

To: DeLuna Investigation Team
From: Susan Montez
Re: Meeting with Cindy Maxwell
Date: July 25, 2004

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

Cynthia Maxwell
[Material removed]

I met with Cindy Maxwell in her home at [material removed], Corpus Christi, TX, on July 22 and 26, 2004. Cindy lived with Carlos Hernandez, off and on, from 1979 until he died in 1999. These are my impressions.

Cindy lives in a low-income neighborhood that has seen better days. [Material removed] When I arrived and knocked on the screen door, a chihuahua started barking furiously. Cindy was on the phone, but opened the door and told me to come in. She finished her phone call and asked how she could help me. I explained who I was and that I wanted to speak to her about her life with Carlos Hernandez. She motioned toward a chair which was covered with a half-folded blanket and some other stuff. I cleared off a space and sat. The chihuahua, whose name was KoKo, fortunately decided he liked me and attached himself to me. [Material removed] There were knicknacks, pictures and little statues all over the room, on the tables and on the walls.

Cindy was a tall, very large Black woman with short, curly blondish-brown hair. She was wearing a blue and white flowered housedress and was barefoot. She was a little reserved at first, but soon warmed to me and was very forthcoming. [Material removed]

She mentioned her mother frequently, and it was clear to me that her mother is very important to her, and she very much depends on her mother.

Cindy met Carlos Hernandez in 1979. She was working at a library. Carlos came into the library. He had recently gotten out of jail. They hit it off right away and began living together soon after they met. They only split up once during the time they were together. That was when Carlos got romantically involved with another girl. She was the owner of the house where they were living. She hit on Carlos and he responded. Cindy was very hurt by this. I asked her if that was Dina Ybanez, and she said yes. Dina only wanted Cindy there to take care of her four kids so she could go out and party. Dina wanted Carlos for herself. Cindy was living in the garage and sleeping on boards. Her mother came over and saw where she was living and told her she must get out of there. Cindy moved to her mother's house. After that, Carlos stabbed Dina and went to jail for three years. When he got out, he called Cindy because he wanted to get back together. She took him back.

Cindy loved Carlos very much, even though he had a terrible drinking problem and a mean temper when he drank. I asked if he had ever physically hurt her, and she replied yes, once. It was during that time they were living at Dina's. Cindy just could not take that and that was also why she left.

Carlos quit drinking once, when he discovered he had diabetes. He had dropped something on his foot which made a hole in it. When he went to the hospital, he was also bleeding from his nose. The doctors told him he had diabetes. So he quit drinking, but that did not last long. He just could not stop drinking. He drank everything; mostly beer, but he would drink hard stuff too, especially if his friends bought it for him.

Cindy's whole family loved Carlos. Carlos told Cindy, "Your mother is my mother."

When he was dying, Cindy only got to see him once because it was so far away and hard to get to [Barry Telford Unit of New Boston, Texas – Bowie County]. Before that, she visited him every weekend when he was at the Nueces County Jail. When Carlos died, Cindy's mother took care of his burial.

Carlos worked at day jobs, but never made much money. They argued about money. Cindy paid for everything. They had a car at first, but Carlos wrecked it. His drinking was the real problem. I asked her if she had tried to help him. She laughed and said, "I bought him beer."

Cindy's mother bought the house in 1994. It is in her mother's name, but Cindy makes the payments. [Material removed] Cindy and Carlos moved into the house in 1994. Carlos was a very good cook. People liked to eat his cooking. He would not cook when he was drunk, but he would barbecue. They had lots of barbecues.

Carlos had two children, a boy and a girl. Cindy never met them and did not know where they lived or who they lived with. The daughter's name was tattooed on Carlos's neck, but Cindy could not remember the name. Cindy knew Carlos's sister Paula very well. Cindy met Beto Vela, one of Paula's husbands and the father of Priscilla Jaramillo. Cindy did not care for him at all. Priscilla had five kids.

When I asked Cindy about Carlos's mother, Fidela, she rolled her eyes and shuddered. Cindy and Fidela did not get along. Fidela hated Cindy because Carlos wanted to be with Cindy's family instead of Fidela's. Fidela referred to Cindy as "that nigger." Fidela was heartless. When Paula was dying of cancer, Fidela would not let her in the house. Paula stayed with Cindy and Carlos and they took care of her until she died. At the funeral, Fidela stood over the grave and cursed Paula in Spanish. Carlos wanted to jump on her, but Cindy's sister restrained him and told him it was not worth it.

Fidela is a bitter woman. **Carlos told the priest at the prison not to tell his mother when he died.** She had a \$10,000 insurance policy on him. The priest agreed not to tell, but someone eventually told Fidela.

Cindy and Carlos spent Christmas of 1994 in the house on Shely, but that would be the only Christmas they spent together in that house. Carlos told Cindy's mother he wanted to get married. He was very jealous and protective of Cindy. Then he got in trouble in 1995. [I believe it was 1996] It was an assault, and also a parole violation. Carlos went out to buy a CD, and somehow got in a fight with someone. He did not want to meet with his parole officer. That woman really had it in for Carlos. She wanted him to be locked up. Cindy does not remember her name, but she was **a tall white woman.** Carlos went to prison in 1995 [1996?]. Cindy was not sure how long his sentence was for. She could not understand it at all. She thought it was because his parole officer wanted him locked up.

In 1996, Cindy got hurt at her job. She had two ruptured disks in her back, and carpal tunnel syndrome in her feet, from scrubbing floors. The library said it was soft tissue damage and not work-related. They accused Cindy of lying. She tried getting help from a lawyer but nothing worked.

Fortunately, her mother told her when she started working at the library to sign up for whatever they offered, and she did. Now she gets disability and medical retirement. Cindy said the city of Corpus Christ also helped her out. She cannot go back to work and cannot wear shoes because her feet are so bad. She takes medicine for it. She gets enough money to get by, but it's difficult. She is glad she has her house.

Cindy was sure that Carlos could not have killed the girl in the van, because he had been in a coma at the time, from a car accident. Carlos was on the roof of a car, drunk and clowning

around. The car was moving, and he fell off. Carlos was in a coma for a long time, and also had a tracheotomy. There is no way he could have killed that girl when he was in a coma. That was before Cindy met Carlos. [And before he went to jail – ??] **[JSL: THIS IS NOT RIGHT. I BELIEVE THE CAR ACCIDENT TO WHICH CINDY REFERS OCCURRED IN THE MID-1980s, NEAR THE TIME OF HIS 1986 ARREST FOR THE SAUCEDO MURDER.]**

Carlos never told Cindy about hurting anyone, whether he was drunk or sober. He drank too much and he got mean when he drank, but he was still a good person. He would not hurt someone. Cindy said she knew him better than anyone.

Cindy showed me Carlos's will, which he made in prison two months before he died. He named her as the executor of his estate. Fidela was very upset about this. She told Cindy that she'd had Carlos's grave moved, but Cindy knew better. Fidela could not have done that without some paperwork, and only Cindy had the paperwork. Cindy gave me a copy of the death certificate of Carlos Hernandez and said I could keep it because she had several. She also gave me the original will and said I could make a copy.

Cindy misses Carlos very much. She told me she thinks about him every day, and she looks at his picture and Paula's picture every day. **[JSL: WE SHOULD TRY TO GET COPIES OF BOTH THESE PICTURES, IF WE CAN.]**

On July 26 I returned to Cindy's house to return the original of Carlos Hernandez's will. We sat and talk for half an hour. I asked her if I could speak with her mother, because she was so close to her mother and her mother knew Carlos. She said, "Oh no, my mother can't see anybody today. She busy. She busy all day." After a long lead-in, during which I told her: (1) I knew she was a good person and a Christian and therefore would never lie; (2) as she knew, Carlos had actually stabbed a woman, probably felt terribly guilty about it and possibly drank even more

because of that guilt; (3) he was no longer in danger of going to prison or being executed, and (4) the DeLuna family, whose son and brother *was* executed, which caused the mother to die of a broken heart, wants only to clear his name, I asked her again if Carlos had ever confided to her that he had hurting someone. Cindy looked right at me while I spun this out, interjecting, “Uh-huh, uh-huh,” until I finished. Then she said “Nope, huh-uh. Never said anything.”

Cindy asked me when the killing was, that Carlos DeLuna was executed for. I told her February of 1983. She said, “He with me then. He go to work every day and he come home every night and be with me, that whole time.” As I was leaving, I asked her where she thought the “other” Carlos Hernandez lived. She said she didn’t know for sure, but thought it might be somewhere on the other side of Port.