

## Declaration of Jimmy Lopez

1. My name is Jimmy Lopez. Sammy Lopez is my younger brother. My mother's name is Concepcion Villegas and my father's was Arcadio Lopez. They had eight sons together. The first one was my older brother Arcadio, Jr. Then came Eddie, then Frank (who we call Pancho,) and then my brother Steve (who we call Avie.) I was their fifth son, and after me came Sammy, then Joe, and then Georgie. After all of us boys, my parents had a daughter named Gloria, but she was born very sick, and she died as a baby.

2. When I was a boy, we lived in southwest Phoenix. It was the worst part of the city. We grew up knee-deep in drugs, crime, violence, and all the other dangers of a poor neighborhood. Our neighborhood was fights, yelling, screaming, gunshots, tears, and sirens. It was an ugly place, and we all knew it wouldn't change. Nice things like picket fences and lawns didn't exist in our world. When we walked to school we saw dust, garbage, and the broken-down junk that the prostitutes, drunks, and drug addicts left everywhere. Our neighborhood was a place everyone wanted to get away from, but almost no one ever did. The place was like an infection. It got inside you and made you feel like you could never do anything with yourself but keep on living right there along with all the junk.

3. All the families in the neighborhood were poor, but we were the poorest. We were a family of eight boys, and only my mother worked to support us. We moved from apartment to apartment in southwest Phoenix. Sometimes we stayed in a place for only weeks or even days before we had to move again. Once, things were so bad we even slept in a park. As a young boy, I learned never to get used to anywhere we lived because another move was always coming. My mom didn't have an education or any skills, so she really had to scrape to keep a

roof over our heads and feed all eight of us. We also got a lot of help from our neighbors and from a place called “The Commodities” that gave us free welfare food, like dried potatoes, prunes, peanut butter, chicken and other things. Along with the beans and tortillas we bought with the money my mom brought home from work, it was just barely enough to keep us alive. A lot of times, my mom had to choose between buying us food and paying the rent. When people say they grew up with nothing, I know what they’re talking about. It’s a horrible thing to be hungry one day, get kicked out of your house the next day, while in the back of your head you’re worried the whole time about your mom losing her job. It’s a hopeless feeling, and it’s so bad that it stays with you forever. I’m forty-five years old, and it’s still with me every day.

4. I was lucky to get out of the neighborhood we grew up in. I’m an adult now, and I’m raising a family of my own in another part of Phoenix. In our neighborhood today, people have lawns and trees and nice houses with yards that aren’t filled with dust and rusty car parts. We don’t have serious crime or drug addicts walking around like zombies. We have a nice area with good schools for our kids, and we have other stuff my brothers and I never had growing up: we have hope for our future and pride in ourselves. I live only a few miles away from where my brothers and I grew up, but it feels like another world. It takes hard work to live like we do here, but when I’m dead tired and I think I can’t get up to work in the morning, all I have to do is think about my own childhood and imagine my daughters growing up in that kind of hopeless poverty. I’ll never let them live like I had to live as a little boy, no matter how tired I get. I love my daughters, and I could never let them spend their childhood in the kind of sad and dangerous place where I grew up. I know how a bad place can get inside you and change the way you think about yourself. I won’t let a bad neighborhood infect my daughters the way it got to my brothers and me.

5. It still hurts to look back on my childhood and think about the places where my brothers and I grew up. I wonder why life had to be that way for us. My mom did her best, but we lived in such a bad place that her best wasn't good enough for my brothers and me. She worked her fingers to the bone to bring home enough money to pay the rent and buy our food, but with so many dangers in our neighborhood, we needed more than food and shelter. We needed someone to give us pride in ourselves. We needed someone to give us hope that things wouldn't always be so bad. My mom couldn't do that for us. After working all her different jobs, she didn't have the time or the energy at the end of day to give us a kiss or a hug or tell us we were special. The only thing my mom could do was to show us how to survive in a desperate situation. Today, I understand that my mom never learned how to do more than just survive. She definitely couldn't teach us how to be all we could be, or show us that we could be different than the hopeless drunks and drug addicts we saw around us every day. My mom doesn't know anything but poverty and struggling to survive. When we were growing up, she just couldn't see how dangerous it is for kids to grow up surrounded by poverty, drugs, and hopelessness.

6. When you look at my brothers, you can see that the way we grew up affected us all. Joe, Georgie, and Sammy are all in prison. Steve spent over twenty years locked up, and even now he keeps going back to jail. Eddie is like a groundhog – he goes underground, disappears for a while, and you don't see him until he needs something. He's even been homeless. Right now, he's got a construction job and the boss lets him live in a beat up, little trailer on the job site, but every day after work, Eddie drinks until he can't even walk or talk. Eddie's mind is so messed up by all the drugs and alcohol he has used he can't even have a normal conversation anymore. The worst part is that this is the most stable Eddie has ever been. Besides keeping himself high and drunk for the last forty years, Eddie hasn't accomplished a

thing in his life.

7. Junior, Frank, and I are the only ones in the family who have been able to make a normal life for ourselves; and we have our problems too. Junior doesn't talk to anyone in the family, and we only see him at funerals. He told my other brothers and me that he doesn't want anything to do with us. To Junior, my brothers and I are reminders of the way he grew up, and he's still trying to forget about everything that happened to us all. He tries so hard to forget our childhood that he even tries to forget he's Mexican. The man won't even eat beans. Frank drinks so much that he's been in trouble with the law and he's even lost his family a bunch of times. I don't know how many times his wife has divorced him. Right now, his driver's license is suspended for driving drunk and he's just barely keeping his family together. I've had my problems too. For several years, I couldn't get by without using cocaine and crack every day. I nearly lost my wife and daughters because of my drug problem. Luckily, I got the help I needed, went into rehab, saw a therapist, and learned how to handle my moods better. Now I just drink enough to wind down every day.

*IF I DON'T DRINK MY BEERS AT NIGHT I'M AWAKE UNTIL THREE OR FOUR IN THE MORNING.* JR

8. Growing up poor in a dangerous neighborhood was bad enough. But we had other struggles besides putting food on the table and trying to keep ourselves safe in such a dangerous neighborhood. We had to live with something a thousand times worse than all that: my father. I could tell you stories for days about how scary it was to grow up with that man around, and they still wouldn't be enough to make you feel the pain and the fear I felt in my gut any time I heard him stagger in the door. My father was an angry, violent drunk who attacked us out of the blue all the time, and my mom, my brothers, and I. We all lived in fear of him every second of every day. There was no break from the fear, ever. If he was home, he was the monster who was trying to beat us to a pulp. If he was gone, he was a ghost who was on his way home to turn into

the monster. The fear was just as bad, whether he was there or not. I grew up sure that some day my father would kill my mom, my brothers, me, or all of us. We all believed that. When he got really mad, like the times when we locked him out of the house because we were afraid of him, he yelled at us in Spanish, calling us names, and telling us he was going to kill us all. Those were his exact words, and we believed him. Everything he did and everything he said had us believing he was going to kill us one day soon.

9. My father never used our real names. He only called us names in Spanish. He called us “pendejo” (which means “stupid”), “maricon” (which is a boy who acts like a girl), “cabron” (which is someone who’s not a real man), and other names that were even worse.

10. When my father was sober, I couldn’t believe he was the same man who used to yell at us, call us names, and beat us like animals all the time. He could be pretty normal when he didn’t drink. It was like there were two people inside my father, and the good one only came out when he was sober. The bad part was that he was almost always drunk. During all the years my father lived with us, I can only remember him being sober about ten times. The rest of the time, he was drunk, angry, and so violent I was literally afraid he would kill one or all of us, just like he always promised to.

11. I’m a father to my two daughters, so I know what being a father means. My dad helped bring us into the world, but he was never a father to us. He didn’t try to have a relationship with us. He didn’t try to teach us anything in life. He didn’t tell us anything about himself. He didn’t talk to us, except to yell at us or call us bad names in Spanish. My father didn’t even let us call him Dad or any other name that most kids get to use for their father. He made us call him Beto. I wouldn’t wish the misery that Beto gave us on any kid.

12. Beto beat my mom almost every day. It was something I’ve tried to forget, but I

can't. All I have to do is think about it, and I still see him hitting her with his fists, knocking her down, and then hitting her more. I can still see her bleeding and crying on the floor without making any noise. It was strange when a couple days went by without this happening. Seeing my mom getting beaten up was almost scarier than getting hit myself. My mom was the only one who tried to take care of us, and I thought Beto was going to kill her. It made me so sick my stomach hurt when I thought about what would happen to us after he killed her. We were just little boys, and we barely had enough to live on with my mother taking care of us. No one else was on our side. What was going to happen to us when he killed my mom? It scared me right down to my heart when Beto beat her up. My brothers and I all jumped on him and tried to hold him back until he finally stopped hitting her.

13. Beto was just as cruel when he hit us. I'll never forget the worst beating he gave me. I was seven or eight years old, and I saw him hide a bottle of White Port wine. I knew how violent the wine made him, so I wanted to get rid of it. I told my mom where it was and she took it away. When he couldn't find the wine, Beto came after me with his belt. He held me down and started whipping me first with the belt and then with an extension cord. When Beto was angry like this, he didn't hit me once or twice to prove his point and then stop hitting me. He hit me again and again and again, over and over, and it didn't matter if I was bleeding or screaming or dying. He didn't stop hitting me until he got tired. The whole time I wiggled around, trying to make him miss me, and when I did, he got madder and madder. I knew I was making him madder, but I couldn't stop moving because he was hitting me so hard. When he hit me, he made me dance around like a wild animal. I was sure he was going to kill me, and I wished he would, just so that all the pain and the beatings and the fear and the hopelessness would all be over.

14. The whole time my brothers and I were growing up, we always had marks on us

from beatings like this. Most of the time, there didn't have to be any reason at all for Beto to hit us. He just came home drunk and angry, and he took it out on whomever he could get his hands on. We all learned that the best way to keep ourselves safe was to stay as far away as from my father as possible. In my family, we didn't sit down with our parents and learn lessons about how to succeed in life. In my family, the only lesson that was passed down went from the older brothers to the younger brothers, and that lesson was: "If you want to survive, stay away from Beto."

15. My mom also hit us sometimes. She used a switch, a fly swatter, a long piece of plastic, or anything she could use like a whip.

16. The wounds on my body all healed, but I still have the mental scars from Beto's beatings. It's been over thirty years since I've seen my father, but even now, seeing certain things brings me right back to my childhood, and I feel like I'm a little boy worried about my father beating me to death again. When I see a parent hit a child at the store or the mall, I think, "That's Beto beating the life out of me." It scares me. The memories of Beto beating my brothers and me have never left me, and I don't think they ever will.

17. I don't have a picture of Beto, but I don't need one because I'm sure his picture is right next to the word "wino" in the dictionary. He used to drink cheap Thunderbird and White Port wines every day. He was a farm worker, and he drank every penny he earned without giving my mom a cent for the house. Sometimes he drank until he threw up or went to the bathroom on himself. Other times he drank until he passed out. Lots of times, he didn't come home at night and we found him the next morning passed out in front of the house because he was too drunk to get in the door. A morning like that was a good one at my house because it meant that Beto didn't make it inside to beat any of us.

18. A lot of times Beto didn't come home for days, weeks, or even months at a time. Those were the best times of my childhood. When Beto stayed away, the house was as close as it ever got to peaceful. The problem was that he always came back. Any time Beto was away, I tried to enjoy it, but it was hard. In the back of my mind I knew he was going to come back, and I knew what would happen when he did. Even when Beto was gone, it was almost like he was still there beating us and scaring us. It was even harder for Sammy to enjoy it when Beto was gone. He stayed by the window watching out for Beto, so he could warn us all. That little boy was hurt even worse than the rest of us.

19. When Beto finally did come back home, my brothers and my mom and I tried to keep him out by locking the door and putting furniture against it. It didn't matter though because he was stronger than us, and he did whatever he had to do to get in the house. He was like the big, bad wolf. He broke down doors. He broke windows. Once he snuck in the back door, and when we saw him, our hearts stopped and we all ran out the front door. It was like the feeling you get from a horror movie, except that this was our real life. Usually we were too scared to call the police on him, and there was nothing else we could do to keep him away. Whether he was there or not, Beto kept us in so much fear, we lived like hostages.

20. Now that I look back on it all, I know there was something very wrong with Beto. Besides his drinking, he did some strange things. Once, when he was beating up my mom, she hit him and he stopped. Then, he suddenly grabbed a bottle of bleach and drank it. Another time when I was nine or ten, he cut his wrists in the bathroom with razor blades right in front of me. Many times he saw things that weren't there. Once, while I was in bed with Joe and Georgie, he got excited about something he was seeing. He pointed and told us all to look up because a deer was running along the ceiling. I know that Beto wasn't right in his head, and it wasn't just



because of his drinking. Now I know that he kept himself drunk all the time because there was something wrong inside his head, and he was trying to make it go away with alcohol and drugs just like my brothers and I have to do all the time.

21. When we were growing up, we all knew that Sammy was different than the rest of us. My brothers and I were all pretty energetic and talkative when we were little, but Sammy was the quiet one in the family. The rest of us joked around with each other, but Sammy was too serious to join in. He always kept to himself. We tried to get him to laugh and joke around like the rest of us, but he was too sad most of the time. Sammy also cried a lot as a little kid.

22. Sammy was more sensitive than the rest of us. We were all afraid of Beto, but Sammy was so scared, he couldn't even sleep like a normal kid. Sammy used to have terrible nightmares that made him scream and sweat and cry in his sleep. He used to sleepwalk too. Sammy's sleepwalking was different than just getting up, walking around, and going back to bed. He used to scream and cry and act really scared like Beto was after him. Sometimes he got up, hid in a corner, and shivered in the middle of the night. Sometimes he walked outside and talked to someone who wasn't there. Sometimes he was so afraid that he bolted out the door and ran down the street screaming, and we had to chase after him to make sure he didn't hurt himself or get hit by a car. A lot of times he was so out of it that he peed on himself while he was running around, hiding, and screaming in his sleep. In the morning, Sammy never remembered what he did the night before. It always scared the daylight out of me when Sammy got up in the middle of the night, because I looked in his eyes and saw that he wasn't there. He didn't recognize me or react to what I said. It put a chill down my back to see Sammy like that, and I worried what was wrong with the poor little boy that he acted so scared, even in his sleep. Sammy sleepwalked like this for many years when we were kids. None of my other brothers did.

23. When I was ten, my baby sister Gloria was born. It was the best thing that had ever happened to us. We were a family of eight boys and a mom, and we really had never had anything special in our lives. Getting a sister was the most special thing we could have hoped for. It felt like God finally blessed us by putting a girl in our family. The only problem was that Gloria was born very sick. She had a bad arm and a lot of serious problems with her health. She was in the hospital all the time, and finally she died before she even turned one year old. We all took her death very hard, and poor Sammy took it the hardest of all. He cried and cried so much that I thought he was losing his mind.

24. After Gloria died, Beto left for good. He just walked out one day to go to the liquor store, and he never came back. For the first few months, we thought he was going to come back like he always did, but the months went on and on, and finally we realized that he was gone for good. We were all glad. Besides the beatings and the fear we grew up with, Beto never gave us a single thing – no love, no lessons, not even a little change for some food. With him out of the house, at least we didn't have to worry about getting beaten or killed, and there was also one less mouth to feed. Leaving was the best thing Beto ever did for us.

25. My oldest brothers, Junior, Eddie and Pancho, moved out over the next couple years. They came around sometimes, but Junior and Pancho had families of their own, so we didn't see them as much anymore. Steve had started getting into trouble with the law, so he spent most of his time either locked up or out with his friends. That left Sammy, Joe, Georgie, and me at home. The four of us were used to being on our own because Beto was always coming and going, and my mom had to spend so much time at work. My brothers and I basically raised ourselves. We did the cooking and the cleaning, and we were in charge of the house while my mom was away working days and nights.

26. After Beto left, my mom met a man named from Mexico named Pedro Santibenez. Pedro decided one day to move in with us, and just like that there was a new man in the house. No one explained a thing to us about why he was there or how long he was staying. Pedro also brought some of his kids with him. When Pedro moved in, we were in for a shock: we had a strange man in our house, and now we were supposed to obey him. Pedro was a traditional Mexican man who was used to being the king of the household, and since my brothers and I were used to being on our own, it was hard for us to get along with him when he moved in. In those days, Pedro was also a heavy drinker, which made him even harder to get used to. My brothers and I had a lot of conflicts with him.

27. When I was about sixteen, I came home one day and learned that Pedro whipped Sammy, punched him in the face, and threatened to kill him. I confronted Pedro about beating Sammy up. When I did, he punched me too. I didn't want to get in a fist fight with Pedro, so I left. When I came back home, I couldn't believe what I saw: my mom had packed up all my clothes and other belongings and put them out in front of the house. I asked what was going on, and she told me she was kicking me out of the house.

28. It tore me apart to see my mom choose Pedro over me. I didn't do anything wrong. All I did was try to tell Pedro to lay off Sammy, and the next thing I knew my own mother was kicking me out of the house. I couldn't believe it. She had let some strange man into our home, let his kids into our home, and kicked me out. I was only sixteen years old. Getting kicked out by my own mother was a nightmare. She was the only adult who ever took care of me, and without her I had nothing else. It killed me to see that the only person I thought I could count on turned her back on me just to be with a mean old drunk like Pedro. It also showed me that my mom is just not like other moms.

29. When my mom kicked me out, I had to work to support myself. I got a job for a roofing company and started working more than full time. I also got my own place outside of Phoenix. I didn't have time to see Sammy, Joe, Georgie, and my mom very often because I was so busy working. Another reason I didn't see them was that I had so much pain inside from my childhood, from all of our struggles to stay alive, from Beto, from Pedro, and from my mom kicking me out. I just wanted to get away from the way I grew up, and I didn't want to be around anything that reminded me of it.

30. I was shocked by what I saw whenever I came back to visit Sammy, my mom, and my other brothers. Sammy was always drunk. It was so bad he smelled like alcohol, and the first thing he did was ask me to buy him more beer. This didn't just happen sometimes; it happened every time I went back and saw him. Sammy was loaded every single time. I knew that he had started drinking by the time he was about twelve, but it was shocking to see my little fifteen-year-old brother totally drunk whenever I stopped by for a visit. Sammy was also spending his time at Willow Park, a place where kids sniffed paint and did drugs. Many, many times, when I came by for a visit, I ran into Sammy on his way to or from the park, and he was completely intoxicated. He talked like he was in slow motion, he slurred his words, and he had gold paint on his lips. I knew he was sniffing paint with the older kids at the park. Sammy was headed in a bad direction, and it made me very sad. I didn't live close enough to set him straight, and I knew that my mom didn't know how to be there for Sammy and give him the love and support he needed to stay away from all the drugs and drinking he was doing.

31. Sammy was a weird drunk. When he was sober, I could always rely on him to come through for me if I needed a hand moving something at my house. But when Sammy was drunk, he showed up late or not at all. When I saw him later and asked him why he didn't show

up, he didn't know what I was talking about. I know Sammy, and I know how reliable he was. I realized that if I wanted him to do something, I had to talk to him when he was sober. Otherwise, he would just forget about it.

32. Another strange thing I noticed about Sammy's drinking was that sometimes it gave him energy. He sat on the couch drinking his beers, and then like somebody flipped a switch, he suddenly ran to the basketball court to play a game. This happened all the time with Sammy. It came out of nowhere, and it always surprised me because the rest of my brothers got lazy when they drank.

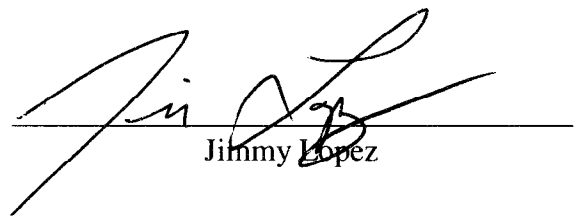
33. After my mom kicked me out, she also kicked Sammy, Joe, and Georgie out of the house. I knew how they felt. The poor kids were all under sixteen years old, and they were hurt that my mom kicked them out while she gave a roof to Pedro and his kids. There are no words for that kind of pain, especially after all we went through when we were growing up. They had nowhere to go, so I invited them to come and stay with me. Sammy, Joe, and Georgie came to my place with nothing but the clothes on their back. They had no books, no school work, no belongings. Nothing. It was one of the saddest things I have ever seen. They didn't even have an extra t-shirt between the three of them, so I took them shopping and bought all three of them some clothes.

34. Later when Joe and Georgie got arrested, Sammy started to fall apart. He was so depressed all he could do was cry. Most of the time, he was dead silent and you couldn't get a word out of him. Whenever he did talk, all he spoke about was Joe and Georgie. He said he was heartbroken that they took his little brothers away, and he said he felt like a failure because he wasn't there to keep them out of trouble. I have seen Sammy sad and crying many times in my life, but I've never seen him as desperate as he was when Joe and Georgie got locked up. Poor

Sammy. It was like his tears took over. He was so broken up, he couldn't think straight.

35. It makes me sad that Sammy's lawyer never came to ask me about his life. If he had asked me to testify, I would have told the judge the truth about how Sammy, my brothers, and I grew up. You just can't understand Sammy without hearing from my brothers and me. We can tell you what it's like when you're a little kid and your biggest dream is just to survive another day of hell with a man who is trying to kill your mother, your brothers, and you. We can tell you about the fear and hopelessness that ate away at us. We can tell you how sensitive Sammy was and how bad he was hurt over the years by our neighborhood, by Beto, by Pedro, by our mom, and by Joe and Georgie's problems. We can tell you how bad Sammy was coming apart just before he got arrested. No one else knew Sammy like my brothers and I did. For Sammy, life was a nightmare that started every morning when he woke up.

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 10 day of Feb, 2006.

  
Jimmy Lopez