

Declaration of Manuel Servin

1. My name is Manuel Servin. I grew up in Phoenix at 20th Avenue and Hadley in the same neighborhood where the Steve Lopez and his family lived for many years. The Lopezes moved around all the time, but in the 1960's and 70's, they lived in a bunch of different apartments and houses right around 20th Avenue and Hadley. I met Sammy Lopez's older brother Steve at Murphy #3, the grammar school we both attended. Over the years, Steve became one of my best friends, and I got to be a close friend of his whole family. I knew Steve's mom and all seven of his brothers, including Sammy.

2. The neighborhood where we grew up was poor, mostly Mexican, and back then it was one of the roughest spots in Phoenix. The place showed you all the wrong things and none of the right ones. Across the street, at the corner store, down at the park, and in the alleys, there were drugs, poverty, and crime. They were everywhere you looked, and the neighborhood was a dangerous place for a kid to grow up. If you were lucky, careful all the time, and you had people telling you what to watch out for and making sure you did what they said, you might be able to avoid the dangers. But it wasn't easy.

3. When I was little, I looked up to the kids who were older than me. The problem was that most of the older kids in my neighborhood were into crime and drugs. They were tough kids, and I admired them and tried to do things to impress them. Steve and I always ran around together, and he wanted to impress the older kids just like I did. By the time we were twelve or thirteen, we started smoking marijuana and drinking and stealing what the older kids told us to steal. We weren't thinking about our future. We were just thirteen, and we didn't know we were playing with fire. We just did what came natural – we looked up to the older kids and wanted to be like them. No one ever showed us there was anything better to be.

4. I remember something that changed my life when I was about twelve. I was playing outside one day, and I saw a bunch of police officers come from out of nowhere. They ran by me with their guns and shotguns out. There was even a helicopter up above us. They were chasing a couple guys who had done a robbery or something. The police pulled their guns out, yelled, threw them on the ground, cuffed them, frisked them, and took them away. It's hard to explain, but something clicked in my head that day, and I realized that my only choice in life was to be like the guys I saw the police arrest. It makes me sad to think that I didn't have better role models to choose from.

5. A few years after that, I got into a fight with a tough, older kid from our neighborhood. It's embarrassing to admit today, but it's true: back then I thought that beating this kid up meant I was really someone. I knew that everybody in the neighborhood would find out about the fight. People would hear about it, and they would respect me for winning the fight. It was like I climbed up a notch in the neighborhood. I felt like a star or something. The worst part of all is that I was right: I did get the neighborhood's respect after I beat that kid up. It shows you how sad our lives were in that neighborhood. It's also sad that hurting someone and getting into trouble like that was the only way I knew how to feel proud of myself. I look back on those times, and I see how hopeless it was to grow up that way. But back then, no one tried to show us we could do more with our lives than get into trouble. The bad influences were everywhere around you, and they were stronger than your mom telling you to be good. If you didn't have your parents staying on top of you all the time, making sure you were safe, and making you feel special, you were an easy victim to the streets.

6. In those days, getting high was as important as being tough. At first, Steve and I just smoked marijuana and drank beer. As we got older, we started to use some of the other

drugs that were around, like LSD, black beauties, and all different kinds of pills. The main thing we did to get high, though, was sniff paint. We sniffed it all the time. Any time we got a little money, paint was the best investment we could make. For a couple dollars a can, we could get high all day long.

7. Nothing got us as high as paint did. Sometimes we got so high off paint that we had blackouts. One time, I snapped out of a blackout because I heard myself yelling and screaming at this guy. I was calling him names and stumbling around when I realized I was in a fight with the guy. A bunch of people were standing around watching, and I didn't know how the fight started. I was getting my butt kicked, and I didn't even know it. I wasn't alone in having blackouts like this. All the guys who sniffed a lot of paint, like Steve and later on Sammy, blacked out from sniffing so much of it.

8. As Steve and I got older, his little brother Sammy started looking up to us in the same way we once looked up to the older guys. It was too bad for Sammy, because he was a good boy. He was never in trouble until Steve kept bringing him around to hang out with us. Sammy was just looking for a way to make somebody tell him "good job." Unfortunately for Sammy, he didn't have anyone to tell him good job, except for us. And we only told him when he did things that were bad for him.

9. Back then, Steve and I didn't think about how it might hurt Sammy to be hanging around with us and getting into the trouble we were getting into. We didn't ask questions like, "Is it bad for Sammy to do this with us?" We didn't even think about where our own lives were leading. We were just living day to day and stealing to buy drugs and alcohol. This was the only life we knew back then, and we didn't question it. We grew up just like Sammy did and we knew what it was like to look up to the older guys. That was just life in the neighborhood.

10. From our own experience, we knew that Sammy was easy for us to take advantage of. We had been in Sammy's shoes, and we knew what he was thinking. We knew how to manipulate him. Sammy wanted to do what Steve and I did, so Steve brought him along with us all the time. To get money for drugs and alcohol, we made Sammy break into houses and steal things. Steve and I used to open a window in someone's house, and then we lifted Sammy up and sent him in and told him what to bring us from inside.

11. I think we did some of the things we did just because it felt good to have someone look up to us. One time, we planned out a robbery and told Sammy about it so he could watch it happen. He wasn't a look out or anything, we just wanted an audience to see us do it, and Sammy was our audience. It was at a little, neighborhood store near where we lived. We had it all planned out. The store had a pay phone outside that the owner used to answer, so we had one guy call the phone and when the owner came out to answer it, we jumped him and took his gun and his beer and his money. I can still see little Sammy watching the whole thing happen from across the street. Now I wonder what this did to Sammy. I just wish I thought about this back then.

12. In those days, Steve and I did whatever we wanted to. We were more than a bad example for Sammy; we manipulated him to do things that would get him into trouble. We taught him how to live like we lived – to steal, and get high, and sniff paint. It wasn't like we thought about it and decided to turn Sammy into someone who was going to end up in prison like we did. We didn't think about things like that back then. We were just kids too, and we accepted life the way it was in our neighborhood. We didn't think about school, and learning, and jobs, and our future. The only things we knew were poverty, crime, and drugs. We didn't think we were corrupting Sammy. We thought we were just showing him the way life was.

13. In our neighborhood, everyone was poor, but Steve and Sammy and their family had it rougher than most others. One reason was that they didn't have a dad. There were a couple times when I saw one man around their house. Steve and his brothers never talked about the man or told me who he was. By coincidence one day, I saw him walking down the alley towards the liquor store. I just thought he was going out to buy beer, but he never came back, and no one in Steve's family ever saw him again. Later Steve told me the man was his father, and that if he ever saw the man again, he was going to try to beat him up. I remember that the man left right after Steve's little sister died when Steve and I were about thirteen years old.

14. When she was first born, Steve told me how happy he was to have a sister. It really made a difference to him and to his brothers that they finally had a girl in the family. I had never seen Steve or his brothers like that before. Having a sister really brought out their gentle side. Steve loved his baby sister so much that he didn't even have any shame or embarrassment about her being deformed. He was just so happy about having a sister that he didn't even think about what was wrong with her. He didn't even tell me about her arm before I saw her the first time. When I saw her I noticed that her arm was deformed right away, but it didn't matter to Steve and his family.

15. Steve and his family were really torn up when she died. It was more than just losing a family member to them. Being a girl in a family of eight boys, she was special to all of them. When she died, they didn't just lose a sibling. To them, it was like they lost the beautiful, special little sister who gave them hope. After she died, Steve and his family were so depressed it was like their house was under a cloud.

16. Even before the baby died, Steve's mom really had it rough. Our neighborhood was full of people who struggled to get by. Everyone was poor. Some families only had a

mother and no father. Some families had a father who was drunk or unemployed or on drugs or in jail. But, out of all the poor families in our neighborhood, there were none that had it as bad as Steve's. I never knew of any other family where a mom was trying to raise eight boys by herself. As far as having the toughest situation in our neighborhood, Steve's family took the cake. There wasn't even a second place. Any time I felt bad about my life, I could always look to Steve's family and see how much worse things could be. Steve's mom didn't have any help at all, and it was easy to see that she was worn out. Whenever I saw her, the poor woman was so tired it looked like she might fall asleep on her feet. Most of the time, she looked like she was ready to give up on life, and knowing how hard hers was, I didn't blame her.

17. In our neighborhood, there was so much trouble out there waiting for kids like us that parents really had to spend time with their kids to make sure they stayed away from danger. Keeping your kids safe in that neighborhood was a full time job. Like a lot of the parents in our neighborhood, Steve's mom never had the time to do it. But Steve's mom had even less to give Steve and his brothers. She worked so much that she didn't have time to do the normal, little things other parents did with their kids. I never saw her sitting down with Steve and his brothers and just chatting like other moms did. She didn't ask them how their day was, or what happened in school, or why they looked so sad. She was just so worn out by life that she didn't have that in her. Steve and his brothers were on their own without even the confidence that kids get by having a close relationship with their mom. The way Steve and his brothers acted, I could see that they were all missing that basic confidence. It was like a scar. They all had it, Sammy worst of all. I always thought that was why Sammy was always so desperate to hang out with Steve and me – he just needed some kind of attention.

18. I was over at Steve's house all the time back then. Since there were no parents

around, we spent a lot of time getting drunk at his house. When we drank, Eddie and Steve got into fights. Sometimes some of his brothers jumped in, and sometimes I did too. When guys get drunk and fight you can't make them stop just by asking; you have to get in there and pull them apart. Steve's mom hated to see her sons fight, but she couldn't do anything to make them stop because she was a tiny little woman and her sons were drunk and out of control. When she was home for one of these fights, she lost control of herself. I can still see her crying and begging her sons to stop fighting. Sometimes I tried to break up the fights just so Steve's mom would stop crying.

19. The day of his crime, Sammy called me up and asked me if I felt like partying.

//

//

//

//

//

//

//

//

//

//

//

//

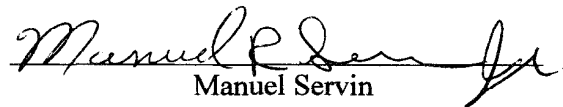
//

//

What “partying” really meant was getting together to drink and get high on whatever drugs we could find. I told Sammy I couldn’t make it that night because I had a date. Later on when I heard about the crime Sammy was accused of, I was shocked. The first thing I thought was that if Sammy did what they said, he must have been so high on drugs that he was out of his mind. I knew Sammy, and I can tell you he wasn’t a violent person. Thinking about all the times Steve and I got high and did things we couldn’t explain, understand or remember, I knew that drugs were the only explanation for that crime. Hurting someone really wasn’t in Sammy.

20. When Sammy was arrested, I was just out of prison for a robbery that Steve and I were convicted of in 1978. I was living in Phoenix and Sammy and his family knew how to reach me. If his attorney 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 3 day of April, 2004.


Manuel Servin