

INVESTIGATION MEMORANDUM

TO: JIM LIEBMAN
FROM: PESO CHAVEZ
DATE: AUGUST 4, 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 contacted **JOHNNY YBANEZ (DOB 4/29/75—29yrs old)**, at the Lewis Unit in Woodsville, Texas. He is serving 14 years for attempted murder and is eligible for parole in 2007. I identified myself, stated who I represented and the purpose of my visit to which he understood. Mr. Ybanez has not been in contact with his mother for 4 months and was unaware of why I was visiting him.

ABOUT CARLOS HERNANDEZ

Mr. Ybanez was 12/13 years old when he spent a considerable amount of time with Carlos Hernandez. His mother worked at Rosita's Kitchen at night and Mr. Hernandez and Cindy would baby-sit for him and his younger brother Andreas. In describing Mr. Hernandez, Mr. Ybanez stated, "Carlos never seemed to have any friends his age—he didn't act like a grown up and always hung out with younger kids. The guy was crazy. Once Carlos started drinking he got real dangerous and that's when you had to stay away from him. I know this because I would drink with him—he bought me beer. That's when he would tell me things. I remember one time he bragged about a girl that he had killed in a van—I don't recall names—but he

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said there was a little girl inside. Then he would bring out this thick like note book of legal work (indicated 3") and he would brag about his case-- it made him feel big".

According to Mr. Ybanez, Mr. Hernandez always carried a folding type knife and would show him how to sharpen it. Mr. Ybanez stated, "In fact the knife he stabbed my mother with I had sharpened it for him. Those old guys from Mexico, the ones from the barrios, they always carried a knife and Carlos was good with it. He would show me how he flipped out".

Mr. Ybanez further described Mr. Hernandez' "craziness" as observing Carlos self mutilate his chest with a knife causing him to bleed. In addition he would burn his body. Mr. Ybanez was aware that Mr. Hernandez had fallen out of a truck and hit his head when he was younger and had to have surgery—he had a hole in his head.

HIS MOTHERS STABBING

On the night that Carlos Hernandez stabbed Dina Ybanez; Johnny was asleep and was woken by Cindy who informed him of the stabbing. When he went to the aid of his mother she was sitting down holding her stomach and blood was everywhere. The police arrested Mr. Hernandez immediately.

Mr. Ybanez stated, "Carlos only did 9 months in the county jail and then they released him. After that he continued coming around the neighborhood—I think he lived in the area. One day he was down the street waving a knife around trying to scare us. I got a knife from the house and I went over to him and stabbed him with it 10 times. He was bleeding and everything but he never stabbed me back—he just walked away. The guy was crazy. After that I never really saw much of him because we kept moving around and finally we moved to San Antonio. I think the reason he stabbed my mom is because he wanted to be with her and she didn't want him. At the time he was with Gilbert".

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OTHER INFORMATION PROVIDED

- Step-father Gilbert Limon (TDC #703040) is in prison for conspiracy to

commit murder. He is due to get out in October, 2004.

- His father's family is from Corpus Christi, TX. His father is (retired) and lives at [material removed]. His mother's family is from San Antonio, TX.

People to contact:

- Eddie Schilling
- Michael was drug addicted and he died of aids using dirty needles.

NOTE: Mr. Yabanez does not ever remember Carlos Hernandez discussing killing anyone else or about killing any one at a gas station. He was not familiar with Carlos DeLuna.