



The Wrong Carlos: Anatomy of a Wrongful Execution

James S. Liebman (Contributor)

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In 1989, Texas executed Carlos DeLuna, a poor Hispanic man with childlike intelligence, for the murder of Wanda Lopez, a convenience store clerk. His execution passed unnoticed for years until a team of Columbia Law School faculty and students almost accidentally chose to investigate his case and found that DeLuna almost certainly was innocent. They discovered that no one had cared enough about either the defendant or the victim to make sure the real perpetrator was found. Everything that could go wrong in a criminal case did. This book documents DeLuna's conviction, which was based on a single, nighttime, cross-ethnic eyewitness identification with no corroborating forensic evidence. At his trial, DeLuna's defense, that another man named Carlos had committed the crime, was not taken seriously. The lead prosecutor told the jury that the other Carlos, Carlos Hernandez, was a "phantom" of DeLuna's imagination. In upholding the death penalty on appeal, both the state and federal courts concluded the same thing: Carlos Hernandez did not exist.

The evidence the Columbia team uncovered reveals that Hernandez not only existed but was well known to the police and prosecutors. He had a long history of violent crimes similar to the one for which DeLuna was executed. Families of both Carloses mistook photos of each for the other, and Hernandez's violence continued after DeLuna was put to death. This book and its website (thewrongcarlos.net) reproduce law-enforcement, crime lab, lawyer, court, social service, media, and witness records, as well as court transcripts, photographs, radio traffic, and audio and videotaped interviews, documenting one of the most comprehensive investigations into a criminal case in U.S. history.

The result is eye-opening yet may not be unusual. Faulty eyewitness testimony, shoddy legal representation, and prosecutorial misfeasance continue to put innocent people at risk of execution. The principal investigators conclude with novel suggestions for improving accuracy among the police, prosecutors, forensic scientists, and judges.

The Wrong Carlos: Anatomy of a Wrongful Execution Details

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From Reader Review The Wrong Carlos: Anatomy of a Wrongful Execution for online ebook

Jessica Davenport says

This book is about two individuals named Carlos with similar appearances one of whom was executed for the murder of Wanda Lopez in 1989. The authors contend that it was in fact Carlos Hernandez and not Carlos DeLuna, the man who was executed, who committed the crime. The research presented shows a failure at all levels from the 911 calls that Wanda made for help through to the final appeal. The book provides rich detail and first-hand accounts to tell a compelling story suitable for readers regardless of their knowledge of the law or law enforcement.

This book represents a comprehensive effort to piece together information more than twenty years in the past, most of which was or should have been known by those involved with the case at the time. The information is occasionally repetitive, but I was frequently glad for the reminder of how the person or evidence being discussed fit into the larger picture.

From my view, the only negative of the work was perhaps an overzealousness in attributing things that should have been noticed by those involved with the case in the 1980s. Most of the evidence presented is clearly damning; however there were a few instances where the claims felt a little heavy handed. Written in juxtaposition, drawing connections between the two Carloses seems obvious, but surely the detectives, prosecutors and reporters worked other cases during that time. Newspaper articles written about the Carloses on subsequent days during the appeals process is compelling and heart wrenching. However, I believe the argument would have been strengthened by including those details without using it as an example of a failure.

I appreciated that the authors described the lives and criminal histories of both Carloses. It would be easy to try to make Carlos DeLuna more sympathetic by white washing his past; however, acknowledging his imperfections is an important part of the discussion on wrongful executions. The reality of wrongful executions is complicated by the fact that these individuals often led less than exemplary lives. It's difficult to shout innocence from the rooftops when a man who was previously accused of attempted rape is executed. The authors do not shy away from this fact, and discuss the difference in the public's perception of what a wrongful execution would look like and the reality. They rightfully point out that this discussion is not about placing the rights of criminals above victims; but, a wrongful execution does not provide justice to the person who was executed, their family, the public, the victim or the victim's family.

Darcia Helle says

I did not go into this book naive to the faults of our 'justice' system. Even so, I was astounded by the absolute failure and incompetence of the so-called professionals at every step of this case.

The authors do an excellent job of laying out the facts of Wanda Lopez's murder, as well as giving us background into the early lives of both Carlos DeLuna and Carlos Hernandez. Much of the text reads like a crime novel. The narrative flows well and the authors avoid the complicated legal jargon as much as possible. When needed, the issues are explained so that the casual reader without a law degree understands.

Details are not spared here. Wanda Lopez's murder was brutal and vicious, and the authors make sure we 'see' that. This story is not for the squeamish. But I do not fault the authors for providing the gory details. In fact, I believe those details were necessary for this case to be fully understood.

There is no doubt that an innocent man was put to death, murdered by our justice system, by us. While that in itself is appalling, the injustices run far deeper. During the time an innocent man was persecuted, the guilty man went along his destructive path unimpeded. His name and reputation were fully known to law enforcement. He flaunted his crimes, bragged about his killings. Innocent people died and lives were forever altered. Had even one person done his/her job correctly along the way, lives could have been spared.

Because this case is old, you might think things have improved. But, despite our scientific advancements, the core problems still exist. Eye witness accounts are notoriously faulty. Wealthy have advantages over poor. Prejudices form opinions and therefore alter the course of investigations. Incompetence does not exist in a vacuum. And Carlos DeLuna is not the only innocent person society has or will fail to protect.

Courtney says

"Beyond a reasonable doubt, the professionals who administered our criminal justice system in this case were not without fault, and Carlos DeLuna, an innocent man, was executed because of it." This is so important. We need to know more about what we sign up for when our state calls for the death penalty.

Meredith says

What a great read!

The Wrong Carlos: Anatomy of a Wrongful Execution was a really compelling true-crime book about the murder of 24-year old Wanda Lopez, who was stabbed one night while working at a gas station on the outskirts of Corpus Christi, Texas in 1983.

In 1989, the state of Texas executed Carlos DeLuna for the death of Wanda Lopez. DeLuna, who was considered to be slow and had a troubled youth with a criminal past, was convicted based on one eye witness testimony from a single person, who years later explained he was not 100% DeLuna was the man he saw killing Lopez in the gas station that night. DeLuna claimed innocence during his entire trial up to his execution and claimed to be mistaken for another man - another man he knew and who ran in the same circles as he did.

That man was another Carlos. Carlos Hernandez also had a troubled criminal past and had similar looks to DeLuna and even shared some of the same friends. He had supposedly confessed to killing Wanda to multiple people, but was never investigated for Lopez' murder. Much of the key evidence that may have associated Hernandez with the murder was never investigated, even after many people came forward claiming Hernandez was the man who committed the crime. Hernandez went on to commit many crimes, many of which he was never or barely punished. He was even acquitted of murder of another woman in 1986 after key evidence was mis-placed. He died in prison in 1996.

This case was investigated by both faculty and staff at Columbia Law School. As they further reviewed the case, it was noticed there were many holes: a weak eye-witness report, failure to test key evidence, failure of

the 911 operator who took Wanda's call, an inexperienced defense lawyer appointed to DeLuna and a flawed investigation by the Corpus Christi police, Hernandez' long history and severity of crimes - just to name a few. After thoroughly reviewing the key evidence and interviewing multiple people associated with both the case and Carlos Hernandez, they came to a conclusion that DeLuna was wrongfully convicted for the crime that Hernandez committed. The Chicago Tribune also strongly suggested the same conclusion after their own investigation and published a story in 2006 outlining the details.

Included in this book is an in-depth look into this case, including behind the scenes facts, interviews and pictures from the crime scene. It will definitely have you thinking - "Was the wrong man really executed for this crime?" The evidence in this book strongly correlates the facts with the wrongly conviction, all of the way from the bottom to the top. For anyone who is interested in the perils of our criminal justice system and the sometimes unreliable eyewitness testimony, I highly recommend this book. Also, check out the website for this case: www.thewrongcarlos.net

****Free Copy provided by Net Galley in exchange for an honest review *****

Michael says

Disturbing detailed account of how a case of a mistaken identity, combined with a botched investigation and a less than stellar legal defense, resulted in the execution by an innocent man for the murder of a gas station attendant in 1983 in Corpus Christi, Texas. Persuasive without resorting to melodrama.

Paul says

In his concurring brief for the case of *Kansas v. Marsh*, Supreme Court Associate Justice Anton Scalia wrote, "the dissent does not discuss a single case—not one—in which it is clear that a person was executed for a crime he did not commit. If such an event had occurred in recent years, we would not have to hunt for it; the innocent's name would be shouted from the rooftops by the abolition lobby."

Well the innocent's name is Carlos DeLuna, but nobody's shouting.

The Wrong Carlos, by James S. Liebman, Shawn Crowley and others, is one of those books that should be talked about. In it, a team of Columbia Law School faculty and students compile what seems to be an absolutely airtight case that in 1989 the state of Texas executed an innocent man. It's the kind of detailed, carefully assembled book that you'd expect from a group of lawyers—in other words don't expect a narrative arc or a wry literary style. All you'll get are the facts, presented clearly—and those facts shine a brilliant light on the missteps, inconsistencies and sloppiness of the system we use to decide who is executed.

This book should make you angry. It should make you think. It may not change anyone's mind about the morality or efficacy of the death penalty—especially Anton Scalia's—but it is definitely a book that should be addressed more thoroughly than it has.

A Reader's Heaven says

(I received a free copy of this book from Net Galley in exchange for an honest review.)

In 1989, Texas executed Carlos DeLuna, a poor Hispanic man with childlike intelligence, for the murder of Wanda Lopez, a convenience store clerk. His execution passed unnoticed for years until a team of Columbia Law School faculty and students almost accidentally chose to investigate his case and found that DeLuna almost certainly was innocent. They discovered that no one had cared enough about either the defendant or the victim to make sure the real perpetrator was found. Everything that could go wrong in a criminal case did. This book documents DeLuna's conviction, which was based on a single, nighttime, cross-ethnic eyewitness identification with no corroborating forensic evidence. At his trial, DeLuna's defense, that another man named Carlos had committed the crime, was not taken seriously. The lead prosecutor told the jury that the other Carlos, Carlos Hernandez, was a "phantom" of DeLuna's imagination. In upholding the death penalty on appeal, both the state and federal courts concluded the same thing: Carlos Hernandez did not exist.

The evidence the Columbia team uncovered reveals that Hernandez not only existed but was well known to the police and prosecutors. He had a long history of violent crimes similar to the one for which DeLuna was executed. Families of both Carloses mistook photos of each for the other, and Hernandez's violence continued after DeLuna was put to death. This book and its website (thewrongcarlos.net) reproduce law-enforcement, crime lab, lawyer, court, social service, media, and witness records, as well as court transcripts, photographs, radio traffic, and audio and videotaped interviews, documenting one of the most comprehensive investigations into a criminal case in U.S. history.

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A fascinating look into the US legal justice system...and the story of a wrongly convicted man, convicted of a crime that he didn't commit.

There is a lot of stuff in this book. From all the eyewitness testimony, to court documents, photographs and even an online section that has videos you can watch - if you are so compelled. It is all very helpful if you are wanting to try and "solve" the case - but for me, it was just a little dry and matter-of-fact. Almost like reading a history book, rather than a human look at the evil perpetrated on Wanda Lopez.

I commend the academics at Columbia University for following through on the initial doubts about this case. Many times we don't believe something we are told but never take the chance to look further into it. The Columbia team went above and beyond what would be reasonably expected and I think they have presented a compelling case for The Wrong Carlos.

Paul
ARH

Holly says

It's a very important book, everyone should read it. But it was written by a lawyer, and you can tell. He goes over the same things over and over, but that is what a good lawyer should do.

Dani Shuping says

ARC provided by NetGalley

In 1989 Carlos DeLuna, a poor Hispanic male with development disabilities, was executed by the state of Texas for the murder of a convenience store clerk named Wanda Lopes. His death went unnoticed and unremarked upon until a team of Columbia Law School faculty and students chose to investigate his case and found that DeLuna was almost certainly innocent. No one has cared enough about either Carlos or the victim to make sure the real killer was found. Despite DeLuna's continued associations, both at trial and appeal, that the real killer was a man named Carlos Hernandez, the courts declared that Hernandez didn't exist. The team from Columbia discovered that not only did Carlos Hernandez exist, but he was well known to the police and had a long history of violent crimes. In this book the team lays out all the evidence, documenting one of the most comprehensive investigations in US history.

Over the last twenty years, capital punishment has come under the microscope for fear and revelations that innocent people, such as Carlos, were wrongly convicted and sentenced to death for crimes they didn't commit. In this book the team reveals the horrifying reality of how little care was given to Carlos or Wanda, and all that mattered was "solving" the crime and closing the book. The book does a good job of laying out the evidence, the facts, and giving as much information as possible when possible about what happened. It allows the reader to take a seat in the jury box and decide for themselves...is there enough evidence to decide to end someone else's life. The book is easy to read and will keep the reader on the edge of their seat to the very end.

While this is a thick and lengthy book, it should be required reading for anyone that aspires or is in the legal system, in whatever way. It should be recommended reading for others, to understand just how serious it is to weigh the evidence of taking someone else's life. And how important it is to get it right. 4 out of 5 stars.

Bookcat88 says

This book had a huge impact on my view of the death penalty. It is an extremely well researched and documented account of a worst case scenario with the American criminal justice system. This book should be required reading for everyone of voting age. It is at times redundant due to format and the degree of complexities involved in presenting the case, but well worth reading.

Jenny Boyce says

This was a fascinating read. I had never previously heard of any of the cases in this book, so I was appropriately shocked and appalled while reading this book.

This book is mainly focused on the wrongful execution of Carlos De Luna, a man blamed with the stabbing of a convenience store Clerk, while Carlos Hernandez, the actual killer, walked free. The story goes into a lot of background information about each Carlos, describing their lives, tendencies, and previous criminal history. The book also went into a lot of detail about the actual crime, describing exactly what happened (as much as is known) and illuminating each piece of evidence for the reader to understand, allowing the reader to come to their own conclusions about what actually happened.

In some ways, although this is a strict non-fiction book, this book reminded me of a classic whodunit story where the reader is given all of the evidence and expected to figure out who the actual culprit is. Is it Carlos De Luna, a slow-minded young man found hiding underneath a car, or Carlos Hernandez, a cold-blooded young man with a rap-sheet a mile long? Whodunit? Although I did feel that way while reading the book, the authors do a really good job of keeping the story factual and technical. They included a lot of information about the case, making sure that the story didn't take too personal a turn, and still keeping the reader informed about all the information.

And boy what a story it is. I couldn't believe some of the information that is present in this book, especially about how the police just ignored a lot of information and allowed the crime-scene/crucial evidence to be destroyed. It's hard to believe that these events didn't occur too long ago. This is definitely an important book to read as it brings to light some shocking and appalling information.

The authors writing style was also pleasant to read; drawing me right into the book and not letting me go until I finished. The author writes in a technical style that at times can be somewhat overpowering, but for the most part this book is easy to read and understand. The author does a really fantastic job of including all of the information in an easy to follow manner. The book is organized into categories, making the information easier to keep apart and understand.

I would definitely recommend this book for all those interested in criminal justice books, or just books that make the reader think. This is definitely a book that I will be recommending to others.

Jerusalem Demsas says

Antonin Scalia, in 2006, wrote that in the modern judicial system there has not been “a single case—not one—in which it is clear that a person was executed for a crime he did not commit. If such an event had occurred in recent years, we would not have to hunt for it; the innocent’s name would be shouted from the rooftops.”

Unbelievable.

Donna Davis says

Has anyone ever been proved to have been executed in the USA for a crime s/he did not commit? I would have thought this was a no-brainer, but then, I have watched the so-called criminal “justice” system ruin basically good kids and incarcerate exponentially larger numbers of people—primarily people of color—for doing small things that would never touch a white person of material substance. I’ve seen it unfold in multiple cities and in diverse situations. It’s endemic. It amazes me that anyone felt a study needed to be

done in order to demonstrate what is naked before our eyes in any major city and a lot of smaller towns, too.

I received this DRC in advance for the purpose of an honest review courtesy of Net Galley and Columbia University Press.

However, apparently some academics at Columbia University believed the answer was less than clear, and so in the chillingly clinical writing of the intelligentsia, they lay out, sometimes minute by minute, sometimes hour by hour, the entire case of the murder of Wanda Lopez. Wanda was a convenience store clerk; Carlos Hernandez appears to have been a sadistic sociopath who enjoyed using his knife on human beings. (After being sent up once for using a gun, he drew the only natural conclusion: in the future, kill people using a knife, not a gun. Logical, right?)

There is testimony; there are photographs; and if you want to go online and watch videos (heaven help us all), you can do that too.

DNA tests should hypothetically be definitive in capital murder cases today, but they are very expensive and (as the recent Amanda Knox trial in Italy demonstrates), they can also be ambiguous. For example, one can argue whether a person's DNA is present in a given place for a good reason; then too, DNA must be matched to someone who's on file, and if the person in question has never been in trouble and got away clean, you might as well be holding yesterday's newspaper as the DNA of who-knows-who.

Ultimately, as this case demonstrates using eerily dry language rather than the kind of compelling narrative one might generally expect, the courts spend more time and effort on those who are in a position to hire competent counsel, garner community support, and have others actively advocating for them. On the other hand, those who are alienated and dispossessed; those who fear law enforcement too much to come forward in someone else's defense; those who don't have the funds for transportation or who fear taking time off and losing the hard-won job that represents the thin, dim line between barely scraping by and being out on the street; these folks get sent up easily, and a case is closed.

Neither Carlos was an angel, goodness knows. The innocent-of-murder Carlos was a convicted rapist who pleaded no contest and admits that he tore a woman's clothing off her body so he could force her to have sex. With the inclusion of such facts, the man who was executed becomes a much less sympathetic character, but the point of the Columbia scholars is not to restore the good name of Carlos DeLuna or to excoriate the memory of Carlos Hernandez (also dead now); it is to prove the point they set out to prove: at least one person has been sent to his death when he was innocent of the crime for which he was executed. If anyone doubts the truth of this statement, I invite them to read this cold, horrible indictment of the US "Justice" system.

For some of us, there was no doubt to begin with.

Jack says

An important, fascinating, depressing book that will make you angry at everyone connected with the criminal justice system. Carlos DeLuna was in the wrong place at the wrong time. Just outside a gas station's convenience store when an acquaintance, Carlos Hernandez, was about to rob it.

A suspicious patron warned the clerk, Wanda Lopez, of a man with a knife lurking outside. She called the police, who did nothing. When he entered the store and menaced her, she called again. The dispatcher didn't like her attitude and kept her on the line long enough to hear her beg for her life and her scream for help before he sent a car. The prosecutor suppressed evidence of the first call, and provided only a portion of the second.

Eyewitnesses described two different men. Some described DeLuna, a clean-shaven man wearing a dress shirt, running one way. Some described Hernandez, a sloppily dressed man with a mustache, running the other. When the police found DeLuna, they stopped looking for the other man. Not only that, but they denied that there was another man. In the five years leading up to his execution, DeLuna kept insisting that another man did it; at first he didn't give a name out of fear of retribution from the other man, but after he named Hernandez police and prosecutor said that it was a fantasy, that such a man didn't exist. This despite the fact that the other Hernandez was well known to police as a career criminal who always carried, and often used a knife in his crimes, which frequently targeted convenience stores.

An inept and inexperienced pair, a detective and a police photographer drafted to take fingerprints, completely bungled gathering the evidence, and then permitted the store manager to clean up the blood and other evidence immediately so that no one else could examine it. An experienced detective who knew Hernandez kept quiet because it wasn't his case. A prosecutor charged out what little physical evidence was gathered and "lost" it.

The trial judge appointed a local lawyer who had never handled a felony case. He later added another lawyer who had more experience but was busy with an earlier case. Neither did anything to investigate their client's claim of innocence. An appeals judge refused to allot money for a private investigation of DeLuna's claims.

The authors analyzed at the end the money issues at the root of much of this injustice. A county government that won't spend properly on its criminal justice system, and instead relies on the state to somehow find and correct problems, which didn't happen in this case. The authors also mention at the start and finish Scalia's famous and false claim that the U.S. doesn't execute innocent people. This is an important and depressing book.

Courtney says

Initially, this book was too intriguing to look past on the shelf at my local library and then all it took was briefly reading a few pages before I realized I couldn't put it down. Immediately, I felt so involved in the tragedy of these families, who frankly had the odds stacked against them before the night of the murder. With such a powerful issue at hand, the book could have easily detoured into the preachy, politically charged opinions of the author and group behind his case study but never once did it do so unrightfully.

Between the witnesses, the two Carloses and their families, you begin to see a portrait of such sad and unfortunate struggles of these individuals. Although, ultimately, none is more sad than the plight of Carlos DeLuna. All I can say, is it made me feel very differently and suddenly opinionated on the topic. It made me look at the world entirely different, to be honest. If you're even remotely interested, you should read this book.

