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File # 744
DeLuna

Full court denies stay of execution DeLuna scheduled to die

United Press International

U.S. Supreme Court justices Friday afternoon denied a stay of execution requested by the attorney for a Texas death row inmate scheduled to die Wednesday.

The stay requested by Carlos DeLuna, 34, was referred to the full court, which denied the application. Justice Thurgood Marshall and William Brennan dissented from the decision.

Attorney Richard Anderson of Dallas also sought a stay from the Texas Court of Criminal Appeals for DeLuna after a district judge refused to intervene.

State District Judge Walter Dunham of Corpus Christi refused Thursday to grant a stay for DeLuna, saying he found nothing new or unresolved in the case involving the stabbing death of a Corpus Christi service station cashier.

Anderson argues in both state and federal appeals that the trial prosecutor's decision to seek the death penalty in Nueces County was discriminatory.

Using similar grounds as a Georgia case pending before the high court, Anderson said killers of whites receive the death penalty more often than those who kill blacks. DeLuna's victim was a white woman with a Hispanic surname.

Anderson declined to discuss other appeal issues claimed in DeLuna's case.

DeLuna told reporters earlier this week he was tired of waiting for courts to rule on his appeals.

"They have never executed anyone on their first date before, but I would hate for them to try to make an example out of me," he said.

DeLuna has been on death row for three years for stabbing Wanda Jean Lopez, 34, during a Feb. 4, 1980, robbery.



CARLOS DeLUNA:
On Texas' death row

Police said Lopez was attacked minutes after she phoned police and attempted to describe her assailant to the dispatcher. Her conversation with her attorney and her final words were recorded by police.

"You want it (money). I'll give it to you. I'll give it to you. I'm not going to do nothing to you. Please," Lopez said shortly before she was killed.

DeLuna denies that he killed the woman, saying another man wielded the knife. But investigators have been unable to find the man DeLuna says was responsible.

"I'm at peace with myself and whatever happens, happens," said DeLuna. "I do hope I get a stay, though."

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