marijuana. Javier used coke on occasion. Javier loved to drink vodka. He drank it straight - "Machaka" (?)

The Garage

"Everyone" hung out at Lucy's house (the garage). Sylvia remembers Vera (dead); Javier (dead); Margaret (dead); Lester (married to Margaret); Marshall (different than Lester-Marshall looked white, but was Hispanic, red hair and a reddish beard).

Old Margaret's house was located on 7th and Buford. Later, Margaret and Lest moved to another house on 7th Street that no longer exists. [Sarah, Sylvia's daughter, walked Sita over to the garage to get an exact location]

Margaret has a daughter.

Marcella and Javier were close. Javier went with Marcella to visit Marcella's friend in prison. Javier watched Marcella's child while Marcella went into the prison.

Sylvia and Javier lived together on Hancock and 10th Street. Fidela also lived on Hancock - 915 Hancock.

Sylvia goes by Sylvia Hernandez although she and Javier never married. Her maiden name is Sylvia C. Cruz.

Sylvia remembers Dina and Andy. She recalls that after Andy left, CH went out Dina. CH was with Cindy while he dated Dina. Sylvia never heard about Dina getting stabbed.

How Sylvia and Javier Met

Sylvia did not come to CC until 1985. In 1985, Sylvia was 19 years old. Her DOB is 10/16/1965. When Sylvia first came to CC she stayed with her sisters. Sylvia met Javier at the beach. Sylvia went to the beach alone. Javier was visiting another girl. Sylvia's brother and Javier both wanted to get with the same girl [this is inconsistent with

statement that Sylvia was by herself]. Sylvia's brother got the girl and Javier got Sylvia. Javier was much older than she was. People would say that Javier was robbing the cradle.

Javier's Friends

Mimi who still lives near the garage knew Javier and CH very well.

Right Price and PMI were both liquor stores in the Hancock area. There was also a Maverick Market. Shirley, an older lady, now dead, worked at the liquor store.

Sylvia did not "hang out" when she lived in CC with Javier. She went to Vernon's bar once or twice.

Sylvia does not know the Perales sisters.

Javier has a daughter named Kathy. Sylvia is not in touch with Kathy. Kathy's mother is Paula. They live in Houston.

[Material removed]