

DECLARATION OF ARCADIO VILLEGAS LOPEZ

I, Arcadio Villegas Lopez, declare as follows:

1. I am Sammy Lopez' oldest brother. I am known as "Junior" by my family and friends because our father's name also is Arcadio. Our father is Arcadio Lopez, and our mother is Concha Villegas. Our mother and father never married, but they had nine children together. I was born August 30, 1954, and I am the oldest of their children. I have seven younger brothers, including Sammy Lopez. We also had a sister named Gloria, but she died when she was less than a year old in 1971.

2. Although I was forced to drop out of school as a freshman in high school to help support our family, I have since earned my GED and established myself as a pressman for the *Arizona Republic*. I started working for the paper 27 years ago as a maintenance worker and worked my way up first to flyman then to apprentice and eventually to pressman. Anna, my wife of 22 years, and I own our home in North Phoenix where we live with our two sons Michael and Nicolas, ages 17 and 20.

3. I grew up in the Phoenix area with my seven brothers, our mother, and our father until he left us. Our mother is originally from Texas. She had 13 brothers and sisters, but we rarely saw any of our relatives. We did not have the money to travel to Texas to visit our grandparents and or other relatives.

4. Our mother has an aunt, Cruz Madrid, who lives in Phoenix. Cruz had several

children. One of her sons Ruben served in the U.S. Marines during the Vietnam War. Just after he returned from Vietnam he was killed in a car accident. Cruz' daughter Lupe is married to Sam Ogul. Sam and Lupe Ogul's son was murdered in a park in Phoenix just before his 21st birthday in 1990. He was waiting in the park to meet his parents and sister to celebrate his sister birthday. He was stabbed repeatedly and killed when he tried to help a girl being attacked.

5. I know very little about our father and his family because he was a very closed person who never talked about his family. I asked our mother about his family once, but she said she didn't know anything about them. I never met anyone from our father's family.

6. Our father, Arcadio Lopez, was an alcoholic who drank mostly cheap wine. Sometimes he drank beer. I first realized that our dad was a drinker when I was about 9 years old. I knew before then that our father drank, but it was not until then that I realized how drastically alcohol changed his behavior and affected all of our lives.

7. He spent much of what little money he earned on alcohol, and so we often had little to eat and poor clothing. Money was always tight. Our brothers and I slept in bunk beds. There was never any extra money for birthday presents or toys. My brothers and I could not join after school activities and sports teams because we did not have the money for the fees and uniforms. The family car was always broken because our father was always too drunk to fix it or see about getting it fixed. He never spent any time with me or my brothers playing ball, helping us with homework, teaching us about cars, or any of the other things that most fathers do for their sons.

8. When he was not drinking, our father was not as mean. He even cooked breakfast for the family a few times. As I grew older, our father drank more and he drank more often. Eventually, our father was pretty much drunk all of the time, and he often became violent when he drank.

9. Our father beat our mother in front of me and my younger brothers when he was drunk. The beatings happened about once a week, but we never knew when or why he would beat our mother. He often came home after drinking late into the night, yelled at our mother, and then started hitting her with his hand or fist. Sometimes he demanded that she make him something to eat at 2 or 3 in the morning even though she had to get up and go to the work in only a few hours, and then he beat her if she complained or he thought she was too slow.

10. Our parents' relationship was always up and down. It wasn't just our father's drinking and physical abuse, he also cheated on our mother with other women. I remember our mother going to find our father because he was staying with another woman. I did not understand why our mother bothered to go and get him.

11. Our father abandoned our family for good when I was about 15 years old and Sammy was about seven. One night when our father was hurting our mother, I pushed him up against the wall and told him not to ever hit her again. He just left; he did not even take his clothes. He did not leave the family anything either. He left us with nothing because that is the type of man that he is.

12. Our father was often depressed when I was growing up and tried to kill himself

several times. When I was about 7 or 8 years old and our family was living in Glendale, our father intentionally drank from a bottle of Clorox bleach. I remember the ambulance that came. Our father also tried to jump in front of a train numerous times.

13. I have no good memories of our father. One of my strongest early memories of our father was from when I was about 6 years old and he almost drown me and my brothers Eddie, Frank, Steve and Jimmy. This was when we lived on a ranch in Glendale and our old 1955 Nomad station wagon was working. Our father got drunk and took all the kids in the car. Either by accident or intentionally, he drove into an irrigation canal. Water quickly began to fill the car, and we could not get out. Luckily, there were people nearby who saw us and pulled me and my brothers out of the car and saved us all from drowning.

14. What little money our father made he earned by picking cotton, grapes, peaches and other fruits and vegetables. Sometimes he left to work in the fields in California. Some of my brothers and I went with our father to pick cotton when I was about 10 or 12 years old. I remember being shocked by how low the pay was for each bag of cotton and how back-breaking the work was. I decided then to stay in school and make real money. I would have stayed in school, too, if our father had not deserted our family. I had to quit school after the first three months of my freshman year at Carl Hayden High School to help support our family. Our mother received ADC, but it was not enough really to feed and clothe all of us.

15. We moved several times when I was child. I remember living on a ranch in Glendale. We moved to Phoenix because a flood destroyed our apartment. I remember floating in the living room in a big metal tub our mother usually used for washing clothes.

16. Our family did not have enough money to celebrate birthdays and mother worked so hard she never had time to relax or enjoy her life. She tried to get us presents for Christmas, but there were plenty of times we just weren't able to celebrate holidays.

17. Our father did not show me or any of my brothers any love or affection. He showed us almost no attention at all other than to punish us whenever he felt like it, even when we had done nothing wrong. He usually hit us with a belt for what ever he felt we had done wrong.

18. I do not want to be like our father. I do not drink or use any drugs, even cigarettes. I saw what alcohol did to our father, and I decided a long time ago that I will never end up an old drunk like our father.

19. Our mother also had a hard time expressing her affection. She is not the type to say "I love you" or to hug or kiss her children. She showed her love by working as hard as a person can to try and support us.

20. I am the only one of the eight Lopez brothers to visit our mother's family. I keep their addresses and phone numbers because our mother never seemed to be able to keep track of things like that. She does not know how old her grandchildren are. Our mother did not even recognize my son when I brought him by her apartment last year. I always missed having a family when I was a child and I made up my mind to make sure my kids knew their relatives and learned to love them.

21. Our mother is Catholic and deeply religious, but she did not go to church. She did not take me or my brothers to church. I started attending church when I married my wife

Anna. Mother always hung a picture of the Last Supper and a picture of Jesus in our home. She prayed when any of her children were hurt, in trouble or needed help. She just never went out on her own when she did not have to, even to attend church.

22. When I was a child, Mother usually spoke in Spanish to me and my brothers and our father. Her English was not so great when my brothers and I were younger. Sometimes I could not understand our parents' conversations because they were in Spanish. Sometimes I did not understand our mother when she spoke to me in Spanish because she spoke too fast, but I pretended to understand her. I tried to spell words in English and tell her the correct pronunciation to help her, but she just told me not to correct her.

23. Pedro Santibenez, who is sometimes called Pete, moved in with our mother a few years after our father left us. Most of my brothers were no longer living with Mother by the time Pete moved in with our mother. He was not like a father or a stepfather to me or my brothers. If one of my brothers had a problem or got into trouble, Pete told our mother that they were her kids and that she had to take care of them.

24. Pete did not always get along with my brothers. Pete and my brother Eddie often argued. They yelled at one another and used foul language.

25. I was luckier than my younger brothers in that I had a male mentor. Sam Ogul is the husband of our mothers' maternal cousin Lupe Madrid Ogul. When I was a teenager Sam taught me about cars and other things. We sometimes competed to see which of us could rebuild a engine part faster. Sam always won because he was older and knew so much more about cars, but I learned a lot. Sam was more like a dad to me than Arcadio ever was. Today,

I teach my sons about cars and helped them to buy cars to rebuild and restore. Having old cars to fix up gives them an interest at home which helps to keep them out of trouble.

26. Sam got me a job where he works at the *Arizona Republic* newspaper working on the press machines. When I was still living with Mother and my brothers, I used the money from this job to help pay bills and buy groceries for our family. Sam retired from the paper earlier this year after he suffered a heart attack on the job.

27. My brothers did not have a mentor like I did in Sam. I was the closest that they had to a male role model. I lived with my brothers and mother until I married Anna when I was 21 or 22 years old. As long as I lived with our family, I tried to keep my brothers out of trouble, in school and away from people who took advantage of them, but I was too young and inexperienced to be a substitute father.

28. After I moved out, the family fell apart. I wasn't there to protect and watch out for my brothers any more. My younger brothers began to get into trouble, and Mother grew even more isolated from the community. Some bad characters started taking advantage of my brothers. Some of these bad characters lived in the government housing projects between 19th and 20th Avenue and Buckeye and Durango.

29. A couple of my brothers were sort of adopted by the Servin family. The Servins are real trouble. One died of a drug overdose. Manuel and Tony Servine went to prison. One of the Servins stole the television I bought for Mother. A neighbor saw him taking the T.V. from her apartment. The Servins even stole from their own grandmother.

30. Despite our father's alcoholism, my brothers drink. My brother Eddie is an

alcoholic. He is mean when he drinks; alcohol makes him want to fight whoever is around him. I do not understand how Eddie is still alive after all the drinking and driving he has done. Like our father, when Eddie drinks he gets defensive and then he gets violent. About two years ago I saw Eddie at Mother's apartment. Eddie was drunk, and he began to argue with me. Eddie threatened to get a gun from his car and shoot me, so I just left.

31. Our brother Frank was the first to move out of our mother's home. He left when he married Joanna Salias. Frank and his wife now have four children: Frankie, Marie, Steve and Anthony.

32. Frank is really shy. He won't eat in public. His kids are the same way. Frank has always had a fear of contracts. He didn't want to buy a house or sign a lease. So Frank and Joanne lived with Joanne's mother until about a year and a half ago when they finally moved into their own home. He never bought a new car because he didn't want to have to sign the papers. Frank just bought old cars he could buy with cash. I do not know how Frank learned about cars. I learned about car repair and maintenance from Sam Ogul.

33. After I moved out from home, I turned my attention to my new family. I was determined their lives would be better than mine and they would never experience the sadness and fear I did as a child. I did not really keep up with my brothers after I moved out of our mother's apartment. I do not know whether any of them finished high school.

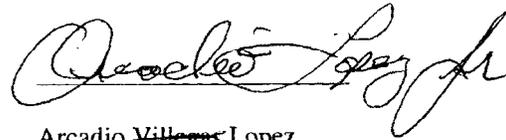
34. I learned from our family that parents can not give proper attention to their children if they have too many. I intentionally limited my family to two children. It is too hard to control and care for more children than that. My sons are doing well; I am proud neither of

them have a drug or alcohol problem. I wish I had the security and love growing up that my children have.

35. I have always lived in the Phoenix area and it is well known among my family that I have worked at the *Arizona Republic* newspaper for my entire adult life. I was never contacted by any one regarding my brother Sammy's arrest and trial for murder. If anyone had asked me, I would have testified at Sammy's trial about my brother and his life.

I declare under penalty of perjury under the laws of Arizona and the United States that the forgoing is true and correct.

Executed on June 17, 1999.

A handwritten signature in cursive script, appearing to read "Arcadio Villegas Lopez". The signature is written in black ink and is positioned above the printed name.

Arcadio Villegas Lopez