



Interview with Andy - My pen Friend Carmen single-handedly saved my life

Ines Aubert talked with Andy, 42 years old, on death row in Florida for 19 years, 2019

How long have you been writing to your pen friend Carmen?

I honestly can't say how long I've been writing to Carmen. I believe it's been around seven years. I would feel really bad about not knowing. But I don't think she will know either.

What do you usually talk about?

What Carmen and I usually talk about is our lives and what's going on and how we are feeling, but there really isn't any topic that's off limits with us. We shy away from nothing and keep it brutally honest with one another. Because of our honesty, we have become each other's confidant on matters we usually keep to ourselves. We have grown to feed off each other's point of view. I need to hear her thoughts on certain topics because I trust her views and advice.

At what point did you realize that she would be a stable friend in your life?

I knew right away Carmen was going to be a stable friend (as long as I didn't run her off, that is). In Carmen's first letter, she put me down by saying I wasn't getting any visits, money, pictures, only letters! It really shocked me, but also made me smile at the same time. Carmen is 100% honest and 100% authentic. That's what I love about her. She has a heart that's solid gold and I have come to trust it because she always has my best interest at heart. That first year of our friendship was a power struggle. She had set up so many boundaries with me. And I had no choice but to prove myself to her because she wasn't letting me in otherwise. Fast forward to today, Carmen is my best friend. She is so stable that if I don't hear from her, I don't feel right in life. We are so close she knows this. So yeah, I knew pretty early on, but she was just so stubborn with me!

Can you explain to me in what ways Carmen was supposed to contribute to your trial?

Carmen was supposed to contribute to my trial in a very critical way, as my character witness. Which means she would take the witness stand in front of the jury and tell her story about us and how she views me as a person. It's a tactic the defendant's lawyers use to do what we call humanize the defendant to the jury. In other words, to get the jury to see me as normal human beings instead of this monster the state says I am.

How did you feel knowing you would put her in a very stressful situation? I have never heard of anyone else doing that for their friend in prison.

Carmen and I had talked about this. I was worried for her because our judicial system is so different from yours. Our state prosecutors are very nasty and it's their job to win cases. They care about little else. I told Carmen all my fears, which entailed her saying the wrong thing or not truly understanding questions or just the stress he would place on her for speaking on my

behalf. They don't simply ask questions, they attack you. Carmen means a lot to me and if I'm honest about the situation, I believed I was going to be given the death penalty again. We have a saying "Hope for the best but expect the worst". That was my frame of mind. My fears of Carmen testifying came from that place.

I was worried that if she took the stand and I was sentenced to death again, she would be an emotional wreck and devastated. I didn't want her having those thoughts of "Could I have done more, or did I say the wrong thing?" So, I decided to not use her as a witness. I knew she would be disappointed. Only I didn't want to put her through that stress.

Upon telling my attorneys my decision, they immediately argued with me saying I made or am making a mistake. We debated it for a good hour, and I ended up changing my mind because they showed me how they planned on using her and truth be told, Carmen couldn't hurt my case because I had already been given a death sentence. I asked Carmen again if she would help me out and testify on my behalf. Carmen didn't hesitate; she said, yes, of course.

Carmen in fact did tell her story at your trial. How was it for you that she was able to support you in such a way?

Carmen testifying at my sentencing was very humbling. To expect of my friends with whom I've grown up since early childhood, it's not a stretch of the imagination to think they would speak kindly on my behalf. We grew up together and shared many experiences with one another, which brought us closer and strengthened our bonds. With Carmen and I, we didn't meet or hear each other's voices until five years into our friendship. That made our connection mental or emotional. I never thought, much less believed, that these types of connection could be as strong as physical ones. Seeing Carmen testify to the jury and how she moved them with her accounts of our friendship, I see I was wrong. She showed me how true friends interact with one another. At that moment, I felt extremely blessed to be one of Carmen's good friends.

Carmen wrote about the trial: "After they started laughing when I had talked about an anecdote, I got the impression that the jurors were listening and that I could connect to at least some of them." How was it for you to see her on the screen and to hear her tell an anecdote?

Whether it was by design or not: telling that story of my wasting money by sending it to her after she sent it to me, it gave the jury what they needed: a good belly laugh in a grim situation. I agree with Carmen, too. She made a connection to the jury, but just didn't realize what that connection to the jury was. Carmen has battled with me to show her remorse or responsibility for my actions, and I assure you the jury was looking to me for the same thing. That's what you need to hear and see when deciding someone's fate. I never took the stand though. So how do you suppose the jury decided to vote to spare my life instead of condemning me? How did their questions get answered? A criminal has two lives: one before the crime and one after the crime. That's just how it works. Society only cares about the person you are or have become after your crime. Carmen was the only one who took the stand who had gotten to know me after my crimes were committed. Nobody else but my family knows the man I am today and Carmen making the jury laugh over stories of our friendship was great. Carmen made me just another human being in life, not some monster who should be put to death.

Can you judge what impact Carmen's statement had?

Carmen's testimony was so strong that the state's prosecutor didn't even want to question her. That's how badly they wanted Carmen off the stand. Why she became so vital to the jury and ended up being a nail in the state's case. Carmen is an educated woman. She is very intelligent and seeing her in person, her beauty and youth will take you by surprise. These women are not supposed to be writing to or saying such good things about a death row inmate! It made the jury pause and listen to her. Carmen is 100% authentic. When she speaks, she speaks with conviction and you just believe her.

Carmen also had another element that no other witness of mine had: she was a new friend, someone I met after I committed my crimes. Only Carmen could testify that the man I was the night I committed these crimes is not the same man she has gotten to know or has become dear friends with... If you ask me, Carmen single-handedly got me a life sentence and saved my life.

I've shown your answers to Carmen and she was moved by your appreciative words about her. She also stated that you are exaggerating. That she only was one of many witnesses and that you are idealizing her. What do you think about her statement?

It doesn't surprise me at all that Carmen says I'm exaggerating or idealizing her. I assure you that neither is the case. Carmen doesn't like people giving her praise. She does like recognition, but not too much. She is very modest in accepting credit.

Carmen is right though: I had many other witnesses in my case, so to her, she shouldn't be placed any higher than the next. Carmen loves to downplay her role. If she will just realize one simple fact though: the way in which she spoke to the jury with passion and conviction, those same feelings are how I view Carmen. So, when I speak about her or us, I want to make sure the readers understand who she is and how much she means to me.

I'm really impressed by yours and Carmen's story. Do you think that other inmates could profit from a pen friend being a character witness? What would the conditions be for it to turn out well?

Yes, I do believe other inmates can benefit from their pen pals being a character witness for them.

As for the conditions and what they need to be in order for it to turn out well for them, that's a tricky question to answer because each case has its own unique issues that makes them so different in the jury's eyes: how the crime was carried out, who the victim is, etc. Each issue changes the dynamics of a case and its defense. Witnesses are used in many different ways. Pertaining to my case, we used a very specific defense that was designed to beat the death penalty. The jury I picked was there to do one thing: come up with a proper sentence for me for my crimes, which is either life or death. Whether I was guilty or not was not an issue with this jury. I was given a new penalty phase not a new guilt phase. That basically means I'm just here to get my sentence and the jury already knows I'm guilty of these crimes.

That's why our focus was on using many witnesses as possible to garner sympathy from the jury, because all we needed was for one of the twelve jurors to vote for life.

Our pen pals are great witnesses due to the fact they have intimate knowledge of us “after” our alleged crimes. Their being character witnesses on our behalf carries a lot of weight with a jury because they want to know who we are after having committed these crimes. In my case, my pen friend Carmen painted a great picture to the jury about who I was to her... through her testimony I became human and not the monster I was made out to be.

So, yes! Others can absolutely benefit from their pen pals testifying on their behalf!

Thank you, Andy, for answering all the questions. I wish you all the best in your future.