

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

JSL Jon Kelly Interview in Alice Texas at his office, afternoon of 8/16/04, then again afternoon of 8/18/04, with Peso Chavez. Also 8/20/phone call

Notes, not summary:

8/16/04:

Hernandez case. He remembers getting a dismissal near Xmas 1986. It was on TV when CH walked. Channel 6 (has offices on Staples near downtown).

Newsman got interested because Carlos was in jail for so long. I would make a lot of noise, and that probably caught the newsman's ear. Reporter was quite impressed with me. News tape showed Carlos Hernandez walking away. JK remembers saying something about "it's xmas" when asked why the judge did it. Reporter gave a run down of how long it had taken to try the case. Couldn't remember the reporter's name. Said he was "a bit effeminate". Nice guy. Think his name was Steve. Blond hair.

Case was also covered by Linda Carrico at Caller Times. She came to me about that.

Judge was Blackmun, Jack, older. Judges can't just appoint. He wasn't happy with way DA was handling Carlos's case. I was brought in to get it over with. Judge wanted it disposed of.

We didn't just railroad people here. Dallas, yes, they do that. Houston, yes. Not here.

Police were lazy, that was the problem, but didn't RR people.

Changed in the early 90s.

Before that, capital murder went to the better lawyers. James Lawrence. Excellent attorney, but closed mouth. Won't talk to you. Hard to talk to.

But capital cases then were not given to turkeys. To good lawyers.

Hector de Pena was NOT a good lawyer. They brought Jimmy (Lawrence) in (to the Carlos DeLuna case) to clean up Hector's mess.

What really troubled me was what happened around 1990. They started appointing people who hadn't earned their spurs in criminal case. Unqualified. Inexperienced. People appointed based on the length of their skirt.

95% of case, I can try blind. I don't need a file.. But capital murder is different --- really have to be careful. Before 1990, it was a real feather in your cap to get a capital appointment. Although the civil lawyers look down on you, they shut up when they knew you got apptd to a capital case.

Then in 1990, it started to a joke. Stupid lawyers appointed. We had a judge who even let jurors ask questions in court. Heard about it at some conference. It got very political (appointments).

The list of cap. lawyers in 1980s: at the top was Doug Tinker. Next James Lawrence, Nate Rhodes, JK.

[Material removed]

Carlos Hernandez: I don't know if he did it. 1st lesson I learned was never to ask if they did it.

Carlos Hernandez as person: At times very pleasant. Relatively thick Hispanic accent. Could be somewhat charming. **Extremely violent temper. I'm sure you've heard that. Ungovernable temper after consumption of large amount of alcohol. Also used marijuana.** Not coke.

He would drink to excess and make mistakes.

Most of the time he wasn't that unusual or out of line.

For a street thug, he was very dependable.

I remember the black girl he was with. Very pleasant, not very bright. I imagine he could be violent, merciless. People gave him a wide berth.

Not big. About Peso's size, but thicker. When he got angry, people could tell it and they gave him a wide berth.

Go talk to **Paul Rivera**, Chief Sheriffs Deputy and **Eddie Garza**, now running a security service. They were the 2 top homicide detectives. They worked together, They certainly knew a lot about Carlos. [mentions **Hugo Stimmler**, another detective from that era.]

They were the top homicide investigators. They would arrest the usual suspects and work through them to see if they could get a confession or information. It worked pretty well most of the time.

Carlos H. worked minor construction until he got bored, then would quit. If no other way of getting money, he might steal. But he would work before stealing.

**Violent man and usually if women around and drinking she pushed it too far.
[WHAT DOES THIS NOTE MEAN --- ASK JON KELLY]**

Occasionally he was around my children. He came around my house. As long as he was sober he was okay.

Hew was not that bad. He took a bath before court and kept his mouth shut, just like a lawyer would ask. Not a braggart.

“I’m sure he was involved in other killings I hear that.”

Tough guy. Mexican. Let it be known he was tough. Nobody bothered him. If he chose to play pool in a Cantina, people moved away. They let him play.

Went drinking at a bar with Carlos.

I’m not sure he’s the villain you all want to make him out to be.

JK describes himself as very “combative”.

Having cameras in the court ruined the judges.

Joaquin Villareal. Bad judge; flippant. The DA would send in a pretty woman d.a. and that worked with him

He referred to the CCA as “Nazis in Austin.” I’m a conservative, law and order guy, but CCA goes too far.

Re: why CH got light sentence in 1989 for Dina: Because of Judge Justice’s order re: prisons, they were letting people go, so 10 years = 1 year. I got him a plea; they took out the “aggravated” part of the aggravated assault. So 10 years at 10% was a year.

[When I asked about Dina he quickly got off the subject; didn’t want to talk about her.]

I didn’t interview witnesses, so never interviewed Dina. I would rather go by the police reports.

Carlos would have these problems; I would need work done around the house.

He did what I said: shut up, don’t talk to the cops; come to court clean. He was everything a lawyer could want.

Something had happened; he had some problems; I was in public, so I had to cut it off. [JSL: ANOTHER ONE OF HIS CRYPTIC COMMENTS THAT REQUIRES FOLLOW-UP]

When I was running for office, I had him put up signs. He would do it.

Alcohol --- he drank beer; whatever was popular at the time. Falstaff, Jacks, Miller Lite.

CH and Drugs? “Oh yeah!” That area of town. Grass, a certain amount of coke. Not crack.

CH and heroin. “Oh yeah.” [comments that heroin addicts are not murderers]

Drinking is what I imagined caused his problems.

Rivera arrested him jingles of times. He’d be arrested many times. Whenever something accured.

A knife was usually Carlos’s weapon of choice.

Early and middle 90s: “I had a lot of illness.” That’s why I came out here [to Alice]. So I wasn’t around in the 1990s to know CH then

Jimmy would remember Carlos [Hernandez]. CH came to my office when Jimmy and I shared. Carlos was quiet and meek.

What Carlos H wore: jeans and sport shirt or t-shirt.

Most of the time he had a thin Zachary Scott mustache; sometimes thicker; not long hair; no bear; stocky but not fat; pretty good looking.

He always had some girl.

I’n a cantina, he was given leeway by people. The only people who would challenge him were looking for a fight. Cantina etiquette was to give him plenty of room.

He could be frightening. I saw that. Someone he didn’t like, and vice versa; CH responded in kind. I knew it was time to leave.

I do remember in a cantina people saying, “you represent Carlos, he’s a bad guy.”

Carlos’s sexual preference?: “He never put a hand on me” [odd answer]

I never asked what he had done but things came out about what Carlos had done

He said, "I beat up his girlfriend" (explaining why someone was hostile to him in a cantina). **He told me things. He would start to tell me. That led me to tell him to shut up.** Re: the confrontation in the bar: I remember the confrontation; fists, knives; menacing. I knew it was time to leave. I don't know what would happen. Ugly things were said. He wouldn't back down usually.

There was not a close relationship between CH and Fidela.

Married to 2 chicana women; one in Robstown. Kids there drop out at 15 and live with grandma who makes excuses for them; no job; no school; but grandma not suspicious about where he gets his money. This drives JK crazy. Grandmothers protecting the boys.

But Carlos was not like that. He didn't live off of his mom or grandmother. No close relatives.

Carlos was not liked. Why? I imagine because he was dangerous. He was not the prince of peace. I enjoyed dealing with him. I treated him with respect. He did things for me. **Only problem was when he came around to my house and scared people, and I had to ask him to say away.** It wasn't how he acted but how he looked. **You could sense the evil. You felt like you couldn't trust him.** But he acted obsequious when he came to the house.

Cindy, low IQ. They got along . House wasn't a pig sty.

I kind of like him. **If I needed information in the community, he could get it. People didn't lie to him Could use his information in court. You could rely on it. People told him things because they were scared. 2 or 3 things he told me were useful to me in very serious cases where I made serious money. Mary St. was very violent, and he could get me information there.**

Carlos was not charming; not a psychopath; not manipulative; sincere.

About JK himself: I'm very cynical; about to retire; you can't win with the judges we have today; most judges don't like me. Described being a crim defense lawyer: everyone against you. Lone Ranger.

I was on a first name basis with my Mexican clients. I don't judge others. I grew up in a 50% Mexican neighborhood in SF, CA.

Carlos did what I asked. He did me favors. I'd say, 'Carlos, do you know about a guy name xxx.' He would come back.

He wasn't a genius but he was good. I would deal with him personally, but he didn't fit

in, didn't belong. [NOTE SURE WHAT THIS MEANT]

1986: Carlos told Judge Blackmun he needed a new attorney. Judge Blackmun called me into his office; didn't speak to me; his case manager Carol, now Blackmun's wife, said "judge wants you to take this; bad attorney; getting short end of the stick. And I took over. Blackmun called me in because guy was getting a raw deal; he just felt that justice was not being done.

Our courts then were judge dominated, not prosecutor dominated.

Paul Rivera told me CH committed other crimes. Paul resented that I got him off. Carlos had a reputation, and that reputation was probably well deserved. There was a litany of crimes (murders) that CH committed. Not sure he committed all of them.

It was said by other clients that Carlos is a chicken: "He stabbed people in the back"

Also heard about CH from Paul [Rivera] and Eddie [Garza] and from clients.

They blamed everything on Carlos --- cops are lazy. They'd just say, "I'll bet you Carlos did it."

They had a litany of sins re: Carlos.

JK smoked grass with him.

He visited their home and CH and Cindy rented horror videos --- really bad stuff that never got released. Couldn't believe she could get them at the library.

When CH was sober, he was relatively pleasant. He did work at my house. My slightly handicapped son like him. No danger.

A couple of times when I was involved in politics --- I was a troublemaker, and there was a threat against me. CH volunteered to go after the guy. I said no, but he volunteered.

Re: Diana Gomez: I remember that witness. She was very weak. I don't go talk to witnesses. But I knew from what I heard on the street that she was weak.

After 1992, Kelly drops out.
He spoke Spanish to his clients in that period.

[Material removed]

8/17/04: [jsl notes were sketchy; see Peso's notes, too]

Linda Carrico. Scripps Howard paper now. Was Hart Hanks paper then. Good person to talk to for third party point of view.

[goes thru other reporters and his relationship with Caller Times which used to be good, but then turned sour when he took contrary position while running for office.]

Schiwetz: professional friend of JK; seems to respect him. Now a civil attorney. "He could convict an innocent man." Good guy. You can talk to him.

Jimmy would remember the DeLuna case. Hector de Pena is fall guy. JK sees Jimmy occasionally but doesn't practice in Corpus anymore. Blackmun is retired.

["effeminate": a note I wrote here. Peso, too.]

Hector made living. He was not a good lawyer.

Jimmy Lawrence and I officed together. I'm sure he saw Carlos H. there; middle to late 1980s when we officed together.

Jimmy's mom was Mexican American and his grandfather. Jimmy had nothing to do with his clients except to represent them. Jimmy is very detached; very few friends who were clients. Jimmy didn't want to have anything to do with the Hispanic culture. He lived another life, out in the suburbs in a big house.

CH was notorious. Well known. That's why he was arrested. When Jack Blackmun asked me to take the case, his court manager (Carlos) said I should know who CH was. DA said the same thing. They let me know at the time he was a real slime. I know they let me know that CH was a bad guy. Very notorious.

As of 1983, Rivera and Garza knew of CH. They never liked him. Eddie and Paul: once they made their mind up [on a whodunit] that was it and then they exclude other possibilities.

Carlos Hernandez was easy to find at the time. He was a know quantity over on Hancock

and Mary. They could find CH.

Anyone in homicide wld know who CH was. If you worked that area of town, they'd know.

That's BS. There was no question he could've been found.

5'8". Not too heavy; black hair; stocky; dark.

David st? very bad part of town. Killings in that area. Not a very nice area.

Re: who "CH" is: They knew it.

System was clearly weak at that tim ('83) in private investigation. \$500 cap. Horacio Ortiz: very honest man; no knowledge of barrios; he was Army; served in Vietnam; he went to look for people in the barrio but no one would talk to him. Nice, honorable, did what he could. He was the kind who tried. Better than most. But he had no connections in the barrio. They knew your were coming. Middle class Spanish. Stuck out. Art Garz worked for Horacio. Well intentioned; also former military; now dead. They were lifers in Army security – elite; their Spanish would stick out in the barrio.

By contrast, Carlos H knew how to talk to people in the barrio. He was convincing (laughs). I asked him to find out, and he would find out.

CH and Cindy watched "Slash movies" that she check out from the libraries.

People say he bragged about things he did. If I could sense it wasn't a time to be around him, I would ask him to leave. He would leave. He would go away for a week. I wouldn't let him brag.

Calls him "**Carlito.**"

"I saw in the reaction to him by people [at the Cantina] that they gave him some berth."

Which Cantina: It wasn't an awful place. On Port a little further out. Wasn't all cement bricks; had real tables and chairs; pool; people there appeared to know him.

He asked where do you want to go. Carlos was with me; not frightening [for me to go]; clearly a cantina, not where lawyers would normally go, ever. Why did you go? He wanted me, too. Maybe he got me information. I offered him money for it. He said no, you'll do ma favor some time; buy me a beer. So he took me to the bar; I asked him where he wanted to go.

At Hancock St. also he handed me a beer. I nkew he was okay. Girl seemed very nice.

Plaisted, Kutnick: \$350 per review. "Borderline and malingering," yeah I heard that diagnosis a lot.

Sure, he [CH] would've confessed to me. He started to confess to me, but I stopped him. I treated him with respect. My family treated him with respect. He made a real effort to make me like him. He tried to manipulate me I had heard about him. I'd rather not know. If I wanted to, he would've told me.

I'm sure he felt honored to come out to my house. He was nice to my son who had a serious illness and was slightly brain damaged. My son asked about him (CH). There was an other side to him that I knew.

He helped me on 2 or 3 cases. I wouldn't have gotten information in those cases without him.

About Carlos DeLuna's case: Word had gotten out. Matter of some discussion [before trial]. Hector was screwing it up. That's why they brought in Jimmy. He was soft spoken so he wouldn't yell at Hector. Could slide into the case without offending Hector.

Carlos DeLuna rings a bell. Why?

Re: 1986: I remember when I got in, Carolyn gave me a run down. I was close to Jack Blackmun. Carolyn said [HE WAS ABOUT TO TELL US BUT THEN HE CUT HIMSELF OFF.] S I heard a litany [about CH]. I'm sure they, Paul and Eddie told me.

I saw Carlos Hernandez at jail. I'm sure I said, 'they say you're a bad guy. Are you?' [AGAIN, I THOUGHT HE WAS ABOUT TO SAY SOMETHING, BUT HE RAN OUT TO LOOK IN HIS FILES. WE HEARD A LOT OF DRAWERS SLAMMING.] "I have some old case files" But then came back saying "just missed."

Carolyn or Carol said 'judge doesn't like the way this case is going. DA has a vendetta. Judge wanted someone to stand up for him [CH].

Re: DeLuna case:

Jimmy never mentioned the case to me. **They tried to say Carlos did that. They asked ho could you represent him, you know what they say.**

He was an easy client to represent, but they said that because people were scared. But he never bothered me.

8/20/04 phone call:

I called JK to ask if he'd meet Bruce, and he said yes.

Linda Carrico was there for long time, then left in the early 90s.

She patrolled the hallways at the courthouse. Would know everything that was going on.

Call Nick Jimenez, old timer and editor at Caller Times to ask about her. 361-884-2011.

She knew everybody; foibles. Good sense of politics.

My initial reaction was to go where it's real bad to see if I could do something

If we want him to help, he will.

I will help.

Jimmy is as honest as the day is long. He is cold and not forthcoming.