

7025
CAL doc

Houston area paper

Judge blocks execution of DeLuna

CORPUS CHRISTI — U.S. District Judge Hayden Head Jr. blocked the execution of Carlos DeLuna less than 12 hours before he was to be strapped to a gurney and put to death by injection early Wednesday for the robbery-murder of a gas station cashier.

"Thank goodness!" DeLuna, 34, responded when given the news about 12:30 p.m. Tuesday, the Texas Department of Corrections reported from Houston.

Head gave the state 20 days to file arguments on why he should not order a hearing on issues raised in DeLuna's appeal.

Det
1986

DeLuna is sentenced to die by injection for the 1983 slaying of Yanda Jean Lopez, 24, during a drive robbery in Corpus Christi.

The Texas Court of Criminal Appeals rejected arguments Monday by DeLuna's attorney that the death penalty is unconstitutional.

The Supreme Court also refused Friday by a 7-4 vote to block DeLuna's execution on grounds similar to those claimed in the state appeal.

In DeLuna's request for a stay, attorney Richard Anderson claims the death penalty is discrimina-

tory because killers of whites receive the death penalty more often than those who kill blacks. Lopez was a white woman with a Hispanic surname.

A capital case from Georgia that makes a similar claim is scheduled to be heard Wednesday by the U.S. Supreme Court, with a decision expected next year. National opponents of the death penalty such as the NAACP Legal Defense Fund call this a major case in capital litigation.

A decision is expected next year.