

*February 26, 2005*

*Rose Rhoton Interview Transcript*

19:43:47

**JSL:** Ok, we are in Houston, TX. It is February 26, 2005. It's a Saturday and we are here with Rose Rhoton. And we are going to start the interview now. So Rose, if you wouldn't mind tell us a little bit about yourself. Where you grew up, what kind of work you've done, what your family is like right now. All of that, just introduce yourself.

19:44:14

**RR:** I'm 41 years old. I live in Houston, TX. I grew up in Corpus Christi, TX. My mom had ten kids. And the first six kids that were older moved away from the home of course. And it was just Manuel, myself Rose, and my brother Carlos DeLuna. And we lived in the projects in Corpus Christi, TX. Which is called the "Armada" that's what its called in Corpus. So we grew up there as kids and what normal kids do, go to school, hang out and then from there we moved to a regular house. A three bedroom house with one bathroom. And lived there for awhile and from there I moved to Dallas and from Dallas to where I met my husband. Got married, 2 kids, a daughter that's 23 years old and a son that's 21 years old.

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**JSL:** And, that's great, that's great. And did you recently have an occasion to spend some time with your son?

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19:45:23

**RR:** Yes, we did. We did.

19:45:24

**JSL:** Can you tell me why that was sort of a special occasion?

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**RR:** Our son was in Fallujah, the first time he went to Iraq for almost 6 months. And then he was stationed at Fallujah for another 6 months, almost 6 months, for a total of almost about a year in Iraq. And he's a Marine. He came home, he's 21 years old and he came home for a visit. And we had a wonderful visit with him. Wonderful, wonderful son. To be able to serve his country. And he's based back in Camp LeJeune and hopefully, he'll be home, back April 5. So we had a wonderful visit with our son.

19:46:02

**JSL:** That's terrific. Tell me a little bit about your work

19:46:06

**RR:** I'm a staff accountant for Zephyr Development, a software company. And I've been there for the past seven and a half years. And pretty good place to work for.

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**JSL:** And how about your education?

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**RR:** Education? I went to school lets see I would say 11<sup>th</sup> grade, did not graduate from high school. And came to Dallas and lived in

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Dallas. We had a hard life when we were growing up. Our life wasn't easy as kids, my mom, like I said. She was.... My mom had a total of ten kids. So it was really hard for our mom to raise us last three kids. So it was pretty much taking care of ourselves, and looking after ourselves. I'm not saying that my mom was a bad mom, but our step dad was an alcoholic. And it was really hard living in that lifestyle. And they weren't, my parent's weren't parents that encouraged you to finish school. That wasn't their lifestyle. They had a totally different lifestyle. Education wasn't one of them. Encouraging us to finish school, encouraging us to do well in life pretty much day-to-day life. So this is the kind of lifestyle that we grew up as kids. So we just pretty much just tried to do the best that we could as kids to grow up and live a good home life. So it was pretty hard growing up when we were kids. It was a hard thing, my parents didn't believe in education. Especially my mom, she didn't believe in education, that's just one thing she didn't encourage us in.

19:48:11

**JSL:** Tell me about your mother, what was, how educated was she.

19:48:14

**RR:** She never went to school. My mom couldn't read or write or speak any English. She totally depended on us kids to help her on everything as far as translating everything for her. That was part of my duty, to help her with all the translation, and so I grew up

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pretty fast. I had to learn pretty fast how to be an adult quickly. Because of the situation we lived in, because she wasn't educated. So it was pretty much trying to help her all the time, and that was pretty much what we did as kids -- try to help her. So we grew up real fast. And as far as money-wise it was really hard for them. Because my mom cleaned houses, my step dad was a construction worker, so money was really tight. So if we wanted anything we had to work for it. And as far as school, we had to, if we wanted to go to school, we had to take to take the city bus, from the city bus, take the school bus, and from the school bus get to school.

19:49:25

**JSL:** And what was your mom's attitude, for example, to the responsibilities that sending you to school put on her, getting clothes for you and things like that. How did that play into things?

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**RR:** That, as far as getting clothes for us, and since we weren't, our step dad and stuff, since we weren't biological, his kids. My mom was able to get help from the government, which they sent her a check, I believe, once a month. And she received funds from there, and with those funds she was able to buy school clothes when needed and as far a food and stuff like that. Of course, my step dad would pay for the groceries. And like I said we lived in the

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government apartments, so the rent there was maybe a hundred. They had to pay a hundred dollars a month and the government kicked in the rest.

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**JSL:** What were those, you mentioned the "Armada" what was that like?

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**RR:** It was a project, it was a project. It wasn't, it wasn't a bad place. There again, when you're kids, you don't know any better. That's where you're brought up, so all the kids just hung out. All the kids that lived there were poor kids. We were all poor kids, so we didn't know any better. So that was just our lifestyle. I mean either that or... we couldn't live any where else but there. That's all our parents could afford and we were thankful enough to have a place to live. So it was, we didn't know any better. That's all I have, I mean, that's all I could say about, that's it we didn't know any better.

19:51:05

**JSL:** List your siblings, and how they are related to each other

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**RR:** Well my mom was married at age 13, and she had her first six kids. And those six kids... her husband that she was married to, what I've heard, was very abusive to her. So my oldest brother is named Vincent, my oldest sister is named Toni, and then my other brother is named Danny, and then my other sister is named Mary.

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That's the one I'm really close to, she lives in Austin, TX. And my other sister's name is Vicky and my other, my youngest sister of the six my mom first had is named Becky. And then my mom left, left wherever she lived. I'm not quite sure where she lived. And she moved to San Antonio, TX, and then from San Antonio, TX, she moved to Corpus Christi, TX.

19:52:42

**RR:** She already had six kids, so when she moved to Corpus Christi, TX, she met my dad. And my dad was younger than my mother. These are the stories that I've heard. And she did not tell my dad. My dad's name is Joe. She did not tell my dad that she had six kids. She told him, she only had four kids. So that's pretty much where the issue came, the problems came. And then he found out that she had six kids, so he left her. So here my mom is with 3 other kids. But we have to understand that four have already grown and left the house. So she was raising us three, plus two of my sisters. Which is Mary and Becky lived in the house with her helping raise us as little kids. And then they got married and moved out, and I believe that is when my mom met my step-dad. And before she met my step-dad, she had another baby, I don't know that baby's name. That's why I say she has ten kids. That baby happened to be a boy, and she gave him away. She gave him up for adoption. That's the story told. So I've never met that sibling, that brother, so we don't know anything about him. So she did keep us three and that's

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when she met my step-dad.

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**RR:** And they got married and we moved into the projects and we lived there. And as far as discipline, as I can remember. I think she met my step dad, I must have been, I know I wasn't in kindergarten yet. I must have been four or maybe as young as three and a half or maybe five when he came into the picture. So Carlos was 6, my oldest brother Manuel was 7 that's what I'm assuming. And as far as discipline, my mom was tired after having all those kids. She was easier with the guys than she was with the girls. She was harder on us girls, as far as stricter, and expected more from the girls than the guys. And that's pretty much normal in the Mexican generation, the moms tend to be easier on the men than they tend to be on the women. They tend to be harder on the women. So my mom was really hard on us, as far as the guys, she pretty much let them do what they wanted to do. So that was me growing up, getting up early in the morning, making sure if I wanted to go to school, I had to make sure the house was cleaned up. I had to make sure breakfast was done for Manuel and Carlos because we grew up together. Before I could take the city bus and from the city bus take the school bus and from the school bus go to school. And the only reason why my mom allowed us to go to school is she was forced by the.... If you don't go to school, you get in trouble. So that's the only reason why we were able to go to school, because of

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that law. If that law wasn't in place we wouldn't be going to school. We'd be at

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**JSL:** Tell me about the amount of supervision that you had and your brothers had at that point when your mother had had so many children and she sort of tired out.

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**RR:** There again my mother was strict on, very strict on me. My. ... when I got up in the morning, like I said, I had to make sure all these things were done before I went to school. And then I had to get home right as soon as I got out of school. There wasn't any sports. You couldn't do any sports, at all. You get straight home. I would get home and help her start... ready for .. cleaning up, dinner, whatever need to be done. As far as Carlos and Manuel, those are my two brothers that lived at home. She pretty much let them do whatever they wanted to do. Come and go as they wanted. They had jobs after school. There again you have to understand, we were not encouraged to do sports or to improve in

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**RR:** school or education. That wasn't something that was, there wasn't any encouragement in that. And it could be that my mom was not encourage, she didn't have any education. So she did the best that she could do as far as raising us. My mom was real strict with me as far as making sure that I was home, making sure that I

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was there to help her, making sure things got done. There again she depended a lot on me as far as translating everything for her. So I was like, I was her helper. I had to be there.

19:58:14

**JSL:** Tell us, just take us through the Carlos, Manuel and you, that part of the family. Who's oldest and when everyone is born. Just so we get a sense of how everybody relates to each other age wise.

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**RR:** Manuel is the oldest, Carlos is the second, and I am the youngest of the three. Manuel . . . I'm 41, Carlos would have been 43, and Manuel is 46 [sic, 44] years old.

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**JSL:** Right now, if you would, I'd like you in your own words to just tell me what your view is of the guilt or innocence of your brother Carlos DeLuna, of the crime for which he was executed.

19:59:

**RR:** My brother Carlos did not commit this crime, I know that.

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**RP:** I'm sorry. But if we start that again, but whenever you refer to your brother, if you could use your last name too, or his last name.

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**RR:** Ok Carlos DeLuna. Ok.

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**JSL:** You want me to ask it again?

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**RR:** Yes.

19:59:37

**JSL:** If you would just tell me what your view is of the guilt or innocence of your brother, Carlos, in regard to this crime for which he was executed.

19:59:44

**RR:** Carlos DeLuna is not the person they said committed this crime. My brother Carlos could not do such a crime. I know that for a fact and still believe that. I believe that my brother was executed wrongfully. He wasn't given a chance. And he didn't commit this I know that. Could he lie? Yes, he lies, he lied. Could he steal? Yeah, he stole. Could he do drugs? Yeah, he did drugs. I know all that. But he could never hurt anyone. Not kill anyone. As growing up as kids, my brother was afraid of the dark. That tells you something about a person. He was afraid of the dark. And growing up as kids we had a paper route, he and I had a paper route. We rolled up papers and we would go throw them out early in the morning. He was afraid of a Chihuahua this big. 13 year-old boy afraid of a Chihuahua this big. So I know my brother couldn't commit such a crime that they say that he did. I know that dead in my heart that he couldn't commit such a crime. And I feel horrible that I could not help him in anyway. I did not

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understand any of the laws. I did not understand anything they were saying in the trial. And every person that I spoke to said he committed this crime, would not give him a chance. And I know he didn't commit this crime, I know he didn't. And even though we hired an attorney to help him. *They* even said he did this crime. They never gave him a chance. I believe that my brother Carlos DeLuna, and Corpus Christi was upset [at him], or he did go in and out of jail quite a bit a lot of time when he was a teenager. And I know he was very cocky, very showoff. When he would go to jail, my mother was there to bail him out all the time. And he would tell police officers, "you know, I'm going to be out here in 10-15 minutes. I'll be out of here in an hour. Watch my mom walk in, and she's going to get me out." And that's exactly what would happen. She would walk in and get him out. And I believe that Carlos pissed off a lot of people in Corpus. He just, burned a lot of bridges. I believe strongly that a lot of those officers would say, "give him enough rope and one of these days he's going to hang himself." That's what I believe.

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**RR:** He just burned so many bridges in Corpus Christi, all the police officers hated him. And the reason why I know that is because when he came back for the second time. When he was on death row, and he came back to Corpus Christi for a trial, and we went to go visit him in Corpus Christi. The officers were saying

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that they knew him before all these arrests constantly being arrested, constantly, all the time. Said, we can't believe this is your brother Carlos DeLuna, he is a changed person. Totally changed person, we can't believe this is Carlos DeLuna.

20:03:48

**JSL:** How had he changed?

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**RR:** He mellowed out. He mellowed out. He was polite. If you would have known Carlos as a teenager, from the time he went to death row and spent 5-6 years in death row and came back to Corpus Christi. He wasn't cocky. He was very humble. I believe Carlos, my brother at that time, while he was in prison, actually got to know God in his life. And he knew he committed a lot of horrible, horrible crimes, as far as breaking in to people's houses, stealing stuff, taking drugs, doing things that he wasn't supposed to do. But I know deep in his heart, he did not kill anyone. He didn't do it. But he burned so many bridges that everybody wanted to see him dead. They just wanted to get rid of him. That's what they wanted to do. It was the chance for them to say, ok your mom took you out all of these years. Your mom bailed you out. But guess what your mom's dead and there's no bailing out now. You're going to die, and we're going to make sure, that you, you know, this is it for you. That's what I believe. I honestly believe that.

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**JSL:** When did your mother die?

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**RR:** My mother died right before he was given the death row. He died.... She died 2 or 3 weeks before he was given the death sentence. I believe my mom gave up. That's what I believe. My mom was tired, and she gave up. She just got tired.

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**JSL:** What do you think may have put her over the edge, cause her to give up at that point?

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**RR:** I think, yes, yes, yes it did cause.... Because she loved Carlos. I asked her one time, I asked her, "Why do you do so?" This is before Carlos went, before Carlos actually got into this situation of a crime that they claimed that he committed, that he couldn't get himself out cause it was a murder situation. Like I said, I believe the police officers in Corpus said, "give this guy enough rope he'll hang himself. Something is going to happen, we'll watch. We're going to stand back and watch." But I did ask my mother once, I did ask her, "Why do you go and get him, my brother out of jail, Carlos, why don't you just leave him there? Let him spend some time there. Maybe this could help him, could be some good for him. Because you know one of these days he's going to get into a situation where you're not going to be able to help him." And you know what my mom said. My mom said to me, she gave

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me an example. I said, "you don't do that for me. You don't do that for me. You don't do that for the other siblings. You don't, you never go out and help them." She gave me an example. . . well I know. . . she said "take... picture a little bird with a broken wing. That's your brother. Your brother is the little bird with the broken wing. And the other little birds can take care of themselves; they've flown out of the nest. They know how to take care of themselves, so I don't have to worry about them. But your brother is the one with the broken wing, and he needs help until that broken wing can heal. Then hopefully things will be better for him. And that's the reason why I am always there for him. Because he's the little bird with the broken wing."

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**JSL:** So your mom was pretty close to Carlos?

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**RR:** She was very close. She loved Carlos. She was very close to Carlos. And I guess any parent would be closer to the one. Even though they cause all this, they cause all this issues. They do all this stuff and they cause it to themselves. Even though they go out and do crazy things. And they are doing things they are not supposed to be doing, but your parents don't see that. They always see you as, "ok I know you have an issue. I know you've been in and out of jail. But we are going to get you out of this and we

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are going to help you." And my mom wanted Carlos to be on the straight path.

20:09:04

**JSL:** I want to ask you about the broken wing really? At the beginning of the process, after Carlos was arrested his attorneys, at that time, thought maybe there was something not completely right with him. So, they asked the state, that's the way you have to do it if you don't have your own money. They asked the court, if the court would order a psychiatric evaluation. They did two psychiatric evaluations; these were done by psychiatrists who were employed by the state. And they were essentially paid two or three hundred dollars for this kind of thing. And most of the time, they would find that people had no problems. Because that was sort of what the, that's the way it worked. Both of those doctors said that your brother tested out in this very odd way. He tested that he was retarded, but he seemed when you talked to him like he was functioning normally. And he had an attitude. Both doctors therefore said he tested as retarded but they thought he was "malingering" which means he was not retarded. Because he otherwise seemed to.... But they then said the only way you would really know is to go back to school records. "But we asked the district attorney for school records and he said there were no school records." So these were reports that were both written in the winter or the early spring of 1983. In the year 2004, we sent

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an investigator to the Junior High that you and your brother attended and asked do they have any records. And they immediately produced for us, 20-21 years later, a record, and it showed that your brother had been tested psychologically in the 6<sup>th</sup> grade and the 7<sup>th</sup> grade. He was having trouble in school, seemed to have learning disabilities. And they tested him as being retarded intellectually, but functioning well socially. So they found exactly the same discrepancy that the two psychiatrists had found at trial. At the trial, they reported that they didn't see anything wrong with him because they felt like the discrepancy was evidence that maybe he was faking it or something like that. And nobody ever went back and looked at his records. So I want to ask you, given what you saw, given what your mother saw, is it possible that your mother was right in the sense that he did have a broken wing, he wasn't as capable as maybe you or your other siblings to make his own way in the world despite the fact that he had this cockiness to him? Sometimes.

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**RR:** Carlos never did well in school, we knew that. He was always slower in education. We always had to help him in school. And there again, when your parents don't encourage you to do, to do well in school. My mom just, for some reason, never encouraged .... There again, you have to understand, she never went to school. So I don't blame her. That's just the way she was

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brought up, and a lot of old generation, Mexican generations, that's how it is. You don't go to school. Their thoughts are, when you are old enough to get a job you should be out there working, and that's just the way it is in the Mexican generation. And we knew that Carlos had a learning issue. Did we ever bring it up? No. Because it was one of those things, well he didn't need education. He can grow up and get a job. He doesn't.... What's the education for? So you have to understand that part of the lifestyle. I knew Carlos had education issues, that's why he gave up in school. Because he was tired of kids making fun of him cause he couldn't read that well. Or spell that well. Or do well in school. And he wanted to be in sports, which my mother allowed him to play football. And then he was dropped out of football because he wasn't doing well in school. So, when your kicked out of a sport, because your not doing well in school and you know you have a disability. He knew he had an issue in school. But did he ever bring it up? No, there again you have to understand, my mother wasn't encouraging for us to do well in

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school. It was no big deal. That's just the way she was brought up. So there was never any help given to Carlos like they have help now. If you know your kids are having some problems with learning, you can hire tutors to help your kids. That wasn't the case with Carlos. So Carlos gave up. He just gave up. Did he,

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could he hold a job? Yes. Could he talk to you like we're talking right now? Yes. If you look at him and talk to him, do you think there is something wrong with him? No. But if you actually give him something to read, then you would see he had an issue, a learning disability. He did have an issue on that. And also with taking, I believe, it got worse when he started taking. He didn't do drugs, what he did, he sniffed paint. Carlos didn't do drugs. He sniffed a lot of paint and drank a lot of beer. So did that help any? I don't think it helped at all. I think it just made it worse. I think he went into a depression situation as far as, "Hey, I'm not good at school. I can't even play a sport. Who cares I'm just going to hang out and do whatever." If you don't have parents encouraging you to do something with your life and improve yourself, then what choices do you have? To hang out and do things you're not supposed to be doing. And I think, in some kids as far as my case, in my situation, with me not being encouraged not to go to school. I also think that if you have a learning disability, if there is something not right there with you, I

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think you're just going to go on the path, like 'I don't care what happens to me.' In my situation, I cared, I didn't want to live like that. I didn't want to have ten or fifteen kids, from all these different men and be on welfare. So I was looking ahead.

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Do I want to live like this? Do I want to live like the way my mom lives? Not saying that she had fifteen kids from all these different men, I'm not saying that. I'm just saying I just looked ahead of.... Do I want to be like this? Do I want to grow up to be with all these kids and not educated, and not do this and not do that? I mean, I've had some bumps in my life. But I also picked myself up and moved on to improve my life. I think Carlos gave up because he was laughed at, at school. And he knew he had a disability problem. And he just didn't know where to go to get the help that you could get help. And a lot there again my mom just really didn't care, not care, that really wasn't an issue. So what if you can't read or write. So what. You can always go work, you can always get a job and work. But I think Carlos didn't want that, and I think that's where he gave up. He just gave up. And just started getting into. . . just started hanging out with a bad crowd and getting into. Now that I'm thinking back, my brother never hung out with guys. He started hanging out with this girl that was doing drugs. . . paint. When I say drugs it's more sniffing the paint. That's when Carlos started changing, changing

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completely. Carlos never had girlfriends. Until he met this girl Ida, can't remember her last name. Until he met Ida, Carlos completely changed. He dropped out of school. This is before he met Ida, he dropped out of school because people were making fun

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of him at school because he wasn't doing well and he just gave up. I believe Carlos dropped out at 7<sup>th</sup> grade. And then he got a job. He met the girl Ida, and that's when Carlos started getting into problems.

20:18:39

**JSL:** Describe some of those problems, if you remember them when he was first getting into trouble.

20:18:46

**RR:** Breaking into people's houses and stealing. He was breaking into people's homes, he broke into my sister's home that lives in Corpus. Her name is Toni, her husband's name is Joe, last name is Peña. He broke into their home and stole a lot of stuff. He lived in abandoned houses with this girl, Ida. As far as I know, this Ida was a street girl, just lived in abandoned houses with men. And she happened to meet my brother Carlos, and that was the first girlfriend Carlos ever had. That girl was trouble. She was a street girl. And that's when Carlos got into all these issues as far as breaking into people's houses and stealing.

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**JSL:** Do you remember, as well, public intoxication, being arrested because he wasn't in school when he was supposed to be in school? Do you remember those kinds of arrests as well?

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**RR:** Carlos left the house. I was still in junior high when Carlos

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left the house, because my mom was getting tired of him getting into all this trouble. He wanted to bring this young lady to come and live in our house, Ida. And my mom said no. So he said, "fine, if you don't let her come in, I'm going to move out." And he left, and that's when he started living in abandoned houses. And I didn't see Carlos for a while. He was living in these abandoned houses, stealing, sniffing paint, drinking, getting in trouble with the law. As soon as he ended up in jail, my mom would take him out of jail, and then he would do it all over again. It was a cycle, just a turning-wheel cycle, constantly.

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**JSL:** Tell me about Carlos. Was he a leader, follower, initiator?

20:20:52

**RR:** Carlos was a follower. He was a follower. Carlos could never . . . . You have different kinds of categories of people. Carlos was never the instigator. That was always my older brother, Manuel. He was always the instigator. And we always followed. I'm not a follower, but when we were kids, I recall our older brother starting up, "We're going to do this, we're going to plan this, and you're going to do this, Carlos, and Rose, you're going to do this," because my mom and dad worked. My mom cleaned houses, my dad, step-dad worked at construction. So we stayed home all day during the summer. We were home. And Manuel was the instigator. He would plan stuff and we would follow. So Carlos was a follower,

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Carlos followed people.

20:21:50

**JSL:** Do you know of occasions where Carlos followed, hung out, with others, maybe not Manuel, and ended up getting in trouble when maybe he wasn't the most to blame.

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**RR:** Constantly. My mother, Manuel and Carlos, one Christmas, bought them bicycles. Manuel was the instigator, and they were going to take off from Corpus Christi, Texas, all the way to Dallas, Texas. I have brothers and sisters living in Dallas, older brothers and sisters living in Dallas, in Garland, Texas. Manuel planned that they were going to take these two bicycles, ride these two bicycles all the way to Dallas. They got caught, got thrown into juvenile, and Carlos, every time Manuel would say something as the older brother, Carlos would follow. Carlos would follow right behind him, constantly. And Carlos would always take the blame for Manuel, and then he would always blame us, [saying that] myself and my brother, Carlos did it. We're the ones that did it, we're the ones that set it all up, and we're to blame. We would get in trouble, and Carlos would always take the blame. He would never say what. It was Manuel. It was always Carlos taking the blame for Manuel, constantly.

20:23:12

**JSL:** So Carlos had it in him to see somebody else who had done

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something wrong, but take the blame on himself?

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**RR:** Constantly. I think a lot of that had to do that Carlos didn't feel good about himself. Carlos was not confident about him. He didn't have the confidence. Even though Manuel, my older brother, got into some issues, but Manuel had confidence. Carlos never had confidence in himself. That's the reason why he was so cocky. Carlos was very cocky. If you would have known Carlos from the beginning, he was very cocky, and always played this tough guy. In reality, he wasn't anything like that. When you went one-to-one with him, he was the nicest person. You could not believe this person, Carlos, was convicted of such murder.

20:24:25

**RP:** You want to stop here and we'll change tapes?

20:25:07

**JSL:** I know it's a very hard word to use, but do you think he was retarded?

20:25:10

**RR:** He was slow. He was slow. As far as manual work, and stuff like that, he would watch you do something, and pick it up. But if you would ask him, read this and do it, he couldn't do it.

**RP:** I'm rolling.

20:25:30

**JSL:** Couple questions to go back. You described your mother saying

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that Carlos was the little bird in the nest with the broken wing, compared to the rest of you who could get pushed out of the nest to make it on your own, as hard as that might be. She was not an educated woman, but what do you think led her to that view about Carlos?

20:26:00

**RR:** My mom raised eight kids, and when you have that many kids, nine kids total, and you see each kid, you know that there's something wrong with one. So I believe that my mom, even though she never said it -- maybe she didn't know how to say it -- she knew that Carlos had a disability issue. She knew that he was slower than the others. There was just not any help given to him, so Carlos focused more . . . . He gave up. Like I said, he dropped out of school and he gave up. But my mom knew there was a problem there with him. She knew that he wasn't learning the way he should be learning. With Carlos giving up, because of the kids making fun of him at school. And that's the reason why my mother always tried to help Carlos. Always tried to help him, always helping him, always, getting him out of the situations that he got himself into. Because she knew he had an issue. But did she ever tell us? No. She never sat down and said, "Your brother has a disability, a learning issue. We need to try to help him, try to get him some help." My mother was not an educated woman, she did not know how to look for that help. You can't depend on a 12-year-

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old, when I was living at home. I don't know, I didn't know what to look for. I just knew there was something wrong with Carlos as far as learning. I just did not know how to help him. We always did his homework for him. I know my mom knew there was something wrong, because she was always helping him. Any time he did something that he wasn't supposed to be doing, she was there, helping him, constantly. As Carlos got older, he realized that he was different from Manuel, older brother, and I. He knew that. I know for sure what hurt Carlos the most was when he was kicked out of football. When he was kicked out of football, he gave up. I saw Carlos give up. That's when he dropped out of school. He didn't care any more, just didn't care.

20:28:29

**JSL:** Do you remember what position he played?

20:28:30

**RR:** No, I didn't. I really didn't know what position. I know Manuel would know what position because Manuel was also in football.

20:28:40

**JSL:** You also described your mother just kind of giving up at the end of her life. Could you describe, in your words, what you think caused that to happen to your mother.

20:28:54

**RR:** Carlos being . . . . She loved Carlos so much. And there again, I did ask her, why all this special attention to Carlos?

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You have to understand how the other siblings felt. I always happened to be the outspoken one. That's what she told me. That's the example she gave me, him having that broken wing, and that's the reason why. She knew she didn't have to worry about the other little birds. She knew the other little birds will make it on their own. They're going to be ok, but this one cannot make it on his own. So when Carlos was convicted for this murder, my mom was . . . . That was it. She knew, deep in her heart, that there wasn't . . . . She didn't know how to get him out of it. If she could, she would. She happened to be one of the witnesses for Carlos, as I recall. She was the witness that Carlos did call her to come pick him up from the skating ring. I believe strongly, my mom blames herself for that, for not going out there and trying to get him. I believe she believes she let him down, knowing that he was that broken wing, and she gave up. She gave up when Carlos was convicted for this murder. That's what killed my mom. I believe that. She was tired. She was tired. She just did not know what else to do.

20:30:42

**RR:** As I remember, recalling, my mom died in 1983, and this was in August 1983 when my mom passed away. Carlos was, I believe it was in February of '83, that they claimed that Carlos committed this crime. My mom passed away in August of '83. I saw her three days before she died. And she did ask me one thing -- she didn't ask

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any of the other siblings. But she did ask me, because she knew Carlos and I were very close. She did ask me. She said, "I want you to do something for me." I asked her, "What's that?" "Promise me you'll always look out for Carlos, promise me that." I told her, "Ok, I'll look after him." And I couldn't help him. I did not know how to help him. And I know he didn't commit this crime. And I blame myself because I wasn't educated enough to learn about all these words they were saying in the trial, and the paperwork. I didn't understand it. And I believed the attorneys, what they said as far as, he was underneath the truck, and this and this and that. But I knew in my heart that Carlos did not commit this crime. I knew it.

20:32:34

**JSL:** What did he tell you?

20:32:36

**RR:** He told me he didn't do it. I asked him, "Carlos, did you do this?" I asked him when he was in Death Row. I asked him, "Did you do this?" He said, "No, I didn't do it. If you would just go to Corpus, this is where this guy lives. His name is Carlos Hernandez." He committed the crime. Manuel, my older brother, knows this Carlos Hernandez. I kept saying that over and over to the attorney, I kept saying that over and over, and they were saying that that was a lie, there was no Carlos Hernandez, that they hired private investigators. There was no Carlos Hernandez,

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it was a made-up name, there's no such thing.

20:33:28

**JSL:** Which lawyers told you that, the lawyers that represented Carlos in trial, the ones that you hired later on?

**RR:** Yes, represented Carlos in trial, and the ones we hired, told me that this was just a made-up name. There was no Carlos Hernandez. Nothing, nothing, nothing. They told me that Carlos was completely soaked with the blood of the lady. There again, I believe, I strongly believe, Carlos burnt so many bridges when he was a teenager and he was so cocky that he pissed off a lot of the police officers there in Corpus.

20:34:20

**RR:** Corpus is a small town. I believe that, and I believe that these officers just said, "the heck with him. We've got you now. We're going to make sure you're out of here. We don't have to mess with you any more."

20:34:40

**JSL:** When Carlos said, as he did from the beginning, that he didn't do it, somebody else did it, and then the name Carlos Hernandez was given to his lawyers, to the district attorney, to the police, the press, why do you think that the authorities didn't go look for Carlos Hernandez?

20:35:03

**RR:** Because they hated my brother, they hated Carlos. I know they

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hated him. They hated him. And they knew that my mom was sick, they knew that she died. They didn't care. This was a chance to get rid of my brother. You have to understand, going back from the early ages when my brother was going in and out of jail constantly. My mom was always bailing him out. He would always say, "I'll be out of here in an hour, you watch." Because I would go with my mom to bail him out. He would just go out laughing, "I told you I'd be out."

20:35:50

**JSL:** Were you aware . . . . There was a club in Corpus Christi called the Casino Club. Did you ever hear of that?

**RR:** Yes, I did.

**JSL:** Did you ever go to the Casino?

**RR:** No, never.

**JSL:** Do you know anyone that did go to the Casino?

20:36:04

**RR:** My brother, Manuel, went there constantly, to the Casino Club. And Carlos went there, too, to hang out.

20:36:16

**JSL:** So if, let's say, Carlos Hernandez hung out at the Casino Club, that might be a place where your brother, Manuel, knew him.

20:36:25

**RR:** Yes, yes. Manuel hanged [sic] out a lot at the Casino Club. Yes, that was his favorite place.

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20:36:33

**JSL:** Had you ever heard the name Carlos Hernandez before your brother talked about him?

20:36:39

**RR:** No, never. There again, I didn't know any of my brothers' friends, the guys that they hung out with. Never knew them.

20:36:50

**JSL:** Describe your relationship to Carlos DeLuna.

20:37:01

**RR:** Carlos and I have always been close, as we were kids growing up together. Again, Manuel was the instigator of getting us in trouble all the time. So Carlos and I would always stick up for each other. Carlos and I have always been very, very . . . . Carlos has always been kind to me. He's never been mean to me at all. Manuel was the mean one, Carlos wasn't. As I recall, when he was working. When Carlos dropped out of school, Carlos worked at Whatta Burger. There would not go a day if Carlos, when he got out of work, would bring hamburgers. Then again, when we were kids growing up, we were real poor. So getting a hamburger was a big thing. So Carlos would always bring hamburgers home, that they were getting ready to throw away. He would bring those home. And that was a big deal. And he would always, any time I wanted a soft drink to drink, he would go to the store, buy it, and bring it home. That was a big deal. He would give me money to go to school

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with, the school bus. He would give me lunch money. There again, we were real poor. We had free lunch tickets. You fill out the paperwork -- I forget how it works -- and you get free lunches. That's real embarrassing, when you're a teenager, and you have to go stand in line and get your free lunch ticket. Everybody knew this, everybody in the school lunch knew that you were standing there to get your free meal, to get your ticket. It was a big thing when Carlos would give me money and say, "Here, take this, buy your school lunch so you won't have to stand in the free ticket lunch line."

20:38:57

**RR:** That was a big deal for me, not having to be embarrassed, going to school every day and having to stand in that line for the free ticket. Manuel worked, Manuel never did that. He never gave me money to go get a soft drink. To this day, my brother Manuel has never bought me a soft drink. But Carlos was always kind, a kindhearted person. If he had money and you asked for money, he would reach in his pocket and give you whatever. If you needed ten dollars, if he had it, he'd give you the ten dollars. That's the kind of person Carlos was. But did he have another side too, as far as stealing, and lying, and sniffing paint? Yes. But he also had a good heart in him, too. He had a kind heart, as far as helping you out if you needed help. He wasn't this person that they picture, this killer. He wasn't that.

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20:39:58

**JSL:** You talk about the food, and that reminded me of something that came up in one of the interviews. Were meals a happy time in your family, when you were growing up?

20:40:09

**RR:** When we were growing up, money was tight. There again, we were brought up in a different lifestyle. You have to understand growing up in a Mexican tradition. The way it's done, the husband, the father gets fed first.

20:40:33

**RR:** The mother and the father sit together and eat. They get fed first. The kids come last. So we always got fed last, the three of us, Carlos, Manuel, and I. We always sat down together and ate. And that was fun. We had fun when we were growing up as kids. Things started getting harder when Carlos started getting into problems, and moved out of the house and started living in abandoned houses. As I can remember, at age 13, I think that's when it all stopped. We didn't have any more sitting down, having, the three of us, dinner anymore. That all stopped at age 13. All that just went away.

20:41:29

**JSL:** Tell me a little bit about your step-father. In the trial, there was this description that Carlos had . . . . Your mom and step-father had dropped him off at the skating rink around seven

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o'clock. And that around eight o'clock, that same evening, he had gone to a 7-11 or a Circle K and made a phone call back to your home and said, "Would you come pick me up?" And your step-father said that he was too -- on a Friday night -- that he was too inebriated at that point, and Carlos should take a taxi home. Does that sound right?

20:42:15

**RR:** My mom had a problem in seeing, driving late at night. There again, my step-dad was an alcoholic. As soon as he got paid on Friday . . . . He always went to work, that's one thing I can say about him. He went to work Monday through Friday. Friday evening, that's it, he drank 'till Sunday evening. That's all he did, was drink Friday, Saturday, and Sunday, all day long, from the time he would wake up to the time he would pass out. There again, my mom didn't see that well at night, so when Carlos called her and asked her for a ride, I don't know if she . . . . She must have probably known something. My step-father must have asked her or told her something, Carlos called, let him find his way or get his transportation back to the house. I think that's where my mom blames herself. If she would have just went for him. If she would have just got in that car and went and picked him up, he would not have been in the situation that happened. I believe that.

20:43:31

**JSL:** But she was not able to testify at trial because she got-

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**RR:** She died. She got sick, and she died.

20:43:39

**JSL:** Actually, Carlos made a motion, his lawyers made a motion to postpone the trial so that she could . . . . She went into the hospital right before the trial. They asked to postpone the trial so she would be able testify, and the judge decided against postponing the trial, and so she never did get to testify.

20:43:57

**RR:** Right, she didn't. And that would have helped Carlos. I believe it would have helped him, somehow. But he did call the house.

20:45:42

**JSL:** I know this is very, very difficult, but I wonder if you would describe your relationship with Carlos after he was on Death Row. Did you see him? How did you maintain contact with him, or did you? What was that like?

20:46:03

**RR:** We would visit Carlos. I would take our kids, Stacey and Jason, to go visit, and I would go visit Carlos. And we wrote to each other. When Carlos first got to Death Row, he was still cocky. Carlos was still cocky the first couple years. The first two or three years Carlos was cocky. Still this strong, this macho guy, like I'm going to get out of this, and this and this and this. Then everything changed. Things changed in his life. He started

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getting humble, started being the Carlos that I remember growing up with, the Carlos that I knew. Not the . . . . When he moved out of the house, all cocky and mean. Not mean, but just rough around the edges. Started seeing the Carlos I knew. I even told him that, "You've changed a lot." He even told me, "I asked God to forgive me, for all the bad things I did in life, I asked God to forgive me."

20:47:20

**JSL:** As you're a religious person, I think maybe your family is religious. There's this joke that people say about people in prison, that they've found God, as if it's just something they do to fake out somebody else. What is your judgment about your brother's convictions at the end of his life?

20:47:47

**RR:** Carlos, not just because he was in jail, because he started saying, "I got saved, I believe in God," and this and this and that. At the end, Carlos was peaceful. He was very peaceful at the end. He knew that he was forgiven. He knew that.

20:48:17

**JSL:** Do you think he also knew that, although he had done bad things, he'd put his family through a lot?

20:48:24

**RR:** Oh, yeah. He even told me, "I want you to know that I'm so sorry for all the things that I did to cause all this agony, all

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this hurt. And to see you hear, visiting me in prison, in Death Row. All this shame." "Don't worry about it. It's no big deal. I love you. I know you didn't commit this crime." At the end, Carlos was very . . . . He said, "Whatever happens, happens. But I did not commit this crime. I want you to know that." I told him, "Oh, I know that." I just did not know how to help him. I didn't know. I didn't know what to do. And he said, "I'm ok with it. I'm ok, it's ok, I'm ok. Should I be executed, it's ok, don't worry, I'm ok. Maybe this is the way it's going to be for all the things that I did in the past. Maybe this is just my destiny."

20:49:41

**JSL:** You say he was peaceful at the end. I'm struck by that because Reverend Pickett said he was peaceful.

**RR:** Very peaceful.

**JSL:** Reverend Pickett thought that maybe his sense of what he had done wrong, but also what he had not done wrong, may have contributed to that peacefulness. That he knew where he stood, even if the state of Texas or everybody else did not. How do you feel about that?

20:50:10

**RR:** I believe Carlos, in his heart, accepted that he was going to be executed. That it was going to be ok, because of all the hurt that he caused, all the hurt that he did -- not on this crime that he was convicted for -- but all the other things that he did, would

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even things out. I believe that he thought that, in his mind. And he was very peaceful about it. What hurt him the most was having me watch him, for me to be on the other side, seeing him going through this and being executed. He knew it was going to devastate me. He knew that. And I believe that I know, in his heart, that that's what bothered him the most, is to watch the ones that cared for him go through so much pain.

20:52:28

**RR:** A couple weeks before he was executed, I asked him. I asked him, "Here we're praying and trusting God, I believe somehow that God would answer our prayers, and give him the stay. I honestly believed that." Then I was let down. I was hurt for the longest time. I was mad at God for the longest time for allowing my brother to be executed, and knowing that he didn't do such a crime. And that I know he was forgiven for all the other things that he did. And I talked to Carlos about that. And Carlos told me, "Rose, I think it's just the destiny that I'm going to go through this. This is my destiny, Rose, and I'm ok about it."

20:53:47

**JSL:** I want to ask you, are you ok about it? In the sense that, he accepted it as his destiny, but what is your view about having the state execute somebody who didn't do a crime, that somehow it will all even out? In other words, even if that's God's way, is it the state's way? What's your view about that.

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20:54:01

**RR:** I'm mad about it. I'm still very mad.

**RP:** I'm sorry, can you start all over?

20:55:00

**RR:** I'm very angry, still, about the way justice was given to my brother. I believe that all these things that he did before that made all these people mad does not give them the right to allow to have someone executed for being innocent. Carlos was, to them, he was like a piece of paper that just was crumpled and thrown in the garbage. They didn't care. They didn't care because they were sick of him. They didn't want to help. And I didn't know how to help. I didn't know what to do. I didn't know what needed to be done.

20:55:50

**JSL:** You did something, you and your family did something. You went to these lawyers, you paid your money, right, to try to get them to help. So I want to say to you now that I recognize that as an act that's extremely unusual for people who've been on Death Row. Tell me what you expected from the lawyers you got for Carlos and what you did get.

20:56:22

**RR:** We didn't get anything from them. I believe that they contacted people from Corpus, people from Corpus said bad things about Carlos, and they accepted it. That's what I believe. They

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didn't help Carlos. They didn't help him at all. They just did the same thing. "He did it, so what, let him die. It's all going to even out for all the bad things he did before. Let him die. Who cares?" That's what I believe. They didn't do anything to help my brother. They didn't go and try to find this Carlos Hernandez that my brother was asking for help. Then again, Carlos didn't know how to help himself, either. Carlos didn't know what to do. He didn't . . . . He had a disability in learning, how could he help himself? And I didn't know what to do, 20-something years old. I don't know what to do. If Carlos . . . . If I would have been this age right now . . . . At my age right now, if Carlos would be alive right now in this predicament, Carlos would not be executed. I know more now. I'm more confident. I'm more educated. I would know what steps to take, and I would not allow for my brother to be executed. I would be out there fighting for him.

20:57:55

**RR:** But I didn't know what to do back then. I believed everything. "We're doing this, we're doing that, we're helping him here, we're helping, there isn't any evidence." I would have gone and tried to look for this Carlos Hernandez myself, go and pull evidence. If I could be . . . . If Carlos could be in this situation right now, alive, I know my brother wouldn't be executed because I would be out there fighting for him. And I didn't do that. I didn't know what to do. I believed everything everybody

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was telling me. But did I believe he had committed a crime? No. That he could kill somebody? Could he steal? Yes, he'll steal. He'll steal from you. Oh, yeah, he'll steal. But it wasn't in him to hold the gun and rob you or have a knife in his hand and stab you. He'd steal when you turned your back around, that's the kind of person Carlos was.

20:58:52

**JSL:** Did you ever get a sense of what he felt towards Carlos Hernandez? In other words, there were times . . . Well, answer that and then I'll ask another.

20:59:05

**RR:** Carlos told me it was Carlos Hernandez who committed this crime. And he kept asking me, "Tell the attorneys that. It's Carlos Hernandez. Have the attorneys get ahold of Manuel," that's my older brother, Manuel. "Have Manuel take them to where Carlos Hernandez lives. Manuel knows this Carlos Hernandez. There is a Carlos Hernandez who exists."

21:00:12

**JSL:** I want to show you some pictures, so that we have a visual record. I'm going to mark on here "R.R." for Rose Rhoton, and I'm going to put "2/26/05, number one," and we'll count through them. *(hands her a photo)* What I'd like you to do is look at that picture, then hold it up and tell us who's there.

21:00:45

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**RR:** *(holds up photo of children)* This *(points to boy on the left)* is Carlos. This *(points to boy in the middle)* is my brother Manuel, the oldest. This *(points to girl on the right)* is me, and my sister *(points to girl in the middle)* that I'm real close to in Austin, Mary.

21:01:06

**JSL:** And "R.R. number two," *(hands her a photo)*

21:01:22

**RR:** This is Carlos. Sunglasses.

21:01:35

**JSL:** I'm going to show you another picture. I've marked this one number three. Take a look and see if you recognize anybody there.

21:01:46

**RR:** This is Carlos.

**JSL:** Which one did you indicate was Carlos? Please show us.

21:02:00

**RR:** Sorry. I'm not even sure if this is Carlos.

**JSL:** Which one did you think was him?

21:02:07

**RR:** I was thinking this one *(points to man on left side of photo)*. I don't know who this *(points to woman in center)* is. That's *(points to man on right)* my brother, Manuel.

21:02:40

**JSL:** And *(camera cuts to new shot, hands her another photo)*

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21:03:02

**JSL:** When Carlos became an adult, how did he dress?

21:03:06

**RR:** Carlos always dressed nice. He never dressed with blue jeans. He never dressed with tennis shoes. He always wanted to be taller than what he was. He wasn't very tall man, so he always wanted to look taller. He had longer hair, always kept it kind of bushy, wavy, longer, kept it neat. Always kept his appearance neat, always shaved and cleaned.

21:03:35

**JSL:** What kind of shirts and pants would he wear?

21:03:37

**RR:** He would wear the polyester pants, the pants that were kind of longer on the bottom of the legs, like bell-bottom pants. Always had his shirt tucked in. Either tucked in or tucked out. If he was real heavy, he had it tucked out. If he was thinner, he had it tucked in. Depending, because Carlos's weight always fluctuated. He always wore platform shoes, the heels were always about that big (*indicates about 5 inches with her fingers*) and with long collars and open shirts, long sleeves.

21:04:24

**JSL:** And those shirts that he wore, were they T-shirts or were they-

21:04:30

**RR:** They were dress shirts. You never saw him in a T-shirt.

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Always had a dress shirt, always long-sleeved dress shirts, with the big collars around here (*points to her wrists*) and the long collars around here (*points to her neck*). Always had it three or four buttons down.

21:04:45

**JSL:** You told me at one point that, if you went to his closet and looked in there you'd see, tell me what kind of clothes you'd see.

21:04:55

**RR:** He always had long-sleeved shirts, always nice shirts. You would never see him but with black slacks. Black was his favorite, made him look thinner, because his weight would always fluctuate.

21:05:12

**JSL:** I'm going to show you a picture that I've marked here "R.R. number five." Take a look at that. First of all, just hold it up and tell us who that is.

21:05:24

**RR:** That's my brother, Carlos.

21:05:28

**JSL:** Now, I want you to take a close look at his face in that picture, and tell me if there's anything about his face there that's-

21:05:30

**RR:** It looks swollen. It looks like he was roughed up.

21:05:40

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**JSL:** Have you ever seen that picture before?

**RR:** No.

**JSL:** I just showed it to you now, but I've never showed that picture to you before.

**RR:** No.

**JSL:** And nobody else has shown it to you?

21:05:51

**RR:** No. And Carlos did tell me he was roughed up.

**JSL:** Tell me about that.

21:05:58

**RR:** He told me that they pushed him around, slapped him around, that the police officers did this to him. I never saw the picture, but he told me he was roughed up.

21:06:41

**JSL:** And when the other people were seeing him -- are you suggesting, that's what I'm asking -- they weren't really seeing him because his face looked different.

**RR:** Right.

**JSL:** Ok. So if you would describe what Carlos told you about the eyewitness identifications that were made of him, why they might not be accurate.

21:07:04

**RR:** Because, he said, when they took him out of the truck, they put him in the car, the police car. He was in handcuffs. They

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took him back to the scene, and the cops were flashing their lights at him with flashlights and asking the witnesses, "Is this the guy you saw?"

21:07:28

21:07:52

**JSL:** If they had pushed him around before they put him in the car, that's when Carlos said they pushed him around, right?

**RR:** Correct.

21:08:08

21:08:55

**JSL:** How well does that picture reflect what Carlos really looks like or looked like, given what's happened to his face. *(camera zooms in on photo)*

21:09:12

**RR:** He doesn't look like this. He didn't look like this. This doesn't look like the way Carlos would look. He was obviously being pushed around by somebody, because he wouldn't look like this. Even if he was underneath a truck, like they claim he was --- he said he was underneath a truck -- he wouldn't get like this.

21:11:45

**RR:** Sure. We all went to go see Carlos. Actually, I believe it's called the Walls. That's where they take you. The first time he was scheduled to be executed, he was still in Huntsville, inside the Death Row, he was never taken to the Walls. And he was able to

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receive his stay, which was a very happy moment. Second time that he was scheduled to be executed, he was taken to the Walls. We never went to Huntsville, we actually were told to go to the Walls. And I believe that's known as where you go to these smaller cells -- I think there's only two of them, or three -- and that's when they're getting ready to execute you. That's your time. I don't think that's considered . . . . I believe anyone that's in Death Row, when you go to the Walls, that's it. The chances of you getting out of there are very thin, knowing now what I know, it's very slim, getting out of there. That time, we didn't think that Carlos would be executed. We thought for sure he would get out of this, because as far as our faith. I'm saying that not having the faith and not trusting God, because I'm not angry with God anymore. But going through it again, just thinking about it, it was very painful seeing him. He was very thin than his normal weight, very, very thin. I would think Carlos, it's as thin as I've ever seen him. I've seen him maybe 125 pounds, very thin. He was very quiet, very peaceful, more peaceful than the ones that were not in that situation. He was nervous, as I could see in his face, he was nervous. And I thought, for sure, for sure, he was going to get out of it. Deep in my heart, I believed God's going to get him out of this. And I told him that.

21:14:27

**RR:** "Oh we don't have to worry, God's going to get you out of

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this." He was afraid, very afraid. You could see it in his eyes. He was very afraid. For a moment, there, he actually believed that he was going to get out of this. "Oh yeah, it's going to be ok." I think he was trying to be, also, strong for me. He was happy to see the other family members that he hadn't seen for a long time. So he's happy to see them. But the last moment when they asked us, when they finally came and said, "You have to leave now because he's getting ready to be executed. You can either go and watch him get executed, or you can talk to him on the phone." I was in shock, because I thought for sure, 'Oh my God, it's not happening. It's not going to happen. It's not real. It's not real. It's not real."

21:15:57

**RR:** And then we were told we had to leave. I was shocked as I approached Carlos as he was behind the cells, because they don't let you get near them. He reached out to hug me, and as he hugged me, he said, "I love you and I'm so sorry." I said, "No, you're going to get out of this, I promise you'll get out of this." Then they told us we had to separate. We went, as I recall, into this recreation room -- I'm not quite sure how it looked -- where they take the family members.

21:16:38

**RR:** Carlos made *(audio and video distortion)* call. When the governor said, "No, he is going to be executed." The state, they

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denied his stay. And Carlos called. He was able to call all his family members. And he called, and I talked to him, and he said, "I'm so sorry." And I said, "No, no, you're going to get, don't worry about it, don't worry about it, don't worry about it." I thought for sure God was going to save him. I really did believe God was going to stop, a miracle was going to happen and Carlos was not going to be executed.

21:17:23

**RR:** When it did happen, when he got executed, I was devastated. Driving back from Huntsville, all the way back to the house, as I remember, laying. We were driving in the truck, as I recall. And I'm laying there, in a daze, thinking, Why, why? And I blamed myself for the longest time. How could I have helped him? If I could have been just a little bit . . . . If I could have been smarter and more educated I could have helped him. I just did not know how to help him. I did not know what to do. I was mad. I was very angry at God for the longest time for allowing such a thing to happen. Why did he let my brother die? Why did he let him get executed for something he didn't commit?

21:18:30

**RR:** Why? And I know that he did some things that weren't right, but God's supposed to forgive you. And when he forgives you, it's all over. You're new, you're a different person, and Carlos was that different person. I was shocked, I was very shocked. I felt

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let down by God, because I didn't know what else to do. The only thing I could do was trust God to save my brother. That's the only thing I knew what to do, and that didn't even work. Because the system failed him. And all I could do was trust God to help him, and that even failed. I was hurt for a very long time. And when I think about it now, the pain still comes back, thinking why was this allowed to happen? Why? Because Carlos should have not been executed. He should have not been executed. They executed the wrong person. I know they executed the wrong person. He should have not died. And I know he was afraid. I could not go in that chamber and watch my brother be killed. I couldn't. I couldn't do it. I couldn't do it even though the other family members wanted to do that. I just couldn't do it. I just couldn't watch him be executed. And the time of the funeral, when I saw Carlos in that casket, the saddest day of my life. To watch him be buried.

21:20:34

**RR:** I don't even like going to Corpus. I hate Corpus. I can't stand it. Every time we go to Corpus -- if we have to go there for whatever reason -- it just brings all that past memories. All I want to remember of Carlos is that moment when he hugged me and he said he loved me. I saw the peace in his face even though he was afraid, that peace in his heart. That's the reason why I don't even want to go back to Corpus and see that grave of my brother, because I know he should not be there. He should have never been

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executed, never.

21:21:30

**JSL:** There was a letter that was written. Carlos wrote a letter at the very, very end of his hours, he wrote a letter to you. And there's a newspaper article about that letter. It says some things about it as if the reporter had read it, which she had not. Would you tell us about that letter? What the contents were and what became of the letter?

21:22:00

**RR:** I wish I would have been able to save that letter. When I opened that letter, Carlos was apologizing for all the hurt that he caused. And I know what he meant by that. He was hurting for us, because he knew that I would be hurting for him. He knew that. And he was just so sorry for all the pain that he caused to his family members, and to his mom, to our mother. He knew that.

21:22:47

**JSL:** Did he say anything in that letter that indicated he was guilty of the crime for which he was-

21:22:52

**RR:** No. He never stated that on the letter. He just said he was sorry for causing us pain. He was sorry.

**JSL:** What happened to that letter?

21:23:09

**RR:** When we moved, I had asked my sister, that lives in Garland.

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I had some boxes, all Carlos's stuff, that was sent back to me. And that was the hardest thing, receiving your brother's things. They sent them in boxes. All his belongings in a box. I placed all those things in a storage box, because I was very hurt. When we moved I asked my sister if we could store some stuff in her garage and she said yes.

21:23:54

**RR:** When I did ask for all the stuff back, which was six, seven years later, all the stuff got destroyed. Which I was very devastated, because Carlos's things were there. All his belongings, his watch that he wore all the time, his books that he read, his Bible, were all destroyed. And all the letters that we corresponded back and forth was all destroyed in that box.

21:24:29

**JSL:** Do you know how it got destroyed?

21:24:31

**RR:** My sister said it was damage by all the rain, things that her storage got all messed up. Not only did my things get destroyed but her things got destroyed, too.

21:24:43

**JSL:** Let me just ask, if someone were to say, here's this newspaper article, and it says that he wrote a letter asking for forgiveness at the end of his life, and that proves that he must have admitted his guilt of this crime in that letter, what would you say to that?

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21:25:07

**RR:** Carlos was asking for forgiveness from us, for us to forgive him for all the agony that he put us through, for the pain. He knew that we were going through pain. He's told me many times, "I'm so sorry that this is happening, I'm so sorry that you're going through all this." And he asked for me to forgive him, but what's there to forgive? Your family members, your brother, your sister makes a mistake? Carlos never hurt me, he never did anything to me. Did he get in trouble? Yes. Did it hurt to see him get executed? Yes. But he's my brother and I love him. His forgiveness came from God. I believe that God forgave him, and Carlos is in the best place now. He's peaceful. He's at peace.

21:26:27

**JSL:** Do you ever think about the family of Wanda Lopez? (*phone rings*) Do you ever think about the family of Wanda Lopez and what you might say to them, or what they might say to you, or what you might have in common with them?

21:26:52

**RR:** You know, thinking back about all this, with that family, I have never really thought anything about the family. Because my brother did not commit that crime, so I did not owe them any apologies. I was mad at that family for thinking that my brother could commit that crime. I was sad that something terrible like

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that happened to their daughter, of course. Nobody wants anybody to get hurt. I have kids, too. But my brother did not commit that crime. Carlos didn't commit it. I know that.

21:27:45

**JSL:** If they . . . . Could you imagine meeting with members of that family, under circumstances where more of the truth was known? Could you imagine that sort of thing?

21:28

**RR:** I heard, when we were burying my brother . . . . There again, I was in a very lost situation. I was very lost and devastated. I still didn't believe. It was hard for me. For some miracle I thought God would allow him to come back to life. That's how hurt I was. I thought for sure God's going to say, "You are going to come back to life."

21:28:41

**RR:** It took me a long time to believe that he was dead. So what I was told, a month later, that that family members were there at the time that my brother was being buried, I was very upset. Because they didn't have any right to be there, thinking that he committed such a crime. That's what I was told, later. Now, with all this new stuff coming up, should I sit down and meet with them? I think it'd be ok, because now they know my brother didn't commit that crime. He didn't commit such a crime. I think it would be helpful for both parties to be able to see each other. Because they lost

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their daughter and I lost my brother. Their daughter was taken away from a horrible crime, but my brother was executed for a crime he didn't commit. So could I sit and talk to them? Sure.

21:30:06

**RP:** I'll ask a question, but you can give the answer to Jim. You talked a little bit about the state of Texas. You said that you're mad. What does it say about the state of Texas, our justice system, that something like this can happen? What's your feeling about this whole system that allows something like this to happen? Talk to Jim.

21:30:45

**RR:** I believe what needs to take place is that I'm glad that now they have DNA. That's a good plus, there. I'm against Death Row. Not just because my brother was in Death Row, we're talking about a life. Executing someone, are you sure that that person committed such a crime? Are we sure? Can you prove it? Execution, I believe, is just totally wrong, even if my brother wasn't in the situation he was in. There should be something to be able to help both parties, to be able to prove this as far as. . . . Even if it was proven that he or she did commit such a crime. Executing someone isn't going to bring anybody back. It's been done. I know both parties are mad, upset, not only the parents that lost the loved one, but also the other party. Their kids are in the situation that they're in. There has to be a better situation than

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executing, there has to be. I'm 100 percent against it.

21:32:19

**RR:** I have two kids, a son that's 21 and a daughter that's 23, and a grandson that's 5 years old. If something like that happened to any of my kids, a horrible crime like that, to happen to any of my kids, should I feel that that person should be executed? No. I would not want that person to be executed.

21:32:55

**JSL:** Your son is defending the country and putting his life at risk for ours, for the country's, serving as a Marine. How do you put those two things together -- what the state, the government in a way, did to your brother, and what you feel for your country. Obviously you raised a son like that, and what he feels for his country. How do you put those two things together?

21:33:29

**RR:** I asked my son while he was here. I asked him, "Jason, tell me a little bit about why this is happening, this war situation." There again, I never like watching the TV in regards to all this war situation, because I have a son that was in that war situation. And he said, "Mom, out of all those people in Iraq, 95 percent of all the people there are good people. They're good people." You have to understand, my son was there, in war, going in houses, clearing them out. Bad people that are trying to kill their people, plus the military. My son said 95 percent of the people

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there are good-hearted, working, kind people. It's those 5 percent that are bad and hateful and angry. But the 95 percent there are all good people, and they all deserve to be free. Just because the 5 are bad doesn't mean that we should forget about the good of the 95 percent that are good, hard-working, caring people. I asked him, "Would you do it again, would you re-sign-up, knowing all this?" He said, "Yes, I would, I would re-sign-up. Because people are good. It's just that 5 percent."

21:35:15

**RR:** And as far as the state executing all these people that are on Death Row, could some of these people committed those crimes? Yes, I believe they've committed some crimes. I believe there are evil people out there that could commit these horrible crimes. But killing them, is that going to change anything, is that going to bring anybody back? You also have to understand the loved ones on the other sides. There are two families that are getting hurt. Not only the part of the family, that their daughter or son we're taking away, also on this side, their son, daughter, sister, brother, being executed. Should we not have any feelings for the one that's being executed? Should we just throw them away? Ok, they committed a crime -- kill them, execute them, get rid of them. What if they did not commit that crime? What about that?

21:36:22

**RR:** Just because they did some bad choices when they were younger

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in their life and then did something in their adult life, does that mean they're bad? No. I believe everybody deserves a second chance in life. Everybody deserves a second chance. If that means locking them up forever, then lock them up. Lock them up forever. I'm for that. But executing isn't going to change anything, it's going to cause hurt for the ones that love the ones that are in that situation. And are we sure that they committed that crime? Are we sure?

21:37:10

**RR:** Right now, we could say, hey, Carlos -- and I know Carlos didn't commit that crime. Can the state bring him back to me, can they produce Carlos back to me? No. Am I mad? Yes. I don't think it's right to execute someone and then 20 years later, "Oh, we made a mistake. Sorry." All along they treated him like trash. That's how I feel.

21:37:57

**JSL:** You vividly describe the clothes that your brother wore: Dark slacks, preferably black. White shirt or dress shirt partway unbuttoned, but a dress shirt, dressing nice. Did your brother go around in a T-shirt?

**RR:** No.

**JSL:** Did he go around in those gray sweatshirts that people sometimes wear or used to wear?

**RR:** No.

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**JSL:** How about a flannel shirt?

**RR:** No.

**JSL:** Flannel jacket?

**RR:** No.

**JSL:** Ever see him in any of those clothes?

**RR:** Never.

21:38:36

**JSL:** Now I want you to put that in your own words.

21:39:27

**RR:** Carlos would never wear blue jeans. Carlos would never wear sneakers, T-shirts, flannel clothes, flannel T-shirts, sweats, flannel jackets, never. He always wore slacks, black, long-sleeved dress shirts. He always looked nice, dressed nice all the time.