

## AFFIDAVIT OF SAMUEL VILLEGAS LOPEZ

1. My Name is Samuel Villegas Lopez. My ADOC inmate number is 43833. My family calls me Sammy. My date of birth is June 30, 1962.
2. I am on death row in Arizona for the murder of Estefana Holmes.
3. Since I was arrested for Mrs. Holmes's murder in 1986, I have been represented by many different lawyers. My first trial attorney was Joel Brown. My second trial lawyer was George Sterling. My third lawyer was James Rummage. Mr. Rummage represented me on my second direct appeal. My fourth lawyer was Robert Doyle. Mr. Doyle represented me in state post-conviction. My current lawyers are Kelley Henry and Denise Young. They have represented me in federal court on habeas.
4. During post-conviction, the Arizona Capital Representation Project (ACRP) volunteered to help Mr. Doyle investigate my case. I met regularly with ACRP attorney Statia Peakhart. Ms. Peakhart was the first attorney who explained to me why my family and my background mattered for my case. I was really happy to understand this, and I accepted ACRP's help investigating my background. Since Mr. Doyle was representing me at the time, I told him that I wanted him to work with ACRP and follow their advice. I even wrote Mr. Doyle and told him that I wanted him to ask for more time so that the ACRP could finish their investigation on my case. I never wanted my post-conviction attorney to waive any of my claims. I told him that.
5. I'm not educated. I don't even have a high school education. I don't understand what lawyers know about the law. It's just too complicated for me. From the moment I was arrested for Mrs. Holmes's murder, I knew that the best thing I could do was follow my attorneys' advice. I never put any restrictions on what my lawyers could or could not do to investigate my case. I have always counted on my lawyers to represent me because I do not know how to represent myself.
6. My mom is Concha Villegas, and my dad was Arcadio Lopez, Sr. They were both born in this country. My mom and dad had 8 boys and 1 daughter who died when she was a baby. I am their sixth son. My brothers and I were all born in Phoenix, Arizona. My dad was a violent drunk. He used to beat my mother in front of all of us. He didn't just hit her once and stop. He hit her over and over until she was bloody. We tried to protect her, but then he beat us too. We were afraid of our dad the way some kids are afraid of monsters. I often sat at the window and kept a lookout for my dad. I felt like this was my job when I was a little boy. When I saw him, I told my mom to run and hide, and I ran and hid too. My mom worked and fed us and tried to protect us from my dad. She was the only one on our side and the only person that kept us alive. Every day I was afraid that my dad was going to kill her, and without my mom around, I would die too. I grew up without hope. I know people will probably read that and think I'm trying to make up excuses for Mrs. Holmes' horrible murder. I'm not. I'll say more about that crime in a minute. I'll never make excuses for it. I just know that my lawyers say my background matters and that my childhood was more hopeless than most people could ever understand.

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7. I've always wondered how things would have been different for my brothers and me if my dad loved us and took care of us. It's so hard for me to believe that most people actually grow up with that kind of love. If anyone ever looks at my life and tries to learn something, I hope they learn to appreciate having two loving parents. What a blessing that must be.
8. My little sister, Gloria, was the last of my parent's children. My mom and my brothers and I were all so happy to have a little girl in our family. It didn't matter to us that she was deformed. We felt like she was an angel sent from God. She was the one bright spot in our lives. Gloria had a surgery that was supposed to fix her deformed arm, and she died in the hospital afterwards. When Gloria died, it was like someone turned out the only bright spot we ever had.
9. After Gloria died, my dad took off for good. We never heard from him again. I hated what my dad did to our family, but it still hurt that he abandoned us. I wanted him to be a normal dad. When he finally left, it was just another slap in the face. A few years ago, my lawyer, Kelley Henry, told me that he died homeless and alone under a bridge in California. It made me sad to learn what happened to him. I don't understand how I could feel this way about a man who was such a monster.
10. My mom was the only one who put food on our table. She had to work like a dog at two and sometimes even three jobs just to put food on the table. We moved around a lot because we got evicted and couldn't afford rent many, many times. My mother did the best she could, but she didn't have skills for a good job. Even though she was born in the United States, she has never spoken good English. She was only able to get cleaning and other physical jobs that paid very little. She did everything possible to keep my brothers and me alive. I loved her, and I wished I could take good care of her. I hope that whoever reads this understands how hard my mom had to work to protect us from my dad and take care of eight boys.
11. Because my mom had to work and my dad was almost always drunk, my seven brothers and I never had adults watching us, teaching us, taking care of us, of showing us they loved us. We didn't have adults in our lives to teach us things like discipline and schoolwork and all the other things that help people live productive lives. We didn't even know what a productive life was. We thought it was just as made-up as what we used to watch on Gilligan's Island.
12. Growing up, I started to hang out with other kids in the neighborhood who were poor like me and who also had problems at home. I spent a lot of time with Pete Servin and his older brother, Manuel. Manuel was friends with my older brother Steve. Manuel and Steve were my heroes. I wanted to be around them, and I tried to be like them. Manuel and Steve taught us how to break into houses so that we could get money for food. We didn't want to hurt anyone. It's just that burglaries were the only way we knew how to get a little money. Our neighborhood and our messed up families convinced us we had no other options.
13. Manuel and Steve used to sniff paint. I very young when they showed me how to do it. That's when I starting sniffing paint a lot. I did it because it was the only way I knew to escape my hopeless life. I didn't see any other way out.

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14. I used to sleepwalk, and I had really bad nightmares as a kid. The day after I sleepwalked, my brothers or my mother always told me that I ran out of the house screaming or that they found me in the kitchen all curled up. They said I was sweating and shivering and really scared, but I had to take their word for it. I never remembered sleepwalking.
15. After my father left, my mother got a boyfriend named Pedro Santibenez and let him move into our house. We called him Pete. Pete had wife in Mexico and he had children from that marriage. Some of those children were in the United States illegally.
16. Pete never liked me. One time he woke me up in the middle of the night and pointed a gun in my face, threatening to kill me. I hid his gun after that, and when Pete noticed it was gone, he turned red and threatened to kill me again if I didn't return his gun. Pete insisted that my mom kick me and my younger brothers, Joe and George, out of the house. She did.
17. It just broke me apart to see that my mom chose Pete and his illegal children over us. I couldn't believe it. We felt let down and betrayed like no one loved us. We were her flesh and blood, and she put us out on the street. My mom was the only one who had protected me and kept me alive, and then suddenly, she turned her back on me too. I felt like I had absolutely nothing. I knew things would never get better for me. I had no reason to stay alive. I did nothing with myself but try to stay high on paint or any other drugs or alcohol I could find.
18. At the time Mrs. Holmes was murdered, I was at the lowest point in my life. I had been in prison for resisting arrest when police found me sniffing paint in the park. While I was in prison, my two younger brothers, Joe and George, were arrested for murder and my brother George was sent to death row. I felt like I failed them. I should have been there to protect them and keep them out of trouble, but I was locked up. I wanted to die. I didn't have a father, my mother had kicked me out, and I wasn't there when my little brothers needed me most. I was living in a friend's car, and I was spending all my time sniffing paint because it was the only answer to my problems that I had ever learned.
19. I'm no lawyer, so I've always followed my lawyers' advice. But when they assigned my case to the same judge who sentenced my younger brother George to death, I asked my lawyer to get me a different judge. I did not think that the judge who sentenced George to death could be fair to me. My lawyer did not try to get the case moved to a new judge like I asked him to.
20. Until now, none of my lawyers have ever let me tell this to anyone besides them: I've never remembered the night that Estefana Holmes was killed. I was losing hours and days all the time during that period. There were afternoons, evenings, and whole days that just disappeared from my memory. People commented on the things that happened or the things I did while I was high on paint and other drugs, and I just couldn't remember any of it.
21. I don't remember going into Mrs. Holmes's house. I don't remember being there or doing any of the things the police said I did. I cannot believe I could ever do those horrible things. My mom was raped. I know what an awful thing rape is. I've never been able to believe that I could

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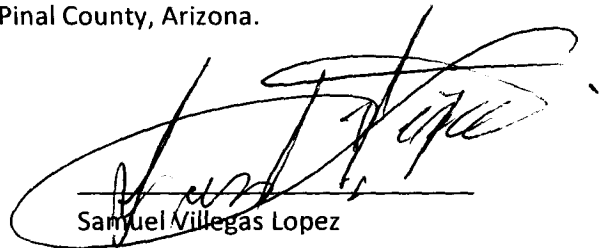
actually do the same thing to someone else. What happened to Ms. Holmes was so horrible and so wrong. I've always been sorry for what she went through that night and for what her family has gone through ever since. But I don't know if I actually committed that crime. That awful night is just one of many days and nights that I couldn't remember.

22. I'm not saying I'm not responsible for the crime. I'm just saying I don't know if I actually am. I've always wondered, because it never added up for me. If you asked anyone who knew me, they'd tell you that I was not the kind of person to rape and stab an elderly woman to death. I've never wanted to do anything like that. The only person I ever wanted to hurt was myself.

23. I can't blame Mrs. Holmes's family for hating me. I would hate anyone convicted of killing one of my family members. I just wish I could remember that night.

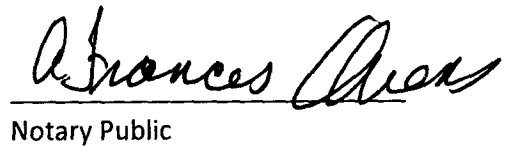
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Dated this 9<sup>th</sup> day of February, 2012 in Florence, Pinal County, Arizona.

  
Samuel Villegas Lopez

State of Arizona        )  
  )  
County of Pinal        )

Subscribed and sworn to before me this 9 day of February, 2012.

  
Notary Public

