

DECLARATION OF CIPRIANO CHAYREZ

1. My name is Cipriano Chayrez, but my friends all call me Chapo. I was born on April 13, 1967. I met Sammy Lopez when I was twelve years old.
2. I was a good friend of Sammy's younger brother George Lopez who I met when I moved in with my grandparents and started attending Isaac Junior High School. This was in 1980, right after my mom died. When she died, my brother, my sister, and I had to move from our home on the East Side of Phoenix to stay with my grandparents on the West Side of town.
3. This was the beginning of the hardest years of my life. In those years, there was a fierce rivalry between the East Side and the West Side of Phoenix, especially among the Mexicans. As a young, Mexican kid, the last thing in the world you wanted to do was move from one side of town to the other. It made you an outsider in an unfriendly, dangerous place.
4. That felt scary and lonesome enough, but the worst part about this time for me was that I had just lost my mom. When she died, I felt like my whole world ended. I was lonely, miserable, and lost. At first, I didn't know how to make myself feel better, and as time went on I didn't even bother to think about feeling better. It was like I forgot about even trying. I just felt like I belonged in a bad environment. That's why I was glad I met George Lopez. I fit right in with him and with his brothers. They had the same kind of sad, lost, hopeless feeling that I did.
5. George lived with his brothers and his mom in a little attic in a beat-up, old house on West Melvin Street near Willow Park. This was a poor neighborhood, which was nothing new to me, but I was shocked when I saw the way George and his brothers and his mom

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all lived together, cramped into that little attic. It was a whole new kind of poor to me. I knew poverty, but I had never seen a family that had to struggle as hard as the Lopezes did.

6. Not that it mattered to me. George was my buddy, and after losing my mom and moving to the West Side of town, I was just glad to have a friend who I fit in with. As kids, George and I used to have a ball riding around on ten-speed bicycles that we put together from scraps of old, broken bikes that the neighbors let us have.

7. After I'd been in the neighborhood for about a year, when I was almost fourteen, George and I started hanging out at Willow Park with George's brother, Sammy, and the older kids. This meant that we were also drinking alcohol and smoking weed. I knew this wasn't a good idea, but at the time, it felt like the only option for me. With all the loneliness from moving and the heartache over losing my mom, I was hurting constantly in those years, and I felt badly about myself. Getting high and drunk was the only way for me to escape the empty feeling I had inside. I felt like I deserved to be in a bad environment, and I think we all shared this feeling. I know it sounds weird, but getting high and hanging out together in that bad environment was the way we got through each day. I realize now that it was desperate and sad, but back then, it was just the way things were and the way we thought they had to be. We were all just kids, and we didn't know, and no one ever told us how, our lives could be different than the ones we saw all around us.

8. As we got older, George and his brothers Joe and Sammy and I spent more and more time together. By 1986, when Sammy was arrested, he and I spent almost every day partying together at the park. Now, when I say "partying," I'm not talking about a group of guys and girls hanging around laughing, singing, and dancing. What partying meant to us was six or seven guys sitting under the ramada or at the foot of a tree in Willow Park, smoking weed, and

drinking until we ran out of money or we passed out. We usually drank cheap beer, but we weren't picky, so if any other kind of alcohol was around, we drank that too. There was also a lot of Angel Dust, acid, heroin, and cocaine.

9. Like a lot of the guys from his generation, Sammy's thing was sniffing glue and paint. We called guys like Sammy "paint hypes" and "glue hypes." It was kind of a derogatory name if an outsider said it, but coming from us, it didn't mean anything, since we were all drunks and addicts of some kind. Sammy and the other paint hypes used to sit under a tree in Willow Park and soak a sock with glue or paint. Then they covered their noses with the sock and breathed in until they got high. They sat under the tree so they could throw their socks up into the branches as soon as the police came around, which happened almost every day. Sometimes there were so many socks hanging there that it looked like they grew from the tree.

10. Sammy hit the paint a lot back then. I saw him do it so many times, I can't even count them. When he sniffed paint, Sammy seemed like he was on another planet. I can still see his eyes and his head rolling around like he couldn't control them, and I can hear him saying in a slow, dazed voice, "Whoa. I'm on the stars." Sammy hit the paint too often for his own good, but none of us who partied with him ever said anything about it to him. The whole reason we went to the park was to get high and try to escape from the reality of where we lived.

11. By 1986, when Sammy was arrested, we were doing this almost every day. It was like our job, seven days a week. We spent most days together, but even on the days when we were apart, we woke up with the same goal – to find a way to get drunk and high. Sometimes we drank so much and did so many drugs that we passed out in the park and woke up right there the next morning. It got to the point that waking up in the park wasn't even strange. We passed out there dozens of times. I had blackouts all the time back then. A lot of times I couldn't

remember what I did the day before, and it didn't matter to me because I didn't care about anything except going back to the park, drinking and getting high.

12. Even though we were both partying back then, there was sort of a difference between Sammy and me. I felt like I was pretending. For me, it was an exciting adventure to be eighteen years old and getting drunk and high with guys who were five years older, like Sammy was. I felt cool to be hanging out with older guys who I'd always looked up to. It sounds crazy to me today, but partying with them, having blackouts with them, and not caring about what happened to myself made me feel like I was somebody.

13. Even back then, I knew that I was just pretending to live that life so I could fit in with Sammy. I had a home to go to every night if I wanted to, and I had people in it who cared about me, even if I didn't think I deserved it. My grandfather used to set a curfew for me every night, and if I didn't make it home by then, he bolted the door shut, and I was locked out until the morning. My brother and sister also tried to get me to stop partying. Eventually, they stopped letting me into their homes. At the time, this hurt me, but I knew they loved me and were trying to get me to stop acting like such a madman.

14. I was lucky to have people who tried to guide me through my tough times. Sammy didn't have anyone doing this. No one cared about him. No one tried to make sure he came home at night. No one tried to get him to stop partying. When I look back on those times, I can see that when we partied in the park, Sammy and I were two really sad young men. I was lucky though, because the way I handled being sad – by partying – was a make believe life for me. For Sammy, it was the real thing. That way of life was survival for him.

15. Sometimes to get money to party, Sammy, Joe, George, and me worked for contractors who needed guys to do things like dig ditches. It wasn't like we had a plan to

make money and get our lives on track. Usually we got paid and let go at the end of the day. Sometimes, we also stole to get money to party. It was always just little things, like a beat-up lawn mower or whatever junk somebody had laying around in their front yard. It wasn't like we were professional criminals. We only did it to get money for beer and drugs, and none of us, Sammy, George, Joe, or I were ever out to hurt anybody.

16. When Joe and George were arrested for murder in 1985, Sammy was locked up for something. When he got out, he was a different guy. He was always so close to his younger brothers, and once they were gone, he said he felt lost without them.

17. Things were especially hard for Sammy because he didn't even have a place to stay. I wanted to help him out, so I let him live in my car back then. It was a 1963 Chevy Impala, a beautiful car that my aunt and uncle gave me because they were trying to help me get on the right track. At night, when I was ready to go home, I opened up the car for Sammy and told him to go ahead and sleep in the car and then wash up in the park in the morning. He was thankful for letting him live in my car, but to me it was just another sad reminder of how much worse Sammy's situation was.

18. I know I partied too much for my own good back then, but Sammy was even worse. He could really overdo it with all the drinking and drugs. One time, right before he got arrested, Sammy came up to me with the craziest look in his eyes. I knew Sammy, and I could tell that he was out of his mind on drugs. He looked like a crazy person, and he was trying to give me money for letting him stay in my car. I just wanted to get away from him because he didn't seem like himself, so I told him to keep his money and get away from me until he sobered up a little.

19. After Sammy was arrested, the police picked me up and brought me to the station to interrogate me about the murder. I was terrified. I was sweating, and I could feel my heart pounding like it was trying to beat out of my chest. Even though this was about a week after the murder, I had no idea what I did on the night it happened. Sammy and I had been partying so much that the days were all a blur. I tried to think back to where I had been that night, but I just couldn't remember. The police interrogation was the most terrifying thing that had ever happened to me, partly because it involved such a serious thing and partly because I just couldn't remember what I had done that night. The police told me they had my fingerprints, a witness, and a picture of me leaving the victim's house. They were trying to make me confess, and finally I lost it. I just broke down and started crying. I had never been pressured as hard as when the police tried to get me to confess to the murder. I kept denying I was involved, and told them to show me all their evidence, but in my mind I was believing them because their interrogation was so intense and the days were all such a blur. Later my girlfriend told the police that I had been with her the night of the crime, and they finally left me alone about the murder.

20. After Joe and George's arrest for murder, I was shocked. After Sammy's arrest for murder, it was even worse. I couldn't believe any of them could be involved with something like this. I had known these guys for years, and I had never seen anything like this in them. I was so scared for Sammy and for myself. I felt like a lost soul. Luckily for me, I had my grandparents who cared for me. My grandfather sat me down for a long talk and told me that I would be okay, but that I needed to change what I was doing with my life. It helped me get through that tough period. I know my grandparents weren't perfect, but at least they were there and they talked to me about some of the important lessons in life. I know I would never have made it out of that lifestyle without their guidance and their love and support.

21. I wish I could say I learned from what happened to Sammy and turned my life around right there. The truth is, it took me about nine more years of mistakes, drugs, wasted time, partying and even a couple years in jail before I started to put my life together. However long it took me to do it, I'm proud to say I finally have put my life together. I've learned a good trade, and I've been at the same job for seven years now. I've been sober for eight years, I'm happily married, I've moved to a better neighborhood, and I have three kids of my own, plus three step-kids. The people who knew me back in my partying days would never believe I've made it to where I'm at today, I'm sure of that.

22. If there is one thing that helped me to finally turn my life around, it is the support I had from my family. My brothers and sisters and aunts and uncles and grandparents were pulling for me all along, and they always tried to push me in the right direction. I know I wouldn't have made it to where I am today without their support, and I can't help but think that things might have been different for Joe, George, and Sammy if they had just a little bit of support too.

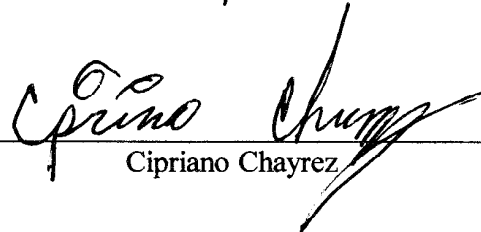
23. Today, I tell my kids that they're lucky, and it's not just because they have possibilities. I had possibilities too. My problem was that I didn't know I had possibilities. The reason my kids are lucky is that they have people who talk to them about their possibilities. I grew up in a different time. My grandparents loved me, but just having someone love me when I was growing up in such a bad environment wasn't enough for me. I needed someone to show me all the possibilities that were out there for me. I didn't have anyone telling me I could be whatever I wanted. I didn't have anyone encouraging me to dream. I knew that good things were possible for the rich kids from other neighborhoods, but I didn't think anything good was possible for kids like George, and Sammy, and me. Now I finally realize that there were

possibilities for me, and I feel like I could be president of the United States – me, this poor Mexican kid from the toughest part of Phoenix – if someone had made me see all the possibilities I had when I was growing up.

24. I don't regret the life I've lived or wish I could trade places with any of the kids who had it easier than I did. I'm proud of the person I've become. I know I've made a lot of mistakes in my life, but instead of hiding from them, I try to remember that all my mistakes are what made me the person I am today.

25. When Sammy was arrested and when he had his trial for murder, I was living in Phoenix. His attorneys could have easily found me if they tried to, and I would have told them all the things that I knew about Sammy, his family, and our neighborhood.

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 13 day of sept, 2002.

  
Cipriano Chayrez