

Declaration of Frank Villegas Lopez

1. My legal name is Frank Lopez, but in my family, I've always been known as "Pancho," the Mexican nickname for Francisco. I was born on August 27, 1957. My parents are Concepcion Villegas and Arcadio Lopez. They are American citizens, and I am too, but my family is really Mexican. Like a lot of Mexican families, mine is a big one. I have seven brothers, one of whom is Sammy Lopez.

2. Our oldest brother is Arcadio, who we call "Junior" since Arcadio was also our father's name. Then came Eddie, me, and Esteve, who we call "Avie" or just "Steve." The youngest four were Jimmy, then Sammy, then Jose, who we call Joe, and finally George. Our sister Gloria was the youngest. She came after Georgie, but she was born sick, and she died before her first birthday.

3. We were dirt poor when Sammy and my other brothers and I were growing up. Nothing came easy for our family, not money, not finding a safe place to live, not keeping ourselves fed. We could never even count on having a roof over our head. Surviving from day to day was a struggle for us when we were growing up. It seemed like we were always a day away from getting kicked out of our house and living on the streets.

4. My brothers and I didn't have anything but each other. When you go to church and they ask for donations for the poor, they were talking about us. We got a lot of our clothes and food from the church and from other neighbors who saw how hard my mom was working to keep us alive. If we wanted anything more than clothes and food, we had to figure out a way to make it ourselves. We collected broken down bicycles from all over the neighborhood, and we pieced them together into crazy looking bikes that we took turns riding.

My mom worked so hard she didn't have time to buy us a Halloween costume. But when my oldest brother Junior started working, he brought home big sheet of paper and together my brothers and I cut it up and taped it into funny little costumes that we could wear. It may sound strange, but those are some of the best memories of our life. When you're poor, anything you get is special.

5. The worst part of our childhood wasn't being poor and struggling to survive every day. The worst thing about our childhood was living with our dad. Ask any of my brothers or my mom, and they'll tell you the same thing. Our father was a man with a lot of problems, and he took his problems out on my brothers, on our mom, and on me. He was angry, unstable, selfish, unpredictable, and violent.

6. We never called Arcadio "Dad," "Papa," or any of the things kids usually call their fathers. We called him by the same name everyone else used for him: "Beto." Whatever name we used for him, calling Beto our father is giving him more credit than he deserves. Beto never cared about my brothers or me. We were his sons, but he didn't love us. I can't remember him ever showing us any affection or love, not even once. Beto never took the time to sit and talk with us, or to teach us the important lessons about life. He didn't care about taking good care of us and making sure we grew up to be happy or even healthy. Beto barely talked to us, except to yell at us or to call us foul names. Beto wasn't our father. He was just the man who got our mom pregnant with us and terrorized our home.

7. Beto was a terrible, violent alcoholic. When he came home from work, he started yelling right away and looked for a way to start trouble with my mom and with us. If dinner wasn't ready when he got home, he yelled at my brothers and my mom and me, called us

names, and beat us with his hands. We tried to keep it from happening by having everything perfect, but Beto could always find something to yell at us about. He said, "Why isn't the floor swept? Why is this mess here? Where is my food? Why aren't my tortillas hot?" If one of us tried to answer his question, he hit us with his fist for talking back. If we didn't answer, he hit us for ignoring him. We couldn't win.

8. When Beto hit us, my mom tried to stop it. That's when he started hitting her. Sometimes he just hit her once or twice and then left or went in the other room to drink his wine. Other times he hit her over and over again until she collapsed from the beating. My brothers and I used to try to stop him, but Beto was bigger and stronger than we were, and we couldn't do anything about it until we were much older.

9. Beto didn't just hit us once. He hit my brothers, my mom, and me over and over and used his hands, his fists, his feet, his belt, and extension cord, or whatever he could find. We didn't have a phone until I was a lot older, so we always had to run to the neighbors and ask them to call the police. Things were different in those days, and the police didn't get involved. The only thing they did was tell Beto to leave for the night and come back when he was sober. For us that was like hearing them tell a killer to come back later.

10. Beto's beatings hurt us all, especially Sammy. Sammy spent his days at the window watching out for when Beto came home. When he saw Beto, Sammy started crying. Then he warned everyone and ran away before Beto got inside.

11. We all avoided Beto. When he couldn't get his hands on one of us, he punched a hole in a wall or a door. Beto punched the walls so hard he injured himself many times. After he punched a wall, he quit yelling, sat down quietly in a chair, and watched his

hand bleed. It was like he was suddenly a different person. Then one of my brothers or I brought him a towel.

12. He did a lot of other strange things. Sometimes he saw things that weren't there. Another time he drank bleach.

13. Beto got more violent as we got older. That was so bad for the older brothers, including me. When we got older we spent more time away from the house with friends and girlfriends. Unfortunately, Sammy, Joe and Georgie were younger, so it was harder for them to get away from home. They had to face Beto's attacks without us older brothers around to help them. It makes me sad to think about the way Sammy and the youngest kids took the most violent beatings, but it's true: Beto saved the worst hell for them.

14. I try my best to look on the bright side, but there was no bright side with Beto. You wouldn't treat an animal the way he treated us. If you want to understand what it was like growing up in our family, pretend you're a little boy and you live with someone who wants to kill you. Beto told us that all the time, and the way he beat us, I believed it. To put yourself in our shoes, you have to imagine that all the good stuff you see on the TV is for everyone else. It wasn't for us. Our life was just fear, and we all knew it would never get better.

15. The only father I know is my mom. She taught my brothers and me everything we know, and she worked hard to keep us fed and clothed with a roof over our head. If I could, I would show Beto where Sammy, Joe and Georgie are today. I know for a fact that everything Sammy and the youngest brothers have gone through and where they've ended up is because of Beto. He ruined their lives. He ruined all of our lives. My brothers and I have never recovered from the beatings and the fear we lived in.

16. Sammy was always the most sensitive of my brothers. Beto's beatings affected him the worst. For years, Sammy woke everyone up in the middle of the night, crying, screaming, and sweating with shakes so bad you could see him twitching.

17. We were so worried about Sammy we always kept an eye on him when he went to bed. When Sammy didn't wake up screaming, he sleepwalked. Sammy often got up in the middle of the night like he was going to the kitchen for a glass of water. When he didn't go back to bed, we checked on him to see what was wrong. We found him crouching down in a corner of the kitchen shaking as if he was hiding and really scared. Sometimes Sammy stayed there sweating and shivering in the corner of the kitchen for an hour or more. We couldn't get through to Sammy when this happened. It was like he couldn't even hear us.

18. Other times, when Sammy got up and went to the kitchen, he grabbed a table knife and gripped it really hard in his hand like he was scared and he had to defend himself from someone who wasn't there. We knew Sammy wouldn't hurt us with the knife, but we were afraid he might hurt himself. He held the knife in front of him and backed up against a wall or a cabinet. We told him: "Sammy, put the knife down. You're sleepwalking again. Put the knife down." But Sammy didn't answer. His mind was in some other place. He just held the knife and stood there shivering in the kitchen. Only my mom could get him to respond. She walked up to him slowly and took the knife away. Then she put him back to bed. If he really woke up when he was sleep walking like this, he just looked at you and started shaking and crying out loud. If you put a hand on him, you could feel his whole body shaking and sweating. Even today, it can still see the look of fear in that little boy's eyes.

19. Sammy used to run out of the house when he was sleepwalking. It scared

us because it was the middle of the night, it was dark, and we were afraid he might hurt himself or get hit by a car. He just got up crying, and he ran out the door and down the street as fast as he could. He ran so fast, it was hard for us to catch up with him. When we finally caught Sammy, we stopped him and tried to carry him back home with one of my brothers. It was hard to bring him home because he was crying and shaking and breathing hard and struggling against us.

20. Sammy's sleepwalking got so bad that Joe and Georgie had to sleep by the door to keep Sammy from leaving the house and running down the street in the middle of the night.

21. Sammy never remembered his sleepwalking the next day. We asked him why he kept getting up at night and hiding in the kitchen or running out of the house, but he didn't know what we were talking about. He thought we were making the whole thing up. We were afraid for Sammy. Today, what bothers me most about it is that it didn't have to be this way for Sammy. Sammy suffered like this because he was the most sensitive to the fear and the beatings.

22. Sammy was sensitive in other ways too. Of all of my brothers, he was the closest to our baby sister Gloria. Sammy used to sit with her and hold her hand for hours at a time. He liked to take care of her too, making sure she had everything she needed. Any time Gloria needed a bottle, Sammy jumped up and made her formula and brought it. Sammy loved all his brothers, but there was something special about the way he loved Gloria. When Gloria died, it hurt us all, but it affected Sammy the worst. He went into a shell. It seemed like weeks went by before he said two words.

23. Not long after Gloria died Beto left for the last time. He didn't say anything about his plans. He just never came back.

24. Even when Sammy was a little boy, he had to have all of his things a certain way. With eight boys in the house, none of us had a lot of things or places to put them. But Sammy always made a little spot in a corner or in a closet for his things. He put his books and papers exactly straight, and if you bumped them or moved a pencil, Sammy knew it. Sometimes my other brothers teased him by moving his things because they knew that it upset him. When he saw that his things were moved, Sammy went and put them back the way he needed them to be.

25. Sammy used to clean his shoes every day with water and soap and salt and a toothbrush. He couldn't stand having even a spot on his shoes. He spent a lot of time, putting his laces in his sneakers. He couldn't stand it if a lace got twisted. The laces all had to be perfectly flat or he did them over. Sammy also had to wash and clean and iron his own clothes because no one else could do it exactly the way he wanted. I didn't care about these things. I just threw my clothes in a pile, but Sammy washed his clothes, got out every single spot, and ironed them so the creases were exactly the way he wanted them. He didn't like to fold his t-shirts or his pants because he was afraid they might get a line where they were folded. Instead he put newspapers, towels, and handkerchiefs over wire hangers and then hung his clothes over that. To me, it was a lot of trouble just to keep the hangers from putting a crease in his clothes.

26. Sammy started drinking when he was young, about 12 years old. He also started sniffing paint a few years after that. I was out of the house by this time, but I came around enough to see that he was going in the wrong direction. It was hard for me to see him

like that. Sammy was getting so drunk and high that he was seeing things. I was with him several times when he thought he saw La Llorona. La Llorona is the screaming woman. She's the ghost of a Mexican woman who drowned her baby, and she comes to get kids. She's like a Mexican boogeyman, just an old, scary story for little kids. But Sammy used to see her when he got really loaded. It happened out of the blue. One minute Sammy was sitting with me like everything was fine. The next minute, his eyes were big white circles and he was running for his life, screaming that La Llorona was coming for him.

27. A strange thing about Sammy was that drinking seemed to give him energy. It was strange to me because I always drank to wind down every day. When Sammy had his first couple beers of the day, he was calm and relaxed like anyone. Then all of a sudden, Sammy was a blur. The next thing you knew, Sammy was in my kitchen sweeping, or mopping, or doing dishes. Or he went to the park to play basketball. I never saw alcohol affect anyone else that way.

28. Sammy was usually the quiet one in our family. One time when one of his girlfriends broke up with him, I realized Sammy was worse than just sensitive. He just couldn't control his moods. Sammy was about fourteen years old at the time. His girlfriend, a girl named Linda, broke up with him one day at the park where all the kids used to hang out. Sammy completely shut down after this. I didn't hear him talk for about three weeks. When Sammy got sad like this, there was just no way to bring him out of it. Joe and Georgie were closest to Sammy. They couldn't get him to go to the park and play basketball, and that was his favorite thing to do. When you couldn't get Sammy to go play basketball, you knew something was wrong. Sammy barely left the house for three weeks after Linda broke up with him.

29. Right around that same time, my mom was raped by a stranger. One night she went to the store across the open field next to where we lived and she didn't come back for a couple of hours. Finally, the police brought her home. Some of her clothes were missing and pulled and her face was scratched, and she looked scared like she'd been attacked. We were all frightened and confused, but Sammy was affected the most by it. He was speechless, and he looked like he was going to cry. We spent a lot of time trying to figure out what to do for my mom, but Sammy couldn't say a word. Finally, he just ran out of the house because he couldn't take it anymore. He came back after a few hours, but he still wasn't talking. I don't think Sammy ever got over that.

30. Sammy was always the kind of person who tried to keep everything inside. When something was wrong with him, I could tell because he got even quieter than usual. When you asked him what was wrong, he tried to end the conversation, and he only gave you one-word answers, "nothing," he said, or, "nada."

31. When Sammy was a teenager, Pedro had moved into the house with him and my mom. I didn't have to deal with Pedro too much because I moved out when I was about seventeen and Sammy was about twelve. A lot of my brothers left soon after that. Junior got married and moved out. Eddie and Steve went out on their own. But Jimmy, Sammy, Joe, and Georgie were left at my mom's, and they all had a hard time getting along with Pedro and his family. Jimmy got in a fight with Pedro, and my mom kicked him out of the house. Later, the same thing happened with Sammy.

32. Sammy started getting in trouble and went to juvenile hall and prison. He also started drinking and using drugs more and more. I saw him so many times with gold paint

on his lips from sniffing. Other times he tried to hide the paint in a bag, but I could hear the mixing ball rattling around in the can. He was also doing strange things. A couple years before he was arrested the last time, he came to my house panicked and bleeding out of his hand. For some reason he had tried to pick up a lawn mower from underneath. The blades were still moving and they almost took his fingers off.

33. After that Sammy kept drinking a lot. Once he got drunk and forgot how his fingers got cut. He just looked down at the bandages, started crying, and asked me what happened to his hand. I tried to calm Sammy down, and I told him, "It's okay, Sammy. You cut your fingers on a lawn mower, but you're okay now." Nothing I said got through to him. He just kept crying and asking what happened to him.

34. Sammy was locked up when Joe and Georgie got into trouble, and when he got out, he had nothing: he had no job, his closest brothers were gone, and he had no place to live. He told me he felt like no one wanted him. He never recovered. He was breaking out in tears all the time. I had never seen him this low. We stayed up all night a few times just talking about how lost he felt. He said he missed Joe and Georgie and he didn't know what to do because he felt like a part of him was missing. Without his little brothers, Sammy said he felt like he didn't know who he was anymore. He couldn't stop crying, and nothing made him feel any better. He just kept saying that he felt empty inside, that he didn't know what to do, and that he blamed himself for the trouble Joe and Georgie got in. He said he should have been there for his little brothers, and that if he had been around, he never would have let it to happen. I've never seen anyone so sad and desperate as Sammy was after Joe and Georgie got locked up.

35. In the months before he was arrested the last time, Sammy was so lost it

broke my heart. He was sleeping in Willow Park. I told him to come and stay with me and my wife and son. I also offered to talk to my mom so she would let Sammy move back in with her. But Sammy said he didn't want to be a problem. He came to my house a lot, but never stayed for more than a day. I didn't know how to help him, but I knew he needed help. Sammy was so lost that you could feel it just by sitting next to him. I told him I wanted him to stay and that he could live with us until he got his head straight. I just wanted him to get better and decide what he wanted to do with his life, but Sammy was so messed up that he couldn't make a plan to change his life.

36. The only thing Sammy could do was drink and use drugs. In the months before he was arrested the last time, Sammy was drunk or high or both every time I saw him.

37. Sammy was getting so drunk and high that I thought he was losing his mind. He did strange things and didn't remember, like throwing up in the sink or getting up and peeing on the furniture. When I asked him why he did it the next day, he didn't know what I was talking about. It got so bad that I left his vomit in the sink so I had proof the next day. Sammy saw it, and he was shocked. He was forgetting a lot of things that happened.

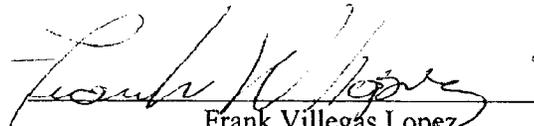
38. Sammy just wasn't himself in the months before he got arrested the last time. I could tell just by looking at him. He was filthy, like one of the homeless people you see talking to themselves. He looked like he slept in a canal; his hair was greasy and not combed; and his clothes looked like he found them in a garbage can. And he smelled like he didn't take a shower for months. When Sammy came to my house, we made him take a shower and borrow some clean clothes before we let him sit on the furniture.

39. The last time I saw Sammy, he was so high that I couldn't even have a

conversation with him. He was sitting in the basketball court in the park, and he couldn't hold his head up straight. He was slurring his words and saying things that didn't make any sense. He was also breathing really heavy. This was just a few days before he was arrested.

40. I was not called to testify at any of Sammy's trials. If I had been called to testify, I would have.

I declare under penalty of perjury under the laws of the United States and Arizona that the foregoing is true and correct. Signed in Phoenix, Arizona this 1 day of Feb., 2006.


Frank Villegas Lopez