

To: CCA / DeLuna Case

From: Susan Montez

Re: Meeting with Reverend Carroll Pickett

Date: July 24, 2004

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

Reverend Carroll Pickett

[material removed]

I met with Reverend Carroll Pickett in his home at [material removed], Montgomery, Texas, on July 17, 2004. Reverend Pickett was the death house chaplain at Huntsville, Texas for fifteen years. He was present at the execution of Carlos DeLuna. The following are my impressions.

Reverend Pickett lives with his wife Jane in April Sound, a gated community on Lake Conroe. The community was quite large and had many shade trees, fountains and grassy slopes. The streets were clean and everything looked well cared for. The Pickett's house, which they had built a few years ago, was spacious and light-filled. They had just returned from taking a grandson fishing when I arrived, and both were wearing shorts and t-shirts. Mrs. Pickett gave me a large glass of ice water with lemon and then disappeared.

Reverend Pickett's office was very cozy. A wood and brass ceiling fan spun slowly, and the French doors, desk and bookshelves were all mahogany. The shelves were filed with books and photographs of the Pickett's children and grandchildren. The Reverend and his wife appeared to be well-to-do, healthy, active seniors who play tennis

two or three times a week. I was impressed with that, because he is 71 and lives in a hot, humid climate. He explained that a few years ago his doctor ordered him to start getting some exercise, so the Reverend and his wife have been playing tennis ever since. The community has indoor and outdoor courts. He occasionally plays in tournaments.

Having already spoken with Peso Chavez, Reverend Pickett was prepared to talk to me about Carlos DeLuna. He opened a file and told me he saves everything. The file contained handwritten notes regarding Carlos DeLuna's last hours. The notes discussed Carlos's chosen visitors, his phone calls, his choice of spiritual advisor, his will, and the execution itself. I told Reverend Pickett I was reading his book *Within These Walls*, and knew that he was profoundly affected by Carlos's execution. He agreed, and told me he had to have counseling after Carlos was executed. He said Carlos was *so young*, not mature at all, and had to live in fear. On the day Carlos was executed, he became younger and younger. He began to call Reverend Pickett "Daddy," and begged the Reverend not to leave him. Carlos also wanted Reverend Pickett to hold his hand at the end, but prison regulations did not allow that. The Reverend stayed with Carlos, except when he had to go out and talk with the visitors. He always felt it was so important that the condemned person did not die alone. He sometimes had to prove he was on the condemned person's side, and that he would not let them die alone.

Reverend Pickett then said, "He didn't do it, you know. He told me he was innocent, and I believed him." I asked Reverend to confirm this, and he said, "Yes. He couldn't have done it." Reverend Pickett never heard of, or discussed with Carlos a person named Carlos Hernandez. Nor did he know a Rosie Esquivel. She was not on the

list of Carlos's last visitors. That list had not changed after November 28, 1989. The last people to visit Carlos were in this order: his lawyer Mike Weaver, his sister Rose Rhoton and her husband Brad, his brother Danny Conejo and his wife Maria, his sisters Mary Arredondo and Vicky Gutierrez, and finally Rose and Brad Rhoton again. The visits went well. Reverend Pickett stated that Carlos did not ask for a last meal. Instead, he asked if he could have some peaches and vanilla ice cream. The Reverend went to the kitchen and found a can of peaches and some vanilla ice cream. He mixed them together and gave them to Carlos. The ice cream was still very hard, and Carlos called it a "slab shake." Reverend Pickett pointed to a book on his desk, *Texas Death Row*, which is a catalog of persons executed in Texas. The book was open at the page showing Carlos DeLuna. Most of the information in the book about last meals was not true, Reverend Pickett stated. Most prisoners do not want a last meal, and those that do get whatever the kitchen is serving for dinner that night. If a prisoner were to ask for lobster or a t-bone steak, they would not get it. Reverend Pickett was very glad that peaches and vanilla ice cream were on hand that night for Carlos.

I asked Reverend Pickett about a letter Carlos had sent out shortly before his death. Reverend Pickett said he regularly mailed out letters for prisoners about to be executed. The warden knew about it and did not object. **Reverend Pickett mailed a letter out for Carlos, but he could not reveal the contents of the letter because of the priest-penitent relationship he had with Carlos. Reverend Pickett stated that he could tell me it was not a confession to murder.** He pointed to a copy of the *Houston Chronicle* article by Kathy Fair, dated December 8, 1989, in which she wrote that in the letter, Carlos begged for forgiveness. Reverend Pickett said that **this was misconstrued**

in the media as a confession of guilt. Kathy Fair is now Kathy Walt, and she is the PR person for Texas Governor Perry. [material removed]

The Texas Supreme Court denied Carlos a stay of execution at 4:53 p.m. on December 7, 1989. Reverend Pickett said that Carlos was concerned about whether the execution by injection of drugs would hurt. Reverend Pickett told him he would be asleep in 7 to 12 seconds. Unable to hold Carlos's hand when the time came, Reverend Pickett held his ankle, where he could feel a pulse. Carlos was looking into Reverend Pickett's eyes. "There he was, looking at me with those big brown eyes, AND HE DID NOT GO TO SLEEP. I knew when I saw that second bubble coming that he was going to hurt. And I knew that he thought I had lied to him."

Reverend Pickett then explained to me about the drugs used in executing prisoners in Texas. The first drug administered was sodium pentothal, which is supposed to put the prisoner to sleep within 7 to 12 seconds. Looking at the tube, you knew the sodium pentothal was on the way when you saw the first bubble.

When you saw the second bubble, the second drug was on its way. This was pabulon, which froze the muscles. It has been banned by the American Veterinary Association because it is harmful and painful to animals. The third drug administered was potassium chloride, which froze the heart. All prisoners got the same dosage, regardless of their size and weight. Each dose cost the state \$70.10. Reverend Pickett said that usually, after the sodium pentothal was administered, the pulse would stop right away. It was different with Carlos. His pulse did not stop and he did not go to sleep.

Reverend Pickett's grandfather was murdered. His father was a policeman. The

Reverend was raised with the idea of “kill ’em,” and actually did support the death penalty for many years. After ministering at 95 executions, he no longer supports the death penalty, and has become an outspoken advocate against it.

After Carlos Deluna’s execution, Reverend Pickett spoke with the DA of Nueces County, who told him Carlos should never have been tried. Further, the then-attorney general of Texas, Jim Maddox, told Reverend Pickett that Carlos was innocent. Reverend Pickett said the district court judges and district attorneys in Texas have more power than the governor.

Reverend Pickett asked me if I knew the death certificates of executed persons in Texas now say “homicide” as the cause of death. Still trying to comprehend the idea of a county DA and the state AG admitting to Carlos’s innocence *after he was executed*, I said no. The Reverend pulled a death certificate out of a file and showed me (it was not Carlos’s file). Sure enough, in the box marked “Cause of Death,” someone had written “homicide.” At the ceremony where National Public Radio won the Peabody Award for the program “Witness to an Execution,” Reverend Pickett was asked to speak. He went up on the stage and said, “We are murdering people.”

I asked the Reverend if he had ever been threatened. Thinking that I meant by a prisoner, he answered that he had been stabbed twice, both times by prisoners doing LWOP. When I clarified that I mean outside of prison, he laughed and said someone had tried to accuse him of stealing money, but it didn’t go anywhere. People who once were friendly with him now won’t speak to him because of his book, but that doesn’t bother him at all. What does bother him is that his congressional representative, whom he voted for, repeatedly walks out of discussions on a proposed moratorium on the death penalty.

To people who support the death penalty, Reverend Pickett says: “Go do it once. Be there and go through it with someone.” A prisoner is allowed to pick his or her own spiritual advisor. Carlos picked one of the prison’s chaplains, but then never talked with him, preferring the company of Reverend Pickett. One prisoner the Reverend remembers picked a popular TV evangelist, and asked him to attend the execution. The evangelist showed up, stayed through the execution, and then told Reverend Pickett, “Don’t you EVER call me for one of these things again. I won’t do it.”

Reverend Pickett said he believes that God forgives people for things they’ve done. He said he also believes that people can change. He talked about a number of clerks who assisted him over the years. Clerking for the Reverend was a very good job for a prisoner to have, because they were allowed to eat at times other than the prison schedule (3:30 a.m., noon, 3:30 p.m.), and Reverend Pickett was friendly with all the cooks. Every one of the clerks who worked with Reverend Pickett had killed his wife. They were all nice men and good workers. Some of them eventually were released from prison, because they had money for a good defense. At the Huntsville prison, AIDS was seen as a moral, rather than medical, issue. Prisoners with AIDS sent to talk with a chaplain, rather than given any kind of medical treatment.

About 98 percent of the prisoners who were executed had been on drugs and/or alcohol at the time of their crime. Some prisoners had no veins left in which to inject the lethal drugs. Reverend Pickett remembered one prisoner who had one good vein left. On the gurney at the last minute, the prisoner said he’d show them where his last good vein was located, if they would unstrap him. The guards deferred to Reverend Pickett, who gave the okay. The man was unstrapped, and he raised his arm up and hung it off the

edge of the gurney. In this position, it was possible to see a vein in his neck. However, this was not an accepted position for execution, and the tube would be out of sight of the witnesses (who could not see the prisoner's arm hanging off the table). So they had to rig up a fake tube which would be visible to the spectators, while the drugs were being administered through the real tube. Reverend Pickett said the prisoner did this in order to avoid a cut-down. That is a procedure where they use a scalpel to cut into the prisoner's body where they think a good vein might be found. Reverend Pickett does not believe the cut-down is a painless process.

Reverend Pickett was present at the executions of 95 men. He never visited with the prisoners on death row, but once they were at the place of execution, they had his total attention. He always tried to make their last few hours as dignified and comfortable as possible. Smoking was not allowed, but on more than one occasion he supplied a condemned man with a cigarette. One man told the Reverend he knew he was not allowed to smoke, but would like to have a cigar in his pocket when he went. Reverend Pickett dashed out to a store and bought a cigar. After the man was strapped to the gurney, Reverend Pickett tucked the cigar in the man's pocket where it could not be seen. Sometimes he was asked to read out loud from the Bible, or to pray with a prisoner. Once, there was a very large Black man who requested that he be allowed to sing. His request was granted, and the man sang beautifully for three hours, joined occasionally by the Reverend. It was so moving that the guards had tears running down their faces.

Reverend Pickett was asked twice to wear a wire while spending time with a condemned prisoner, in case the prisoner should confess to the instant or other crimes. He refused. Attorney General Maddox was especially pushy about getting last-minute

confessions or details of crimes, so much so that **Reverend Pickett requested that the warden not allow Maddox into the prison during an execution. I asked him if he'd known George W. Bush when he was governor. The Reverend said, "Yes, and he told me 'We've never executed a man who didn't pull the trigger.' That's a lie."**

On two occasions, Reverend Pickett was not able to be present for a scheduled execution. Both times, the chaplains who were present in his absence told him they would never do it again. All four of the wardens he worked with quit – three for religious reasons, and one for physical reasons.

Carlos DeLuna was a good person. He was like a baby. He was not at all like a typical prisoner condemned to death. He never really understood what was happening to him, or why he was there. Carlos made two phone calls the night of his execution. One was to his older sister Toni PeZa, from 9:04 to 9:26 p.m. The other was to Karen Boudrie, a pen pal and long-time friend in Ohio, from 9:43 to 9:46 p.m. Because of the priest-penitent privilege, Reverend Pickett cannot reveal the content of those conversations.

As I was leaving, Reverend Pickett told me, "You guys know where I am. Let me know if I can be of any more help to you."