

## Declaration of Joanna Lopez

1. My name is Joanna Lopez. I am Frank Lopez's ex-wife and Sammy Lopez's sister-in-law. Frank was my first love, and he's been part of my life ever since we met in the third grade. We started going steady when we were about twelve years old, and we got married when we were eighteen. Over the years all of Frank's brothers, including Sammy, came to live with Frank and me when they had problems. I spent a lot of time with each of them. Today I know Frank's brothers like they were my own family. They are wonderful men with good hearts. They also have so much pain and hurt inside them that they just can't act like a regular family. Some of them can't hold a job, some of them can't stay sober, some of them can't stay out of jail, and some of them won't even talk to each other. It's very sad. They are beautiful people, but they have been through hell. They are really the most messed up bunch of guys I've ever known.

2. Over the years I saw that their problems came from the way they grew up. It's hard to say this, but the truth is the truth: Frank's mother never gave those kids any of the things a mother gives her children. Frank and his brothers basically raised themselves without any of the affection, the time, the guidance, caring, tenderness, or even love that a mother is supposed to give her kids. Those poor boys grew up on their own without any parents at all. Some people say that Frank and his brothers' problems aren't his mother's fault because she did her best. I don't think that's true. Frank's mother did things to her sons that no normal mother would do. She scarred all the kids, especially Sammy.

3. I only saw Frank and Sammy's father one time. It was around the time Frank and I started going steady. I lived a couple blocks away from Frank's house, and one day I walked over to his house to see him. When I got there, a thin man was sitting outside the house

drinking a beer. He didn't say anything to me, and I didn't know who he was, but when Frank and I walked away, he told me that the man was his father. After Frank's baby sister died, Frank's father left, and no one in the family ever saw or heard from him again. Frank and I have known each other for almost forty years, and in all that time, Frank has never said more than a few words about his father. Any time the subject comes up, Frank always avoids it. Frank has a lot of heartache from his father.

4. He also has a lot of hurt from growing up so poor without any guidance or love from parents. As long as I knew Frank and his brothers, those boys were on their own. They were always running around and playing out on the streets until way after all the other kids went home. They stayed out there past dark, and they didn't have anyone at home giving them a curfew, so they didn't go home until they got tired or bored of being out on the streets. We lived in a rough part of southwest Phoenix, and it was the kind of place where most parents knew it was important to make sure their kids were home before dark, especially if the kids were little. Frank, Sammy, and their brothers didn't have anyone looking out for them like this. They stayed out in the streets so much that it was like they never wanted to be at home.

5. Frank and his brothers were always coming over to my house. Frank and I were going steady, so it was normal that he came over to my house all the time. But it wasn't just Frank who came over. His brothers were there a lot too. My parents were the kind of people who shared whatever they had. They felt sorry for Frank and his brothers because everyone knew those boys had less than everyone else in the neighborhood. My parents made sure that Frank and his brothers always felt welcome to come over and share in whatever we had. Frank and his brothers were always stopping by, not just to eat, but also to be around a family. I could tell that they were trying to get a taste of the life they didn't have at home.

6. When we were growing up, Frank and his brothers avoided being at home as much as they could. In our neighborhood, that was dangerous because there were so many problems out on the streets. Frank was always at my house, and that kept him out of the trouble that was waiting out there in our neighborhood. His brothers didn't come to my house as much as Frank did, so they wound up spending a lot more time on the street. With so much poverty, drugs, and crime, our neighborhood was a dangerous place for young kids who didn't have a parent spending time with them and giving them guidance. I could see that the way Frank's mother was raising the boys was having a dangerous effect on them at early age. Anyone who looked could see this. There were plenty of warnings that the dangers of the streets were already getting to Sammy and his brothers at a young age. Steve and Eddie started getting into trouble with the law when they were barely teenagers. The older kids, Sammy's role models, were dropping out of high school by the time they were fifteen. Sammy started smoking marijuana when he was still in grammar school.

7. Even today, I still don't understand how Frank's mother could have abandoned her kids to the streets like she did. I know she had to work hard to pay the bills for eight boys, but she never found time to spend with her boys. She never gave them the guidance that children in a bad neighborhood need to keep themselves safe. Either she didn't care or she didn't understand. She thought that it was enough to tell the boys to behave themselves and then leave them on their own all day. As long as the boys did their chores, she thought they were safe. She didn't realize that the boys did their chores, and then went out to play in very dangerous streets. If you ask her today why all her boys have had so many problems, she still doesn't get it. She says she always told the boys to be good, and she taught them to do their chores, so she just doesn't understand why they are so messed up. She still doesn't get it.

8. Frank was the first of his brothers to move out of the house. He and I got married in 1977 when I was eighteen. That's when I realized just how much Frank's mother never taught him about the world. I had to teach Frank the simplest things about how a family works. We had a son a few months after we were married, and I had to teach Frank that husbands and wives spend time together, that they spend time with their children, that they go to work and earn money so that they can share special times. Frank didn't know about that. He didn't know about having parties, or celebrations, or holidays. Before we got married, he had no idea that a home was supposed to be a warm, comfortable, inviting place that you look forward to coming to. He had no idea how to make sure that a home was all of those things. Frank's mother never taught the boys any of that. She never even told them she loved them or gave them any kind of affection. The boys in that family never knew what a hug was.

9. After Frank and I got married, his brothers started coming to stay with us when they had problems. Over the years, we had each of his brothers with us. Sometimes they stayed for only a few days, and other times they stayed for over a year. Frank and I loved his brothers, and we were happy to be there to help them out, but the problems really got out of control around the time that Frank's mother let her boyfriend Pedro move in with her and the boys. Things changed a lot in their house over the next few years. Pedro came and went as he pleased. Frank's brother Junior moved out and got married. Eddie, Steve, and Jimmy were older, so they were out and on their own too. That left Sammy, Joe, and Georgie with their mother and Pedro.

10. It was hard for Sammy, Joe, and Georgie to adjust to having a man in the house, especially a man like Pedro. He was a violent man, a heavy drinker, and he took control of the house. He carried a gun. For a while we lived in a flat on the top floor of a building

where Frank's mother and the boys lived on the bottom floor. One day while I was looking out the window, I saw Pedro grab Frank's mother by the hair and drag her across the floor like a cave man. Frank's brother Junior heard about it and came over to stand up for her. When he got there and confronted Pedro, Frank's mother got angry at him and told him it was none of Junior's business. Pedro always controlled Frank's mother like this. She did whatever he wanted.

11. Sammy, Joe, and Georgie got into a lot of fights with Pedro. Finally, it got to be too much for Frank's mother. Right around 1979 or 1980, she told the boys that they were grown men and that they needed to go out and find themselves jobs. She kicked them out of the house. I could not believe a mother could do this to her own children. Joe and Georgie were only about fourteen and fifteen years old. The boys were just starting high school. I've had four teenagers of my own, and I know how little a kid knows at that age, especially a kid who has had no love or direction from his parents. Joe and Georgie didn't have enough skills to find a job. Frank's mother had spent so little time giving them guidance and support that they didn't have a clue about supporting themselves. But that didn't stop her from throwing them out of the house.

12. I heard that the boys were sleeping in the big graveyard at 27<sup>th</sup> Avenue and Van Buren, and I went there and got them. It broke my heart to see young boys like that on their own and sleeping with the dead. When I found them in the graveyard, the poor kids were scared, abandoned, and they had nothing but the dirty, worn out clothes on their back. They had no way to even feed themselves. I brought them home with me, and then I went to the store and bought them shirts, pants, shoes, and underwear. They stayed with us for about a year and a half.

13. When Sammy, Joe, and Georgie lived with us, I never had a problem with them. I gave them a key to our apartment, I gave them a curfew, and they were always

respectful. They cleaned up, they came home before it was too late, and they even babysat my kids. I spent time with those three boys, and we had a lot of heart-to-heart talks about their lives and their feelings. They told me how much it hurt them that their mother chose Pedro over them. I remember them saying “Why didn’t my mom kick Pedro out instead of us?” They cried sometimes when we talked about this, and I could hear the pain in their voices. I just sat there and listened and tried to comfort them. I wished I had an answer for those poor boys. Knowing that their mother threw them onto the streets just to please Pedro devastated those boys. Whenever we talked like this, the boys always thanked me for listening to them. They acted like I had done them the biggest favor in the world. I could see that it was unusual for them to have another adult care about them, give them time, and listen to them. Those poor boys really had nothing but each other.

14. I really cared about Frank’s brothers. When Georgie turned eighteen years old, I decided to have a party for him. I bought a cake and a couple presents and some decorations, and I told Georgie to invite his friends over. It was a beautiful day, and Georgie was so happy that he thanked me over and over for making him feel so special. It was the first birthday he ever got to celebrate with a party.

15. A few years after they came to stay with us, Sammy injured his hand in a lawnmower. It was so bad it looked like he might lose his fingers. Frank and I went to the hospital to be there with him. I was in the emergency room with Sammy, and his hand was a bloody mess. I couldn’t stand looking at it, but Sammy was very calm. I told Sammy that I was going to wait outside while the doctor stitched him up, and he suddenly panicked, grabbed my arm, and begged me not to leave his side. It wasn’t easy for me, but I stayed with him, because I knew that it meant a lot to him to have a woman who cared about him at his side. Sammy’s

mother knew he was injured, but she didn't even bother to come to the hospital. Over the years, the boys had other close calls and wound up in the hospital, and Sammy's mother just stayed home rather than being there for her sons. One time Jimmy got shot in the leg, and Frank and I and the other brothers went there for him, but Frank's mother didn't bother to leave the house. Another time, someone cut Eddie's neck and he lost so much blood that the doctors didn't think he was going to make it. It was the same story: Frank and his brothers and I were at the hospital, while Frank's mother didn't bother to come. She had so many ways of showing that she just didn't care.

16. Even before she ever had any kids here in Phoenix, Frank's mother knew how to turn her back on her own child. She had a child when she still lived in Texas, and she left him behind and forgot all about him. She never even told Frank, Sammy, and the other boys about him; they found out about him on their own. How does a mother do something like that?

17. In the weeks before Sammy got arrested, he looked bad. He had stopped staying with us, and he wasn't staying with his mother either. He said that he had a friend who lived by the park and let him sleep in his car. I knew that he was spending all of his time getting drugs and using them. He wasn't taking care of himself at all. He looked very thin, and I could tell he wasn't sleeping. When he came over to visit, he usually ate like he hadn't had any food in days, and then he passed out and slept all night. He also had stopped cleaning himself. He smelled so bad that I used to make him go take a shower. I hated to hurt his feelings but his odor was so bad, I couldn't stand it. I told him, "Sammy, you're not sitting on my couch smelling like that."

18. When I found out that they thought Sammy was involved in that murder, I couldn't believe it. I thought they had the wrong person or that maybe Sammy was at the scene

of the crime and someone else did it. Sammy was such a sweet, gentle person. I never saw any violence in him. Even today, I still can't believe he did what they said. The only way I can make sense of it is to think he must have used too many drugs. I could tell he was using a lot in those days.

19. It hurts me to think about Frank's brothers and where they've ended up. I'm not just talking about the ones in prison. All of Frank's brothers have wound up with serious problems. First you've got Junior, who is so hurt by the way he grew up that he just wants to forget it, so he doesn't talk to anyone in his family. None of the brothers have seen him in years. Then there's Eddie, who used to be homeless. He has a place to live today, but everyday he still gets so drunk that he can't even talk. There's also Steve who was in prison for about twenty years and keeps going back. Then there's Jimmy who had to go into rehab because he was using all the money for his kids to support his drug habit. Now Jimmy hasn't had a job for over a year. Even Frank has problems. He drinks a lot, especially when he visits with his brothers over at his mother's house. It frustrates me because Frank doesn't have a car; he rides a bicycle around Phoenix. I worry about him, especially when he rides from his mother's house to where we live. It's about fifty blocks away, and it's a dangerous ride for someone who's been drinking beer all night with his brothers. Sometimes Frank calls me to come pick him up because he's too drunk to even walk, let alone ride his bicycle. I'm glad that he calls me, but what bothers me is that his mother never tries to stop him from riding home when he's drunk. I still wonder how a mother can let her son risk his life riding a bicycle across town at night when he's drunk. After so many years, I shouldn't wonder, though. Frank's mother is still doing the same thing she's always done – ignoring her sons.

20. It's also sad for my own kids. They never got to have a good relationship

with Frank's mother like most kids do with their grandmother. When Frank is at her house and they call to talk to them, she yells at them, accuses them of calling just to take Frank's money, and she hangs up on them. She doesn't know how to be a grandmother any more than she knows how to be a mother. Today she won't visit any of her sons. She doesn't get along with Jimmy's wife, so she doesn't go to his house. She won't visit Junior, Frank, or Eddie either. Recently, she finally went to see Joe in prison, but it's been at least ten years since she's seen Georgie or Sammy.

21. When Sammy was arrested I was living here in Phoenix, and everyone in his family knew how to contact me. If someone had asked me to, I would have testified at Sammy's trial.

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 9, 2003.

  
Joanna Lopez