

AFFIDAVIT OF ROBERT W. DOYLE

1. My name is Robert W. Doyle. I was admitted to practice in the State Bar of Arizona on October 23, 1982. I am currently a Judge in the Phoenix Municipal Court. I was appointed to the bench in 2006. Prior to that time I was an attorney in private practice. In 1994, I was appointed to represent Samuel Villegas Lopez in his first state post-conviction proceeding challenging his conviction for capital murder and death sentence. I was the only lawyer appointed to the case and I represented Mr. Lopez from the fall of 1994 through the winter of 1997.
2. At the time I accepted the appointment in Mr. Lopez's case, I was one of seven lawyers who shared a contract to accept criminal post-conviction cases in Maricopa County. The contract provided that the lawyers would split the post-conviction cases equally and take one capital case per year. At the time of my appointment, there were no standards for training or experience in order to be qualified to accept capital appointments. Mr. Lopez's case was my first capital case, though I had handled other post-conviction cases.
3. During the course of my representation of Mr. Lopez, I met with him in person at the prison on a couple of occasions. I found Mr. Lopez to be a very nice guy and I liked him. He was not an angry person. I was concerned that the years of incarceration had affected him.
4. At the time I represented Mr. Lopez, I was a sole practitioner and did not have a staff investigator or other resources available to me to conduct a social history investigation. I remember talking to Joel Brown about Mr. Lopez's case because I would see him around the courthouse. I do not remember talking to attorney George Sterling. I do not recall speaking to Jim Rummage, but I may have because I would often see him around the courthouse.
5. I do remember that the big question among the attorneys familiar with the case was what happened with the Lopez brothers. The story that went around the courthouse was that the older half of the brothers were successful and the younger half were all in prison. There was some talk that the father was not present for the younger boys.
6. I never personally spoke to any member of Mr. Lopez's family.
7. Shortly after I began representing Mr. Lopez, an attorney with the Arizona Capital Representation Project volunteered to help out with the investigation in the case. I initially accepted their help. I do not remember the name of the attorney, but it was a man.
8. Ultimately, the lawyers at the ACRP were no help to me. They wanted me to ask for more time and more money. I did not feel that those requests would be granted by Judge D'Angelo. I was seriously concerned that we would run out of time. The lawyers with the ACRP went directly to Mr. Lopez and got him to write me a letter asking me to agree to their requests. I felt that I could no longer work with investigators who were undermining my relationship with my client. I told Mr. Lopez that I was finished working with the ACRP. He was free to talk to whoever he

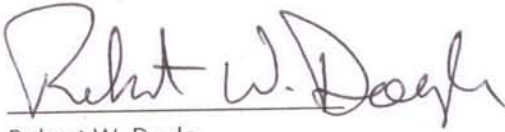
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wanted, but I explained to Mr. Lopez that I was his appointed attorney and I would no longer work with the ACRP. To my recollection, the investigators never sent me any results.


9. I did not intentionally or strategically withhold any evidence from the court. Current counsel for Mr. Lopez has provided me with a number of declarations from family members and an expert witness detailing Mr. Lopez's upbringing and resulting mental difficulties. If I had been provided with such statements at the time of Mr. Lopez's post-conviction proceedings, I would have filed them in support of his petition. I did not intentionally waive any claim on Mr. Lopez's behalf.
10. This affidavit is based upon my personal recollection. It relates to my previous private law practice and is not made in my current capacity as a judge. It is not an expression of any opinion on behalf of my current employers, the City of Phoenix or the Phoenix Municipal Court.

Further affiant sayeth not.

Dated this 13th day of February, 2012 in Phoenix, Arizona.


Robert W. Doyle

Subscribed and sworn to before me this ____ day of February, 2012, in Phoenix, Maricopa County, Arizona.


Notary Public

