

Columbia Law School Investigation Uncovers New Evidence Suggesting Texas Executed Innocent Man

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New York, May 15, 2012—A groundbreaking investigation by [Professor James Liebman](#) and a team of Columbia Law School students has revealed new evidence demonstrating that the State of Texas likely executed an innocent man in 1989.

The investigation, published today by the *Columbia Human Rights Law Review* (HRLR) and at the website thewrongcarlos.net, represents one of the most comprehensive collections of materials and evidence about a criminal case ever released to the public. It describes the case of Carlos DeLuna, a poor Hispanic man in his twenties with childlike intelligence who was convicted on the thinnest of evidence for the 1983 murder of a convenience store clerk. The materials include video and notes from hundreds of interviews with witnesses and key participants, the complete case files from police and prosecutors, and previously unreleased police audiotape of the manhunt that resulted in DeLuna's arrest.

The HRLR has devoted its entire Spring 2012 issue to this book-length anatomy of a wrongful execution, titled *Los Tocayos Carlos*.

"No one cared enough about the defendant or the victim to make sure they caught the right guy," said Liebman, a leading death penalty litigation expert and the Simon H. Rifkind Professor of Law at Columbia Law School. "Everything that could go wrong in a death penalty case did go wrong for DeLuna."

The article documents how DeLuna was convicted on the basis of a single, nighttime, cross-ethnic eyewitness identification with no corroborating forensic evidence. He claimed from the start that another man named Carlos—Carlos Hernandez—stabbed clerk Wanda Lopez to death with a lock-blade buck knife at a convenience store in Corpus Christi, Texas. DeLuna's assertion was derided by some as the "some other dude named Carlos" defense, and the lead prosecutor told the jury that Carlos Hernandez was a "phantom" of DeLuna's imagination.

Liebman and his co-authors, however, uncovered evidence showing that not only did Carlos Hernandez exist, but he was known to police and prosecutors at the time of the trial as someone with a long history of crimes similar to the one for which DeLuna was executed. The police audiotape that Liebman and his authors have released—suppressed during DeLuna's trial—shows that police chased another man who matched Hernandez's (but not DeLuna's) description for 30 minutes immediately following the crime.

Hernandez had been arrested for murdering another woman with a lock-blade buck knife, and he stabbed and attempted to rape another woman while DeLuna was confined to death row. Hernandez spent years bragging around Corpus Christi that he, not his *tocayo* ("twin" or "namesake"), Carlos DeLuna, committed the murder. Indeed, families of both Carloses mistook photos of the men for each other.



Photos: Police mug shots Carlos De Luna, left and Carlos Hernandez, right

"Sadly, DeLuna's story is not unique," Liebman said. "The very same factors that sent DeLuna to his death—faulty eyewitness testimony, shoddy legal representation, and prosecutorial misfeasance—continue to put innocent people at risk of execution today."

The astonishing collection of primary documents and interviews allows readers to come to their own conclusions regarding DeLuna's guilt or innocence. "My co-authors and I present the story as best we can tell it, and invite readers of all stripes to consider for themselves what happened and how concerned we should be about it," Liebman said.

The materials presented in the article and at the website include:

- complete files of police, sheriff's office, district attorney, county court, trial transcripts, and federal court records
- all of the police photos (which, via digital enhancement, revealed key evidence never recognized by the police, including the assailant's bloody footprints)
- a police audiotape of the 40-minute manhunt that led to Carlos DeLuna's arrest
- full criminal records of the key actors
- a raft of television news clips and newspaper articles
- 20 videotaped interviews of key participants
- notes from 100 witness interviews
- an interactive map tracking key people, places, and events

For more information, please visit thewrongcarlos.net, or contact the Columbia Law School Public Affairs office at 222-854-2650 or publicaffairs@law.columbia.edu to arrange an interview.

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