

INVESTIGATION MEMORANDUM

TO: JIM LIEBMAN
FROM: PESO CHAVEZ
DATE: JUNE 14 & 15, 2004

RE: CARLOS DELUNA

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

On the above date I tried contacting **BERNARDINA “DINA” YBANEZ** at her last known address [material removed], Corpus Christi, TX. I went to the above address and met a woman who identified herself as **Norma Cavazos**. I identified myself, stated who I represented and the purpose of my visit to which she understood. Ms. Cavazos stated that Ms. Ybanez had been deported to Mexico and she was taking care of her children. She asked for my business card and informed me that she would somehow get a message to Mr. Ybanez.

[Please Note: I had a feeling that Ms. Ybanez was present at this address because earlier a neighbor had told me that Dina was at home. This is a very Hispanic Neighborhood and the moment I stepped into their territory “red flags” were raised and my presence became known to all that I was looking for Dina].

The more time I spent with Ms. Cavazos the more she began to trust me and opened up. She stated, “Dina told me that Carlos Hernandez stabbed her with a knife and her guts came completely out—he was going to rape her. He was a very bad man”.

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I thanked Ms. Cavazos and then left. 15 minutes later I received a call from Ms. Cavazos informing me that she had me on a three-way call with Dina. After several minutes of speaking with Ms. Ybanez and after she understood I was not with any law enforcement agency she admitted that

she was present when I was at the above address. Ms. Ybanez stated that she was being cautious because she could not afford to be deported. She agreed to meet with me tomorrow. Her home telephone number is [material removed].

As previously arranged, I met with **BERNARDINA “DINA” YBANEZ** at the Embassy Suite Hotel in Corpus Christi, Texas on June 15, 2004. Present with Ms. Ybanez was Norma Cavazos and we were later joined by her youngest son and an Anglo woman. Ms. Ybanez is a petite woman; speaks perfect English; is articulate; and is very presentable. Once again I identified myself, stated who I represented and the purpose of my visit to which she understood. Ms. Ybanez stated that she is willing to cooperate in any way she can.

Ms. Ybanez first met Carlos Hernandez sometime in the late 70's. Her husband (Andy Ybanez) and Carlos were friends. Carlos had a girlfriend named Cindy who would baby-sit for Dina. Her testimony would be the following:

HOW CARLOS BRAGGED ABOUT HIS KILLINGS

“I remember numerous times when Carlos Hernandez would be in the living room and he would make fun about how he killed the girl at the gas station and the one in the van. He would brag about how Graza and Carlos DeLuna—he would call Carlos his tocallo-- were blamed for it and he was the one that had killed them. Hurting people was real funny to him and he always had a habit of saying “I put the knife on her life”—meaning he had stabbed her. And he would always brag about the “X” he carved into Dahlia’s back. He bragged about how he raped and killed her and how the baby was in the van and he thought about killing the baby as well. Cindy, his girlfriend knew about this but she would never say anything about it—she loved him too much”.

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CARLOS' VIOLENT BEHAVIOR

As is well documented, Carlos Hernandez pled guilty to the stabbing of Ms. Ybanez. This incident eventually lead him to do time in prison where

he was killed. According to Ms. Ybanez, she still suffers physically and mentally from this incident. She stated, ***“I don’t recall how long I was in a coma but he did a lot of damage to my insides which I still suffer to this day from. I remember him turning me over and I knew he was going to carve an “X” on my back the way he did that girl. If it had not been for my boys who came to my rescue we would not be talking about this today because he would have killed me”.***

According to Ms. Ybanez, Carlos did not go to prison immediately and was out on the streets shortly after stabbing her. She stated, ***“I had to move numerous times and each time Carlos would find me. He was obsessed and told me “I am going to make sure your going to die”. I thought he would kill me for sure so I had to move from place to place and each time he found me”.***

Between the times Mr. Hernandez stabbed Ms. Ybanez and the time he went to prison she encountered him on a number of occasions. According to her she never called the police because they never did anything to protect her. On one occasion Mr. Hernandez was trying to break through the front door and one of her boys got a knife and started to stab his arm. Mr. Hernandez pulled out a knife and was going to stab him but Ms. Ybanez had the phone in her hand and told him the police were on there way. Another time, Mr. Hernandez grabbed her by the neck and started choking her. A person by the name of Valentino stopped him—Valentino is now in prison. Ms. Ybanez stated, ***“Things were so bad with this man that I finally had to move to San Antonio to get away from him. What he has done had an impact on my two oldest boys—they grew up with a lot of anger and they never received any professional help as they desperately needed”.***

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OTHER INFORMATION PROVIDED

- According to Ms. Ybanez, Mr. Hernandez got off on a lot of criminal charges because he had a very good lawyer—Jon Kelly. [material

removed] In addition, Mr. Hernandez always used the excuse that he “blacked out”. He was in a previous car accident and suffered a head injury.

- Ms. Ybanez described Cindy as mentally slow but who dearly loved Mr. Hernandez. She stated, “Carlos would always threaten her and when she worked she handed him the paycheck. Plus, Cindy would bring girls home so that he could have sex in front of her”.
- Ms. Ybanez did not know if Mr. Hernandez had any friends. His brother Javier died in a fire and his sister Paula has three children—Michael, Eddie and Pricilla. His mother, Fidelia is still alive. She stated, “The whole family was known for drugs and drinking”