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Each tick of clock increases terror of condemned killer

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HUNTSVILLE - A convicted killer who once tried to rape his best friend's mother after he and the friend had celebrated their paroles said Wednesday he is scared to meet his executioner next week.

"I can't imagine myself lying down on that gurney and being executed," said *Carlos DeLuna*, 27, who is scheduled to die Wednesday for the 1983 robbery and slaying of a convenience store clerk in Corpus Christi. "I will never be prepared to die. Nobody wants to die."

The Texas Court of Criminal Appeals Wednesday refused to grant the 10th-grade dropout another postponement of his sentence, setting the stage for what might be the only execution to be carried out in Texas until after the U.S. Supreme Court rules in the case of a Harris County murderer.

DeLuna said his case would be appealed to the federal courts, but his Dallas attorney, Richard Anderson, could not be reached for comment.

DeLuna, who lived in Corpus Christi, was 20 years old and on parole about six weeks when he was charged with capital murder in the slaying of Wanda Jean Lopez, 25, a Shamrock service station cashier who had called police for help moments before she was stabbed to death.

"I'll be honest," said *DeLuna*, who came within 12 hours of being executed in October 1986. "I'm really scared that I'm going to have to go through this and I hope don't, but if it does happen I have peace within myself. I'm not going to fight these people or anything. I'll walk into the chamber and lie down on my own will and let them execute me."

DeLuna believes his death sentence is part of a predetermined life plan over which he has no control.

"I think honestly that our lives are laid out and we just play along with it. I believe that we don't have no choice to what we're going to be or what we're going to do. We just live it out the way it's been planned. They say we have a choice, but I figure if we have a choice, I never chose to be here. I'm here. That's the way I see it."

The youngest of nine children, *DeLuna* served time for attempted rape and unauthorized use of a motor vehicle convictions prior to being convicted of murdering Lopez.

During the sentencing phase at his trial, the mother of one of *DeLuna*'s best friends testified that *DeLuna* tried to rape her after he and her son partied to celebrate their release from prison.

Although *DeLuna* testified at his trial that he ran from the service station after seeing another of his friends struggling with the victim, two witnesses identified *DeLuna* as the man they saw wielding a knife outside the station and then later struggling with the victim.

He refuses to discuss the case, saying on one hand that to do so could adversely affect his appeal and on the other hand that he learned a convict's code of silence the first time he was in prison.

"I believe there's a God, and I believe whatever happens will be his will," he added. "I don't want to die, but if that's what it gets down to, I guess I don't have much of a choice."

In other death penalty cases, the Supreme Court set for Jan. 17 arguments in the case of John Henry Selvage, 39, sentenced to die for the 1979 murder of Harris County Deputy Sheriff Albert Garza during the attempted robbery of a jewelry store.

In that case, the high court will consider whether Selvage had good cause not to present evidence of his mental disabilities at the time of his trial and whether there would be a "fundamental miscarriage of justice" if he were prevented from bringing it up now.