ARIZONA BOARD OF EXECUTIVE CLEMENCY

IN RE: SAMUEL VILLEGAS LOPEZ

EXHIBITS IN SUPPORT OF REQUEST FOR REPRIEVE AND COMMUTATION OF SENTENCE

Exhibit 1..... Dr. George Woods Declaration
Exhibit 2..... Concha Villegas Declaration
Exhibit 3..... Concepcion Villegas Declaration
Exhibit 4..... Arcadio Lopez Jr. Declaration
Exhibit 5..... Frank Lopez Declaration
Exhibit 6..... Jimmy Lopez Declaration
Exhibit 7..... Joanna Lopez Declaration
Exhibit 8..... Manuel Servin Declaration
Exhibit 9..... Domitila Servin Declaration
Exhibit 10..... Cipriano Chayrez Declaration
Exhibit 11..... Angela Lopez Declaration
Exhibit 12..... Luis Villegas Declaration
Exhibit 13..... Maria Estrada Declaration
Exhibit 14..... Venancia Garcia Declaration
Exhibit 15..... Petra Villages Declaration
Exhibit 16..... Joel Brown Affidavit
Exhibit 17..... Robert Doyle Affidavit
Exhibit 18..... Statia Peakheart Affidavit
Exhibit 19..... Russell Stetler Affidavit
Exhibit 20..... Samuel Lopez Affidavit
Exhibit 21..... DVD of Jimmy Lopez, Frank Lopez, and Manuel Servin

AFFIDAVIT OF GEORGE WOODS, M.D.

1. My name is Dr. George Woods. I am a neuropsychiatrist. My curriculum vitae is attached to this affidavit as Exhibit A.

2. Federal habeas counsel for Samuel Villegas Lopez asked me to conduct an evaluation of their client for use in federal court proceedings relating to Mr. Lopez's capital conviction.

3. I summarized my report and conclusions in the attached Exhibit B, Declaration of Dr. George Woods.

4. The observations and conclusions drawn in my declaration are true and correct to the best of my information and belief. My conclusions were drawn to reasonable degree of medical certainty.

Further affiant sayeth not.

George Woods, M.D.

Subscribed and sworn to before me this 11 day of February, 2012.

Notary Public

ADRIENNE McDOWELL
COMM. #1894430
Notary Public - California
Alameda County
My Comm. Expires July 30, 2014

CALIFORNIA
JURAT CERTIFICATE

State of California

County of Alameda

Subscribed and sworn to (or affirmed) before me on this 11th day of Feb.
20 12, by George R. Woods

proved to me on the basis of satisfactory evidence to be the person~~(s) who~~ appeared before me.

WITNESS MY HAND AND OFFICIAL SEAL.

Signature of Notary Public

ADRIENNE MCDOWELL
COMM. #1894430
Notary Public - California
Alameda County
My Comm. Expires July 30, 2014

(Notary Seal)

OPTIONAL INFORMATION

The jurat contained within this document is in accordance with California law. Any affidavit subscribed and sworn to before a notary shall use the preceding wording or substantially similar wording pursuant to Civil Code sections 1189 and 8202. A jurat certificate cannot be affixed to a document sent by mail or otherwise delivered to a notary public, including electronic means, whereby the signer did not personally appear before the notary public, even if the signer is known by the notary public. The seal and signature cannot be affixed to a document without the correct notarial wording. As an additional option an affiant can produce an affidavit on the same document as the notarial certificate wording to eliminate the use of additional documentation.

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AFFIDAVIT

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_____ Trustee
_____ Other: _____

DECLARATION OF GEORGE W. WOODS, JR., M.D.

I, George W. Woods, Jr., M.D., declare as follows:

1. I received my bachelor's degree from Westminster College in Salt Lake City, Utah, in 1969. I received my medical degree from the University of Utah in 1977. In 1981, I completed my psychiatric residency at the Pacific Medical Center in San Francisco, California, and was a National Institute of Mental Health/American Psychiatric Association fellow in 1982. From 1989 to 1994, I was the Clinical Director of the New Beginnings Program, an inpatient, dual diagnosis (co-occurring) disorders, substance abuse detoxification and rehabilitation center at Doctors Hospital in Pinole, California. I was appointed Senior Consulting Addictionologist to the New Beginnings Programs at Doctors Hospital and San Ramon Regional Medical Center, San Ramon, California, in 1994 and served in that capacity through 1996.

2. I am Adjunct Professor at Morehouse School of Medicine, Atlanta, Georgia, where I teach Clinical Aspects of Forensic Psychiatry. I also am Adjunct Professor in the Department of Educational Leadership and Public Policy at the California State University, Sacramento.

3. I was Adjunct Professor at the University of California, Davis, Medical School, Department of Psychiatry, in the postgraduate Forensic Psychiatry Fellowship from 1996-2000. I also have served as Affiliate Professor at the University of Washington, Bothell campus, from 1998 to 2003. I have lectured both nationally and internationally on issues of trauma, chemical dependency, and criminal responsibility. I have served as technical advisor to the Kenyan and Tanzanian Medical Associations, helping these medical societies develop clinical and research responses to the August 7, 1998 Kenyan/Tanzanian U.S. Embassy bombings.

4. My clinical practice is based in Oakland, California. I have been qualified and testified as an expert in numerous civil and criminal cases in state and federal courts. A copy of my *curriculum vitae* is attached to this declaration.

5. I have been asked by attorneys for Mr. Sammy Lopez to prepare a social history of Sammy and his family's background to determine what possible genetic, social and interpersonal factors affected his development, mental status, and psychological functioning. Such a history is necessary for mental health experts to review in order to establish a base line for Sammy's[1] cognitive functioning, to compare his cognitive and behavioral functioning when intoxicated to his base line functioning, to determine if intoxication exacerbated any underlying physiological conditions with psychiatric consequences or psychiatric disorders, to determine the presence and course of his addictive disease, to determine the likelihood of the presence, severity and effect of neurological deficits and the effects of intoxication on those deficits, and to determine any other factors that would have influenced or controlled his thought processes and behavior during the offense.

6. Mental health and medical experts also require social history information to weigh and assess lay witness reports of Sammy's behavior surrounding the offense, during interrogation by law enforcement, and during clinical interviews with Sammy. A properly documented social history also offers insight into factors and circumstances that affected Sammy's behavior over the course of his life and is relevant to the presence, significance, and weight of mitigating factors.

7. In reaching my professional opinion, I conducted interviews with Sammy at Arizona State Prison in Florence, interviewed his mother, several of his brothers, and family friends that knew Sammy. I also consulted with Dr. Dale Watson, who administered neuropsychological testing to Sammy. I have also reviewed documentary evidence concerning Sammy's educational, medical, psychological and psychiatric history and facts relevant to the legal proceedings against him. I have reviewed similar material regarding members of his family. The materials I reviewed are listed in the Appendix attached to this declaration. These

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[1]Since Sammy's family members share many of their last names, Mr. Lopez (Sammy) and they will be referred to by their first names.

are the kinds of materials routinely relied upon by experts in my field of psychology in reaching their professional opinions.

8. I met with Mr. Lopez on four occasions, January 19th and 20th, 2005, March 8th, 2005, and May 3, 2005. Mr. Lopez was crippled with anxiety about our first two meetings, since he was required to be heavily shackled, and to wear a stun belt. After the first two contact interviews, Mr. Lopez specifically asked that my next visit be behind glass. When I inquired why Mr. Lopez felt it necessary to be interviewed behind glass, he said that he felt more comfortable without the more personal contact afforded in a contact visit, although he could not be touched.

I. INTRODUCTION AND OVERVIEW

9. Sammy Lopez was an acutely impaired child who suffered from brain impairments. Sammy was born into a family with a history of mood disorders. Sammy was raised in a horrifically violent home where he was acutely traumatized and grew up without love or guidance in the most dangerous part of Phoenix. Sammy was taught to steal and use drugs by his only role models. This (and more) combined to make Sammy depressed, drug addicted and affectively disregulated. Sammy Lopez was the sixth of eight boys born into a volatile, chaotic, and unpredictable environment to cold, unaffectionate, abusive and distant caretakers who were ill-equipped to manage even their own lives. Sammy's father oscillated between controlling, brutal behaviors and depressed, abandoning ones. The profound grief and trauma Sammy's mother experienced, even before the brutality she experienced at the hands of Sammy's father, left her anxious, depressed and ill-equipped to raise eight boys. Sammy's upbringing left him vulnerable to a range of mental illnesses by disrupting important developmental experiences. Multigenerational trauma, substance abuse, anxiety, psychosis and mood disorders left Sammy and his family at an increased risk for developing similar disorders. These familial and genetically-derived disorders ensured that Sammy grew up in an environment where he did not receive the care-taking relationships necessary for healthy psychological and

neural development and thus, was unable to develop healthy coping mechanisms that might assuage the effects of mental illness.

10. Genetic heritage and acquired brain damage combined to leave Sammy with crippling mental impairments. As a pre-adolescent, Sammy exhibited clear diagnostic signs of acute trauma. This was not merely the product of neglect and mistreatment; it was also the effect of growing up in constant fear for his life and for the life of his mother. The chronic and horrific violence Sammy suffered, the physical and sexual assaults he witnessed against his mother, and endlessly repeated abandonments and ongoing neglect by his attachment figures left Sammy utterly unprotected from this recipe for developmental disaster. He has spent his entire life reaping the tragic seeds of his childhood.

11. After a brief stay in West Phoenix, Sammy's family moved to one of the most dangerous neighborhoods of Southwest Phoenix, where Sammy grew up. Southwest Phoenix is a racially segregated, crime-ridden, and violence plagued community reserved for the metal recycling industry, foundries, and populated almost exclusively by unspeakably impoverished Latino families. In this community, Sammy's family stood out as being extraordinarily poor.

12. Sammy's father, Arcadio was a cruel and vicious alcoholic who beat his wife and children regularly. As the years went on, Arcadio's violent and unpredictable rages worsened. Due to the constant danger and fear in his family life, Sammy's anticipatory stress response was activated nearly constantly burdening Sammy with all the attendant challenges of acute trauma: hyperarousal, hypervigilance, high anxiety, agitation, guardedness, paranoia, and sleeping difficulties. These symptoms became integral to Sammy's development and remain with him to this day. This fact is crucial to any effort to understand Sammy Lopez. Sammy's ability to respond appropriately to emotional and interpersonal stimuli was grossly impaired by the lack of modeling by his parents. This impairment, known as affective dysregulation, explains Sammy's inability to make and enact plans in the long term and sound decisions

spontaneously. Sammy Lopez was an acutely impaired child raised in fear, violence, and poverty.

13. Sammy's mother, Concha's, failure to protect her children and decision to stay with Arcadio in spite of the vicious attacks on her and their children sent the painful message to her children that their needs were unimportant and that somehow this is what they deserved, gives serious testament to her psychological imbalance. Sammy internalized the message that he was not worthy of his mother's love or protection, a message that destroyed his ability to make healthy everyday decisions.

14. As a young child, Sammy was plagued with fear and an inability to navigate his environment. This left him unable to regulate his responses or develop healthy coping mechanisms. A common symptom in traumatized children is night terrors. Night terrors occur when a child is startled from sleep, has agitated motor movements, is unresponsive and inconsolable, and shows signs of autonomic arousal such as rapid breathing, racing pulse, and sweating.[2] For many years, Sammy suffered from horrifying and intense night terrors; they became even worse after a particularly brutal beating from Arcadio. Often, Sammy's brothers and mother awoke in the middle of the night to find him crouched in the corner of the kitchen shaking with fear or bolting out the door running for his life. Sammy was difficult to reach in this state. When his family was able to awaken him and reintroduce him to reality, Sammy burst into tears.

15. Sammy and his family lived in profound conditions of neglect and poverty. When Sammy was seven years old it was noted that he suffered from frequent tooth pain, cavities, repetitive tonsillitis, and ear infections. Sammy's caretakers routinely failed to act on recommendations that he seek medical attention. In conversations today, Concha makes it clear that she lacked not only the financial resources to provide Sammy with the medical

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[2] Mash and Barkley (2003). Child Psychopathology. New York: The Guilford Press. 729.

attention he required; she also lacked the resources to recognize and meet all but the most basic needs of any of her eight sons.

16. When Sammy was seven years old, his mother gave birth to his sister Gloria, the first girl after nine boys. Sammy and his brothers adored their baby sister Gloria who was born with a birth defect. Sammy especially gravitated to his sister. He watched over her and attended to her as if she was the answer to all that was wrong with his family. Before her first birthday, Gloria died. A dark cloud hung over the family after the loss of Gloria. Not only had Sammy and his brothers lost their baby sister, they also lost their mother who fell into a deep, dark, depression. On top of this intense grief, Sammy's father took Gloria's death as an opportunity to abandon their family forever.

17. With Arcadio gone, Sammy and his brothers were still unable to relax. They had no way of knowing that Arcadio was gone for good. In Arcadio's absence, Sammy's eldest brother, Arcadio Jr. (Junior), became the man of the house. Learning from the only example he knew, Junior terrorized and beat his brothers as their father had done. Concha forced Junior to drop out of high school so he could help her raise the boys. Junior's frustration over this obligatory situation left him resentful and looking for someone to take it out on. Junior beat his brothers for minor infractions and reinforced the idea that home was not a safe place. Junior's terror only stopped when he married, moved out of the family home, and ultimately abandoned Sammy, too.

18. Within a year of Junior's marriage, Concha moved another man into the house, Pedro. Pedro was an insensitive and brutal alcoholic who never tried to be a father to Concha's boys except to beat them when something of his was missing. Pedro's abuse became sadistic when it came to Sammy whom he liked to terrorize with guns and threaten to kill.

19. Her own horrific childhood, multiple rapes, physical assaults, and coercive control by common law husbands left Sammy's mother uniquely unable to assume even the most basic responsibilities of parenthood and to care for Sammy in a manner that would have allowed

Sammy to confront his congenital and environmental misfortunes. To make matters worse, Sammy experienced difficulties in school. His frustration of not being able to keep up with his peers ultimately led to his withdrawal just after the ninth grade. Uneducated, unskilled, and traumatized, Sammy was left to fend for himself. Looking for a way to ease the pain Sammy felt he found relief in drugs and alcohol.

20. By age eighteen, Sammy was sniffing paint chronically and suffering severe consequences as a result. Sammy robbed neighborhood houses as a desperate attempt to obtain money for drugs. Sammy was homeless, living in cars, staying in the neighborhood park, and the local cemetery.

21. Sammy's friends and family have documented that he suffers a pathological response to alcohol, becoming unpredictable, irrational, agitated, and at times, psychotic. When Sammy drinks, even just a small amount of alcohol, he quickly and dramatically changes. Sammy's intoxication and addictive disease were the direct consequence of a devastating accumulation of risks that shaped his development and behavior. As a child, Sammy had to contend with multiple risks: family mental illness, abandonment, family addictive and neurological disease, poverty, and constant life- threatening danger at home and in his community. Each alone constituted a significant obstacle to healthy development, but in combination they resulted in devastating mental impairments.

22. The constant mortal terror in the Lopez home prevented Sammy from developing what many of us take for granted: the comforting certainty that the world is a safe and secure place and that our caretakers are ready, willing, and capable of providing us with safety and comfort. Emotions in Sammy's family were dangerous, erratic, and pathologically extreme. Like all children, Sammy and his brothers craved affection from their mother, which provides the sense of security needed for normal development. Suffering however, from her own severe psychological impairments, Concha could not provide her sons with the love and attention they so desperately needed.

II. BACKGROUND AND FAMILY HISTORY

Maternal Family

Concha's parents: Trauma, Poverty, and Isolation (Journey to the US)

23. Sammy's maternal grandmother was Concepcion Gonzalez. The story of her migration to the United States and her life in the United States shed light on Sammy's development because the pre and post migration stressors she survived molded the manner in which her daughter would rear Sammy. A true understanding of Sammy's development also requires an understanding of Concha's own abuse history, cultural beliefs, and genetic heritage and how they found expression in the manner in which she reared Sammy and his siblings. Her remarkably impoverished upbringing and her deep religious and cultural beliefs all shaped her responses to major stressors during the course of her life and are represented in her language, beliefs about family, and her self concepts. Concha's determination to keep her family together at all costs -- even when the price was chronic brutality at the hands of the children's father -- springs from her strong cultural understanding of a mother's role. It is important to note here that, due to her own trauma, neglect, and astonishingly humble expectations for her own life, Concha was unable to actualize those motherly obligations vis-à-vis her own children.

24. On his mother's side, Sammy is the progeny of a large extended Mexican American family who immigrated to the United States to escape the ravages of the Mexican Revolution. Sammy's mother, Concha (Corrina) Gonzales Villegas was born November 3, 1932, in Fabens, Texas to Conception [sic] Gonzales and Jose Villegas.[3] Concha's parents and siblings call her Corrina while Sammy and his siblings refer to their mother by her legal name, Concha. Concepcion (Sammy's maternal grandmother) was one of two children, Concepcion and her sister Cruz, who was seven years younger, born to Luis and Martina Gonzales, Sammy's

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[3] Concha Villegas, Certificate of Birth, State of Texas, 11-3-32

maternal great grandparents.[4] Martina's mother Rose and her husband had at least two children, Diego and Martina.[5]

25. Concepcion's father (Sammy's maternal great grandfather) Luis Gonzales was killed around 1918 when Concepcion was just ten years old and Cruz was three years old.[6] Luis Gonzales owned a store in Torreón which is located in Central Mexico when he was snatched by Pancho Villa's bandits and shot and killed.[7] Luis' body was later discovered at the bottom of the river.[8] Luis' death filled his wife Martina with fear. Not knowing what else to do she fled her village and walked with her two daughters, Concepcion and Cruz, several hundred miles from Mexico to Texas.[9] Martina was not even cognizant of the dangers when she walked out of Mexico; she was just desperate to get somewhere safe.[10] The trip was extremely dangerous, especially for a lone woman and two small children and the timing of Martina's journey could not have been worse. Mexican revolutionaries, under the leadership of Pancho Villa, roamed northern Mexico attacking United States' border towns as well as Mexican communities. Twenty thousand United States Army troops were deployed under General Blackjack Pershing as "a punitive expeditionary force" into northern Mexico -- the exact area

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[4] Declaration of Angela Villegas Lopez, Signed 4-16-99

[5] Ibid

[6] Ibid

[7] Declaration of Luis Gonzales Villegas, Signed 4-8-99

[8] Declaration of Maria Villegas Estrada, Signed 4-16-99

[9] Declaration of Angela Villegas Lopez, Signed 4-16-99

[10] Declaration of Luis Gonzales Villegas, Signed 4-8-99

of Martina and her children's journey.[11] Another 100,000 National Guard troops were deployed along the border from Yuma to Brownsville. From 1916 to 1919, "several cross border raids in the West Texas Big Bend area were carried out by Mexicans associated with various factions of the Mexican Revolution."[12] The intense military effort to pacify the border led to violent retaliation, including the execution of fifteen Mexicans taken from a Texas village on the Rio Grande who were innocent bystanders.[13] This volatile and dangerous milieu offered the better, safer life to which Sammy's grandmother fled as a child. It was a harsh world in which survival was the most audacious dream possible. So Spartan was Concepcion's existence that it shaped the upbringing of Concepcion's posterity two generations down the road.

26. Martina and her daughters reached Fabens, Texas, exhausted, but alive. Fabens was a small border town filling quickly with other refugees from the turmoil of the Mexican Revolution. The final step in their journey, crossing the Rio Grande, was as perilous as hiding from troops and marauders. The woman and her two young daughters crossed the Rio Grande clinging only to a single wood.[14] Once they reached Fabens, Texas, Martina and Concepcion took any work they could find. Martina worked in a restaurant, washed clothes and cleaned for the farm workers, and worked in the cotton fields.[15] Although Concepcion was school age, survival demanded that she work instead of attending school.[16]

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[11] Dunn, Timothy J., The Militarization of the U.S. - Mexico Border 1978 - 1992. University of Texas at Austin, 1996, p. 10

[12] Ibid

[13] Dunn, Timothy J., The Militarization of the U.S. - Mexico Border 1978 - 1992. University of Texas at Austin, 1996

[14] Declaration of Angela Villegas Lopez, Signed 4-16-99

[15] Declaration of Luis Gonzales Villegas, Signed 4-8-99

[16] Ibid

27. Martina was eventually joined in Fabens by her mother Rosa (Sammy's great, great maternal grandmother), a traditional Mexican woman whose life reflected her deeply held religious beliefs. Rosa was a very conservative and devout Catholic woman who filled her house with religious shrines and went to church every day and prayed.[17] Martina was also extremely religious but because since she was forced to work she was unable to attend church as often as she would have liked.[18] Martina's demanding life took its toll on her and when she was only about fifty years old. she died.[19] Before her death, she saved her meager earnings and purchased a modest two room house near her daughter Concepcion's house.[20]

28. Concepcion met and married Jose Gonzales in Fabens at age sixteen; ; Jose was twenty-one years old.[21] Like Concepcion, Jose was a refugee from Mexico.They brought with them a culture in which work was tantamount to survival and the lowest job with the most meager pay was still an opportunity. Although Jose's father, Jesus was Spanish, he grew up in Cananea in the State of Senola, Mexico where he was raised by an Indian tribe.[22] Jose's mother, Maria, who was born blind, was a Mexican Indian. Jesus and Maria lived much of their married lives together in the "mountains of Chihuahua, Mexico."[23] Together, Jesus and Maria had at

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[17] Declaration of Angela Villegas Lopez, Signed 4-16-99

[18] Ibid

[19] Ibid

[20] Ibid

[21] Declaration of Luis Gonzales Villegas, Signed 4-8-99

[22] Ibid

[23] Ibid

least three children together: Jose, Maria, and Pablo.[24] Sammy's maternal aunt learned the family's paternal history as a small child:

> Jose Villegas was born in Mexico in 1902. His mother, Maria, was a blind Tarahumara Indian. He [Jose] was never able to go to school and he never learned to read or write. He signed his name with a triple X. He never learned to speak English though he lived in the United States for more than 75 years. He was taken from his family in Mexico by Pancho Villa when he was only 12 or 13 years old and forced to work as a cook for Villa's men. When he was older, he escaped from Pancho Villa and walked across the border into Texas.[25]

29. As a teenager, Jose was kidnaped by Pancho Villa's men. At age seventeen, Jose and another kidnaped boy narrowly escaped from the army of Pancho Villa and made it to the United States. The journey was arduous; they had no horses and could not start fires at night for fear they would be caught and executed by Pancho Villa's men. Eventually, Jose and his friend arrived safely in Texas.[26] Jose was one of many refugees from the Mexican Revolution who sought safety in Fabens. He found work near Fabens in the cotton fields where he met and married Concepcion.[27]

30. Jose and Concepcion's family had a sad and remarkably high rate of infant mortality, one-third of their children died at birth or during the first years of life. Two of Concepcion's pregnancies ended with stillborn infants and two survived birth only to die before their fifth birthday. Concepcion and her husband, Jose "raised a total of 17 children to adulthood: their 12 surviving children and three of their grandchildren, plus two of [Concha's] relatives,

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[24] ibid

[25] Declaration of Venancia Garcia, Signed, 4-8-99; page 2

[26] Declaration of Maria Villegas Estrada Signed 4-16-99

[27] Declaration of Angela Villegas Lopez, Signed 4-16-99

Jose and Stephen Vera."[28] Large families were essential for survival as smaller families struggled even more with fewer people to help earn money in the fields.[29]

31. For Jose and Concepcion every day was a battle to survive. Unable to make enough to live on working in the cotton fields of Texas, Jose and Concepcion had to join thousands of others in the migrant trail that moved west from Texas to California through Arizona. The young couple immediately had two sons between 1923 and 1924; one of their sons, Antonio, died when he was just two years old.

Concha's Childhood:

32. Sammy's mother, Concha, was the sixth child born to Jose and Concepcion Villegas. Concha was born with a twin sister, Julia, who died shortly after birth.[30] Like many children born of undernourished parents, Concha was born and grew up with severe physical challenges. A problem with her leg which kept her from walking until she was four years old. From the age of one to four years old, Concha moved by dragging her body across the floor with her arms and hands.[31] Their community was too poor to support a physician, nurse, or medical clinic, and, if medical services would have been available, the family was too poor to pay for medical care. Jose, Concha's father, relied on home remedies and Indian folk medicine to treat his daughter. Jose rubbed Concha's legs with the inside lining of egg shells and then covered her legs in the hot Texas sand; Jose believed this would make Concha's legs stronger.[32] Without the ability to walk, Concha was completely vulnerable and at the mercy of others. A

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[28] Declaration of Venancia Villegas Garcia, Signed, 4-8-99

[29] Declaration of Petra Villegas, Signed 4-8-99

[30] Declaration of Angela Villegas Lopez, Signed 4-16-99

[31] Declaration of Concha Villegas, Signed 2-11-06

[32] Ibid

testament to the dire consequences of this severe impairment came in Concha's toddlerhood, when she was attacked by a neighborhood dog[33]and lay down on the ground, helpless and unable flee or defend herself while the dog bit her. Concha still has the scars from this attack.[34]

33. Although Concha's family was impoverished, they informally adopted other children from their extended family, who were either abandoned or orphaned. When Concha was about three years old their grandmother took in two of their grandmother's cousins who were orphaned in Mexico, Jose and Stephen Vera.[35] Jose and Stephen Vera had no place else to go, so Concha's grandmother, Martina, allowed them to come and live with her around 1935; Jose was seven years old and Stephen was ten.[36] Jose and Stephen immediately became part of the family and grew up with Concha and her siblings. Eventually, the two boys moved in with Concha's family when Martina was no longer able to raise them.[37]

34. After the family returned to Fabens, Jose found work with the railroad in El Paso County where he ended up working for over thirty-five years before retiring.[38] By all accounts, Jose worked extremely hard and had a decent career with the railroad although he was never made a foreman because his race and his lack of education hindered his abilities to move up in the company.[39]

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[33] Ibid

[34] Ibid

[35] Declaration of Luis Gonzales Villegas

[36] Declaration of Angela Villegas Lopez, Signed 4-16-99

[37] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[38] Declaration of Petra Gonzales Villegas, Signed 4-8-99

[39] Ibid

35. The railroad company practiced segregation just as the rest of the country. They provided segregated housing for Mexican workers in a remote settlement of rough shoddy structures known as Sierra Blanca, located about forty miles from Fabens, Texas. The railroad section housing was barely habitable, and Sierra Blanca was not an actual town but instead just a name given to a work camp in an unincorporated area of El Paso County.[40] In selecting the site and building the housing for Mexican railroad families, the railroad made no provision for schools. Sierra Blanca did not have a school or school buses in which to transport children to the nearest school. During the school year, children in the Villegas family stayed in Fabens with their great grandmother Rosa so they could go to school.[41] The younger children stayed with their parents, Jose and Concepcion, in Sierra Blanca. On weekends they all came together and went to Fabens where their father worked to build a home for his family.[42]

36. Life in Sierra Blanca was stifling and it gave Concha her first exposure to a dynamic she would later replicate in her own family: isolation. Concha's sister, Angela, described how desolate their day to day experience was:

> There was nothing in the railroad section housing other than the flat-roofed buildings we lived in. There was not even a phone. Because there were no stores and nowhere else to buy or grow food, we had to stock up with food from Fabens on weekends or go hungry during the week. We could only get a ride to Fabens on the weekends, so it was hard to get fresh vegetables and we ate mostly canned vegetables like peas, corn and beans.[43]

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[40] Declaration of Angela Villegas Lopez, Signed 4-16-99

[41] Ibid

[42] Ibid

[43] Ibid, Page 5

37. Company housing was crowded, unsanitary, and afforded little privacy. The railroad company assigned rooms based on how many people were in each worker's family.[44] The building where Concha's family lived was equipped with eight rooms. Two of the rooms were given to Luis, Concepcion, Luis Jr., Angela, Alfredo, Josephina, Concha and the youngest baby Maria. The buildings had no water inside, and Concha's family had to use water brought by a train and then stored in a well.[45] Only one outhouse was provided for the entire community of workers and their families, and often people had to go into the woods.[46] Section housing did not have any electricity so the family tried to keep "ice in a chest that doubled as a table. But the ice did not last very long in the heat, and trains only brought ice every two or three weeks to the section housing."[47] Concepcion tried to keep her children warm in the cold desert winters by burning wood in a wash tub filled with sand. When the sand was warm with hot ashes, Concepcion brought the tub inside. Unfortunately the heat lasted for just a short while.[48]

38. Concha and her family lived in the railroad section housing until about 1939, when Concha was seven years old.[49] The family was transferred to another town because the unsanitary conditions of section housing nearly killed Concha's father.[50] Jose had to be hospitalized because of a bad case of food poisoning and when he was released from the

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[44] Ibid

[45] Ibid

[46] Ibid

[47] Ibid

[48] Ibid

[49] Ibid

[50] Ibid

hospital, the railroad company transferred him to Fabens where the family was able to move into the house Jose built.[51]

39. Although a vast improvement over Sierra Blanca, their home in Fabens was very modest and typical for poor families in Fabens. The major difference in their new home was that they had running water, although they still did not have an indoor bathroom. Years later the family would get gas and electricity but Concha's mother feared high bills and so never used their fan or their gas stove.[52]

40. Fabens was a barren town filled with people living in poverty. The majority of the town worked in the cotton fields, others worked on farms, and a few were lucky enough to work for the railroad.[53] Life was full of hard work and struggle and there was no time or reason to celebrate or relax. The Villegas family did not celebrate any of the holidays or any of their birthdays as there was no time or money for such frivolous things like presents or parties.[54]

41. The routine of daily life did not change much after the family moved to Fabens. The entire family, Jose, Concepcion, Concha, and all of Concha's siblings, continued to work hard as field laborers in order to sustain themselves. Work and survival came first, before education or any other consideration. Concha and her siblings were forced to work in the fields full time after they quit school. Work in the fields was hard and everyone in the family was expected to contribute:

> All my brothers and sisters and I picked cotton after school when we lived in Fabens. My mother picked cotton all day. She brought my brothers and sisters too young for school with her to the fields. They picked some, and they napped

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[51] Ibid

[52] Ibid

[53] Ibid

[54] Ibid

> beside the field. Those of us children in school came to the field right after we got out of class and picked cotton for a couple of hours until we all went home together for dinner. In the summer time, we all picked cotton all day. We chopped the cotton and weeded the rows with hoes. We chopped cotton May through September and picked cotton September through December. We wore big baggy clothing to protect us from the cotton and the sun and the bug spray. Little bi-planes sprayed the cotton fields for bugs. They flew early in the morning and in the evening when the wind was low.[55]

Concha hated working in the fields but she had no choice:

> It was always hard for my family to stay alive. I started working and going to school around the same time. Every day, me and my brothers and sisters went home right after school to change into our work clothes. Then we went to the fields, and we picked cotton until the sun went down. The work was hard, hot, dirty, and it hurt. We tried to hide ourselves from the sun and the heat by wearing rags and hats, but it didn't work. It was just too hot in the fields. We wrapped our hands and arms in rags and sometimes gloves so the cotton plants didn't cut us. That didn't work either. Our legs, arms, and hands were always cut and scarred from the cotton plants. If we forgot our gloves or something to cover our head, my mother pulled our ears and yelled at us.[56]

42. Agricultural workers were not provided with any type of protection from the hazards they faced. Pesticides were freely sprayed from the air on workers below without regard for health consequences. Petra, Concha's youngest sister, described the dangerous working conditions:

> We could see small planes dropping pesticides on the fields beside us as we worked, and we drank water from the big open barrels set out by the owners of the field. I often wonder how much our health has been affected by drinking that water that had been freely exposed to the pesticide sprays. Still, the extra money we made was important to the family, so we had to do it. When were little, we stopped and took naps on the side of the fields. My mother tied empty bean bags around our waists for us to stuff the cotton into. When we were very small, she

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[55] Declaration of Angela Villegas Lopez, Signed 4-16-99, Page 7

[56] Declaration of Concha Villegas, Signed 2-11-06, Page 6-7

had to make smaller bags for us so we were able to carry them.[57]

43. Later, when Concha was forced to move to Phoenix she desperately tried to find a good job but found nothing but work in the agricultural fields where she was further exposed to dangerous neurotoxins. [58] Pesticides covered plants and left them with a dry residue that showered her and other workers whenever they picked or disturbed the crops. Some pickers and field workers wore bandannas over their mouths, in order to avoid breathing the poisonous residue. The extreme heat of working under Arizona's sun discouraged most workers from covering their mouths. Concha resigned herself to inhaling the foreign substances that killed bees, spiders, mosquitoes, flies, birds, snakes, and ground animals that were exposed. By the time Concha was in Phoenix and pregnant with Sammy and his brothers, work at the risk of health was an easy choice and one that was validated by her childhood experience.

44. The Fabens' school system was inadequate by any definition and its policy of segregation restricted Latino children's ability to learn and closed the door to opportunity. Schools were segregated and Concha and her siblings were forced to attend a Mexican-only school. Even the few black children in town were required to attend their own school to keep them separated from the white children.[59] School was especially difficult for Concha because she did not understand English. To make matters even worse, her teacher only spoke English in the classroom.[60] Since Concha's family spoke only Spanish at home, it was a long time before Concha understood what her teachers were saying.[61] When Concha eventually learned some

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[57] Declaration of Petra Gonzales Villegas, Signed 4-8-99, Page 3-4

[58] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[59] Declaration of Concha Villegas, Signed 2-11-06

[60] Ibid

[61] Ibid

English, she was not allowed to speak it at home because it sent Concha's mother into a rage and she didn't want to be hit.[62] Afraid of what might come out of her mouth, Concha tried not to speak at all.

45. Concha's older sister Angela dropped out of school after the fourth grade and went to work in the field full time. Even though Angela was allowed to attend school, field work made her too exhausted and unable to keep up with her school work.[63] Luis, Concha's oldest brother, also withdrew from school because of work and even though he made it to the fourth grade, he "never learned to read or write in English or Spanish."[64]

46. On a few occasions, Concha's father was able to set aside enough money to return home to the mountains of Mexico to visit his family.[65] The trip was a long and strenuous excursion that required travel by train and horseback which made it difficult for children to travel.[66] Committed to seeing his family, Jose took some of his children with him on a few occasions.[67]

47. Concha's paternal grandmother Maria was a Tarahumara Indian who was born blind.[68] Concha and her sisters were fascinated by the Indian village of their grandmother, the new language people in the village spoke that the sisters could not understand, and the

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[62] Ibid

[63] Declaration of Angela Villegas Lopez, Signed 4-16-99

[64] Declaration of Luis Gonzales Villegas, Singed 4-8-99

[65] Declaration of Petra Gonzales Villegas, Signed 4-8-99

[66] Declaration of Angela Villegas Lopez, Signed 4-16-99

[67] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[68] Declaration of Maria Villegas Estrada, Signed 4-16-99

different kind of dress men and women wore. Maria supported herself by trading the blankets and baskets she made.[69]

48. Unlike Concepcion, Jose was a warm, affectionate, and emotional man who did the best he could to ensure his children had their basic needs met.[70] While Jose appreciated and enjoyed spending time with his children, he did nothing to protect them from their mother's unrelenting abuse.[71]

49. Concha's mother, Concepcion, on the other hand, created a rigid, controlled environment where children were unable to thrive. Concepcion was the authoritarian of the household and unlike Jose, she was harsh, unloving, and, at times, cruel. Life was bleak for Concha and her siblings and the future offered little relief. Because Concepcion was emotionally disabled, she kept Concha and her siblings isolated from the other children in the community. This alienation did not allow Concha to develop healthy relationships and instilled in her the notion that she was alone and unwanted.

50. Concepcion beat her children just about every day and when the children turned to their father Jose for protection, he offered them none.[72] Concepcion imposed painful ritualistic kinds of punishment. She punished her sons by forcing them to kneel on the floor and hold bricks in the air. If they dropped the brick, Concepcion hit them.[73] Concepcion did not allow her child to engage in any normal childhood comfort-seeking behaviors like sucking their thumbs. If Concepcion caught a child sucking their thumb she clamped a clothes pin on their

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[69] Ibid

[70] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[71] Ibid

[72] Ibid

[73] Declaration of Angela Villegas Lopez, Signed 4-16-99

lips.[74] Indeed, some of her punishments were sadistic and life-threatening. Concepcion made her children stand outside during the blazing hot Texas summers with no water for hours at a time.[75] During one of these ritualistic punishments, a neighbor witnessed Concha and her sister standing outside and noticed that Concha's nose was bleeding from the heat. The neighbor tried to intervene by telling Concepcion that she was going to give her girls sunstroke; Concepcion ignored the neighbor's concerns and warned her to stay out of her affairs.[76]

51. Concepcion punished the children for unintentional acts, such as dropping a dish. When a dish was broken, Concepcion used her hand or a belt to hit the child and then forced them to finish their dinner off the broken dishes with complete disregard for their safety.[77] Concepcion's violent temper flared if she felt her children expressed any kind of perceived weakness.[78] She enforced an impossible code of conduct and the children felt as if they were in the military. Concepcion demanded perfection and did not tolerate mistakes from her children. She checked each chore that the children performed and if it wasn't done to her liking, she whipped them with a belt.[79] Concepcion also required neatness in her children's appearance and if anything was out of place, the children were beaten with either or a belt or a stick (whichever Concepcion could get her hands on first) until they were red all over from the marks she left.[80] Venancia described some of their mother's impractical rules:

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[74] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[75] Declaration of Angela Villegas Lopez, Signed 4-16-99

[76] Declaration of Maria Villegas Estrada, Signed 4-16-99

[77] Declaration of Angela Villegas Lopez, Signed 4-16-99

[78] Ibid

[79] Declaration of Concha Villegas, Signed 2-11-06

[80] Declaration of Venancia Villegas Garcia, Signed 4-8-99

> One of her rules was be very neat. The girls had to curl their hair and we all had to shine our shoes every night. Each day before we left the house, we had to stand in line for inspection. If one of us had a tear in our clothing, if our socks needed darning or if our shoes were not shined, she hit us. My sister Augustina switched socks with me or one of our other sisters a couple of times, so we would get the beating instead of her.[81]

52. Concha and her siblings were also punished for wrong-doing by their siblings because Concepcion believed that they were all responsible for each others actions.[82] When one of the younger children did anything wrong, Concepcion punished the older siblings too.[83] Older children learned to model their mother's behavior and punished their younger siblings in hopes of keeping everyone out of trouble.[84]

53. Concepcion was a severely unhappy and unaffectionate woman who did not provide her children with any love or positive attention. Never once did she hug or kiss her children or say "I love you."[85] Concepcion's total lack of affection was pathological and adversely affected her children who, as they grew older, recognized they themselves had no idea how to show love or affection.[86] Concepcion never learned to change her behavior and remained a cold woman who could not even provide her grandchildren and great-grandchildren any kind of love.[87]

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[81] Declaration of Venancia Villegas Garcia, Signed, 4-8-99, Page 4

[82] Declaration of Maria Villegas Estrada, Signed 4-16-99

[83] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[84] Declaration of Maria Villegas Estrada, Signed 4-16-99

[85] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[86] Declaration of Maria Villegas Estrada, Signed 4-16-99

[87] Ibid

54. Because Concha's home environment was so unnaturally restrictive and limited, Concha was not provided the opportunity to learn to think for herself or to learn how to solve problems effectively. These limitations would become even more apparent when Concha was faced with rearing her own children years later. Concha's childhood development was dictated by events over which she had no control. Inequalities existed in all spheres of life for Mexican children in rural Texas where she was born and raised. Denial of fundamental civil rights guaranteed poverty, substandard education, inadequate medical care, and high infant mortality -- all realities of Concha's life. The harshness of the environment outside her home was compounded by the cruelties within her home. The lessons Concha learned in her formative years shaped the way she reared her own children. Concha responded to the absolute control her mother exercised over her by withdrawing and becoming a shy child who barely spoke.[88]

Concha's Rape and Exile

55. In Concha's family, threats of interpersonal violence created an environment in which there was no protection for the physical or psychological integrity of the children. Adult perpetrators were permitted to act impulsively and with impunity in assaulting and threatening the children with annihilation.

56. Mexican culture defined Concha's concepts of the world in which she lived. Her daily routine reflected her unquestioning acceptance of traditional beliefs about a distinct family system, the roles of each family member, the roles of women, and the relationships with extended family. When Concha was just seventeen years old she was raped by a close family friend who was considered part of the family. Her response to this traumatic event was shaped by her cultural beliefs. As devastating and threatening as rape is for any person, it was especially traumatic to Concha because of her belief system.

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[88] Declaration of Angela Villegas Lopez, Signed 4-16-99

57. At the tender age of seventeen, Concha, who was a virgin at the time, was raped by Jesus Vasquez and became pregnant. Jesus Vasquez and his family were exceptionally close with Concha's family. Concha described the way Jesus lured her from school:

> He was like an uncle to me. He was about thirty-five years old at the time, and he came to my high school one day. He told the school people that I had to go home right away because my mother had been hurt. I went with Jesus in his car, but he didn't drive to my house. When I asked Jesus where he was taking me, he yelled at me and told me to shut up. He took me out to the cemetery. Then he tied me up like an animal and raped me. I was a very young girl and a virgin, and I didn't know about sex when Jesus Vasquez violated me in this horrible way.[89]

58. Concha was mortified by the experience; she felt ashamed and humiliated and wondered what she had done to cause such a thing.[90] With no one to confide in, Concha internalized what happened to her as being her fault. Compounding the traumatic event, Concha's body started to change and she experienced morning sickness. Not knowing anything about sex, Concha did not think it was possible to get pregnant without being married. When Concha's mother recognized the symptoms of pregnancy, she became enraged.[91] Concepcion believed that Concha dishonored the family and, as Concha recalls, "she hit me over and over with a belt. She said I was a stupid, selfish girl, and that I would bring God's punishment to our family."[92]

59. Concha's sister Angela provided more insight into how deeply shamed and enraged Concepcion was at Concha for being raped:

> After [Concha], Maria, and my father returned from Mexico, I came home one day to find my mother hitting [Concha]. Mother was really angry, and I asked her

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[89] Declaration of Concha Villegas, Signed 2-11-06, Page 7-8

[90] Declaration of Concha Villegas, Signed 2-11-06

[91] Ibid

[92] Ibid

> why. She said that [Concha] was pregnant. After that, my mother made [Concha] stay home so that no one would see that she was pregnant. I felt so bad for [Concha], she was so scared and unhappy. She told Jesus Vasquez that she was pregnant. He denied the baby was his, and he never gave [Concha] or his son a penny.[93]

60. Concha believed she had to marry Jesus because of the pregnancy but Concha's mother refused to allow this to happen — not because Jesus raped her, but because he was too closely related to the family. Concha's mother told her God and Church would not condone such an incestuous union. Once Concha started showing, Concepcion forced her to quit school and banished her to the back room of the house all day so no one could see her.[94]

61. Soon after Concha had her baby, she was exiled from the home by her mother. Jose and Concepcion forbade Concha to take her baby Roberto with her and forced her to leave her child with them. Concepcion raised Roberto as if he were her own and even breastfed him along with her own daughter, Petra.[95] Concha experienced profound sadness at the loss of her son, Roberto. Roberto grew up believing that his grandparents were really his parents and that his mother was his sister.[96] It wasn't until Concha came to visit when Roberto was about ten years old that Roberto learned that Concha was really his mother. Roberto was shocked by this admission and for a long time remained confused and disturbed.[97] With nowhere else to go, Concha went to Phoenix, where her aunt lived, in search of work. Concha's

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[93] Declaration of Angela Villegas Lopez, Signed 4-16-99, Page 12-13

[94] Declaration of Luis Gonzales Villegas, Signed 4-8-99

[95] Declaration of Venancia Villegas Garcia, Page 9; Roberto Villegas Birth Certificate, 11-9-50

[96] Declaration of Luis Gonzales Villegas, 4-8-99

[97] Ibid

exile from the family separated her from her family to this day. It would be years before the family would see Concha again.[98]

62. The trauma of the rape alone was a life-altering experience for Concha. Combined with pregnancy, the loss of her first born, and exile from her family, the rape and its aftermath were devastating for Concha. Forced to leave her family home in Fabens, she lost her sense of control, connection, and meaning. The rape left Concha fearful, anxious, and helpless. Concepcion's brutal response to Concha's traumatic event allowed Concha to further internalize the belief that somehow she was to blame, that the rape was her fault which filled Concha with feelings of shame. Shame can attack a person's perception of not only their actions but for individuals with mental illness, their entire self. The effects of shame can be quite debilitating as a person interprets everything about themselves in a negative light.[99] Concha did not have any of the support mechanisms or adaptive coping skills in place to allow herself to heal. Concha's sense of connection to her family was destroyed and she never again relied on them to help her survive any crisis, regardless how life-threatening it was.

Paternal Family

63. Because Sammy's father played a critical role in his life as a genetic contributor, caretaker, attachment figure, and role model, it is important to understand the patterns of behavior that Sammy learned from his father's relationships not just with Sammy but with all members of the family. Sammy's father created an environment filled with unrelenting and unpredictable chaos, mood swings, and stressful events that placed his children at risk for developing clinically significant mental illness and possibly alterations in brain function.

64. As is often the case in mentally ill and severely dysfunctional people, his family history is shrouded in secrecy and thus little is known about Arcadio. Arcadio was a

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[98] Ibid

[99] Lewis, H.B. (1971). *Shame and guilt in neurosis.* New York: International University Press.

secretive man who refused to disclose any information about his family of origin or his background. Children in the family knew nothing about Arcadio.[100] The oldest son, Junior, asked his mother about his father's family once but Concha could not provide any information.[101] The little that is known has come from records obtained since his death.

65. Sammy's father, Arcadio Verdugo Lopez, was born on January 12th, 1927 in Tombstone, Arizona.[102] Concha met Arcadio working in the fields in Arizona. Although she and Arcadio were never married, they had eight sons and one daughter.[103] It is believed that Arcadio never married Concha because he was already married to a woman in Mexico.[104] Ultimately, Arcadio abandoned Concha and their children with nothing, just as he had done to his wife in Mexico.[105]

66. After Arcadio Lopez finally abandoned his family for good, he moved to Tulare County, California, where he lived for at least ten years. Arcadio was alcoholic who ultimately drank himself to death. As discussed later in this declaration, Arcadio was picked up numerous times for public drunkenness in Tulare County. In June 1983, at the age of fifty-six, Arcadio was found dead from liver failure due to cirrhosis, lying in a field

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[100] Declaration of Arcardio Lopez, Signed 6-17-99

[101] Ibid

[102] Coroner's Autopsy Report re: Arcadio Verdugo Lopez. Tulare County Coroner Case No. 83-6-414-58. (1983)

[103] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[104] Declaration of Luis Gonzales Villegas, Signed 4-8-99

[105] Ibid

surrounded by empty beer and wine bottles.[106] His family had not heard from him in more than a decade.[107]

Extended Family: Mental Illness and Addictive Disease

67. The prevalence of alcoholism and drug addiction in Sammy's immediate and extended family is remarkable and widespread. Alcoholism contributed to the chronic and pervasive interpersonal violence, poverty, chaos, and rejection that characterized Sammy's early life and potentiated other stressors he faced.

68. There is strong presumptive evidence that certain mental disorders such as schizophrenia, affective mood disorders, and addictive diseases have a genetic component. "The inherited factor in a disease such as depression may be a vulnerability to depression, which might in turn require other influences, such as environmental factors, to allow expression of the disorder."[108] In Sammy's family, his father, mother, many of his brothers, and numerous maternal relatives display symptoms of depression, alcoholism, and post traumatic stress disorder that have significantly impaired their ability to function.

69. Jose Vera, Sammy's maternal adoptive uncle, suffered from a mental disorder and displayed symptoms as early as childhood. Jose was described as a "strange child" who was socially withdrawn and quiet.[109] As a child Jose appeared to dissociate as he sat at the window for long periods of time as if he was "in some kind of trance, like he was in another world."[110] Concha's brother Luis remembered that Jose always seemed depressed. When Jose was little,

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[106] Coroner's Autopsy Report re: Arcadio Verdugo Lopez. Tulare County Coroner Case No. 83-6-414-58. (1983)

[107] Ibid

[108] Sophia Vinogradov, Editor, Treating Schizophrenia, San Francisco: Jossey-Bass Publishers, p. 13

[109] Declaration of Angela Gonzales Villegas Lopez, Signed 4-16-99

[110] Declaration of Petra Villegas, Signed 4-8-99

Luis blamed his odd behavior and depression on losing his parents at such a young age. Jose's depression and mental illness became more pronounced as he grew older.[111] As an adult Jose began exhibiting paranoid behaviors, like hiding "all his money in a suitcase."[112] Police picked him up in Waco, Texas and ended up committing him to a mental institution. Eventually, Jose was hospitalized in Sacramento, California.[113] Jose was delusional and paranoid and could not even trust his own adoptive sister Venancia with whom he had grown up, or anyone at the social service agency who were trying to help him. Jose did not believe that Venancia was who she said, a disorder called Capgras Syndrome. In an attempt to alleviate his suspicions, Venancia, showed Jose her identification, but still Jose did not believe her. Venancia was later contacted by social services and was asked to serve as Jose's guardian but she declined, explaining that she "wanted to help Jose, but he was too far gone" for her to deal with.[114] Sammy's maternal aunt, Maria, led what appeared to be the most stable life of any of her family. Maria never set foot out of Fabens and appeared to lead a happy life.[115] To everyone's shock, Maria later suffered a "nervous breakdown."[116]

70. The relationship between chronic exposure to trauma, early childhood neglect, and alcoholism is clearly demonstrated in Concha's family. Several of Sammy's maternal uncles, aunts, cousins, as well as his brothers, have histories of alcoholism, and their intoxication is frequently accompanied by bizarre changes in their behavior.

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[111] Declaration of Luis Gonzales Villegas, Signed 4-8-99

[112] Ibid

[113] Ibid

[114] Declaration of Angela Villegas Lopez, Signed 4-16-99

[115] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[116] Ibid

71. Sammy's half-brother Roberto, who was taken from his mother and reared by his mother's parents as their own, suffered from mental illness and alcoholism. Venancia described Roberto's behavior:

> As for Roberto, [Concha's] son who grew up in our home in Fabens, he and his family have many psychological problems. He became a heavy drinker, too, and is uncontrollable and violent when he drinks. He married Agustina Cortez, and they had two children, Roberto, Jr. and Emily. Roberto beat his wife so badly when he drank she eventually left him. While drinking, Roberto once beat up my husband Henry and another time beat my son Harvey so bad he had to go to the hospital. Roberto raped his daughter Emily and went to prison for it.[117]

72. Sammy's maternal uncle, Jose Gonzales, was an unpredictable alcoholic who turned into a different person when he drank.[118] Sammy's cousin, Ruben, is an alcoholic who drinks to help him to deal with pressure.[119] Ruben's brother, Florencio, has also suffered with alcoholism and both have been convicted of drunk driving.[120] Another cousin, Stephen who is Petra's oldest son, has a temperament changes when he drinks; he becomes loud and his violent temper flares.[121] Maria's oldest son, Bobby, has also struggled with alcoholism. [122]

73. Concha's brother, Ricardo, was an alcoholic who was a nice decent man when he wasn't drinking, but when he was drunk, he turned crazy.[123] He became suspicious and

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[117] Ibid

[118] Declaration of Petra Gonzales Villegas, Signed 4-8-99

[119] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[120] Declaration of Angela Villegas Lopez, Signed 4-16-99

[121] Declaration of Venancia Villegas Garcia, Signed 4-8-99

[122] Declaration of Petra Gonzales Villegas, Signed 4-8-99

[123] Declaration of Venancia Villegas Garcia, Signed 4-8-99

paranoid and worried that people were out to hurt him. Ricardo confided in his sister that he "heard voices when he drank."[124] Once, one of Ricardo's sisters, Maria, heard odd noises coming from the bathroom and realized it was Ricardo. He sounded "like someone shivering and breathing really hard because they are very, very cold."[125] Maria convinced Ricardo to let her into the bathroom. She described what she saw:

> When he opened the door he was shaking all over. He said he really needed a beer, and I realized that he was going through withdrawal. The last time I saw Ricardo he was in his 30s. This was in the mid 1970s. He was still drinking even though it was making him throw up blood. It was not long after that Ricardo was shot and killed in a bar in California.[126]

74. Although alcoholism is significantly less frequent in Latino women than in other ethnic groups of women, at least two of Sammy's maternal aunts have addictive diseases. Sammy's aunt Maria and her friends and neighbors have witnessed their sister, Augustina, purchasing drugs on many occasions. Despite the fact that Augustina has been arrested for being drunk in public, she is still unable to stop using drugs.[127] Sammy's aunt, Josephina, suffered from liver disease and died as a result. Venancia did not think Josephina was a heavy drinker in comparison to the rest of her family.[128]

75. Mental impairments in the family increased the likelihood of addictive disease, and many family members attempted to self-medicate with alcohol and drugs. Efforts

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[124] Ibid; Declaration of Luis Gonzales Villegas, Signed 4-8-99

[125] Declaration of Maria Villegas Estrada, Signed 4-16-99

[126] Ibid

[127] Ibid

[128] Declaration of Venancia Gonzales Villegas Garcia, Signed 4-8-99

to self medicate were obfuscated by Latino cultural beliefs about drinking. Concha's sister described community attitudes about alcohol use:

> All the men were expected to drink. The men all drank a lot, too. I think that was a machismo thing. The men in Fabens either worked in the fields or for the railroad. They depended on their physical strength to support themselves and their families. No man wanted to seem too weak to drink as much as everyone else.[129]

76. Although culture plays an important role in the family's use of alcohol, it by no means accounts for the degree and severity of addiction demonstrated in many of Sammy's family members. Most members of the family are tolerant of drinking to some extent, but recognize the destructive role that alcoholism has played in many of their relatives' lives.

Immediate Family

77. Sammy Lopez was born on June 30th, 1962, in Peoria, Arizona; he was the seventh child born to Concha Villegas[130] and the sixth child born to Concha Villegas and Arcadio Lopez. Concha was a thirty-one year old housewife and Arcadio a thirty-four year old farm laborer.[131] As I stated above, Arcadio and Concha were not married and had met nine years earlier while working in the fields.

78. Concha was one of many farm workers Arcadio shuttled back and forth for their employer to agricultural fields surrounding Phoenix. One day, while driving her home from the fields, Arcadio, offered to drop Concha off at her door.[132] Concha thought his offer was strange because he did not take anyone else all the way home. Concha was not comfortable with

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[129] Declaration of Maria Gonzales Villegas Estrada, Signed 4-16-99

[130] Concha Villegas's first son, Roberto Villegas, had a different father than Arcadio Lopez. Robert Villegas Vital Records, Birth Certificate, 11-9-50.

[131] Sammy Lopez, Vital Records, Certificate of Birth, State of Arizona, 6-30-62.

[132] Declaration of Concha Villegas, Signed 2-11-06

a strange man knowing where she lived but she also did not know how to say no. Arcadio continued to take Concha directly to her building every day.[133]

79. One day, out of the blue, Arcadio showed up at her doorstep with all his belongings and announced that he was going to be staying with her. Concha did not want Arcadio anywhere near her but she felt powerless against the demands of a man and again was unable to say no. Frustrated, Concha could not comprehend how Arcadio could just move into her apartment without an invitation. But the profound trauma Concha had experienced throughout her life left her unable to protect herself from Arcadio's unwanted presence.[134]

80. Life with Arcadio was forceful, violent, and chaotic. Immediately after Arcadio moved into Concha's home, he began to rape her and continued to rape her at will during their entire relationship.[135] When Concha tried to fend Arcadio off, Arcadio beat her until she could not fight anymore.[136] The earlier rape Concha suffered contributed to her intense desire to avoid sexual activity and compounded the feelings of powerlessness and helplessness she felt under Arcadio's control.

81. Concha became pregnant quickly and was overwhelmed with despair, but again was unable to take any independent action, either for herself or later, for her children. "When I found out I was going to have [Arcadio's] baby, I just wanted to cry. I felt so hopeless. It hurt to know I was going to have a child from another man who forced me and took advantage of me."[137] Concha grew despondent when she began to realize that that as long as Arcadio lived

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[133] Ibid

[134] Ibid

[135] Ibid

[136] Ibid

[137] Declaration of Concha Villegas, Signed 2-11-06, Page 12

with her, she would be raped and continue to have more children.[138] Concha had nine children with Arcadio, one after the next without adequate time to recover physically or mentally from the toll of rape, pregnancy and childbirth: Arcardio, Jr., (Junior), born 8/30/54;[139] Eddie, born 11/25/55;[140] Frank, born 8/22/57;[141] Esteve (Steve), born 10/24/58;[142] Jimmy, born in 1960;[143] Sammy, born 6/30/62;[144] Jose (Joe), born 1/6/65;[145] George, born 6/16/66;[146] and Gloria, born 12/9/70.[147] Concha and Arcadio's relationship ended only when Arcadio finally abandoned the family for good sixteen years after they met.

III. EMOTIONAL/ SOCIAL/PSYCHOLOGICAL DEVELOPMENT

Life in Phoenix: Poverty, Isolation, and Racism

82. In the early years of their union, Concha, Arcadio, and their children lived in a tiny shack at Arena Ranch in Tolleson where Concha and Arcadio worked. Their house had

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[138] Declaration of Concha Villegas, Signed 2-11-06

[139] Declaration of Arcadio Lopez, Signed 6-17-99

[140] Eddie Lopez, Employment Records, National Metals Company, Page 161

[141] Declaration of Frank Lopez, Signed 2-11-06

[142] Esteve Villegas Lopez, Vital Records, Certificate of Birth, 10-24-58.

[143] Declaration of Jimmy Lopez, Signed 2-10-06

[144] Sammy Lopez, Vital Records, Certificate of Birth, State of Arizona, 6-30-62

[145] Jose Lopez, Vital Records, Certificate of Birth, State of Arizona, 1-6-65

[146] George Lopez, Vital Records, Certificate of Birth, State of Arizona, 6-16-66

[147] Gloria Villegas, Vital Records, Certificate of Birth, State of Arizona, 12-9-70

no bathrooms or running water, and Concha had to cook all their meals outside.[148] The worst part of living at the ranch was dealing with the scorpions. The family slept on the floor and in the mornings they woke to find scorpions crawling all over.[149] After the ranch, the family moved to Glendale for a short while, and then eventually ended up in Southwest Phoenix.

83. Sammy's family lived in the section of Phoenix that was reserved for the metal recycling industry, foundries, and impoverished Latino families. Housing codes were not enforced, and thousands of poor Latino families crowded into inexpensive, unsafe housing that merely provided some protection from the elements. Sammy was unable to participate in normal childhood activities that teach children fundamental lessons about themselves, their world, and relationships with others. Even though Sammy lived in an impoverished neighborhood, his family's extreme poverty set them apart from other children in the neighborhood and left him and his family isolated.

84. Early and chronic poverty has the worst effects on child development. Chronic poverty is dehumanizing as it damages parents' capacities for maintaining any kind of hope. These feelings tend to undermine a parent's sense of their lives as economic constraints limit choices about where they can live, how to feed and clothe themselves and their children. The poverty and disadvantages the Lopez family experienced led to inadequate nutrition, inadequate housing and homelessness, inadequate child care, higher exposure to environmental toxins, such as the industrial and gas/diesel pollutants that surrounded their neighborhood, exposure to community violence, and lack of access to health care.

85. Latino families living in Southwest Phoenix experienced pervasive racism and segregation. Poverty, drugs, and crime plagued the community and destroyed dreams of a

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[148] Declaration of Concha Villegas, Signed 2-11-06

[149] Ibid

better future.[150] With no one pointing you in the right direction, it was easy to get lost and caught up in the dangers of the neighborhood.[151] The police who patrolled Sammy's neighborhood offered little help and instead reinforced the racism and tension in this economically depressed community by terrorizing "anyone who looked poor and Mexican."[152] Community schools offered no safety from the intense racial tensions. One of Sammy's brothers stated in his school records that the "racial tension between the blacks and Chicanos at school is unbearable and that he does not feel that he can complete school there."[153]

86. The Lopez family frequently moved because of their inability to pay the rent. Once, when the family was evicted with no time to find another place to live, they found themselves out on the streets.[154] Concha described how she and her sons searched for shelter:

> I told the boys to grab our stuff, and we carried it with us, out onto the streets looking for somewhere to sleep. It broke my heart to hear my boys crying and afraid. Sammy was the most afraid. He kept asking me where we were going to sleep and what was going to happen. I didn't have any answers. We carried our stuff to a park nearby to sleep there for the night.[155]

87. The family's frequent moves disrupted Sammy's childhood development, interfered with academic performance, and made it harder for him to make friends. Poverty

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[150] Declaration of Jose Cortez, Signed 9-12-03

[151] Declaration of Manuel Servin, Signed 4-3-04

[152] Declaration of Jose Cortez, Signed 9-12-03

[153] Esteve Lopez, Court Records, Maricopa County Juvenile Court Center Case J-75658. Probation officers' disposition summaries (1973-75) following juvenile burglary charge. Disposition Summary, 5/17/73

[154] Declaration of Concha Villegas, Signed 2-11-06

[155] Declaration of Concha Villegas, Signed 2-11-96, Page 19

influenced every aspect of their lives and one of Sammy's brothers told his juvenile court evaluator that because of his extreme poverty, he was not able to go to high school.[156] The impact of the constant moving prevented the children from building and keeping relationships. The children did not understand why they had to move so much and why they could not at least have some warning so they could say their goodbyes to their friends.[157]

88. The apartments the Lopez family could afford were ill-equipped to support them. The plumbing did not work, windows were broken or missing, and vermin were uncontrolled. Sammy's brother Jose described the housing:

> All the places were run down, cheap, and dirty. Mother did her best to clean the places up, but some places were in such bad shape it should have been illegal to rent them. They had one or two rooms each. Our parents slept in one room and my brothers and I split the other bedroom and the living room. We shared bunk beds, the couch, and sometimes the floor. There was no privacy, no quiet and no place to be alone and safe in our crowded apartments. For as long as I can remember I used to take off on my bike or skateboard to get away from all the people, to have some peace for myself.[158]

89. With little or no help from Arcadio, Concha did what she could to keep her family intact, but with so many boys and no assistance it was an impossible task.[159] Concha was forced to work two jobs so she could keep a roof over their heads. She worked almost the entire day through with just a few hours for sleep.[160] Yearly earning statements of Concha reveal just

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[156] Esteve Lopez, Court Records, Maricopa County Superior Court Case CR 101939. State of Arizona v. Lopez, Servin & Servin 1978. Presentence Investigation.

[157] Declaration of Jose Villegas Lopez, Signed 6-15-99, Page 1

[158] Ibid, Page 2

[159] Ibid

[160] Ibid

how much the family struggled. Concha made significantly less than $10,000 a year from 1971 until 1981 when she earned just slightly more. Before 1971, Concha did not have any reported income except for the years1961 and 1963, when she earned a couple of hundred dollars.[161]

90. Concha's meager wages did not afford Sammy and his brothers any of the material things like toys and bikes that other children had.[162] The Lopez boys missed out on school and church events, and playing organized sports.[163] Birthdays were not celebrated because they had no money. Sammy's brother Jose's poignant dismissal of birthdays reveals how hopeless and isolated the children felt: ;"Birthdays are really just reminders that you come into this world alone and you go out alone."[164]

91. Concha's sister, Maria, visited Concha around 1979, when Maria and her family moved to Oakland. She described how impoverished Concha and her family were:

> [Concha] and her family were always very poor. She was a hard worker, but she could not make enough money to support her eight sons. Arcadio drank too much wine to be able to make very much money in the fields, and he spent much of the little money he did make on cheap wine. [Concha] had to get state agency help and welfare. When we visited on our way to Oakland, she and her children were living mostly on government food. My husband Rudy drove [Concha] to a warehouse where she stood in line for hours to get Army surplus food in dark green cans. Some of the cans had black markings, but some were blank. I asked [Concha] how she knew what was in the cans, and she said she didn't. [Concha] and her kids ate whatever happened to be in the cans she opened that day. [Concha] and all her children lived in run down tiny apartments where the rent was due weekly. She passed the clothes from one son to the next until they were too thread bare for anyone to wear, and then she sewed the pieces together to

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[161] Concha Villegas, SSI Records, Department of Health and Human Services, SSA, Yearly Earnings, 1-17-93, Page 40.

[162] Declaration of Jose Villegas Lopez, Signed 6-15-99

[163] Declaration of Jose Villegas Lopez, Signed 6-15-99

[164] Ibid

make blankets.[165]

92. Poverty and despair were constant companions of Sammy and his family. Even among Concha's family members, her impoverished living conditions stood out. Concha's sister Petra recalled that Concha's family had nothing and lived in small rundown apartments. Concha's conditions even got to her frugal mother who once bought her groceries.[166]

Infancy and Childhood

Profound Family Stress: Domestic Violence, Alcoholism, and Physical Abuse

93. The grinding poverty of Sammy's life was punctuated by the terror of Sammy's father, Arcadio's, unpredictable violence. Arcadio's alcoholism and violence disrupted Sammy's chance of normal development and placed him at risk for emotional, physical, and mental health problems. Arcadio often disappeared for days, weeks, and sometimes even months at a time and Sammy and his brothers never knew when Arcadio would come home drunk, looking for a fight.[167] Sammy could not relax like his brothers when Arcadio was gone. Instead, Sammy remained anxious and apprehensive about when Arcadio would come back.[168]

94. Arcadio suffered from severe depression and dramatic mood swings that erupted into unpredictable, except for their chronicity, and unprovoked assaults on his wife and

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[165] Declaration of Maria Villegas Estrada, Signed 4-16-99, Page 12-13

[166] Declaration of Petra Gonzales Villegas, Signed 4-8-99

[167] Declaration of Concha Villegas, Signed 2-11-06

[168] Ibid

children. Arcadio never provided for Concha and their children.[169] Instead, he became a vicious alcoholic, and Concha was deeply ashamed of him. Concha's sister Maria reported that the meager money Arcadio was able to earn was all spent on alcohol.[170] On rare visits from her family, Concha was noticeably embarrassed by Arcadio and made it clear that she did not want to talk about him.[171]

95. Arcadio's drinking was most likely his response, or self-medication, to the severe depression that afflicted him. His depression worsened to the point that he attempted suicide numerous times. Arcadio drank from a bottle of bleach, cut his wrists, and several times he laid on the railroad tracks waiting for a train to come and end his life.[172] One of Sammy's brothers vividly recalled Arcadio slashing his wrists right in front of him.[173] In another incident, when Concha was pregnant with Sammy, Arcadio was drunk and piled all of the children in their car and drove into an irrigation ditch. Water filled the car, and neighbors had to pull the children out to save them from drowning.[174] The multiple traumatic stressors in the children's lives set the stage for profound traumatic stress.

96. With the passage of time, Arcadio's behavior became progressively more bizarre and his violent outbursts increased. Arcadio was delusional at times and accused Concha of having an affair with a milkman they did not even have.[175] Other times Arcadio suffered from

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[169] Declaration of Angela Villegas Lopez, Signed 4-16-99

[170] Declaration of Maria Villegas Estrada, Signed 4-16-99

[171] Declaration of Angela Villegas Lopez, Signed 4-16-99

[172] Declaration of Arcadio Lopez, Signed, 6-17-99

[173] Declaration of Jimmy Lopez, Signed 2-10-06

[174] Declaration of Arcadio Lopez, Signed, 6-17-99

[175] Declaration of Concha Villegas, Signed 2-11-06

visual hallucinations; his children and wife recalled that he often "saw things that weren't there."[176] Arcadio often disappeared from the home for days at a time. When Arcadio was home, he beat Concha with his hands or fists.[177] When Arcadio hurt himself while administering his beatings, he did not try to treat his wounds but instead, "just stopped hitting us, sat there, and watched himself bleed."[178]

97. Arcadio drank until he was stupefied and unable to control his bodily functions. "Sometimes he got so drunk he peed and threw up on himself. Sometimes he even soiled his own pants."[179] Often he drank until he passed out in public in broad daylight in his own vomit and urine. Arcadio was a binge drinker, and on occasion wouldn't drink for an entire day but then went on a bender staying drunk for weeks straight.[180] One of his sons, Joe, remembered Arcadio usually smelled of alcohol and vomit.[181] Sammy's brother, Steve recalled Arcadio frequently arrived home "dirty and bloody after drinking."[182] Steve tried to say away from Arcadio when he was drinking as that was when he was most violent. But Arcadio made that nearly impossible since he was drunk most of the time.[183]

98. Concha despised Arcadio's drinking and when she found alcohol in the house she threw it out. Of course, this only angered Arcadio and increased the likelihood of a

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[176] Declaration of Frank Villegas Lopez, Signed 2-11-06

[177] Declaration of Arcadio Lopez, Signed, 6-17-99

[178] Declaration of Concha Villegas, Signed 2-11-06

[179] Ibid

[180] Ibid

[181] Declaration of Jose Villegas Lopez, Signed 6-15-99

[182] Declaration of Esteve Lopez, Signed 6-16-99

[183] Declaration of Esteve Lopez, Signed 6-16-99

beating.[184] Arcadio began by yelling at Concha but he usually ended up attacking her.[185] Arcadio did not try and hide the fact that he beat their mother and openly beat her right "in front of" the children.[186] Many times, Arcadio came home late after drinking and began yelling at Concha, and beating her with his fists.[187]

99. Arcardio humiliated, degraded, and terrorized Concha and his children. Arcadio cheated on Concha with other women and made no effort to conceal it from her or the children.[188] When Arcadio came home in the middle of the night, he forced Concha to wake up and cook for him without any concern for the fact that she had to go to work the next morning.[189] If Concha did not respond quickly enough or made any kind of remark, Arcadio beat her.[190] Arcadio had complete control over Concha and treated her as if she was something he owned.

100. Arcadio's violence was not softened or interspersed with displays of affection, acceptance of responsibility, or concern for Sammy's development. Sammy's brother, Joe, reported that Arcardio "never loved anyone and only showed us how to live in fear and terror."[191] Arcadio rarely even spoke to his sons. Arcadio's only real contact with Sammy and his brothers was when he was beating them.[192] Steve reported that Arcadio seemed different

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[184] Ibid

[185] Ibid

[186] Declaration of Arcadio Lopez, Signed 6-17-99

[187] Ibid

[188] Ibid

[189] Declaration of Esteve Lopez, Signed 6-16-99

[190] Declaration of Arcadio Lopez, Signed 6-17-99

[191] Declaration of Jose Villegas Lopez, Signed 6-15-99

[192] Declaration of Jose Villegas Lopez, Signed 6-15-99

than other neighborhood fathers and never once helped Steve or any of his brothers "with homework, took [them] to a park to play ball or tried to teach [them] something about cars or anything else."[193]

101. Arcadio terrorized the family and threatened to kill Concha and the boys for minor infractions. Sammy took Arcadio's threats seriously and believed that he would kill them all.[194] Arcadio beat his children with anything he could get his hands on and once attacked Sammy's brother, Steve, with a two-by-four board.[195] Arcadio intentionally hurt the children without provocation and he beat them for no reason.[196] His assaults bewildered the children who could not understand why they were beaten.[197] Concha described the time Arcadio burned his four year old son:

> One night Junior grabbed at [Arcadio's] leg while [Arcadio] was boiling some water over a fire outside. [Arcadio] didn't say a word. He just poured the boiling water on Junior. Junior had burns all over his body.[198]

102. Although Concha's family was well aware of Arcadio's assaultive behavior, they did nothing to protect her or the children. Concha's sister Venancia knew Arcadia beat her because she overheard her mother talking about it.[199] Concha's mother did nothing to intervene

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[193] Declaration of Esteve Lopez, Signed 6-16-99

[194] Declaration of Concha Villegas, Singed 2-11-06

[195] Declaration of Esteve Lopez, Signed 6-16-99

[196] Ibid

[197] Ibid

[198] Declaration of Concha Villegas, Signed 2-11-06, Page 15

[199] Declaration of Venancia Villegas Garcia, Signed 4-8-99

and thought it was better for Concha to stay and endure the violence than leave the man who fathered her children.[200]

103. Graphic images of Arcadio's assaults on their mother were indelibly stamped on Sammy and his brother's minds. Concha was "a small woman and the image of him hurting her will be with me all my life. He pushed her down on the floor and kicked her, threw her into the wall, and hit her all over with his fists."[201] Witnessing Arcadio's life-threatening assaults on their mother compounded the children's feeling of guilt because they were too small to protect her.[202]

104. Sammy and his brothers lived in constant fear that their father would eventually kill their mother. The children learned to flee as soon as they saw their father and could not understand why their mother didn't run and hide with them.[203] After a beating from Arcadio, the children worried that she was dead if she took a long time to get up.[204] Arcadio carried a ten-inch work knife around with him and used it to initiate fear in Concha.[205] Concha learned to pay special attention to whether Arcadio was carrying his knife and was "ready to run whenever he reached for it." Usually his fists were all Arcadio needed.[206]

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[200] Declaration of Venancia Garcia, Signed 4-8-99

[201] Declaration of Esteve Lopez, Signed 6-16-99

[202] Ibid

[203] Declaration of Jose Villegas Lopez Signed 6-15-99

[204] Ibid

[205] Declaration of Concha Villegas, Signed 2-11-06

[206] Ibid

105. Arcadio's attacks on his family were severe enough to bring the attention of neighbors and law enforcement.[207] During one particular brutal beating Arcadio, was arrested and sent to jail:

> Once while we were still living in Glendale, [Arcadio] was beating me up real badly. He kept hitting me with his fists, and he wouldn't stop. He was yelling at me, calling me names, and saying he was going to kill me. I believed him. I hit him with a stick to protect myself, and fortunately the police came and arrested him. They made a report called a Peace Bond, and then they put [Arcadio] in jail for six months. Putting [Arcadio] in jail didn't help the boys or me. Things were always the same as soon as he came back.[208]

Arcadio returned home and continued to batter and torment his family. Concha did not leave him. She had no family support and no will to overcome the power he exercised over her. Concha's personal strength had been eroded by years of abuse.

106. Arcadio often disappeared and was gone for days without informing anyone.[209] Every once in a while, Concha received a call from Arcadio telling her he was in California or Oregon and needed money.[210] The children were confused by Arcadio's stranglehold on Concha and could not comprehend why she allowed him to come back.[211] Because of the coercive control Arcadio excised over Concha, she did whatever he asked.

107. After the death of their sister Gloria, Arcadio left the family for good. He moved to California where his drinking continued to consume him. Despite all the disastrous

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[207] Ibid

[208] Ibid, Page 16

[209] Declaration of Esteve Lopez, Signed 6-16-99

[210] Declaration of Concha Villegas, Signed 2-11-06

[211] Declaration of Esteve Lopez, Signed 6-16-99

consequences, Arcadio could not stop drinking and was picked up repeatedly for public drunkenness:

> - October 20, 1978: Arrested in Porterville for public intoxication and sent to jail for three days. His address is "transient" and he is unemployed. Served three days jail time.[212]
>
> - September 11, 1979: Arrested in Porterville, CA, for public intoxication. Marital status I "divorced in Arozona [sic]." "No address" is listed. Occupation is "N/A."[213]
>
> - January 12, 1982: Arrested on a warrant in Porterville (Tulare County), California. He served a month jail time.[214]
>
> - July 12, 1982: Arrested on a warrant (#18936) at 10:30 in the morning in Porterville (Tulare County), California for a violation of Penal Code § 647f (Public intoxication per Deering's CA Penal Codes 1982.) Arcadio is an unemployed farm laborer. His possessions at the time of his arrest are a small book, a pen, a comb and a clue vest in "poor" condition. He has lived in the county for 10 years and in California for 11 years. The

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[212] Arcadio Verdugo Lopez, Tulare County (CA) Arrest Reports

[213] Ibid

[214] Arrest record for Arcadio Verdugo Lopez re: Porterville, CA warrant # 18936, 7-12-82

arrest record states that Arcadio has eight children and a sixth grade education. His bail is set at $150.[215]

- July 30, 1982: Arrested in Porterville, CA, for public intoxication. At the time Arcadio was living under bridges in Porterville area. Arcadio admitted to drinking wine, his attitude was "cooperative"; he was staggering and unsteady and his clothing was disarranged and soiled. Arcadio's speech was incoherent and blurred. It is noted that his breath smelled of alcohol and that he was unable to care for self. Arcadio was employed. He was released the same day.[216]

108. Concha's choice of Arcadio over her own children points to her own maladaptive upbringing as she signaled to her children, and especially Sammy, who was most sensitive to the abuse, that not only were their needs unimportant– a message that profoundly affects the development of a child's psyche – but also that the abuse they suffered was somehow deserved. Concha's inability to leave this volatile relationship is directly related to the years of abuse and coercive control she experienced. Concha became a survivor with little sense of her own will or any ability to act independently from those who exploited and controlled her. By the time Arcadio met her in the fields surrounding Phoenix, she was easy prey. Concha came to believe that neither resistance nor escape was possible when confronted with life-threatening actions and as a result, went into a state of surrender. Her system of self defense shut down entirely and she escaped from her circumstances not by action in the real world, but by altering

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[215] Ibid

[216] Arcadio Verdugo Lopez, Tulare County (CA) Arrest Reports

her state of consciousness. This alteration of consciousness is the core of Post Traumatic Stress Disorder.

Middle Childhood

Medical and Emotional Neglect

109. Due to her own severe mental and emotional impairments, Sammy's mother was unable to understand and meet her childrearing responsibilities. She was the victim of overwhelming trauma that included chronic childhood abuse, multiple rapes by a close family friend, a stranger, and her common law husband; and physical and psychological abuse by her common law husband. She exhibited psychological reactions to the trauma she survived that included depression, insomnia, startle responses, dissociation, numbing, and intrusive thoughts. She was socially isolated, depressed, and unable to attend to daily tasks associated with protecting herself and her children from harm.

110. Sammy and his brothers not only suffered physical and emotional abuse, they also suffered profound neglect. Neglect, in particular, has some of the longest term and most destructive effects of all childhood traumas. Since children are not born with a fully developed brain, experiences can alter its development and function. Sammy did not have positive care-taking or attachment experiences that were critical for him to develop normally. Neglectful families typically do not have any routines for a child to rely on: sleeping, eating, bathing, schoolwork. These activities are not monitored and lack of monitoring can affect a child's psychological and physical well being. This lack of structure and routine is another facet of the unpredictable nature of an insecure environment that encourages chronic hypervigilance. Childhood maltreatment is thought to have more damaging effects than trauma experienced in adulthood because of the potential to severely hinder development.[217]

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[217] Mash and Barkley (2003). Child Psychopathology. Page 632-684

111. Concha did not know how to communicate with her children and made decisions that affected their lives without telling them the underlying reasons or even giving notice about life-altering events. For example, Concha took her son Joe to Texas for what he thought was a visit. Once there, however, Concha informed Joe that she was leaving him. Joe described his bewilderment by her abandonment:

> I thought we were all going just to visit, but once we were there my mother told me it would be better if I stayed behind in Texas for a while after she and the rest of my brothers returned to Phoenix. I was hurt Mother did not tell me this before we left Phoenix. I was nervous and scared about suddenly living with people that I did not know and without any of my brothers, and I was afraid she would not come back for me. I wondered what I had done wrong to be left behind.[218]

112. Concha offered her children no explanation of major life events, such as their father's abandonment, her decision to allow another man to move into their home, or any circumstances surrounding her first child's relationship to her other children. When Joe learned he had a step- brother named Roberto at a family gathering. he later asked his mother about him. Joe described the interaction with Concha:

> I was really surprised to find out that my brothers and I have a half-brother named Roberto whom my mother never told us about. He was raised by our mother's parents in Fabens. I did not even know Roberto existed until he came up to me at the wedding party, gave me a big hug and said, "I love you, brother." Roberto was crying, and I did not know what to think. I don't know if I was more shocked by all the attention and emotion, especially by a guy, or by the fact that he was saying he was my brother. I asked Mother if it was true that Roberto is my brother and she simply said yes. She did not tell me anything more about Roberto and she never spoke of him to me ever again.[219]

Similarly, after Sammy's father, Arcadio, left the family, Concha did not mention his name again. The children knew their mother would not provide them the answers they needed so they

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[218] Declaration of Jose Villegas Lopez, Signed 6-15-99, Page 3

[219] Ibid, Page 3-4

never asked about him.[220]

113. Concha suffered from severe depression and anxiety over the years but culture and money kept her from seeking any kind of treatment. In 1979, while at a doctor's appointment for a shoulder injury, Concha told the doctor that she had been "very nervous" lately. She began crying as she related that her son had been picked up for robbery and sexual assault.[221] Later, in 1987, when Concha was admitted to the hospital with chest pains, her records noted that she is a fifty-seven year old female with a history of "nerves."[222]

114. Years later, when Concha applied for Social Security benefits, she disclosed that in addition to her physical inability to continue work she also suffered from mental illness. She wrote that she is a sixty-one year old "woman suffering from chronic depression and nervousness. I cannot lift heavy objects. I cannot sleep or eat well. I have lost a lot of weight."[223] On another application, Concha wrote that her illness has worsened, her "nerves have been worse. I've lost a lot of weight & can't sleep. Suffer from anxiety & depression." Concha listed her additional illness, "depression – nervous condition, anxiety." Concha explained the changes that occurred in her daily activities since her original application: "Motivation gone. More depressed. Lost much weight. Always depressed. Sleep more often and longer during the day."[224] Concha was denied disability for her

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[220] Ibid

[221] Concha Villegas, Medical Records, Maricopa General Hospital, 7-2-79

[222] Concha Villegas, Medical Records, Phoenix Memorial Hospital, 6-24-87

[223] Concha Villegas, SSI Records, Department of Health and Human Services, Request for Reconsideration, 7-15-94, Page 5

[224] Concha Villegas, SSI Records, Department of Health and Human Services, Reconsideration Disability Report, 2-15-94, Page 56-59

psychiatric issues because she was unable to provide medical records regarding her treatment. [225]

115. Sammy and his siblings were not taught how to show affection, problem-solve within the family, or communicate with one another. They were surprised by other families who had more open and expressive relationships within the family unit and could not help but wonder about their own family.[226]

116. Concha's children voice very similar descriptions of the absence of love in their household as Concha and her siblings offered about their mother Concepcion. Junior acknowledged that Concha did not show affection. "She is not the type to say 'I love you' or to hug or kiss her children."[227] Joe now realizes that families are supposed to have and show love and affection, unlike his own experience.[228] Sammy's brother Steve agreed that they "never acted like a family. Each of us boys was on his own from the time we were small until we left home. We could never count on each other for support or protection."[229]

117. Concha is an emotionally shut-down person who made it hard for others to get to know her. Her former apartment manager and friend, Margaret, stated that she had known Concha for more than twenty-five years but "still don't really know much about what's inside her head." Concha is not the type of person to open up and share her feelings; instead she is a closed, sad, and unaffectionate woman.[230] A longtime neighbor felt the same

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[225] Concha Villegas, SSI Records, Department of Health and Human Services, Disability Determination Rationale, No reporter name, no reported dated. Page 19

[226] Declaration of Jose Villegas Lopez, Signed 6-15-99

[227] Declaration of Arcadio Lopez, Signed 6-17-99

[228] Declaration of Jose Villegas Lopez, Signed 6-15-99

[229] Declaration of Esteve Lopez, Signed 6-16-99

[230] Declaration of Margaret Escobar, Signed 4-2-04

way about Concha. After knowing Concha for many years, she could not say that she knew Concha that well. Concha is unable to process her feelings or talk to friends about things that happened to her in the past.[231]

118. Concha was too busy struggling to make ends meet to have any time to be any kind of mother to her boys, and as a result Sammy and his brothers were lost and lacking self-confidence. Sammy was affected most of all, which was why he was so starved for attention.[232] Sammy's sister-in-law, Joanna, felt that Concha did not provide her boys with the necessary skills to survive. Concha did not understand that it took more than telling your boys to stay out of trouble to keep them away from harm:

> 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 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 is true. Frank's mother did things to her sons that no normal mother would do. She scarred all the kids, especially Sammy.[233]

Sammy's Early Traumatic Responses

119. Lack of parental support and mediation of stressors leaves children to cope on their own. The younger the child is the less likely he will be able to manage by himself and the more likely he will develop maladaptive patterns of coping in response to stress. The trauma Sammy endured by witnessing the domestic violence between his mother and father, and the violence he was subjected to left him with the impossible task of mastering the trauma without

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[231] Declaration of Donitilia Servin, Signed 4-4-04

[232] Declaration of Manuel Servin, Signed 4-3-04

[233] Declaration of Joanna Lopez, Signed 9-16-03, Page 1

any help from his mother, who was unable to provide either emotional support or explanations to Sammy. Because Sammy's mother did not buffer him from stress, he was unable to learn necessary adaptive coping mechanisms, leaving Sammy more vulnerable to future stressors and psychopathology. Sammy developed emergency-based coping mechanisms such as psychic numbing.

120. Sammy was a quiet, sad child who mostly kept to himself.[234] Sammy's maternal aunt, Petra, described him as a "shy little boy" who she witnessed "hiding behind a chair at" home.[235] On one of the rare visits Concha and her children received from Concha's family, her sister Maria observed the children. She reported their withdrawn, frightened behavior:

> When we drove up there were a bunch of kids in the yard who stopped whatever they were doing and watched us. When it was clear that we were stopping at their house and actually getting out of the car, they all ran and hid. They stayed outside until [Concha] called them in and then they hid behind the furniture.[236]

121. Sammy lacked self-confidence and was on the lookout to receive love and attention from anyone who could provide it. But his low self-esteem kept him from spending time at neighbors' houses like his brother did.[237] Sammy's desperate need for a place to fit in led Sammy astray. Years later, in 1979, this is illuminated when Sammy was evaluated at juvenile hall by a clinical psychologist, David Beigen. Dr. Beigen found:

> The real issues seem to be those beneath his behavioral air of bravado and masculine pseudo-adequacy. Namely, this is a boy who is very unsure of his own sense of masculinity and identity, and a boy who feels very inadequate and small. Further,

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[234] Declaration of Margaret Escobar, Signed 4-2-04

[235] Declaration of Petra Gonzales Villegas, Signed 4-8-99

[236] Declaration of Maria Villegas Estrada, Signed 4-16-99, Page 12

[237] Declaration of Margaret Escobar, Signed 4-2-04

there is a very basic and subtle mistrust, not only of himself and his own motives, but also of others as well.

Dr. Beigen continued:

> I see Sammy as acting out emotional handicap, and while I do not see him as a delinquently-oriented youth, I see the propensity for his involvement in delinquent activities as part of his search for self-esteem from peers and their acknowledgement and approval.[238]

122. Arcadio's violence affected Sammy the most and he responded to the chronic abuse by living in a constant state of hypervigilance and hyperarousal, ever on the lookout for his father's assaults.[239] When Sammy saw Arcadio coming, he ran crying to his mother, yelling for her to run away:

> Of all my boys, Sammy was the most afraid of [Arcadio]. Sammy was always by the window looking out for [Arcadio]. He sat there waiting, even when [Arcadio] was gone for days. And when [Arcadio] came, Sammy jumped up, started crying, and told me to run. He said, "Run, mama! Go to the neighbors! The man is coming! Run now, mama!" Sammy was the only one of my boys who was so afraid like this.[240]

123. Sammy's helplessness, fear, and extreme stress led to sleepless nights filled with night terrors. Post Traumatic Stress Disorder symptoms such as night terrors are normative responses to severe stressors:

> Sammy was so afraid that he couldn't sleep like the other boys. He yelled and screamed in his sleep. Sammy sleepwalked a lot too. I tried to check him at night. A lot of times he wasn't in bed. I found him rolled up like a little ball in the corner of the kitchen, sweating, and shaking. His eyes were open, but he didn't say anything back when I talked to him. Sometimes in the middle of the night, Sammy got up and

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[238] Sammy Lopez, Court Records, Presentence probation report by Neal Nicolay dated 11-15-85 citing psychological evaluation by Dr. David Biegen, 9-20-79

[239] Declaration of Frank Lopez, Signed 2-11-06

[240] Declaration of Concha Villegas, Signed 2-11-06, Page 13

> ran out the door like someone was chasing him. His brothers had to run after him and carry him home. Sammy never remembered this the next day. None of my other boys did this. [241]

124. Sammy's brother Frank also recalled that Sammy was the most sensitive to their father's attacks and for many years was plagued with night terrors. Sammy "woke up in the middle of the night, crying, screaming, and sweating with shakes so bad you could see him twitching."[242] Sammy's brothers worried about him and tried to watch over him as he went to bed:

> When Sammy didn't wake up screaming, he sleepwalked. Sammy often got up in the middle of the night like he was going to the kitchen for a glass of water. When he didn't go back to bed, we checked on him to see what was wrong. We found him crouching down in a corner of the kitchen shaking as if he was hiding and really scared. Sometimes Sammy stayed there sweating and shivering in the corner for an hour or more. We couldn't get through to Sammy when this happened. It was like he couldn't even hear us.[243]
>
> Other times, when Sammy got up and went to the kitchen, he grabbed a table knife and gripped it really hard in his hand like he was scared and had to defend himself from someone who wasn't there. We knew Sammy wouldn't hurt us with the knife, but we were afraid he might hurt himself. He held the knife in front of him and backed himself up against a wall or a cabinet. We told him: "Sammy, put the knife down. You're sleepwalking again. Put the knife down." But Sammy didn't answer. His mind was in some other place. He just held the knife and stood there shivering in the kitchen.[244]

125. Sammy's brothers tried to comfort him and assure him that he was okay and was just sleepwalking, but Sammy remained unresponsive:

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[241] Ibid, page 14

[242] Declaration of Frank Lopez, Signed 2-11-06

[243] Declaration of Frank Lopez, Signed 2-11-06, Page 5

[244] Ibid, Page 5

> Only my mom could get him to respond. She walked up to him slowly and took the knife away. Then she put him back to bed. If he really woke up when he was sleep walking like this, he just looked at you and started shaking and crying out loud. If you put a hand on him, you could feel his whole body shaking and sweating.[245]

126. Concha did not know what was wrong with Sammy. Not knowing where else to turn, Concha took him to a "curandera", a neighborhood healer.[246] The healer could not help Sammy and advised that Concha take Sammy to a priest and have him blessed. But after he was blessed by the priest, Sammy's nightmares continued. Concha also asked the neighborhood healer how to stop the frequent nosebleeds that afflicted Sammy. She gave Concha a cure but Sammy continued to get nosebleeds.[247]

127. Feeling powerless and helpless, Sammy adopted maladaptive coping mechanisms to deal with stress. One of the ways in which Sammy felt a sense of control was by developing certain behaviors, like keeping his belongings in perfect order. Consistent with obsessive compulsive spectrum disorder, Sammy had a certain place for his papers, book, and pens and when someone disturbed his order, Sammy immediately knew and had to put it back the way it had been.[248] It was difficult for the rest of the family to understand why this was so important to Sammy because they lived in such as small space and it wasn't practical for Sammy to spend so much time arranging his items:

> Sammy used to clean his shoes every day with water and soap and salt and a toothbrush. He couldn't stand having even a spot on his shoes. He spent a lot of

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[245] Ibid, Page

[246] Declaration of Concha Villegas, Signed 2-11-06

[247] Ibid

[248] Ibid

> time, putting his laces in his sneakers. He couldn't stand it if a lace got twisted. The laces all had to be perfectly flat or he did them over. Sammy also had to wash and clean and iron his own clothes because no one else could do it exactly the way he wanted. I didn't care about these things. I just threw my clothes in a pile, but Sammy washed his clothes, got out every single spot, and ironed them so the creases were exactly the way he wanted them. He didn't like to fold his t-shirts or his pants because he was afraid they might get a line where they were folded. Instead he put newspapers, towels, and handkerchiefs over the wire hangers and then hung his clothes over that. To me, it was a lot of trouble just to keep the hangers from putting a crease in his clothes.[249]

128. These obsessive behaviors are consistent with Sammy's attempts to control his overwhelming anxiety secondary to his traumatic stress. When these mechanisms or his self-medicating was not successful, Sammy's affective dysregulation would take over, and chaotic behavior would ensue.

Death of Sister Gloria

129. The last child born to Concha, Gloria, brought even more sadness to the Lopez household. Gloria was a fatally malformed infant who died at ten months of age.[250] Gloria was born with a giant hemangioma (abnormal dense collections of dilated small blood vessels (capillaries) that may occur in the skin or internal organs[251]) down the right side of her body, her right arm was malformed, and she had webbed hands. The hospital referred Sammy's mother to social services for assistance with her baby Gloria and a subsequent infant home evaluation report stated that Concha's home was not prepared for the infant: "home not warm;

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[249] Declaration of Frank Lopez, Signed 2-11-06, Page 7

[250] Gloria Villegas, Vital Records, Certificate of Death, State of Arizona, 10-14-71

[251] Retrieved from the World Wide Web on January 31, 2006 at: http://www.nlm.nih.gov/medlineplus/ency/article/001459.htm

water froze last night."[252] Despite these significant problems, social services let Concha keep the baby in inhabitable conditions without any further follow-up.

130. During her short life, Gloria was chronically ill and required multiple hospitalizations. Gloria was hospitalized for treatment of the hemangioma as well as septicemia (blood poisoning caused by the spread of microorganisms and their toxins). Concha, who had to work, was unable to stay with her infant in the hospital, but desperately tried to spend as time with her as she could. When Concha's family heard about the badly deformed child, they made a rare visit to Concha and her family:

> In 1971, Petra, Tina, our mother and I went to visit [Concha] and see her baby girl, Gloria. Gloria was less than a year old. She was a beautiful baby with curly eyelashes and very white skin, but she was sickly. She had been born with a strange illness that caused her to have a big sack of flesh between her arm and her body. [Concha] had to drape dresses over Gloria because she was not able to put Gloria's left arm through the armhole of a dress or shirt. Gloria died after an operation to remove part of the thing on her body.[253]

131. Gloria was hospitalized for the last time in September of 1971. Gloria remained in the hospital until she died on October 14, 1971 from hemorrhagic shock after the hemangioma was surgically removed.[254] The death of Gloria was a profound loss to all the children in the family and to Concha. As time passed, they began to attribute their turmoil and unhappiness to her absence. One brother joined Concha in asserting that his family might have

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[252] Gloria Villegas, Medical Records, Maricopa County General Hospital, 1970-1971.

[253] Declaration of Venancia Villegas Garcia, Signed 4-8-99, Page 10

[254] Gloria Villegas, Medical Records, Maricopa County General Hospital, 1970-1971; Gloria Villegas, Vital Records, Certificate of Death, State of Arizona, 10-14-71

been different if Gloria had lived.[255] Concha and her boys were devastated by the loss of their baby sister:

> It was a shock when Gloria died. My boys loved her so much. They just couldn't believe their little baby sister was gone. I think life might have been different for all my boys if Gloria had lived. Having her really changed all the boys, and it hurt them to lose her. That little baby girl was like magic to us. When we lost her we knew that nothing good could ever happen for us. We were never the same after Gloria died.[256]

132. Concha's depression worsened after Gloria's death. Concha became even more distant, and for a long period of time Concha barely spoke to her children.[257]

Father's Abandonment

133. Arcadio deserted the family forever after Gloria died. A measure of his cruelty is found in the total lack of regret his children and their mother expressed about his departure. Not one family member voiced any sadness over his leaving the family. With Arcadio gone, Concha had to rely on her oldest son, Arcadia Jr. (Junior) to assume adult responsibilities in the home when he was still a young teenager.

134. Even though Arcadio contributed next to nothing, Sammy's family fell even deeper into poverty without Arcadio. Concha's sisters felt sorry for her as they knew just how

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[255] Declaration of Jose Villegas Lopez, Signed 6-15-99

[256] Declaration of Concha Villegas, Signed 2-11-99, Page 20

[257] Declaration of Jose Villegas Lopez, Signed 6-15-99

difficult it was for Concha to raise eight boys on her own.[258] She worked herself to the bone but was still unable to provide her children with economic security. [259]

135. Arcadio's disappearance also destroyed his oldest son's dream of getting an education. Junior explained how he had to give up his dream of graduating high school in order to help the family:

> Some of my brothers and I went with our father to pick cotton when I was about 10 or 12 years old. I remember being shocked by how low the pay was for each bag of cotton and how back-breaking the work was. I decided then to stay in school and make real money. I would have stayed in school, too, if our father had not deserted our family. I had to quit school after the first three months of my freshman year at Carl Hayden High School to help support our family. Our mother received ADC, but it was not enough really to feed and clothe all of us.[260]

Mother's Trauma: Stranger Rape of Concha

136. Sammy and his family were further traumatized shortly after Arcadio's departure when a stranger sexually assaulted Concha on her way home from the grocery store. After the brutal rape, Concha ran home and entered their apartment practically naked with her sons standing there wondering what happened to their mother. Concha was crying so hard it was difficult to understand her. The family didn't have a phone so Concha had to go to their neighbor's house to call the police. The neighbor took Concha to the hospital. Concha who was already suffering from depression and anxiety became even more despondent.[261]

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[258] Declaration of Angela Villegas Lopez, Signed 4-16-99

[259] Ibid

[260] Declaration of Arcadio Lopez, Signed 6-17-99, Page 4

[261] Declaration of Jose Villegas Lopez, Signed 6-15-99

137. The witnessing of sexual assaults and abuse of loved ones can often be more devastating for children than if they were actually sexually assaulted and abused themselves. For Sammy, the consequences of seeing his mother victimized and unprotected were multiplied each time she was re-victimized by her common law husband, the stranger who raped her, and her paramour. As a child, Sammy was powerless to protect her, his siblings, or himself. Sammy's perception of the world and his role in it were forged by these traumatic, terrifying events.

Junior: Paternal Role and Abandonment

138. Abandonment by their father at a critical age in their development left the Lopez children under the care of the oldest brother, Junior, who was just a teenager and too young and immature to accept the responsibilities of parenting. Junior was forced to quit school in the ninth grade so he could help raise his younger brothers.[262] Although Junior was young, he was violent and instilled fear in Sammy and his brothers. Junior appeared bigger than life and scared the boys when he grabbed them.[263] Concha was unfazed with what tactics Junior used to make his brothers behave, and acknowledged that her sons feared him and called him "Wolf" because he was so mean.[264] Junior punished his younger brothers for normal childhood activity such as getting dirty or for minor infractions like taking too long to return home from school.

139. Although it was unrealistic to expect a child to take over the role of a parent, Concha invested in Junior the authority to punish the children as he saw fit.[265] Junior felt that

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[262] Declaration of Angela Villegas Lopez, Signed 4-16-99

[263] Declaration of Jose Villegas Lopez, Signed 6-15-99

[264] Declaration of Concha Villegas, Signed 2-11-06

[265] Ibid

he did what he could to keep his brothers away from danger but he was "too young and inexperienced to be a substitute father."[266] Little more than a child himself, Junior did not know how to temper discipline with love, and his younger brothers remembered that he never offered any kind of praise.[267] Junior called his younger brothers names like "stupid" when they received bad grades, but said nothing if they passed a class.[268] Sammy tried to protect his younger brothers from attacks by Junior, but was too small to challenge his older brother. Joe described one such incident:

> Once when Junior grabbed me by my shirt and pushed me up against the wall with my feet dangling, Sammy tried to protect me. He told Junior to put me down. Sammy accused Junior of being as mean as our father, and Junior snapped. He dropped me and started beating Sammy. He knocked Sammy to the floor and hit him over and over in the face and head with both his fists. I think Junior even scared himself that time because he suddenly stopped and just ran out the door.[269]

140. Concha was too preoccupied and exhausted from her responsibilities as breadwinner to monitor Junior. When she saw bruises on Sammy from an assault by Junior, she simply told Sammy to stop fighting or she would send Junior to punish him.[270] Sammy and his brothers were confused by their brother's actions and desperate to make sense out of Junior's brutal attacks on them.[271]

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[266] Declaration of Arcadio Lopez, Signed 6-17-99

[267] Declaration of Jose Villegas Lopez, Signed 6-15-99

[268] Declaration of Jose Villegas Lopez, Signed 6-15-99

[269] Ibid, Page 9

[270] Ibid

[271] Ibid

141. Concha's relationship with Junior was distorted by her years of abuse at the hands of her mother, husband, and strangers. She treated Junior like her abusive common law husband and acted as if she feared him and the oldest boys.

> Our mother seemed to be afraid of our older brothers, too. They respected that she was their mother, but they had no respect for her as a person. They didn't respect her because she had no control over them. They came and went when they wanted regardless of whether she said they could. Our mother is little and could not make them do or not do anything.[272]

142. Junior appears to be the only child in the family who has been able to hold a steady, responsible job, rear his family, and maintain a healthy relationship with his children. Junior attributes his ability to overcome many of the barriers faced by him and his brothers to the presence of a powerful and consistent force in his life, a caring male figure. Junior explained that unlike his brothers, he had a male role model in his life who became a father figure to him. Sam Ogul was able to help Junior in all sorts of ways, including getting him a job at the *Arizona Republic* where he still works today.[273]

143. Sammy and his brothers endured another devastating abandonment when Junior married and moved away. Junior left the family in worse financial straits when he stopped helping Concha with the bills.[274] In spite of Junior's cruelty, he was still the only father figure Sammy and his brothers knew. Sammy and his brothers wondered what they might have

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[272] Ibid, Page 9

[273] Declaration of Arcadio Lopez, Signed 6-17-99

[274] Declaration of Jose Villegas Lopez, Signed 6-15-99

done to make Junior just forget about them.[275] Desperate for an explanation, the children reasoned that Junior must have been embarrassed by how poor their family was.[276]

144. After Junior started his own family, he rarely visited his mother and brothers and according to Junior, the family fell apart. With no one looking out for them, the younger boys started running into trouble.[277] Concha, prone to be reclusive and afraid to interact with others, "grew even more isolated from the community."[278] Junior was aware that his brothers were hanging around kids who took advantage of them, but did nothing to help them after he moved away. [279] Concha cried to her sister when Junior left the family as she feared her sons would be lost forever without him.[280]

Pedro: Physical Abuse, Scapegoating, and Rejection

145. Within a year after Junior left the house, another man, Pedro Santibenez moved into Sammy's home.[281] Sammy was around ten years old at the time.[282] Pedro was an undocumented worker from Mexico. He was an alcoholic, who threatened to kill the children and who denied any responsibility for the well-being of Sammy or his siblings. Life

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[275] Ibid

[276] Ibid

[277] Declaration of Arcadio Lopez, Signed 6-17-99

[278] Ibid

[279] Ibid

[280] Declaration of Angela Villegas Lopez, Signed 4-16-99

[281] Declaration of Jimmy Lopez, Signed 2-10-06

[282] Declaration of Concha Villegas, Signed 2-11-06

became even more chaotic after Pedro moved into the Lopez home, and Concha directed what little time and attention she had to Pedro instead of her boys.[283] Again, Sammy and his brothers felt unwanted and unloved as their mother chose another abusive man over them. Joe recognized that his mother "always seemed to let people who were in worse shape" than the family move in with them, and described the impact of living with strangers:[284]

> Two of her boyfriend Pedro's children, Antonio and another boy three or four years younger than me, came to live with us for about a year on Melvin Street. A couple of times, friends of Pedro stayed with us, too. They usually came one at a time and stayed less than a year. I remember a man staying with us when we lived in a house near 11th and Roosevelt Streets and a different man staying with us when we lived on Melvin Street. They were from Mexico and looking for work. For as long as I can remember I used to take off on my bike or skateboard to get away from all the people, to have some peace for myself. [285]

146. The children viewed Pedro as an outsider who did nothing to improve the Lopez household. Pedro was a violent drunk who was difficult to get along with.[286] Pedro never tried to be a friend or a father to any of Concha's sons.[287] Pedro lacked any interest in parenting, and was more like having another child in the house than an adult who could watch over the boys. Pedro did not concern himself with any of their problems and didn't seem to care what they did or what happened to them.[288]

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[283] Declaration of Margaret Escobar, Signed 4-2-04

[284] Declaration of Jose Villegas Lopez, Signed 6-15-99

[285] Ibid, Page 2

[286] Declaration of Jimmy Lopez, Signed 2-10-06

[287] Declaration of Jose Villegas Lopez, Signed 6-15-99

[288] Declaration of Jose Villegas Lopez, Signed 6-15-99

147. For some reason, Pedro did not like Sammy and used him as a scapegoat for all his problems.[289] Pedro terrorized Sammy with the guns Pedro kept in the home.[290] When Pedro drank, he liked to shoot the house up.[291] One time when Pedro was drunk he wrongfully accused Sammy of stealing one of his guns, and told Sammy he would shoot him if he did not give his gun back. But Sammy did not take the gun.[292] Joe remembered one particularly violent attack on Sammy:

> Sammy tried to stand up for our mother when she and Pedro were arguing and Pedro really started hitting Sammy. Sammy tried to protect himself but he was just a kid. The only reason Pedro stopped hitting Sammy is because Sammy fled the house.[293]

148. Sammy's brother Jimmy recalled a critical incident with Pedro where Concha chose Pedro over her own children:

> 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 into 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.[294]

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[289] Declaration of Esteve Lopez, Signed 6-16-99

[290] Ibid

[291] Declaration of Jose Villegas Lopez, Signed 6-15-99

[292] Ibid; Declaration of Esteve Lopez, Signed 6-16-99

[293] Declaration of Jose Villegas Lopez, Signed 6-15-99, Page 7-8

[294] Declaration of Jimmy Lopez, Signed 2-10-06, Page 11

Sammy's Difficulties in School

149. Neuropsychological tests reveal that Sammy has significant brain damage that no doubt contributed to his academic difficulties. His brain damage, chaotic home life, and pervasive fear of his father made it impossible for him to learn and keep pace with his peers in school, and his academic record should be considered against the backdrop of his family life. He required, but did not receive, intensive intervention for his medical, psychological, and educational needs. He tried his best to succeed in school, made a solid effort to attend all classes and followed his teacher's instructions. He was not a problem student, was not suspended, and did not harass teachers or other students. Although he was not able to learn classroom material, he was socially promoted from one class to the next because he was a well-mannered child who caused no problems.[295]

150. Throughout his childhood Sammy's intense fears that he, his brothers, or his mother would be killed by, first, his father and, then, his mother's paramour preoccupied his thoughts. Whether he was home or at school, his first thought was for safety of his family. He learned to stay alert and aroused and to be on the look out for any sign of danger or threat. This hypervigilance interfered with his ability to concentrate, pay attention, and learn in a classroom setting. Despite his best efforts, intrusive memories of traumatic events in his young life disrupted his learning academic lessons as well as basic lessons of socialization, and Sammy could not keep pace with his peers at school. At home, Sammy received no help or encouragement.

151. School was difficult for Sammy and almost all of his brothers. Joe described his frustrations with school:

> School was always hard for me and I was never able to learn my lessons like other kids. It seemed like the harder I tried, the further behind I fell. Other kids who were smarter than me hung out together and did not want to have anything to

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[295] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77

do with me. I withdrew from school as soon as Mother let me.[296]

152. School records show that Sammy did not attend kindergarten and did not enroll in the first grade until he was seven years old.[297] The records provide some insight into the conditions of poverty, isolation, and inadequate medical care that Sammy and his family faced. In 1969, when Sammy was in the first grade, Concha did not list anyone to call in case of an emergency. Instead, she wrote "Just me I don[']t have no friend."[298] In April 1969, school medical exams for Sammy reveal cavities and enlarged tonsils and indicate he needs to see a dentist and surgeon.[299] Sammy did not receive the recommended medical and dental care. The same conditions persist in Sammy's April, 14th 1970 examination, along with frequent toothaches, cavities, repeat ear infections, frequent epistaxis (nosebleeds), and a punctured right ear drum.[300] His punctured ear drum could well be the result of assaults by his caretakers. Contact forms for the Lopez children repeatedly show no phone access at their home until 1973, and confirm their addresses in an impoverished section of Phoenix.[301]

153. Sammy's difficulty in school prompted teachers to recommend remedial reading classes for him in the second semester of the seventh grade. Sammy scored well below average in comprehension skills and word meanings.[302] Sammy's reading tests placed him at

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[296] Declaration of Jose Villegas Lopez, Signed 6-15-99, Page 3-4

[297] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77

[298] Ibid

[299] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77, Health Records, 4-12-69

[300] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77, Nurses Notes, 4-14-70

[301] Ibid

[302] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77, Competency Tests, 1976

the third grade level at the beginning of the remedial course, and the teacher noted "[h]e tried very hard to do his best."[303] Sammy felt he was "behind the rest of his peers in reading" and acknowledged a desire to want to learn to read better.[304] Sammy attended tutoring sessions bi-weekly.[305] Sammy's tutor noted that Sammy was able to work independently at the third grade level, was instructional, at the fourth and fifth grade levels, meaning, with instruction from the teacher Sammy could grasp fourth and fifth grade level concepts, but frustrated at the fifth and sixth grade levels. She noted that Sammy tried hard to do his best and that he likes reading but acknowledged that he is well behind his peers.[306] Understandably, Sammy got frustrated as he watched his peers advance.[307] Sammy's tutor noted that "with a little persuasion, Sammy seemed to enjoy talking about what he read" and that Sammy needed prompting before he was able to provide direct answers.[308] Despite Sammy's desire and best effort, his reading level remained at the third grade level at the end of the semester. Sammy's lack of improvement is not surprising when understood with the fact that no one was at home to help or guide him. Neuropsychological testing documents impairment in Sammy's left temporal lobe. This area of the brain is the seat of academic accomplishment, including language skills.

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[303] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77Final Diagnostic Report,4/16/76

[304] Ibid

[305] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77, Enrollment forms, health exams, and diagnostic reports, 1969-76, Tutor Pam Hancock

[306] Sammy Lopez, School Records, Enrollment forms, health exams, and diagnostic reports, 1969-76, Tutor Pam Hancock

[307] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77, Enrollment forms, health exams, and diagnostic reports, Tutor Pam Hancock

[308] Ibid

154. Sammy graduated from eighth grade on June 8, 1977, at age fourteen and enrolled in the ninth grade in September, 1977.[309] But before completing his first year of high school, Sammy dropped out.[310]

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[309] Sammy Lopez, School Records, Murphy School District, Grades 1-7, 9-12-69 to 6-8-77

[310] Sammy Lopez, School Records, Carl Hayden High School, 1977

Adolescence

Siblings: Trauma and Addictive Diseases

155. In an effort to quell the anxiety and fear they faced daily, all the Lopez brothers, with the exception of Junior, began drinking and inhaling organic solvents while still children, some as early as age seven or eight. Surviving chronic childhood abuse often contributes to the presence and severity of substance abuse and/or alcoholism. Sammy's brothers who shared his exposure to chronic, life threatening trauma have a remarkably similar history of addictive disease.

156. The three youngest boys -- Sammy, George, and Joe -- started drinking before they were in their teens.[311] Sammy's brother, Joe, explained that "[d]rinking and taking drugs was the only way [they] knew to bury all the bad feelings that were too much for a kid to handle."[312]

157. The Lopez brothers' intoxication from alcohol and other substances also contributed to numerous encounters with law enforcement. One of Sammy's older brothers, Eddie, has encountered numerous problems in life due to his substance abuse and psychological issues. Eddie knocked down an Arizona Public Service light pole in 1973, during the first of his four arrests for Driving While Intoxicated (DWI) in the span of two years.[313] Eddie's boss at National Metals, where several Lopez brothers worked, noted that Eddie was "not a malicious

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[311] Declaration of Jose Lopez, Signed 6-15-99

[312] Ibid

[313] Eddie Lopez Court Records, Presentence Investigation Report by Probation Officer Michael A. Jones. Maricopa Superior Court Case No. 87325. Arizona v. Eddie Villegas Lopez. (1975)

individual, but is not very intelligent."[314] He also stated that while Eddie was a "good worker," he knew Eddie was drunk on the weekends.[315] Joe described Eddie's alcoholism:

> My very first memory of Eddie was of Eddie in trouble for something to do with alcohol. We were out of school for the summer. He has a bad drinking problem, but he won't admit it. When Sammy and I were still in school, Eddie got four DWIs in just a couple of years. He was almost decapitated four or five years ago when he got into an accident while drinking and driving. Eddie had to live with our mother for a long time after that. The last I heard Eddie is homeless in Phoenix somewhere.[316]

Eddie left the home when "he was only in the eighth grade."[317] Sammy's brother Jimmy described Eddie's depressing situation:

> 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 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.[318]

158. Sammy's brother Jimmy was never in any legal trouble but according to his brother Joe, he suffered from a serious drinking problem.[319] Jimmy changes when he drinks, "he becomes much louder and more outgoing. He can be good or he can be bad, but

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[314] Ibid

[315] Ibid)

[316] Declaration of Jose Villegas Lopez, Signed 6-15-99, Page 11

[317] Declaration of Jose Villegas Lopez, Signed 6-15-99

[318] Declaration of Jimmy Lopez, Signed 2-10-09, Page 3-4

[319] Declaration of Jose Villegas Lopez, Signed 6-15-99

he is always more open and talkative when he drinks."[320] Jimmy admitted to his own problems with alcohol and drugs:

> 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 of four in the morning.[321]

159. Joe believes that alcohol directly caused his brother, Steve, to be the first of the Lopez boys to become involved with the police: "he has the heart to do the right thing, but somehow he always messes things up."[322] Sammy's older brother, Steve, also became addicted to inhaling organic solvents, alcohol, and other illicit drugs in an effort to escape from his daily problems.[323] At age ten, Steve started stealing his father's alcohol so he could drink.[324] Steve also began sniffing paint until he passed out.[325] The effects of chronic stress and trauma were evident when Steve got into legal trouble as juvenile. A juvenile report found that Steve "probably imagines himself lost and not worth the effort which is not correct, to this officer's way of thinking. But Steve will drift for what is likely most of his life; he is not interested in family, society, or self; almost nonentity."[326] The officer concluded that "Steve does not care

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[320] Ibid

[321] Declaration of Jimmy Lopez, Signed 2-10-06, Page 4

[322] Declaration of Jose Villegas Lopez, Signed 6-15-99

[323] Declaration of Esteve Lopez, Signed 6-16-99

[324] Declaration of Esteve Lopez, Signed 6-16-99

[325] Ibid

[326] Esteve Villegas Lopez, Maricopa County Juvenile Court Center Case J-75658. Disposition Summary, 6/27/75. page 27q.

about himself in relation to society" and that Steve's family home is "poor in resources and structure."[327]

160. In 1978, after Sammy's brother Steve was arrested for armed robbery, he was examined by Dr. Otto Bendheim (the same doctor who would later evaluate Sammy for his present crime) because his defense counsel requested the doctor answer questions regarding Steve's "capacity to make decisions of voluntariness and of informed consent" at the time of his police statements. Dr. Bendheim reported that on or about April 24, 1978, Steve said he was "quite high. We were getting high, me and my girlfriend, all night. I must have had ten joints of pot, a six pack of beer, and two pills of speed, and on the day before, a Saturday, I must have had two more pills of speed. I was so high that I don't remember much."

161. Dr. Bendheim concluded that Steve did not recall much of the arrest and that he only remembered the police interrogation vaguely.[328] Bendheim reported that Steve dropped out of school at age thirteen because of "poverty" and that "at age 14 or 15, he began to smoke pot, began to drink beer, and sniffed a little paint and took some uppers. Since that age he has taken a lot of speed, not every day, but perhaps twice a month; a lot of pot; and quite a lot of beer, the latter every weekend." [329] Bendheim concluded that Steve suffered from a "long history of drug abuse, alcohol, amphetamines, marijuana" and while he has "no history of true addiction" there is the "possibility of acute brain syndrome at time of heavy intoxication."[330] Steve told the police that although he drinks alcohol and has used

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[327] Esteve Villegas Lopez, Maricopa County Juvenile Court Center Case J-75658. Disposition Summary, 6/27/75.

[328] Esteve Lopez, Court Records, Maricopa County Superior Court Case CR 101939. State of Arizona v. Lopez, Servin & Servin 1978. Presentence Investigation, Otto Bendheim, MD (Expert) Letter to Judge, 7-13-78. Page 1.

[329] Esteve Lopez, Court Records, Maricopa County Superior Court Case CR 101939. State of Arizona v. Lopez, Servin & Servin 1978. Presentence Investigation, Otto Bendheim, MD (Expert) Letter to Judge, 7-13-78. Page 3.

[330] Ibid

marijuana, barbiturates, amphetamines, and darvon, he did not think he had a problem with addiction. The interviewing officer believed that there was a possibility of paint sniffing in Steve's history.[331] While Steve was incarcerated in the Arizona Department of Corrections, a psychological assessment of Steve found that he endorsed "mild anxiety, depressive affect ruminating thoughts and feelings of reference. The total is one of neurotic debility."[332]

162. Sammy's brother, Frank, has also struggled with alcoholism. Frank has suffered from many personal problems including the loss of his family numerous times directly caused by his drinking:

> 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.[333]

Sammy's Substance Abuse

163. Like many traumatized individuals Sammy sought relief from the isolation, rejection, and pain he felt by using drugs and alcohol. Sammy's sister-in-law Joanna noted that Sammy smoked marijuana when he was just a child, "still in grammar school."[334] Sammy's self-defeating behaviors and high risk behaviors illuminate his extremely poor judgment which frequently resulted in adverse consequences including legal and financial difficulties.[335]

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[331] Esteve Lopez, Court Records, Maricopa County Superior Court Case CR 101939. State of Arizona v. Lopez, Servin & Servin 1978. Presentence Investigation

[332] Esteve Lopez, Medical Records, Arizona Department of Corrections, Psychological Report, 9-5-79.

[333] Declaration of Jimmy Lopez, Signed 2-10-06, Page 4

[334] Declaration of Joanna Lopez, Signed 9-16-03

[335] Declaration of Jose Villegas Lopez, Signed 6-15-99

164. Sammy was looking for a place to fit, a place where he was loved and respected, and naturally he gravitated to his older brothers and their friends. Unfortunately, Sammy's brothers were not in the position to be good role models. Like Sammy, they were severely traumatized, lost and confused and also looking for a way to ease their pain; they found it with drugs and alcohol. Sammy started running around with his older brother Steve and his friend Manuel Servin. Manuel and Steve took advantage of Sammy's age and eagerness and manipulated him into stealing things for them around the neighborhood. They used the money to get high and sniff paint. It never dawned on Steve or Manuel that they might be negatively influencing Sammy; all they knew about life was the desperate way they lived with no hope for the future.[336] Soon Sammy was getting drunk and high everyday:

> 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 in slow motion, he slurred his words, and he had gold paint on his lips.[337]

165. Steve acknowledged that he gave Sammy alcohol to drink when Sammy was just nine years old and witnessed Sammy inhaling paint at age ten:[338]

> Sammy was sitting alone behind the house where we were living. I thought he was sick at first because he was slumped over and did not answer me when I called to him. I walked over to him and he looked up at me with this strange sleepy daze as though he did not recognize me. Then I saw the paint can and rag beside him, and I realized he was just passed out from the paint.[339]

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[336] Declaration of Manuel Servin, Signed 4-3-04

[337] Declaration of Jimmy Lopez, Signed 2-10-06, Page 12

[338] Declaration of Esteve Lopez, Signed 6-16-99

[339] Declaration of Esteve Lopez, Signed 6-16-99, Page 8

166. Sammy's use quickly escalated and exceeded that of the other children. Sammy used paint so much that people called him "paint hype."[340] Sammy loved the effect sniffing paint gave him because he felt like he was somewhere else. Sammy's good friend Chapo vividly recalled to me how Sammy acted after huffing:

> 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.[341]

167. His brother Joe noted that Sammy huffed paint and sniffed glue much more than he did. Sammy taught his brother how to get the best high.[342] Joe described how they inhaled the dangerous toxins:

> We sprayed the inside of a bag with paint until it was wet, squeezed the opening almost closed and then inhaled from the opening. Sammy taught me to use a plastic bag instead of paper because the paper disintegrates too quickly from the wet paint. After I quit sniffing paint, Sammy gave up using bags all together and started using cans because they last even longer than plastic bags. Sammy also showed me that gold aerosol gives the strongest high. Ten good breaths of paint would make us out of it for 20 or 30 minutes. We could make a can of aerosol paint can [sic] last all day if we spaced out our use. Inhaling the paint made us hallucinate. I often thought I heard helicopters coming after us. One time I thought a tree was bending down to grab me with its branches. Sammy also liked to sniff the glue used for PVC pipe fittings, but he also sniffed model glue. We sniffed glue by lining the bottom of a plastic bag with some glue, putting a hole in the side of the bag and closing the bag opening tightly. The weight of the glue pulled the bottom of the bag down. We pushed the bottom of the bag up toward our faces forcing the fumes into our mouths and noses. Sammy also sniffed

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[340] Declaration of Cipriano Chayrez, Signed 9-13-02

[341] Ibid, Page 3

[342] Declaration of Jose Villegas Lopez, Signed 6-15-99

gasoline fumes.[343]

168. Sammy continued using inhalants long after his brothers quit.[344] Intoxication from inhalants caused painful side effects, including intense headaches and even vomiting. Joe couldn't understand how Sammy could keep going given how awful the come-down was. but Sammy said "it took his mind off things."[345] Sammy was so desperate for relief from his overwhelming emotions that he accepted the consequences.

169. Sammy quickly became addicted to sniffing paint, glue, and gasoline and continued to inhale these highly toxic substances into his adulthood despite their disastrous consequences.[346] Inhalants enter the blood supply within seconds to produce intoxication. Effects of inhalants can cause an intoxicating effect resembling alcohol. The effects produce a decrease in inhibition, loss of control, mood swings, violence, speech and coordination problems, hallucinations, and delirium. The recovery time varies from user to user; some can require hours to come down, others do not come down at all.[347] The damage caused by inhaling organic solvents was only increased by Sammy's ingestion of alcohol.

170. Sammy, George, and Joe were heavy drinkers by the time they were teenagers.[348] In the beginning, Sammy only drank enough to feel good, but that quickly changed

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[343] Declaration of Jose Villegas Lopez, Signed 6-15-99, Page 13

[344] Declaration of Jose Villegas Lopez, Signed 6-15-99

[345] Ibid

[346] Sammy Lopez, Arrest Records: 10/17/80 arrest for disorderly conduct; 5/23/84 arrest for open liquor in public park; 12/15/84 arrest for disorderly conduct; 8/24/85 arrest for inhaling toxic substances

[347] Rutgers University Center of Alcohol Studies—Online Facts: Inhalants. Retrieved from the World Wide Web on January 21, 2006 at: http://alcoholstudies.rutgers.edu/onlinefacts/inhalants.html

[348] Declaration of Jose Villegas Lopez, Signed 6-15-99

and he drank until he became so drunk that he passed out.[349] Sammy also used marijuana, PCP, and sherm.[350] Sammy and his brothers got high and drank in the nearby park and cemetery.[351]

171. When Sammy drank alcohol, it caused dramatic personality changes. Sammy's brothers noticed that drinking gave Sammy a strange surge of energy. After a few drinks, Sammy was off doing something; it was as if he had to be moving.[352] Sometimes he went to the park to play basketball; other times he started manically doing chores around the house.[353] Like his father, Sammy also experienced visual hallucinations while drinking and often saw ghosts.[354]

172. Sammy was like a completely different person when he was drunk. Sammy suffered from impaired organization when he was drinking. When Sammy was sober he was a sweet boy who could be relied upon but when Sammy was drunk, he thought nothing of his obligations.[355] Sammy did not want to be asked to do anything when he was drinking.[356]

173. Many of Sammy's brothers did not want to be around him when he was drinking, even when they were young.[357] Sammy just wanted to be left alone when he was drinking. Drinking was an escape for him, and Sammy went off into his own world and did not

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[349] Declaration of Jose Villegas Lopez, Signed 6-15-99

[350] Ibid

[351] Ibid

[352] Declaration of Jimmy Lopez, Signed 2-10-06; Declaration of Frank Lopez, Signed 2-11-06

[353] Declaration of Frank Lopez, Signed 2-11-06

[354] Ibid

[355] Declaration of Jimmy Lopez, Signed 2-10-06

[356] Declaration of Jose Villegas Lopez, Signed 6-15-99

[357] Ibid

want to be bothered. He could not stand people joking or messing around with him when he was drunk.[358]

174. As Sammy's symptoms of trauma and depression went untreated, his alcohol, drug, and solvent addiction increased and his behavior grew more and more bizarre and paranoid. On January 3, 1980, when Sammy was almost eighteen years old, he was admitted to Memorial Hospital after he was hit in the head with a bottle while at the park. He suffered a one-inch laceration on his scalp.[359] The treating physician noted that Sammy's "[b]reath smells like model airplane glue," and that Sammy was lethargic. Sammy was unable to tell the medical personal if he had lost consciousness.[360]

175. Years later, in 1984, Sammy went to the hospital after a freak accident where he got his left hand caught in a lawnmower and sliced some of his fingers.[361] At first, Sammy was a "cooperative and compliant" patient.[362] Then suddenly, Sammy became paranoid and delusional. The nurse who attended to Sammy noted that his mood quickly changed, he "became apprehensive and got up quickly" and asked the nurse what she was doing. Sammy did not know where he was and asked the nurse if he was really in a hospital and if the nurse could prove that she was actually an employee of the hospital.[363] Sammy went on to say that "he did not 'trust' hospitals" and then began walking around the hospital. [364] The nurse asked him to

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[358] Ibid

[359] Sammy Lopez, Hospital Records, Memorial Hospital, 1/3/80

[360] Ibid

[361] Declaration of Frank Lopez, Signed 2-11-06; Sammy Lopez, Medical Records, Memorial Hospital, 9/16/84

[362] Sammy Lopez, Medical Records, Memorial Hospital, 9/16/84

[363] Ibid

[364] Ibid

remain in his own area, but just moments later Sammy was found "wandering around again." Then Sammy completely disappeared from the emergency room.[365] This behavior is consistent with a drug-induced paranoia, particularly since he was not oriented to place. He was unclear how he got there, and eventually left the hospital entirely.

IV. YOUNG ADULTHOOD

Arrests, Employment, and Incarceration

176. Sammy's trauma-derived anxiety and depression increased significantly after he left school and was unable to find steady employment. He saw his brothers fail in their attempts to find meaningful roles in the community, and watched helplessly as they were arrested and convicted of serious offenses. Sammy's brother, Steve, was arrested for armed robbery; he reported "that the reason he did it was because he was intoxicated and in need of money."[366] Records indicate that Steve was arrested for between ten and fifteen burglaries as a juvenile.[367] The Lopez brothers' criminal history must be understood within the context of their extreme poverty, neglect, and severe traumatic stress.

177. Uneducated, cognitively impaired, and unskilled, Sammy was left on his own. With no one to watch over him, and with Pedro at home terrorizing him, Sammy took to the streets. On March 21, 1979, at age seventeen, Sammy was arrested for the first time. He was charged with two counts of curfew violation and placed on probation.[368] Just nine days later,

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[365] Ibid

[366] Esteve Lopez, Court Records, Maricopa County Superior Court Case CR 101939, State of Arizona v. Lopez, Servin & Servin 1978.

[367] Ibid

[368] Sammy Lopez, Probation Records, 4-12-90 Presentence probation report by David Wilcox citing Robert Cherkos 5-20-87 Report citing Maricopa County Juvenile Court Center records; Offense dated 5-21-79

Sammy was arrested again for three counts of running away.[369] Just weeks after that, Sammy was arrested yet again for curfew violation. He was released with a warning.[370]

178. Sammy eventually held a series of jobs as a manual laborer for metal recycling shops near his home and also returned to agricultural work as a farm laborer.[371] Finally, in late 1980, Sammy found what could have proved to be steady minimum wage work as a laborer at National Metals Company in the metals department. But Sammy's drinking and drug use got in the way and Sammy was fired for "excessive absenteeism -- absent more than 3 days in a row without notification" on December 3, 1980.[372] Sammy was re-hired three days later only to be terminated again for "excessive absenteeism" on January 8, 1981.[373] During his employment with National Metals, Sammy was exposed daily to toxic fumes from melting, scraping, cleaning, and stacking metals. Sammy's brother Steve described the excessive exposure they faced each day of work:

> I was the first from our family to work at National Metals, a metal recycling plant in the neighborhood where our family lived for many years. I sorted and separated metal pieces. I also melted aluminum with a torch and poured it into star molds, the trademark of National Metals. I melted zinc with acid. It is important that aluminum and zinc are not mixed because they react to another and can explode. I also used chemicals to clean out containers used to melt and pour metals. I was laid off because of a work slow down. Eddie later got a job at National Metals, and eventually Sammy did, too. Sammy worked with metals at

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[369] Sammy Lopez, Probation Records, 4-12-90 Presentence probation report by David Wilcox citing Robert Cherkos 5-20-87 Report citing Maricopa County Juvenile Court Center records; Offense dated 5-30-79

[370] Sammy Lopez, Probation Records, 4-12-90 Presentence probation report by David Wilcox citing Robert Cherkos 5-20-87 Report citing Maricopa County Juvenile Court Center records; Offense dated 6-18-79

[371] Sammy Lopez, Employment Records, National Metals Company, Job application, 9-4-80

[372] Sammy Lopez, Employment Records, National Metals Company, Employment History Record 9-4-80 through 1-8-81

[373] Ibid

the company.[374]

179. Within a few weeks of losing his job at National Metals Company, Sammy was arrested and later indicted for five residential burglaries. He pleaded guilty to the offenses and was sentenced to 3.75 years in the Arizona Department of Corrections (ADOC). On November 16, 1981, Sammy was received at Arizona State Prison.[375] Probation officer Amanda C. Newman in her presentence investigation noted that Sammy came "from a less than stable family environment, has interrupted his educational experience, and appears to have been drifting with his life."[376] Sammy stated that he committed the burglaries because he was unemployed, could not find a job and "needed money." [377] Officer Newman contacted a police officer who knew Sammy to gather more information. Office C. Gregory relayed that "he has known the defendant for many years through community relations for offenses involving police." He felt that Sammy "succumbed to peer pressure and has aligned himself with negative influences" and was "manipulated by Anthony Randolph." Officer Gregory concluded that while he felt Sammy should receive some kind of punishment, a prison term was not needed.[378]

Years before Arrest: Homelessness, Joblessness, Decompensation

180. Sammy was released from prison on December, 8, 1983, and returned to his

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[374] Declaration of Esteve Lopez, Signed 6-16-99, Page 8-9

[375] Sammy Lopez, Prison Records, ADOC-File I, through 6-8-84, Admission receipt; also 6-18-84 Arizona Department of Corrections Parole Report of Correctional Program Officer Robert J. Stout

[376] Sammy Lopez, Prison Records, Probation Department Presentence Report by Amanda C. Newman, 11-2-81, Case No. 121406

[377] Ibid

[378] Sammy Lopez, Prison Records, Probation Department Presentence Report by Amanda C. Newman, 11-2-81, Case No. 121406

mother's home for a short stay.[379] Less than a week after Sammy's release, Sammy's parole officer noted that Sammy was unable to find any kind of steady work and his mother was already sick of supporting him.[380] Without work or support from his family, Sammy became homeless and lived in a nearby park, a cemetery, stayed at friends' homes when he could, and slept in the car of a friend, Chapo.

181. After Sammy's sister-in-law, Joanna, learned that Sammy and his two younger brothers, Joe and George, had been kicked out of the house by their mother, she found them sleeping in a big graveyard in the neighborhood. Joanna was shocked to see the state Sammy and his two brothers were in:

> 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.[381]

182. Unable to stop his drug use, Sammy was arrested and jailed on a paint sniffing and resisting arrest charge on August 24, 1985.[382] In October, 1985, while Sammy was in the county jail awaiting sentencing, his two closest brothers, George and Joe were arrested for murder.[383] On November, 27, 1985, Sammy was sentenced to 1.5 years and sent to prison

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[379] Sammy Lopez, Prison Records, ADOC -File I. Through 6-8-84, Departure and Arrival Report

[380] Sammy Lopez, Prison Records, ADOC-File I. Parole Report, 9-18-86, Parole Officer Larry Spurgeon

[381] Declaration of Joanna Lopez, Signed 9-16-03, Page 5

[382] Sammy Lopez, Prison Records, Presentence probation report by Neal Nicolay, 11-15-85

[383] Sammy Lopez Prison Records, 4-12-90 resentencing recommendation and probation report by David Wilcox, both summarizing Phoenix Police Department, Maricopa County Sheriff's Office, Arizona Department of Corrections, Arizona Adult Probation Department, FBI and "standard LEJIS" records

for a second time.[384] Sammy never fully recovered from the devastating loss of his brothers. He cried all the time, and confided in his brother Frank that he felt completely unwanted. Sammy was profoundly lost and depressed and wondered who he was without his brothers.[385] Sammy felt that he let his brothers down because he was not there for them.[386]

183. Sammy's good friend, Chapo, also noticed the drastic change in Sammy after he was released from prison on May 27, 1986.[387] Without his two younger brothers, Sammy was a different person, vulnerable and confused.[388] Chapo felt sorry for his sad friend and offered to let Sammy sleep in his car that was parked outside of his house.[389] At night, Sammy slept in the back of Chapo's car and in the morning, he washed up in the park.[390] Just months before Sammy's arrest, Sammy's brother Frank saw Sammy at the park, in a disoriented state:

> In the months before he was arrested the last time, Sammy was so lost it broke my heart. He was sleeping in Willow Park. I told him to come and stay with me and my wife and my son. I also offered to talk to my mom so she would let Sammy move back in with her. But Sammy said he didn't want to be a problem. He came to my house a lot, but never stayed for more than a day. I didn't know how to help him, but I knew that he needed help. Sammy was so lost that you could feel it just by sitting next to him. I told him I wanted him to stay and that he could live with us until he got his head straight. I just wanted him to get better and decide what he wanted to

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[384] Sammy Lopez, Prison Records, Arizona Department of Corrections, Date Received, 11-27-85

[385] Declaration of Frank Lopez, Signed 2-11-06

[386] Declaration of Jimmy Lopez, Signed 2-10-06

[387] Sammy Lopez, Prison Records, Arizona Department of Corrections, Departure and Arrival Report, 5-27-86

[388] Declaration of Cipriano Chayrez, Signed 9-13-02

[389] Sammy Lopez, Police Records, Phoenix Police Department Reports, 1981 & 1986, DR# 86-144-475, Interview with Cipriano Chayrez

[390] Declaration of Cipriano Chayrez, Signed 9-13-02

> do with his life, but Sammy was so messed up that he couldn't make a plan to change his life. [391]

184. Once preoccupied with obsessive neatness and order, Sammy no longer cared about they way he dressed or looked, and the breakdown of his obsessive symptoms lent themselves to his cognitive disorganization. He had completely given up trying to take care of himself and became disheveled and unkempt. Sammy's sister-in-law, Joanna was shocked at how horrible Sammy looked just weeks before he was arrested:

> 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 actually ate like he hadn't had 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."[392]

185. After Sammy was released in 1986, Chapo recalled that he spent just about every day "partying" with Sammy in the park. They smoked marijuana, drank until they didn't have any more money, and Sammy sniffed paint. Chapo acknowledged that he partied too much back in those days, but still his partying was nowhere near the level of Sammy's:

> 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.[393]

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[391] Declaration of Frank Lopez, Signed 2-11-06, Page 10-11.

[392] Declaration of Joanna Lopez, Signed 9-16-03, Page 7

[393] Declaration of Cipriano Chayrez, Signed 9-13-02, Page 5

Arrest for Estefana Holmes Murder

186. On November 3, 1986, Sammy was arrested for the murder of Estefana Holmes that occurred on October 29, 1986. When the officers arrived at Ms. Holmes's residence they found the front door unlocked and the window by the front door broken. Ms. Holmes's body was found on a sofa bed on the living room. She was lying on her back with multiple stab wounds to her upper left chest area. A white cloth was stuffed in her mouth and her pajama bottoms had been tied around her eyes.[394]

187. Although little is known about the events on the night of the murder, witnesses told police and later testified that they saw Sammy acting bizarre and believed that he was high. Pauline Rodriquez, who knew Sammy from the neighborhood, told the police that when she saw Sammy on the night of the murder he "was high or drunk and tried to push his way into her apartment."[395] In a police statement, Raymond Hernandez said that he also saw Sammy trying to get into his wife Pauline's apartment. Mr. Hernandez concluded that Sammy was drunk: when "Sammy is drunk, he is a very mean guy. When he is not drinking, he is mild and meek and won't even talk to you."[396]

188. At Sammy's 1987 trial, Yodilia Sabori testified that she lived with Pauline Rodriguez at the time of the murder and knew Sammy from the neighborhood. The night of the murder Yodilia saw Sammy at Willow Park. Sammy bought some beer and they hung out at the park for a few hours. After Yodilia went home, Sammy and another man, Angel, appeared at her door. Sammy told Yodilia that he and Angel had been drinking and Sammy appeared drunk. Sammy offered to get Yodilia high. When Yodilia refused, Sammy went around the corner by

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[394] Sammy Lopez, Police Records, Phoenix Police Department Reports, 1986, DR# 86-144475

[395] Sammy Lopez, Police Records, Phoenix Police Department Reports, DR# 86-144475, Det. J. Thomas, 11-8-86

[396] Sammy Lopez, Police Records, Phoenix Police Department Reports, DR# 86-144475, Det. Butler, 11-12-86

himself and returned within five minutes. When Sammy returned, "he was different, he was shaking, like shaking, and he was – he acted like he was mad, like everything bothered him. He just couldn't stand still. He was just – he had to hold himself on the wall, stand on the wall, just stand on the pole."[397] Yodilia also noticed that Sammy's hands were shaking.[398] Pauline Rodriguez testified that she also saw Sammy that night and although she didn't know for sure if he was drunk, she knew that "he was not himself."[399] Pauline knew what Sammy was like when he was sober and he was definitely not sober, "I can't say it was beers but he was loaded on something...He was acting strange, he was in a real bad mood."[400]

V. NEUROPSYCHOLOGICAL TESTING

189. Dr. Dale Watson conducted a battery of neuropsychological tests on Sammy during on January 4th and January 5th, 2006. One of the first tests administered was the Test of Memory Malingering of the TOMM. The results illustrated a straightforward testing approach by Sammy, with no evidence of malingering.

190. Dr. Watson's tests revealed significant neurological impairments including frontal lobe impairments. The frontal lobe of the brain controls executive functioning. Executive functions include the inhibition of movement and behavior, planning, judgment, weighing and deliberating options and consequences, sequencing behaviors, decision-making,

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[397] Sammy Lopez, State v. Lopez, No. CR 163419, Maricopa County Superior Court, 1987 Trial, Yodilia Sabori testimony: R.T. 4-21-87, pp. 74

[398] Ibid, pp. 65-78

[399] Sammy Lopez, State v. Lopez, No. CR 163419, Maricopa County Superior Court, 1987 Trial, Pauline Rodriguez testimony: R.T. 4-21-87, pp. 79-88

[400] Ibid

language processing, as well as intentionality. Executive functions are the ways in which a person understands and interacts with the world.

191. Sammy's frontal lobe impairment results in his inability to understand or explain abstract consequences, think logically, incorporate new information (and adjust his thinking based on this new information), or understand the consequences of his actions. Additionally, Sammy's frontal lobe deficits impaired his ability to shift mental states. This leads to his preservation, a condition in which a person repeatedly and inappropriately returns to a single idea or theme despite evidence or information that would typically cause an unimpaired person to move to another idea.

192. Sammy also manifested impairments in his temporal lobes, the seat of academic prowess. These temporal lobe findings were consistent with Sammy's history of academic underachievement.

193. Most prominent in Dr. Watson's testing was Sammy's impaired cognitive ability to inhibit his behavior once that behavior has started as well as his inability to effectively weigh and deliberate, particularly in a fast changing, chaotic environment.

194. Sammy's IQ was in the low average range. His neuropsychological impairments were greater than one would infer from his IQ scores. Sammy's brain impairment creates a vulnerability to atypical drug responses.

195. Sammy's impaired cognitive functioning means that he is unable to appropriately comprehend the fast flow of information, has a diminished ability to understand and process information, to communicate, to learn from experience, to engage in logical reasoning and to understand the reactions of others around him. Sammy does not have a wealth

of commonly understood information about the world to rely upon and is easily led to conclusions which an unimpaired person could easily see as inaccurate when weighed against other information.

196. Sammy's impaired cognitive functioning ensures that he will struggle with language tasks. The testing shows that he is unable to effectively translate what he hears into thought or action leaving him unable to effectively use language to solve problems. Sammy's cognitive impairments are manifested by his inability to organize. He acts impulsively, has mental inflexibility (concrete thinking), and perseverates. Sammy's inability to organize only augments his overwhelming traumatic-induced stress. It is important to understand Sammy's cognitive impairment and frontal lobe deficits are also compounded by his serious psychiatric illness.

VI. CONCLUSION

197. Sammy Lopez lived much of his live as a feral child. Born with cognitive impairments in language, ability to effectively organize, plan, and implement, Sammy's neurological deficits were augmented by bone-and soul-crushing beatings, paranoia, poverty, neglect, and, finally, self-medication with mind-destroying drugs. The chaos of the crime scene is consistent with a poorly planned, chaotic event with scores of knife wounds that reveal a lack of planning rather than a well thought-out act. To this day, Sammy does not remember the event, consistent with a dulling of his cognition. His level of intoxication at the time of the offense, in my professional opinion, impaired even his ability to weigh and deliberate, sequence his

behavior, and change mental direction even more greatly than could have been predicted from his cognitive deficits.

198. Sammy's family reflects the impact of profound alcoholism, cultural deprivation, extreme trauma, and severe neglect. Sammy's mother was so traumatized by her own family experiences that she was unable to provide the nurturing her children needed for healthy neural development. Neither parent could provide or protect from the abuse and neglect Sammy suffered. One parent could not provide what the other was lacking and in the end, Sammy and his brothers received nothing. Concha was unable to make sense of Arcadio's abuse of Sammy and comfort him. Sammy grew up a sterile and traumatized child, unable to form any healthy ego boundaries.

199. Sammy suffered a childhood of life-threatening trauma, first at the hands of his father, then under the fist of his older brother, and finally under the threats to kill, repeated physical assaults, degradation, and humiliation by his mother's paramour. Traumatic events obliterate the internal and external coping mechanisms that give people a sense of control, connection and meaning. The beatings, neglect, isolation, and fear disrupted his normal development and prevented him from learning vital lessons of life that are, ostensibly, taught by parents to their children. Sammy responded to the trauma in a manner seen only in children who have faced daily annihilation at the hands of their caretakers. He became hypervigilant, ever alert to minimal or unpredictable danger, and stayed in a constant state of arousal. He became despondent and depressed, and believed he was helpless to change his circumstances. Intrusive thoughts and memories of his abuse, and the abuse of his siblings and mother overwhelmed him, and he learned to use drugs, alcohol, and organic solvents to quell these frightening emotions. The constellations of symptoms, seeing his mother beaten regularly,

being beaten regularly himself, not knowing where he was to eat or sleep, extreme paranoia, intrusive nightmares, hypervigilance, and chronic, destructive self-medication Sammy displayed in response to childhood trauma is diagnostic of Post Traumatic Stress Disorder.

200. Sammy and his brothers, modeled by their parents, were taught that everyone in the family was left on their own and each sibling had to fend for himself. The older Lopez brothers got out as soon as they could, leaving the younger brothers to suffer on their own. Sammy had no one to model safe, loving, protective behavior for him within his home and no outside environmental supports. Sammy's profound cognitive impairments left him effectively limited in his ability to weigh or deliberate choices early on in his life. Sammy was rendered helpless and hopeless because he was unable to develop problem solving strategies. Sammy's neglect and abuse also left him vulnerable and unable to modulate his emotions.

201. Sammy long-standing mental disorder is characterized by paranoia, confusion, suspiciousness, loss of contact with reality and disordered thinking. Sammy is cognitively concrete and measures his interactions with others against his paranoidbelief system that others will harm him. He holds onto this belief regardless of evidence to the contrary. This disorder affects all aspects of his life, including written and verbal communications with others, the safety of meals he is provided, special meanings of words that only he understands, and strict, but secret, rules that must be followed in interpersonal relationships. Sammy displayed signs of a thought disturbance at times present in his speech patterns. He perseverates, displays impoverished speech, and has a limited range of affect.

202. Sammy's neurological deficits augment problems associated with Post Traumatic Stress Disorder. His impairments are the result of the interplay of a brain damage and the early onset of drug and alcohol abuse. Sammy has significant neurological impairments that

could be the result of blows to his head and central nervous system, congenital factors such as his mother's malnutrition and lack of medical care during her pregnancy with him, exposure to neurotoxins in substandard housing in a heavily industrialized neighborhood, or ingestion of brain-damaging agents, such as organic solvents (glue, paint, gasoline), alcohol, and illicit drugs during his critical developmental years. Although it is impossible to know with certainty the precise etiology of Sammy's brain damage, its severity and effect on his cognitive functioning has been established through the results of a battery of tests that are consistent with his behavior and functioning over time.

203. Sammy began using organic solvents, alcohol, and drugs as a child in an effort to self- medicate the overwhelming emotional responses he experienced as a result of life threatening trauma and became addicted to these substances by the time he reached his teen years. The likelihood of Sammy's addiction increased dramatically because of his family's economic conditions, cultural traditions, formal and informal social controls, and the companionship, approval and encouragement of other drug, alcohol, and organic solvent users. Drugs, alcohol, and organic solvents were made available to him at an early age in sufficient amounts to cause addiction by those who should have protected him from harm.

204. Sammy's use of and dependency on organic solvents continued into his adulthood. Sammy's chronic use of organic solvents acted synergistically to increase his brain impairments. Organic solvents are powerful neurotoxins that destroy brain tissue and lining, permanently altering brain function. Sammy's chronic inhalation of nearly fatal quantities of florescent paint caused long-lasting changes in his brain, found in Dr. Watson's testing that contributed to and exacerbated the effects of alcohol and other drugs. His repeated use of organic

solvents, alcohol, and drugs changed the structure and activity of his brain cells in pervasive and persistent ways.

205. Intoxication by alcohol and other mind altering substances such as organic solvents has a particularly disinhibiting effect on Sammy's behavior and increases his sense of threat and perception of danger. He has demonstrated a history of irrational behavior during periods of intoxication that is greater than his base line state of suspicion and paranoia. His history of irrational and pathologic behavior during intoxication is similar to that demonstrated by multi-generations of his family members, including his father, uncles, siblings, and cousins.

206. Unfortunately for Sammy, there was no one there to intervene in his stressful, traumatic, and disordered family situation. As a result his symptoms of mental illness and clear patterns of disturbed behavior went undetected and therefore untreated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and was executed on April 5, 2006.

George W. Woods, Jr., M.D.

Appendix

1. Raymond Hernandez Police Interview
2. Transcript of Dr. Otto Bendheim Deposition
3. Declaration of Dr. George Woods
4. Report Regarding Cecelia Rodriguez
5. Birth Certificate Concha Villegas
6. Declaration of Angela Villegas Lopez
7. Declaration of Luis Gonzales Villegas
8. Declaration of Maria Villegas Estrada
9. Declaration of Venancia Garcia
10. Declaration of Petra Villegas
11. Declaration of Concha Villegas
12. Declaration of Concepcion Villegas
13. Declaration of Arcadio Lopez
14. Coroner's Autopsy Report Re: Arcadio Verdugo Lopez
15. Birth Certificate Robert Villegas
16. Birth Certificate Sammy Lopez
17. Eddie Lopez National Metals Employment Records
18. Declaration of Frank Lopez
19. Birth Certificate Esteve Villegas Lopez
20. Declaration of Jimmy Lopez
21. Birth Certificate Jose Lopez
22. George Lopez Brith Certificate
23. Birth Certificate Gloria Villegas
24. Declaration of Jose Cortez
25. Declaration of Manuel Servin
26. Esteve Lopez Court Records, Maricopa County Juvenile Court, J-75658
27. Esteve Lopez Court Records Maricopa County Superior Court, CR101939, Presentence Investigation
28. Concha Villegas, SSI Records, Department of Health and Human Services, SSA, Yearly Earnings
29. Arcadio Verdugo Lopez, Tulare County Arrest Records
30. Arcadio Verdugo Lopez Arrest Record, Porterville CA Warrant #18936
31. Concha Villegas, Medical Records, Maricopa General Hospital
32. Concha Villegas, Medical Records, Phoenix Memorial Hospital
33. Declaration of Margaret Escobar
34. Declaration of Donitilia Servin
35. Declaration of Joanna Lopez
36. Sammy Lopez, Court Records, Presentence Probation Report by Neal Nicolay
37. Gloria Villegas, Certificate of Death
38. Gloria Villegas Medical Records, Maricopa County General Hospital
39. Sammy Lopez School Records, Murphy School District Grades 1-7
40. Sammy Lopez School Records, Murphy School District Grades 1-7, Health Records
41. Sammy Lopez, School Records, Murphy School District Grades 1-7, Nurse Notes

42. Sammy Lopez, School Records, Murphy School District, Grades 1-7, Competency Tests
43. Sammy Lopez, School Records, Murphy School District, Grades 1-7, Final Diagnostic Report
44. Sammy Lopez, School Records, Murphy School District, Grades 1-7, Enrollment Forms, health exams, and diagnostic reports
45. Sammy Lopez, School Records, Carl Hayden High School
46. Eddie Lopez, Court Records, Presentence Investigation Report by Probation Officer Michael A. Jones, Maricopa Superior Court, 97325
47. Esteve Lopez, Court Records, Maricopa County Superior Court, CR 101939, Presentence Investigation Otto Bendheim, MD Letter to Judge
48. Esteve Lopez, Medical Records, Arizona Department of Corrections, Psychological Report
49. Declaration of Cipriano Chayrez
50. Sammy Lopez, Arrest Records
51. Sammy Lopez, Hospital Records, Memorial Hospital, 1/3/80
52. Sammy Lopez, Hospital Records, Memorial Hospital, 9/16/84
53. Sammy Lopez, Probation Records, Presentence Probation Report by David Wilcox
54. Sammy Lopez, Employment Records, National Metals Company Job Application
55. Sammy Lopez, Employment Records, National Metals Company Employment History
56. Sammy Lopez, Prison Records, ADOC-File I
57. Sammy Lopez, Prison Records, Probation Department Presentence Report by Amanda C. Newman Case No. 121406
58. Sammy Lopez, Prison Records, Arizona Department of Corrections, Departure and Arrival Report
59. Sammy Lopez, Police Records, Phoenix Police Department Reports, DR#86-144-475, Interview with Cipriano Chayrez
60. Sammy Lopez, State v. Lopez No. CR 163419

CURRICULUM VITA

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EDUCATION

1981-1982: American Psychiatric Association/National Institute of Mental Health Fellowship Pacific Medical Center
San Francisco, California (Jeanne Spurlock, M.D., Chair)

1981: Residency- Psychiatric - Pacific Medical Center
San Francisco, California (Allen Enelow, M.D., Chair)

1977-1978: Internship—Medical/Surgical, Highland Hospital
Oakland, California

1977: MD, University of Utah
Salt Lake City, Utah

1969: BA, Westminster College
Salt Lake City, Utah

LICENSES & CERTIFICATIONS

2009: Secretary General, International Academy of Law and Mental Health

2008: Certified Mediation Specialist, California State University, Sacramento, California

2004-2005: Interim License, Zanzibar Revolutionary Government

2004: Fellow: American Psychiatric Association

1992: Certified by the American Board of Psychiatry and Neurology

1979: Licensed Physician in California

CLINICAL EXPERIENCE & CONSULTATION
2011: San Francisco Police Department Crisis Intervention Training (CIT): Suicide

Assessment, Mood disorders, thought disorders, and personality disorders.

2010: Task Force on Mental Retardation and the Death Penalty, American Association for Individuals with Intellectual Disabilities.

2006-2009: Projects Among African Americans Explore Risks for Schizophrenia (PAARTNERS), Consensus Diagnosis Group, Minority Mental Health Research Group, Department of Psychiatry and Behavioral Sciences, Morehouse School of Medicine, Atlanta, Georgia

1996-present: Individual Private Practice, Oakland, California

2006: National Consortium on Disaster Response for the Poor and Underserved, Developmental Task Force for the Minority Mental Health Professions Foundation, Atlanta, Georgia

2006: Georgia Congressional Representative Cynthia McKinney's Post-Katrina Working Task Force

1998-2004: Consultant-the Board of Directors, Crestwood Behavioral Health Systems, Stockton, California

1996: Individual Private Practice, San Francisco, California

1994-1996: Senior Consulting Addictionologist, New Beginnings Programs, San Ramon and Pinole, California

1988-1996: Individual Private Practice, Pinole, California

1994-1995: Chemical Dependency Consultant, Physicians' Advisory Committee, Alameda Contra Costa Medical Association

1990-1995: Consultant, Insomnia Division of the Sleep Disorders Center, Doctors Hospital, Pinole, California

1992-1994: Qualified Medical Examiner, Industrial Medical Council, State of California

1990-1994: Medical Director, Pain Management Program, Doctors Hospital, Pinole, California

1991-1993: Psychiatric/Pharmacologic Consultant, Triumph Over Pain (TOP Program), Kentfield Rehabilitation Hospital, Kentfield, California

1991-1993: Psychiatric Consultation, NeuroCare Corporation, Concord, California

1989-1994: Clinical Director, New Beginnings Chemical Dependency Program, Doctors

Hospital, Pinole, California

1988-1993: Private Practice, Comprehensive Psychiatric Services, Walnut Creek

1983-1990: Staff Psychiatrist, Crestwood Manor, Vallejo, California

1982-1983: Medical Director, Westside Geriatric Services of Family Service Agency of San Francisco

1982-1983: Staff Psychiatrist, Villa Fairmount Psychiatric Facility, San Leandro, California

1981-1982: Assistant Director of the Inpatient Center, Director of Geriatric Services, Pacific Medical Center, San Francisco, California

1980-1981: Medical Director, Clinica De La Raza, Blythe, California

1979-1981: Emergency Room Physician, Medical Emergency Services, Fairmount Hospital, San Leandro, California

INTERNATIONAL CLINICAL EXPERIENCE & CONSULTATIONS

2006-2008: Adjunct Professor, Makerere University, Department of Psychiatry, Kampala, Uganda

2006-present: Human Rights Committee, International Academy of Law and Mental Health, Montreal, Quebec, Canada

2006: Visiting Staff Psychiatrist, Butabika National Hospital, Kampala, Uganda

2004: Clinical Consultant, Kidongo Chekundu Mental Hospital, Zanzibar, Tanzania

2004: Scientific Committee, International Academy of Law and Mental Health

1998-2004: Technical Advisor, Documentation Committee, Operation Recovery, Kenya Medical Association

1999-2003: Advisor - the Jomo Kenyatta National Hospital, PTSD Project, Nairobi, Kenya

1998-2003: Technical Advisor- Recovery Services, Ministry of Health, United Republic of Tanzania

ADVISORY BOARDS

2006-present: Executive Committee, International Academy of Law and Mental Health

2004-2007: Advisory Board, Health Law Institute, DePaul University, College of Law

2004-present: Advisory Board, Human Dignity and Humiliation Studies, University of Trondheim, Norway

2004-present: Board of Directors, The Center for African Peace and Conflict Resolution, College of Health and Human Services, California State University, Sacramento

2003-present: International Board of Directors, International Academy of Law and Mental Health

FACULTY AND PROFFESIONAL APPOINTMENTS

2008: Secretary, American Psychiatric Association's Africa Action Committee

2003-present: Adjunct Professor, California State University, Sacramento, Department of Educational Leadership and Public Policy, Sacramento, California

2002-present: Adjunct Professor, Morehouse College School of Medicine, Atlanta, Georgia

1999-2004: Affiliate Professor, University of Washington, Bothell Campus, Interdisciplinary Arts and Sciences

1986-2002: Adjunct Professor, University of Nebraska, Omaha, College of Public Affairs

1996-2000: Adjunct Professor, University of California, Davis, Department of Psychiatry, Forensic Fellowship

1992: Summer Faculty, North Central Educational Research Laboratory, Northeastern University

CLINICAL LECTURES

2011: Mood and Thought Disorders in Crisis Intervention: San Francisco County Sheriff's Crisis Intervention Training, San Francisco, California.

2011: Fetal Alcohol Spectrum Disorders and the Criminal Justice System, National Press Club, Washington, DC.

2011: The Epidemiology of Medicalization of Prisoners in the United States, International Academy of Law and Mental Health, Berlin, Germany

2011: Intellectual Disability and Fetal Alcohol Spectrum Disorder: International Academy of Law and Mental Health, Berlin, Germany

2011: Neuronal Plasticity: **Cognitive Skills Retraining for students with acquired brain**

injuries or learning disabilities. College of Alameda, Alameda, California

2011: "The Neurobiology of Trauma In Children: Lessons About Early Childhood; Families First, Atlanta, Georgia

2010: From the Plantations/Asylums to the Prisons: The Relationship between Humiliation, Stigma, Economics and Correctional Care for the Mentally Ill: 2010 Workshop on Transforming Humiliation and Violent Conflict*
representing the
16th Annual Human DHS Conference
and the Seventh Workshop on Humiliation and Violent Conflict

Columbia University, Teachers College, New York

2010: Applying the Institute of Medicine Quality Chasm Framework to Improving Health Care for Mental and Substance Use Conditions; Morehouse School of Medicine, Department of Psychiatry, Journal Club

2010: Psychiatric Manifestations of Physical Disease. Morehouse School of Medicine, Department of Family Practice, Atlanta, Georgia.

2009: Sleep Disorders in Psychiatric Practice: Morehouse School of Medicine, Department of Psychiatry, Atlanta, Georgia

2008: Moderator: The Impact of Mental Health Issues on Aging, Particularly as it Relates to Alzheimer, Dementia, and Parkinson Disease, National Medical Association, Atlanta, Georgia

2008: Aging and Mental Health: What is Wellness and What is Pathology? National Medical Association, Atlanta, Georgia

2007: The Price of Leadership and the Cost of Success: Urban Leadership Program, Graduate School of Educational Leadership and Public Policy, California State University, Sacramento

2007: Cognitive Assessment and Curriculum, Department of Educational Policy, Urban Leadership Program, Graduate School of Educational Leadership, California State University, Sacramento

2007: Complex disorders of trauma and torture: The neurological bases examined through sleep disorders, Padua, Italy

2006: Clinical Aspects of Forensic Evaluation, Makerere University, Department of Psychiatry, Kampala, Uganda

2006: Memory, Medications, and Aging, Crockett, California Women's Club

2006: Cultural Differences: Ethics or Efficacy, Mental Health, Ethics and Social Policy, University of Montreal, Quebec, Canada

2006: An Update on Memory Function, Grand Rounds, Morehouse School of Medicine, Atlanta, Georgia

2006: Moderator & Respondent (Representing Morehouse School of Medicine) Consortium for the Poor and Underserved- Cultural Factors, DePaul University School of Law and Health, Health Law Institute

2005: Constitutional Theory and Medical Rights, Montreal, Quebec, Canada

2005: Medical Diseases with Psychiatric Manifestations: Morrison and Foerster, LLP

2004: Diagnosis and Treatment of Malaria-Induced Altered Mental States: Kidongo Chekundo Mental Hospital, Zanzibar, Tanzania

2003: Law, Mental Health, and Popular Culture: University of San Francisco College of Law

2003: Accommodating Mental Illness in the Workplace: The 28th International Conference, International Academy of Law and Mental Illness, Sydney, Australia

2002: Cultural and Psycho-biological Factors In the Assessment and Treatment of Trauma: Don't Believe Everything You Think: Traumatology 1003, The Trauma Recovery Institute, Morgantown, West Virginia

2002: Trauma, Recovery and Resiliency: University of Washington, Bothell, 2002

2001: Understanding the Relationship Between Neuroimaging, Neuropsychology, and Behavior: National Medical Association 2001 Annual Convention and Scientific Assembly, Nashville, Tennessee, 2001

2001: The Thrill is Gone: Keynote Address, African American History Month, Loras College, Dubuque, Iowa

2001: Disparate Access- Healthcare: University of Washington, Bothell Campus Nursing Program

2000: Anger Management: West Contra Costa Stroke and Aphasia Support Group, Doctors Hospital, San Pablo, California, 2000

2000: Race, Culture and Bioethics: American Society for Bioethics Annual Conference, Panel Discussion, Salt Lake City, Utah

2000: Globalization and Postmodernism: International Congress on Law and Mental Health, Siena, Italy

2000: Globalization and Neuropsychiatry: Answers that Transcend Culture? International Congress on Law and Mental Health, Sienna, Italy

1998: Managed Care in the Kenyan Medical Environment: Kenyan Medical Environment:

Kenyan Medical Association, Aga Khan Hospital, Nairobi, Kenya

1994: The Relationship Between Holidays and Mood Disorders: Doctors Hospital Pinole, California

1994: The Role of the Mental Health Expert as a Liaison Between Chemical Dependency and Pain Management Programs: American Academy of Pain Management, Vancouver, Canada

1994: Chemical Dependency: Selected Topics: Critical Care Conference, Doctors Hospital, Pinole California

1993: Detox: The First Step to Recovery: National Medical Enterprises Management Services Division Annual Conference, Colorado Springs, Colorado

1993: Substance Use and Substance Induced Organic Mental Disorders: National Medical Enterprises Management Services Division Annual Conference, Colorado Springs, Colorado

1993: Dual Diagnosis in the Inpatient Setting- Professional Seminar, Doctors Hospital, Pinole, California

1993: Depression and Strokes: Brookside Hospital, San Pablo, California

1992: Drug Interactions in the ICU: Clinical Care Rounds, Doctors Hospital, Pinole, California

1992: Overview of Sleep Disorders: Grand Rounds, Doctor Hospital, Pinole, California

1991: Benzodiazepines: Uses and Abuses: Grand Rounds, Brookside Hospital, San Pablo, California

1990: Sleep Disorders in Schizophrenia: Quarterly Medical Staff Meeting, East Bay Hospital

1987: Afro-Centricity in Psychology: Grand Rounds, San Francisco General Hospital, San Francisco, California

1982: Geriatric Psychiatry-University of Southern California, 1982

PROFESSIONAL AFFILIATIONS

Northern California Psychiatric Society

American Society of Addition Medicine

American Psychiatric Association

Black Psychiatrists of America

American Neuropsychiatric Association

American Psychological Association

American Association for Intellectual and Developmental Disabilities

CLINICAL PROFESSIONAL ACTIVITIES

2010: American Association for Intellectual and Developmental Disabilities, Task Force

2007-2009: Neurocognitive Committee, PAARTNERS

2004-present: Scientific Committee, International Academy of Law and Mental Health

1993-1996: Medical Privileges Committee, Doctors Hospital, Pinole, California

1991-1996: Physicians' Advisory Committee, Doctors Hospital, Pinole, California (Chair, 1994- 1995)

1993-1995: Physicians' Advisory Committee, Alameda Contra Costa Medical Association, Oakland, California

1993-1994: Board of Directors, Solano Park Hospital, Fairfield, California

1992-1993: Board of Directors, East Bay Hospital, Richmond, California

1992: Chief of Staff, East Bay Hospital, Richmond, California

1992: Chairman, Medical Executive Committee, East Bay Hospital, Richmond, California

1992: Allied Health Committee, Doctors Hospital, Pinole, California

1992: Pharmacy & Therapeutics Committee, Doctors Hospital, Pinole, California

1991: Professional Activities Committee, Easy Bay Hospital, Richmond, California

1990: Psychiatry Committee, Chairman, East Bay Hospital, Richmond, California

HONORS

2009: Secretary General, International Academy of Law and Mental Health

2009: Co-Chair, International Academy of Law and Mental Health Congress, New York University Law School,

2007: Co-Chair, International Academy of Law and Mental Health Congress, University of Padua, Padua, Italy.

2007: Executive Committee, International Academy of Law and Mental Health

1993: Outstanding Professor Award, Goodrich Program, Department of Public Policy, University of Nebraska at Omaha

1992: National Medical Enterprises' Outstanding Medical Director of Psychiatric, Rehabilitation and Recovery Hospitals

1992: Chief of Staff Award for Outstanding Service, East Bay Hospital, Richmond, California

CLINICAL PUBLICATIONS

Greenspan, Switzky, Woods: *Intelligence Involves Risk-Awareness and Intellectual Disability Involves Risk-Unawareness: Implications of a Theory of Common Sense*, Journal on Intellectual & Developmental Disability, 2011, in press.

Woods, Greenspan, Agharkar: *Ethnic and Cultural Factors in Identifying Fetal Alcohol Spectrum Disorders:* American Academy of Psychiatry and the Law, 2011, in press.

Bradford, Fresh, Woods: Not all patients are alike: *Ethnopsychopharmacology of Bipolar Disorder in African Americans*. Psychiatric Times, February, 2007.

Abueg, Woods, Watson: Disaster Trauma; Cognitive-Behavioral Strategies in Crisis Intervention: Second Edition, Guilford Press, New York and London; p. 73-290, 2000.

FORENSIC PRACTICE

1981-present: Psychiatric Consultant (Civil, Criminal and Appellate Judicial Proceedings)

1993-2001: Consultant- the Victims' Assistance Program, State Board of Control, State of California, Sacramento, California

1983-2000: Medical Examiner Panel, San Francisco County, Marin County and Contra Costa County Superior Courts

FORENSIC PROFESSIONAL LECTURES

2010: The Trial of Hamlet, Morrison and Foerster, LLP, Law College, San Diego, California

2009: Treatment of Mentally Ill Offenders in the United States, Canada, and Japan; Japanese Association of Forensic Psychiatry, Tokyo, Japan

1998-2007: In Association With The National Institute of Trial Advocacy Training, Notre Dame University, South Bend, Indiana; Georgia State Law School, Atlanta, Georgia; New

York University Law School, New York City, University of North Carolina Law School, Chapel Hill, North Carolina; University of Houston Law School, Houston, Texas; University of Tennessee Law School, Knoxville, Tennessee; Atlanta, Georgia; University of Texas Law School, Austin, Texas; Temple University School of Law, Philadelphia, Pennsylvania

2006: Aligning Clinical Services with Correctional Treatment, Luzira Prison, Kampala, Uganda

2006: Decision Tree for Forensic Evaluations, Butabika Hospital, Kampala, Uganda

2006: Neuropsychiatry and The Courts: The University of Texas Law School, Austin Texas

2002: Demystifying Emotional Damages Claims: Paul, Hastings, Janofsky & Walker, San Francisco, California

2000: An Introduction-Multi-Axial Assessment and DSM-IV: Second National Seminar on Mental Illness and the Criminal Law, Miyako Hotel, San Francisco, California

2000: Psychiatric Manifestations of Mental Disorders: Second National Seminar on Mental Illness and the Criminal Law, Miyako Hotel, San Francisco, California

1999: An Introduction-Multi-Axial Assessment and DSM-IV: First National Seminar on Mental Illness and the Criminal Law, Radisson Hotel, Washington, D.C.

1999: Psychiatric Manifestations of Medical Disorders: First National Seminar of Mental Illness and the Criminal Law, Radisson Hotel, Washington, D.C.

1999: The Kenya/Tanzania Embassy Bombings: When Forensic Science, Politics, and Cultures Collide: International Academy on Law and Mental Health, Toronto, Quebec, Canada

1999: Research Collaboration Between East Africa and the United States: World Psychiatric Association/Kenya Psychiatric Association, First Annual East African Conference, Nairobi, Kenya

1999: Trauma/Resiliency In East Africa Workshop: World Psychiatric Association/Kenya Psychiatric Association, First Annual East African Conference, Nairobi, Kenya

1998: Mental Health Litigation and the Workplace: Sponsored by the University of California Davis Health System, Division of Forensic Psychiatry, Department of Psychiatry, and Continuing Medical Education, Napa, California

1998: Psychological Disabilities: Charting A Course Under the ADA and Other Statutes: Yosemite Labor and Employment Conference, Yosemite, California

1998: Current Trends in Psychiatry and the Law: Developing a Forensic Neuro-Psychiatric Team: CLE, Federal Public Defenders for the District of Oregon, Portland, Oregon

1997: The Changing Picture of Habeas Litigation: The National Habeas Training Conference, New Orleans, Louisiana

1997: Accommodating Mental Illness in the Workplace: Employment Law Briefing, Orange County

1997: Accommodating Mental Illness in the Workplace: Employment Law Briefing, Palo Alto, California

1997: Accommodating Mental Illness in the Workplace: Employment Law Briefing, Morrison & Foerster, San Francisco

1997: Psychiatric Evaluations in the Appellate Process: Emory University, Department of Psychiatry, Forensic Fellowship, Atlanta, Georgia

1997: So You Wait Until Discovery Is Over to Consult with a Psychiatrist? Can You Tell Me More About That? Morrison and Foerster Labor Law College, Los Angeles, California

1997: The Changing Cultural Perspectives in Forensic Psychiatry, San Francisco General Hospital Grand Rounds, San Francisco, California

1996: Evaluations of an Elementary School Child: Criminal Competency and Criminal Responsibility, Stanford University School of Medicine, Department of Psychiatry and Behavioral Sciences, Division of Child, Psychiatry and Child Development, Grand Rounds, Palo Alto, California

1996: Forensic Psychiatry: Cultural Factors in Criminal Behavior, Malingering, and Expert Testimony: The Black Psychiatrists of America Transcultural Conference, Dakar, Senegal, West Africa

1996: Dangerousness; Evaluation of Risk Assessment: Grand Rounds, Department of Psychiatry, University of California, Davis

1995: Violence in the Workplace: A Psychiatric Perspective of Its Causes and Remedies: The Combined Claims Conference of Northern California, Sacramento, California

1995: Experts: New Ways To Assess Competency- Neurology and Psychopharmacology: Santa Clara University Death Penalty College, Santa Clara, California

1995: Multiple Diagnostic Categories in Children Who Kill: Psychological and Neurological Testing and Forensic Evaluation: The American College of Forensic Psychiatry 13th Annual Symposium, San Francisco, California

1995: Mock Trial: Client Competence in a Criminal Case: Testing the Limits of Expertise, The American College of Forensic Psychiatry 13th Annual Symposium, San Francisco, California

1995: The Use of Psychologists In Judicial Proceedings: The California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Seminar, Monterey,

California

1994: Commonly Seen Mental Disorders in Death Row Populations: The California Appellate Project, Training Session for Legal Fellows and Thurgood Marshall Investigative Interns, San Francisco, California

1994: Anatomy of a Trial: Mock Trial Participant, The California State Bar Annual Convention, Anaheim, California

1994: Developing a Forensic Neuropsychiatric Team: The American College of Forensic Psychiatry 12th Annual Symposium in Forensic Psychiatry, Montreal, Quebec, Canada

1994: Responsibility in Forensic Psychiatry: Department of Criminology Faculty Seminar, University of Nebraska, Omaha

1994: Attorney/Investigator Workshop: Brain Function: The 1994 California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Seminar, Long Beach, California

1994: Appellate and Habeas Attorney/Investigator Workshop: Evaluating Mental Health Issues in Post-Conviction Litigation: The 1994 California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Defense Seminar, Long Beach, California

1993: Psychological Issues in Police Misconduct: Police Misconduct Litigation, National Lawyers Guild, San Francisco

1993: Neuropsychiatry, Neuropsychology and Criminal Law: Maricopa County Office of the Public Defender, Seminar on Investigation for Mitigation and Capital Cases, Phoenix, Arizona

1993: Working With Experts: California Appellate Project, San Francisco, California

1991: Forensic Psychiatry and Ethnicity-Black District Attorneys Association, National Convention

PROFESSIONAL FORENSIC PUBLICATIONS

Psychiatry and Criminal Law, Contra Costa Lawyer, Volume II, No. 8, August 1998.

Mock Trial: Client Competence in a Criminal Case: Testing the Limits of Expertise, The Psychiatrist's Opinion as Scientific, The Expert's Foundation As Sufficient, 1995 (Available from The American College of Forensic Psychiatry and on Audiotape).

Multiple Diagnostic Categories in Children Who Kill: Psychological and Neurological Testing and Forensic Evaluation, 1995. (Available from the American College of Forensic Psychiatry and on Audiotape).

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Anatomy of a Trial: 1994 (Available for the California State Bar).

PROFESSIONAL AFFILIATIONS

• International Academy of Law and Mental Health

PROFESSIONAL DEVELOPMENT & CORPORATE SERVICES

2011: Forefront Behavioral Telecare, LLC: Director of Clinical Research

2009-2010: Forefront Behavioral Telecare, LLC: Chief Medical Officer

2009: AgeServe Communications, LLC: Director of Research/Director of Government Programs

2004: Consultant, Corporate Structure, Tostan, Non Governmental Organization, Theis, Senegal

2004: Toward Effective Retention Efforts: The use of narratives in understanding the experiences of racially diverse college students., Narrative Matters, Fredericton, New Brunswick, Canada

2003: In Association with the Council on Education in Management, Charlotte, North Carolina, Accommodating Psychiatric Disabilities: Avoiding the Legal Pitfalls of the ADA, Human Resources Conference, Palm Springs, California

2001-2003: Consultant, Vulcan Inc., Seattle, Washington

1999: In Association with Matthew Bender Legal Publishing, New York: Psychiatric Disabilities and California Workplace Requirement, With the Bar Association of San Francisco, San Francisco

1998: Psychiatric Disabilities under the Americans With Disabilities Act: Without Pretrial Strategy, Atlanta, Georgia

1998: Psychiatric Disabilities under the Americans With Disabilities Act: Without Pretrial Strategy, Los Angeles, California

THE CRITICAL MOMENTS CONSULTING GROUP

2001: Part I- Responding Creatively to Cultural Diversity through Case Stories and Part II- Strategies and Challenges for Campus-wide Diversity Project: Models of Integrating Critical

Moments, Fourteenth, Annual Conference on Race and Ethnicity in American Higher Education, Seattle Washington

2001: Teaching Complex Case Stories, Faculty Development, Loras College, Dubuque, Iowa

2000: Critical Moments: Creating a Diversity Leadership Learning Community, 13th Annual National Conference on Race and Ethnicity in American Higher Education (sponsored by the University of Oklahoma, Southwestern Center for Human Relations Studies), Santa Fe, New Mexico

2000: Critical Moments: Practicum on Teaching Diversity Through Case Stories, 13th Annual National Conference on Race and Ethnicity in American Higher Education (sponsored by the University of Oklahoma, Southwestern Center for Human Relations Studies), Santa Fe, New Mexico

2000: Improving Undergraduate Education: Teaching and Learning in the Context of Cultural Differences, The Washington Center for Improving the Quality of Undergraduate Education, Thirteenth Annual Conference, Seattle, Washington

1999: Critical Moments: Deepening Our Understanding of Cultural Diversity through Critical Analysis, Effective Interviewing, Case Writing, and Case Teaching, The Washington Center, Evergreen State College, Olympia, Washington

1999: Teaching Complex Issues with Case Studies: A Workshop for Faculty and Graduate Teaching Assistants, University of Nebraska at Lincoln, Teaching and Learning Center and Critical Moments Project

1999: Critical Moments: Writing the Stories of Diverse Students, Washington Center for Improving the Quality of Undergraduate Education Workshop for College and University Faculty, Administrators, Staff and Students, Evergreen State College, Bothell, Washington

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1993: Contextualism and Multi-Cultural Psychology-Graduate Seminar, University of Nebraska, Omaha, Nebraska

1992: Curriculum and Developmental Stages-North Central Educational Research Lab, Northwestern University

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Updated January 8, 2012

Concha C.V.

Declaration of ~~Concepcion~~ Villegas

Concha C.V

1. My name is ~~Concepcion~~ Villegas. I am Sammy Lopez's mother. The first thing I learned as a child was that life isn't about happiness, good times and dreams for the future. Life is about working as hard as you can every day just so you can survive. My life was nothing but work, pain, worrying and suffering. Most of my days were just a search for the strength to keep going. I never had hopes and dreams to pull me through hard times. The only thing this world has ever really given me is my faith in God, and I'm thankful for it. Without my faith, I wouldn't have survived to be here today.

2. I was born on November 3, 1932, in Fabens, Texas, a small town on the Rio Grande about 30 miles from El Paso. I was the sixth of sixteen children my parents had together, but only twelve of us lived to be adults. The other four were born dead or died as babies.

3. My parents were Jose Villegas and Concepcion Gonzales. They were born in Mexico, and they lived as Mexicans, even after they crossed the border to live in Texas. They were both poor and they came here because staying alive was a little easier for poor people in Texas than it was in Mexico. My parents walked from Mexico to Texas with only the clothes they wore and the things they could carry.

4. My mother was born in 1908. She came to the United States when she was about ten years old. Mexico was dangerous back then, especially for poor people like my parents. In Mexico in those years, there was no law. My father used to tell me stories of how people stole their neighbors' daughters or killed each other all the time. We had these stories in my own family. My mother's father was killed, and no one did anything about it. After my mother's father was killed, my mother's mother decided that she wouldn't be safe in their town

with two small daughters – my mother and her little sister Cruz. She packed up a few things and walked hundreds of miles with my mother and my aunt Cruz until they reached the border. There were a lot of other Mexicans in Fabens, so the three of them decided to stay there.

5. Since they didn't speak any English and they didn't have the help of a man, staying alive was a battle all day long. My mother never had the chance to go to school. As a young girl, she had to earn money so that she, her mother, and my aunt Cruz could afford to pay their room and board. Work was survival for my mother's family. During her childhood, my mother earned money by cleaning houses, washing clothes, and by working in the cotton fields around Fabens. Later on, I did the same things as a little girl.

6. My father was born in 1902, and he came to this country when he was about sixteen years old. As a boy, he was taken by soldiers fighting in the Mexican Revolution, and they made him work as their cook. When he got older, he ran away, but he worried he'd be killed if they ever found him, so he thought he would be safer in the United States. That's how he ended up in Fabens. To survive, he worked in the cotton fields, just like most of the other Mexicans in Fabens. My father married my mother when he was about 21 and she was about 15.

7. I've been a farm worker, and I know from experience that farm work is about the hardest work there is. And cotton is one of the worst kinds of farm work. It bends your back, the cotton plants cut your hands and arms all day long, and you only get paid by the amount you pick. To make just a little bit of money, you have to keep working and not think about how tired you are and how much your hands and arms hurt from the cotton.

8. In those years, it was hard for a Mexican man like my father to find any work besides working the crops in the fields. The railroad gave some jobs to Mexicans, but most of the jobs in Fabens were in the cotton fields. When I was a girl, my father was lucky enough to get one of the railroad jobs. He knew how bad the other choices for Mexican men were, and

once he got his job with the railroad, he worked hard to keep the job. Before he died a few years ago, my father was proud of saying that he worked for the railroad until he retired.

9. My earliest memories are of living in an area called Sierra Blanca. It was a camp near Fabens made up of a bunch of old shacks where all the railroad's Mexican workers and their families lived. We didn't have water or lights or bathrooms or heat, and it was cold there in the winter.

10. When I was about six years old, we moved from Sierra Blanca to Fabens and lived in a house my father built in his spare time from work. Me and my brothers and sisters all grew up in the house in Fabens. The house had only two bedrooms and a kitchen and no gas, telephone, electricity, or running water. Still, it was so much better than Sierra Blanca because it was a real house in a neighborhood with other houses, not a shack in a labor camp. It was a big change to go from the labor camp to a town with stores, and schools, and other people. The house was small, but we loved it because it was ours, and later, my father added two more rooms on to the back as our family grew.

11. The house also had a yard with lots of dogs running around and space for chickens, pigs, and the other animals we raised and ate so we could survive. My father grew chilies, melons, pickles, grapes and corn in the yard for the family to eat. To us, the garden was life, because my father didn't earn much money, especially not as much as the Americans who worked for the railroad. My father was careful with all the plants, and he taught us that the things we grew kept us alive. Every day he was out there after work, watering the plants and making sure the leaves were clean of bugs. This wasn't his hobby. He had to do this so that we could survive.

12. My father was a sweet, loving man. He loved to smile and laugh and have a good time, especially when he was out drinking. When he was home, he always had a smile

for us. I knew my father loved my brothers, sisters, and me.

13. My mother was different. She was a hard woman. She also stayed busy all the time working in the cotton fields, taking care of twelve children, making sure they were fed and clean and dressed right, making sure our house was clean, making sure we didn't ever waste any clothes, scraps of fabric, food, bones, bottles, jars, or anything else that we might be able to eat or use. My mother had no time for fun and games or jokes. She was always serious. I don't remember her laughing or smiling. She wasn't a mother like you see on television. She never sat down with us to talk or to see how we were feeling. She didn't pat us on the head, hug us or say sweet things to us. She never had a smile for us. She made sure that all twelve of us had the most important things – food, clothes, and a home. After that was done, she didn't tell us she loved us, give us hugs, or ask us about our hopes and dreams. She was so busy working to keep our family fed that she never had to time to teach us about hopes and dreams. The most important thing I learned from her was to keep on working to stay alive.

14. Rules and chores were important to my mother. Every day, me and my brothers and sisters had to line up so she could look at us. We had to make sure we were clean, that our hair was neat and combed and braided right, that our clothes were clean with no wrinkles or holes, and that our shoes were clean and shined. If there was anything out of place, a piece of hair or a hole in a sock, she whipped us with a belt. My mother had so many rules, it was hard to follow them all. She always found something wrong with what we did. Almost every day, she whipped my brothers and sisters and me with a belt for one thing or another. When we tried to run away from her, she hit us even more. I still tried to run away from my mother when she tried to whip me. My sisters didn't seem as afraid of my mother when she got angry. They always said I should just let her hit me, but I was too afraid of my mother to let her hit me. If I could stay away from my mother until my father got home, she told him to hit me.

My father had a soft spot in his heart for all of us. He punished us and hit us because he had to do it to make my mother happy. He never hit us as hard as my mother did.

15. We never had money for doctors. When someone got sick or had an emergency, we tried to take care of it ourselves and we prayed for help from God. My mother lost four of her sixteen babies, including my twin sister Julia. Whatever it was that made Julia sick also got to me: I was born with a problem with my legs. We never went to a doctor to find out what it was, but the problem was so bad I didn't walk until I was four years old. Instead of walking, I sat up and pulled my body with my hands and arms across the floor. Since we couldn't go to a doctor, my father rubbed my legs with the lining from the inside of egg shells and buried my legs in the hot sand to help make my legs stronger.

16. I was helpless when I couldn't walk. Once, a neighbor's dog attacked me. I sat there and covered my face while it kept biting me on my hands, arms, legs, and feet. I thought the dog was going to kill me. I was so scared, I couldn't even scream. Today, I still have scars on my left leg from this attack. When my father got home, he got his gun and shot the dog.

17. Learning to walk was important. Walking was part of survival for our family back then. We didn't have a car, so we walked wherever we needed to go. Me and my sisters and brothers walked to school, then home, and to our jobs in the cotton fields each day. There was no one to drive us in a car, so we had to walk, even if it was a hundred degrees, raining or snowing. Without walking, I couldn't help my family earn any money. And even with the little bit I did earn, we barely had enough to stay alive.

18. My parents were born Mexican. They lived in this country for over eighty years, but they lived as Mexicans and raised my brothers, sisters, and me as Mexicans. We weren't part of this country. In the eighty years she spent in the United States, my mother never

learned English at all. Even though me and my brothers and sisters were born here in the United States, we weren't considered Americans. The schoolteachers, farm owners, and rich people were all white. To them we were just Mexicans. Everyone in our neighborhood was considered Mexican, whether they were born in the United States or in Mexico.

19. Even the schools treated us like we weren't real Americans. We weren't allowed to go to the school for the white kids. We went to a Mexican-only school, and even though there weren't many black kids, they had to go to a separate school too.

20. School was hard for me. The first time I ever heard more than a little bit of English was when I started school. The teacher talked in English only, and I didn't understand. I wanted to learn, but I couldn't tell the teacher because she didn't let us talk Spanish.

21. When I started to learn a little English, I wasn't allowed to talk it at home because it made my mother angry. I didn't want my mother to hit me, so I tried not to talk English. I worried a lot about what to say and what language to say it in. I tried to say as little as possible, especially when my mother or any Americans could hear me. When I got older I did learn English, but it always felt like Americans' language, not mine. Today, I'm still more comfortable talking Spanish.

22. It was always hard for my family to stay alive. I started working and going to school around the same time. Every day, me and my brothers and sisters went home right after school to change into our work clothes. Then we went to the fields, and we picked cotton until the sun went down. The work was hard, hot, dirty, and it hurt. We tried to hide ourselves from the sun and the heat by wearing rags and hats, but it didn't work. It was just too hot in the fields. We wrapped our hands and arms in rags and sometimes gloves so the cotton plants didn't cut us. That didn't work either. Our legs, arms, and hands were always cut and

scarred from the cotton plants. If we forgot our gloves or something to cover our head, my mother pulled our ears and yelled at us.

23. When no adults could hear us, we talked about how horrible cotton work was and how much the cuts and scratches hurt our arms. It didn't matter what we said. We still had work every day. For us, working was the difference between living and dying.

24. Staying alive was hard work when I was a girl. But it was better than life as an adult. The last fifty-seven years have been pure misery and pain. When I was seventeen, things changed forever in my life. As a child, it was a struggle to survive, but at least I was with my brothers and sisters every day. I was with my family working together to stay alive. When I grew up, surviving was even more difficult, and I didn't have my family anymore. I had nothing. Since my childhood, life has been one long, hopeless fight to stay alive and hide all the pain. It has been nothing but pain and hurt, year after year.

25. When I was seventeen, I became pregnant after I was attacked and raped by a friend of my parents. His name was Jesus Vasquez. Jesus's mother was my mother's godmother. He was like an uncle to me. He was about thirty-five years old at the time, and he came to my high school one day. He told the school people that I had to go home right away because my mother had been hurt. I went with Jesus in his car, but didn't drive to my house. When I asked Jesus where he was taking me, he yelled at me and told me to shut up. He took me out to the cemetery. Then he tied me up like an animal and raped me. I was a very young girl and a virgin, and I didn't know about sex when Jesus Vasquez violated me in this horrible way.

26. I didn't tell anyone what happened. I felt ashamed. I thought I did something wrong and I needed to keep it secret from everyone, even my sisters. I had no one to talk to. I didn't know the facts of life, and I was frightened, confused about men, and worried about what was happening to my body. I had started throwing up in the mornings, and when my

mother finally caught me, she told me I was pregnant. I was shocked. I didn't know I could be pregnant without being married. My mother was very angry when she learned I was pregnant. She hit me over and over with a belt. She said I was a stupid, selfish girl, and that I would bring God's punishment to our family.

27. When I learned I was pregnant, I thought I should marry Jesus because he was the father of my baby. My mother told me I could not marry him, because he was too close to our family. I asked Jesus to help take care of our baby. He said he would, but it was a lie. The man never helped with even a penny or a visit.

28. Once I started looking pregnant, my mother made me quit school. She also started making me stay in the back room all day until my father came home from work. She only let me out when I had to use the bathroom. I was so afraid and alone. I had been attacked and violated, I was pregnant, out of school, and locked in a small room by myself. I was afraid and worried and confused. Finally, I told my father about how my mother kept me locked up in the daytime. My father said that none of it was my fault, and he told her not to shut me in the back room anymore. My mother was a strong woman, but she was also very traditional, and she obeyed what my father said because he was the man of the house.

29. On November 9, 1950, my baby was born. It was a boy, and I decided to call him Roberto. I don't remember much more about the day because they gave me a lot of medicine when I gave birth.

30. After Roberto was born, my mother told me I had to work to support him. She took control of Roberto like he was her own baby. She even told the neighbors that he was her son. She preferred to lie than admit that I had a baby out of marriage.

31. In 1951, while Roberto was still just an infant, my mother made me move to Phoenix, Arizona, where her sister Cruz Madrid lived. I wanted to take Roberto, but she said I

was too young and irresponsible to care for a child. She made me leave my baby behind with her when I moved to Arizona. After I left, she raised him as her own son. I was supposed to send money to help my parents raise Roberto, but after I moved to Phoenix, I had nothing. I was so poor I could barely feed myself, and I never had any extra money to send home for Roberto. Life in Phoenix was a hopeless, lonely struggle. After a while, I made myself stop thinking about Roberto and the rest of my family back in Texas. It hurt me too much to keep those memories.

32. I didn't see Roberto again until I visited Fabens about 10 years later. He had a lot of questions. He wanted to know who he was and who his parents were. I wish he didn't have to suffer with all this. Even if Roberto was confused and unhappy, I was glad to know that at least he had food and a house to live in. I could never hope for more than that for myself of for any of my sons.

33. Moving to Phoenix was sad and lonely. My brothers and sisters were my best friends, and I didn't know how to live without them. When I moved away from my family, I felt like I didn't know who I was anymore. I was without roots.

34. When I got to Phoenix, I first stayed with my Aunt Cruz. Her family was also very poor, so I had to work to support myself. I worked in the fields in Glendale and West Phoenix where the farmers used to grow vegetables. In Phoenix farmwork was harder because the weather was hotter than it was in Texas. We started work at four in the morning and tried to do as much as we could before the sun came up.

35. I worked in the crops that the braceros told me to. Usually, it was green onions, broccoli, cabbage, lettuce or carrots. I spent all day every day bent over the rows of vegetables, pulling or cutting and throwing the vegetables into boxes or into the trailers of trucks as they moved through the fields. With the green onions and the carrots, my job was to pick

them and bunch them together with rubber bands. Then I'd put them together in a sack or a box. Cabbage was the most work because it was the heaviest. Working in the broccoli fields was the dirtiest work. Broccoli likes wet soil so the farm owners had us keep the plants and the ground soaked with water. We worked in rubber boots to keep our feet out of the water and the pesticides, but the boots were slippery and I fell into the mud and the chemicals many times every day. I was always covered in dirt from the mud that dried on me. Sometimes I was so tired I just wanted to lay in the mud and cry. Every time I fell, I made myself get right back up and keep working, no matter how sad, tired, or sore I was. I was only eighteen, but I knew the only way to survive was to work as hard as I could. I needed every penny I could get.

36. Every evening, airplanes flew over and sprayed pesticides on the crops we worked on. When we returned to work the next day, we could always see a white powder on the ground and on the plants we worked with. To try to keep it off our skin, we wore long rubber gloves. It was hot, sweaty and uncomfortable working in rubber gloves. We didn't wear anything on our mouths or noses to keep from breathing the dust.

37. There were no bathrooms near the fields. It was hard to find a private place to go when we needed to. After a while, I just stopped worrying if anyone saw. Working and staying alive were more important. The farm owners usually placed barrels of water next to the fields, but we had to bring our own scoops to get a quick taste of water from the barrels.

38. I was paid once a week for most vegetables and at the end of each day for carrots and onions. I earned about ten dollars a week. With the money I earned, I was eventually able to rent a small place of my own and move out of Aunt Cruz' home.

39. The driver for the farming company I worked for was a man named Arcadio Lopez. Everyone called him Lopez, so I did too. Lopez picked workers up from different places in Phoenix and drove us out to the fields at four or five in the morning. Then he

drove us back to town about three or four in the afternoon. One day, Lopez said he would drop me off right at my front door so I wouldn't have to walk home. This was strange. He didn't offer to give anyone else a ride home. I felt uncomfortable saying no, so I told him where I lived and he drove me home. After he found out where I lived, he dropped me off in front of my building almost every day. Then one day, Lopez came to my door and told me he needed to stay with me for a while. I didn't want him in my apartment, but I didn't know how to say know to him. I was just a young girl living in a strange new place where I had no friends. Where I grew up, women listened to men, and strange men didn't move into your house. I didn't know how to get rid of Lopez when he moved in to my apartment. I just hoped he would leave on his own. For the next twenty years, I kept hoping he would leave. In that time, Lopez became a violent drunk who did nothing but take advantage of me, force me to have sex with him, get me pregnant, beat me, and scare the life out of my children.

40. Lopez was so violent, mean and drunk all the time that I couldn't have a normal life. He beat me and my boys so much over the years that I was sure he would kill us. It was a nightmare, and there was nothing I could do but pray for him to leave. For me, it was a life with no room for happiness, love, kindness, or peace. The only things I had with Lopez were fear, beatings, poverty, hopelessness, and more and more sons. I was a prisoner.

41. It was hard for me to pay my rent and buy my food with only the ten dollars I earned each week. When he first moved in, Lopez brought home a little money for the rent. That helped. But I didn't want Lopez living with me. He forced me to have sex with him. I hated it. When I tried to refuse, he beat me and made me do it anyway. Lopez saw other women, and I was glad, because I thought it meant he wouldn't make me have sex with him anymore. But I was wrong about that.

42. After Lopez lived with me a few months, I got pregnant. When I found

out I was going to have Lopez's baby, I just wanted to cry. I felt so hopeless. It hurt to know I was going to have a child from another man who forced me and took advantage of me. Lopez didn't care for me. He didn't want to make a life together or be friends with me. The only thing I ever learned about Lopez's life was that he came from Tombstone, Arizona. We lived together twenty years, and that man never told me another thing about himself. Lopez barely even spoke to me, except to yell, curse, and ask where his dinner was.

43. I didn't want a family, especially not with a man who forced himself into my home, but there was nothing I could do about it. I didn't know how to make Lopez leave. As long he lived there, I knew he would force me to have sex with him, and we would have more babies. Between 1954 and 1966, I had eight sons with that dangerous, violent drunk. For all those years, I cried and wished there was something I could do for a better life.

44. When Lopez moved into my apartment, I didn't know he was such a bad drunk. Lopez drank day and night. He drank so much he couldn't control his own body. Sometimes he got so drunk he peed and threw up on himself. Sometimes he even soiled his own pants.

45. Lopez almost always drank cheap wine, but if he found some other kind of alcohol, he drank that too. I think he did drugs also, but I don't know what kind. A few times, he didn't drink for a day. Then he stayed drunk all day for two or three weeks straight. I never knew what to expect, except for one thing – Lopez never took care of his responsibilities, no matter how many sons we had. Lopez worked less every year, and he always spent his money on wine instead of on our little boys. That man gave me not even one penny for the kids or the house. Living with a drunk like Lopez was a punishment no one deserves. The only good thing about Lopez's drinking was that he didn't make me have sex when he was drunk.

46. I had no help or money from Lopez. Every day I worked to pay my rent

and keep my boys fed. It got harder with each son I had. Lopez didn't give me money for the house, for the boys or for the food. He only came home to eat, get clean clothes, yell at us, hit us, and keep us in fear. Then he left. Sometimes he was gone for weeks or months at a time, and we prayed that he was gone for good. Then he came back, and he was the same again – mad, drunk, and violent.

47. Steve and the other boys were happy when their dad was gone. But I couldn't be happy because I always felt in my stomach that something bad was about to happen. Sammy was the same. He was never happy. He worried all the time that Lopez was going to come back and hurt us. Lopez used to say he was going to kill us all, and Sammy believed it.

48. Of all my boys, Sammy was most afraid of Lopez. Sammy was always by the window looking out for Lopez. He sat there waiting, even when Lopez was gone for days. And when Lopez came, Sammy jumped up, started crying, and told me to run. He said, "Run, mama! Go to the neighbors! The man is coming! Run now, mama!" Sammy was the only one of my boys who was so afraid like this.

49. Sammy was so afraid that he couldn't even sleep like the other boys. He yelled and screamed in his sleep. Sammy sleepwalked a lot too. I tried to check him at night. A lot of times he wasn't in bed. I found him rolled up like a little ball in the corner of the kitchen, sweating and shaking. His eyes were open, but he didn't say anything back when I talked to him. He looked at me, and it was like he didn't even know me. Sometimes in the middle of the night, Sammy got up and ran out the door like someone was chasing him. His brothers had to run after him and carry him home. Sammy never remembered this the next day. None of my other boys did this.

50. I worried about Sammy. His worries and his sleeping problems were eating him up. I took him to a lady in our neighborhood who knew how to cure people of

problems like this. She was called a "curandera." She told me to take Sammy to church and ask the priest to bless him. I did this, but Sammy kept having nightmares and sleepwalking.

51. Sammy also got a lot of nosebleeds as a little boy. The curandera told me to light a match and put it out in a glass of water. Then I was supposed to make Sammy drink the water. I did, but it didn't stop his nosebleeds.

52. Another thing that was strange about Sammy was how neat he was as a little boy. He always had to have a place to put his books and his pencils and his papers. His clothes had to be folded a certain way and put in the right place, too. If one of his brothers moved a pencil or a sock, Sammy knew. When his things weren't the way he wanted them, Sammy got upset. He got a sad a face. He stopped what he was doing, and he went and moved his pencils, papers, and clothes back the way he wanted them. With so many brothers, Sammy had to fix his things all the time.

53. Lopez drank more and hit the boys and me more as time went on. When he got home from work he did not say anything nice to the children or me; he just demanded his dinner. He ate, put on clean clothes that I had washed and ironed for him, and then he went out drinking. If he came home, he smelled like wine and throw up. Sometimes he was too drunk to make it back into our apartment. Many times, I woke up in the morning and saw him passed out in the yard with pee and throw up all over him.

54. Sometimes Lopez couldn't think right. He screamed at me and said crazy things, like I was having an affair with a Shamrock Milk deliveryman. We didn't even have a milkman because we never had enough money for fresh milk. We always had the cheap powdered milk. Another time, while Lopez was hitting me, I grabbed a two-by-four and hit him on his nose. He walked outside and the boys locked the door behind him so he couldn't get in. Then Lopez reached in the bathroom window, grabbed a bottle of bleach and drank it until he got

sick. Other times he injured his hands and arms hitting the boys, the walls, or me. He didn't do anything to fix his wounds. He just stopped hitting us, sat there, and watched himself bleed.

55. Lopez also got angry, hit me, and called me filthy names in front of my little boys if I didn't have money for his beer and wine. Lopez's drinking always had us ready to be attacked. Anything could happen at any time, even if we hadn't seen Lopez for weeks. The rest of my boys could be happy, but me and Sammy never could have a nice Sunday afternoon at home. We worried that Lopez could come home at any time and beat us bloody or pass out in his own throw up. When he was gone, me and Sammy never relaxed. I worried, and Sammy sat by the window, watching out for his father coming home. When Lopez was gone, Sammy just cried and worried about what would happen when Lopez came back. Sammy never got away from his fear and his worries.

56. All the boys were afraid of Lopez. He called them bad names and hit them for no reason. Sometimes, he got angry and yelled. But other times, Lopez said nothing and just beat them without any warning. When our oldest boy Junior was about four years old, we lived in some shacks for workers on the Arena Ranch in Tolleson. One night, Junior grabbed at Lopez's leg while Lopez was boiling some water over a fire outside. Lopez didn't say a word. He just poured the boiling water on Junior. Junior had burns all over his body.

57. Lopez also attacked me. I was always careful around him because he hit me without saying anything first. He often threatened me with his work knife. It was a ten-inch blade that he carried around with him. When he came home, I noticed right away if he was carrying his knife. I was ready to run whenever he reached for it. Usually, Lopez hit me with his fists and pushed me into walls and knocked me on the floor and kicked me. When they saw Lopez coming home, the boys cried and begged me to lock him out. After a while, I always let him in. The longer I kept him out, the more windows he broke. Sometimes, he broke windows

with his hands, and when I saw him bleeding, I worried about making him even madder. I worried about what he might do to my boys and me when he got inside. I was afraid of the man. I had to let him in.

58. In many of the places where we lived, our neighbors knew how dangerous Lopez was. They called the police on Lopez when he got rough with me. Once while we were still living in Glendale, Lopez was beating me up really badly. He kept hitting me with his fists, and he wouldn't stop. He was yelling at me, calling me names, and saying he was going to kill me. I believed him. I hit him with a stick to protect myself, and fortunately the police came and arrested him. They made a report called a Peace Bond, and then they put Lopez in jail for six months. Putting Lopez in jail didn't help the boys or me. Things were always the same as soon as he came back.

59. After the first few years, Lopez never brought any money home to help pay the bills. Lopez was just another mouth to feed. Our home was just a place where he came when he wanted to eat, clean himself up, and hit us. The only thing Lopez ever brought to the house was his drinking, his anger, and his attacks on the boys and me.

60. Since Lopez spent all his money on wine, I had to go out to make money so me and the boys could survive. Over the years, I did everything from farm labor to janitor work and office cleaning to stocking at Yellow Front stores. I worked days and nights for many years, and if I had time, I stopped at home between jobs to try to do something for the boys. I couldn't afford a babysitter to watch the boys while I worked, but sometimes the neighbors came over to check on them. I let the older boys take care of the younger boys.

61. I made a little extra money by ironing clothes for my neighbors and landlords at night. Sometimes I ironed for five hours a night and didn't even have time to sleep before going to work again the next morning. It wasn't much money, maybe forty or fifty

dollars a week, but it was worth it. Without the money I got for ironing, me and my boys wouldn't have made it. We were so poor we needed every penny I could earn.

62. I cleaned offices for many years. Usually, I started working after 6 p.m. and worked until three in the morning. In 1972, I got a good job stocking at Yellow Front Stores. After I started working at Yellow Front, we got our first telephone at home. I couldn't pay the bills to keep it working all the time. Having a telephone was a big step up, even if it didn't always work. My shift at Yellow Front was usually from 5 a.m. until 3 p.m. Even with my regular job at Yellow Front, I couldn't afford to stop my other work. During those years I also cleaned offices several nights a week from 6 p.m. until 3 a.m. I still took all the ironing work I could get too.

63. It was a lot of work, but what choice did I have? I had eight sons to take care of and no one to help me buy their food and pay the rent. I was all alone in the world. Even with all the work I did, we barely survived. Our neighbors, the schools, and the church sometimes helped us with food when we couldn't afford any.

64. It was just as hard to keep a roof over our heads as it was to eat. We moved all the time when my boys were growing up. Sometimes we had to move because we were evicted. Other times we moved because I found a cheaper or a nicer house.

65. We moved around all the time when my sons were little. We stayed mostly at the Arena Ranch in Tolleson until Steve was born in 1958. The ranch workers all lived in shacks that the owners had built. The shacks were just basic little buildings to keep you out of the weather. We didn't have a stove, bathrooms, or running water inside. I cooked all our meals outside over a fire, and I washed our clothes in a metal tub. I usually had to make the fires myself and carry all the water for drinking and washing. Life was hard work on the ranch. The worst thing at the ranch was the scorpions. WE SLEPT ON THE FLOOR. C.V Every morning when we woke up, scorpions were all

Floor

over the ~~ground~~, and they hid in the outhouse all day. I was lucky none of the boys ever got stung.

66. From the Arena Ranch, we moved to different apartments in Glendale. They were small one-bedroom places, but each had a bathroom and a kitchen. Life was so much easier when I didn't have to carry all our drinking and cleaning water or make a fire to cook for my boys. In Glendale, we even had electricity, but we still couldn't afford a telephone. One of our places in Glendale was on Palmaire and 59th Avenue. We stayed there for a few years, and then moved to an apartment a few blocks away on 59th Avenue because it had two bedrooms.

67. When my oldest son Junior was about ten years old, we lived in the apartment on 59th Avenue. He was playing with his brother Eddie, and he got hit in the eye with a sharp object. I was at work. When I came home, I heard Junior crying, and when I tried to figure out why, I saw that poor Junior's eye was punctured. It was so bad that his eye lost a lot of fluid. I didn't know what to do. I used my neighbor's phone to call Lopez at work. He said he couldn't leave work, and he hung up. I didn't have any money for the hospital. I didn't have a car, and I didn't know how to use the buses. In those days, I always felt afraid and alone. I didn't know my way around, and I was scared of getting lost. Usually, I only left the house when someone came to pick me up to take me to work or to the store for food. All I could do was wait for Lopez to come home. Junior's eye never healed after that. I haven't seen him for several years, but the last time I did, he was still wearing sunglasses to cover it up.

68. I didn't like being in that apartment after Junior's eye injury, so we moved to Hadley Street and 19th Avenue in Phoenix after that. It was an apartment in a building owned by a nice Jewish lady. She gave me laundry and ironing work for a little extra money. The apartment only had one bedroom, and I had Junior, Eddie, Pancho, Steve, Jimmy, Sammy, Joe, and George was on the way, so the kids had to take turns sleeping on the floor and the couch.

Back in those days, apartments came with furniture, so it was easy for us to move from one place to the next. We just packed up all our clothes and other thing into boxes and sacks, and we took it with us to the next place. We never even had to make two trips.

69. I liked our new neighborhood in Phoenix. There was a corner store right next door to us and our neighbors were friendly to us. The neighbors also kept ducks, goats, and chickens. When a chicken came near my door, I took it inside, killed it, and we had it for dinner. I didn't like to take anything from my neighbors, but they all had more than we did. When I could get a good, healthy meal like that for my sons, I had to do it.

70. We stayed in this little apartment for a couple years. Then we moved to a little house down the street on Hadley. It had three small bedrooms, a living room, and a kitchen. This was the nicest house we ever had, but it was too hard to afford the rent, so we had to move after less than a year there. Then we moved to Grant and 20th Avenue. This was a little house with two small bedrooms. We lived there for a few years, and then we stayed in another house across the street on Grant for a few more years.

71. One time, we got evicted and locked out of our apartment. I told the boys to grab our stuff, and we carried it with us, out onto the streets looking for somewhere to sleep. It broke my heart to hear my boys crying and afraid. Sammy was the most afraid. He kept asking me where we were going to sleep and what was going to happen. I didn't have any answers. We carried our stuff to a park nearby to sleep there for the night.

72. By 1970, Lopez was staying away for longer periods of time. Sometimes he called from California or Oregon and told me to send him money. I always did what he told me to do, but I hoped he wouldn't come back. I got pregnant again one time when he came home. I cried when I found out. It was hard enough for me to keep the house together for eight boys. How was I going to do it with nine? I had so many worries and questions going through

my head all the time, but everything changed when the baby was born. It was girl.

73. After eight sons, it was such a surprise to have a daughter. My boys were all happy too. Little Baby Gloria made our home nicer. My sons acted so sweet with her. They even made sure that no one got rough or loud in the house. They just loved Baby Gloria. Sammy especially liked to take care of her and get her bottles. He took care of her like a mother.

74. But Gloria was a sick baby. She was had a deformed arm that had a sack of extra skin. I had to make special clothes because we couldn't put her arm in regular clothes. She had a lot of pain from this condition. She cried a lot, and she had high fevers. She was in and out of the hospital a lot during the first few months of her life. She died when she was only ten months old.

75. It was a shock when Gloria died. My boys loved her so much. They just couldn't believe their little baby sister was gone. I think life might have been different for all my sons if Gloria had lived. Having her really changed all the boys, and it hurt them to lose her. That little baby girl was like magic to us. When we lost her we knew that nothing good could ever happen for us. We were never the same after Gloria died.

76. After Gloria died, Lopez left for good. He went out like he always did, but we never heard from him again. Today I still don't know if he's alive or dead. I think he must be dead by now, because no one can drink like that man did and live for long. We were all glad Lopez was gone, but me and Sammy were always scared Lopez would come back, even years after the last time we saw him. For many years, Sammy asked me if Lopez was gone for good.

77. Running the house, buying the food, and paying the rent wasn't any different after Lopez left. He never helped with any of that stuff anyway. Surviving was just as hard with Lopez gone, but at least he wasn't around to beat us up, scare us, get drunk, and curse

at us.

78. When my boys were growing up, I had to spend so much time working that I wasn't at home enough to take care of all the cooking and the cleaning. I had help from my son Junior. He was the man of the house, even as a little boy. Junior made sure the other boys went to school and did their chores when they got home. Junior was in charge of the house.

79. Being responsible for seven younger brothers was a big job. Little boys always like to skip their chores, make a mess, and play, so Junior had to be strict with his little brothers. My other sons called Junior "Wolf," because they were scared of him. I was glad he could make his brothers behave. I ~~need~~ NEEDED C.W his help so I could work to keep the boys fed. When Junior got older, he helped me with money too. He dropped out of his first year of high school, and he got a full-time job at the newspaper to help me with the bills. Pancho and Eddie left school and got jobs, too.

80. Over the years, my boys started spending more time out of the house with their neighborhood friends and their girlfriends. Pancho moved out of our house in about 1976 when he was about nineteen. He moved in with his girlfriend Joanna, and they got married soon after that. Right after that, Junior moved out, and got married too.

81. It was hard for me when Junior left. There was no one to make sure the other boys went to school, cleaned up, did their chores, and stayed out of trouble. It was too much for me to do by myself, and I just kept working to pay the rent and the food. I thought the most important thing was to take care of the house and earn money because I knew me and my boys wouldn't survive if I didn't make sure we had our food and rent. Getting food for my boys was more important than making sure Sammy and the younger boys stayed in school.

82. I always worried about my boys getting into trouble when they were growing up. We lived in the poorest part of Phoenix. The streets were filled with crime, drugs

and other dangers. I couldn't do anything to protect my sons when I was out working, so I just hoped they stayed away from all the dangers in the streets. I always told them to be good before I went off to work.

83. In about 1977, we moved to West Melvin Street and 26th Avenue. This was a big house that had several apartments in it. Since Junior and Pancho had moved out and Steve and Eddie spent a lot of time with friends, I only had Jimmy, Sammy, Joe, and George left with me.

84. When we lived on Melvin Street, Steve started to get into trouble with the law. The first time he got in trouble, he robbed a store with the Servin brothers. The police tracked them down to our place on Melvin and broke into our apartment with machine guns. The police tore our house apart when they were searching it.

85. After Lopez left for good, the women I worked with brought me to a dancing place that played old Mexican songs. A man came up to me and told me not to dance with anyone but him. Later, me and my friends left and went to another dancing place, but the man followed us. When we got to the second place, he told me his name was Pedro Santibenez, and he made sure I didn't dance with anyone else.

86. Soon after that, Pedro moved in with me and the boys. Sammy was about ten or eleven years old at the time. Joe was seven then, and he liked to sleep in my bed. When Pedro moved in, Joe hated him. He didn't want anyone else to sleep in my bed, and he told Pedro to go to his own house. Pedro didn't pay any attention to him.

87. After Pedro moved in with us, he told me about his family in Mexico. He is married to a woman in Mexico, and they have eight children. Some of his kids came to live with us after he moved in with us. Pedro brought his kids to stay with me and my boys many times.

88. I still live in southwest Phoenix after more than 30 years. I know the neighborhood, and I feel comfortable here. Most people here are Mexican like me, and they speak Spanish. I always shop at the same grocery store, and I don't have to go out anywhere besides that very often.

89. I still have some of my sons around to give me a little help when I need it. Pancho has been living with me off and on for the last few years because he and his wife Joanna are divorced. They have split up many times, but they keep getting back together when Joanna decides she wants some more of Pancho's money. I tell him not to go back to her, but he always runs to her every time she calls, even now. She even had an affair with Pancho's brother Steve. It broke Pancho's heart, but he still goes back to her whenever she wants him.

90. Steve has been living with me off and on for the last few years too. Even though I always warned him and told him to be good, Steve has always been in a lot of trouble with the law. He spent about twenty years in prison. He was doing okay for a few months, but he's been back to jail a few times in the last few years.

91. Steve has a drug problem. When he was staying with me last time, he was always lying and acting suspicious. He was getting welfare money from the state, and he was working too. But he never had any money. He always had to borrow money from his brothers and me. Steve was taking money from me without asking. He even took my VCR and sold it. Sometimes, he disappeared for a couple days at a time. When he was home, he was always sneaking out to the corner where they sell drugs. When he came home from there, he always went straight to the bathroom, and I heard him making hard sniffing noises from his nose.

92. For a while Steve and Pancho were both staying with me. Pancho was sad and angry about Steve's affair with Joanna, and they couldn't get along with each other. Finally Pancho decided to get his own apartment, but he could only afford it for a month or two. His

child support payments were too much, and he had to move back with me. I was worried about Pancho coming back to my house with Steve here, but Steve went back to jail, so it wasn't a problem.

93. Right now, Eddie is living nearby. He works for a contractor, and he stays in a trailer in the yard where his boss keeps all the machines. It's good to see Eddie holding down a job. For many years, Eddie worked at little jobs that paid him at the end of the day. Then he spent all the money on beer, and he drank until he passed out. For a long time, Eddie's drinking was so bad that he was homeless. He slept on the streets, and he only came around every few months to borrow money from me. Eddie still drinks every day. Sometimes he gets so drunk he can't even walk, but he's kept the same job for over a year now. He still comes to see me every day because I make his ~~launch~~ LUNCH - C.V. and do his laundry. He's doing better than he's ever done before.

94. Jimmy lives nearby with his wife and two daughters. His wife is Philipina. I don't get along with her. She gets mad when Jimmy gives me a ride, when he does a favor for me, or gives me a little money. I went over to a party at their house a few years ago, and she didn't even speak to me. I knew she didn't want me in her house, and I've never gone back or seen her since. Jimmy doesn't invite me over to his house because of his wife, and it hurts my feelings that he can treat me this way. I never see him anymore.

95. I haven't seen Junior in many years. One of the last times I saw him, he was over here with his wife, and they refused to eat with me because my silverware wasn't nice enough for them. Junior has made a lot of money since he got married. But he doesn't come around to see his brothers and me. It's like he wants to forget about us. He has fancy cars, and a nice house on the north side of Phoenix, and he's never even invited me to come see it. Once when I was having trouble paying my rent, he offered to let me stay in an apartment in a house

he owned. He told me he would charge me several hundred dollars a month to stay there. I said no. Junior has been in fights with his brothers about money too. He and Pancho don't speak anymore because of some money that Pancho borrowed. The same thing happened between Junior and Jimmy. Everything is about money with Junior. He doesn't talk to me or to any of his brothers anymore. But he does talk to some of my family back in Texas. He told them that he's thinking of changing his name so that me and his brothers can never find him again.

96. When Sammy was arrested, I was living here in Phoenix. His lawyers never asked me to speak at any of his trials. If they asked me, I would have testified at his trial. I love Sammy very much. I just wish I could have protected him from the people who hurt him, especially his father. I didn't know how to do that. Everything was just so hopeless in our lives. There were no answers for us.

97. I know how to read, but reading is difficult for me. For that reason, this statement was read to me. I understand what is in the statement, and it is all true.

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 11 day of FEB, 2006.

Concha Villegas

~~Concepcion~~ Villegas

CONCHA C.V

CONCEPCION VILLEGAS

I, Concepcion Villegas, declare as follows:

1. I am the mother of Sammy Lopez. I am the sixth of the 16 children of Jose Villegas and Concepcion Gonzales. I was named Concepcion after my mother. Since my mother is also called Concepcion or the shorter nickname Concha, I was called Corrina when I was a girl in my parents' home. As an adult, everyone calls me Concha. I am originally from Fabens, a small town on the Rio Grande River about 30 miles from El Paso, Texas. I have lived in Phoenix, Arizona for more than 48 years.

2. My parents were born, raised and married in Mexico. My father married my mother when she was 15 and he was 21, and they came to Fabens for work. Daddy got a job with the railroad after working in the fields for years. He worked for the railroad until he retired. His sister Marie Villegas Rascon lives in Mexico; she once came to visit us in Fabens. Daddy died about two years ago. My mother is 90 years old and lives in Fort Worth with my sister Venancia, who is her legal guardian.

3. Before I was born, my father built the house where he and my mother raised me and all my brothers and sisters. It started as a three-room, but Daddy added two more rooms on to the back as our family grew. The house had a big yard with lots of dogs running around. Daddy grew chilies, melons, pickles, grapes and corn in the yard for the family to eat.

4. Our father was a good man and liked to laugh, but our mother was the opposite. She whipped me and my brothers and sisters with a belt almost every day for some thing or another. If we tried to run away from her, she hit us more, but I still tried to run away from her

when she tried to whip me. My sisters told me I should just let her hit me and be done with it. But I knew if I could keep away from my mother until Daddy got home, I'd get a whipping from him instead of from her. Daddy never hit us as hard as our mother did.

5. I was a twin, but my sister Julia died at birth. I was born with something wrong with my legs and I was not able to walk until I was four years old. When I was old enough to want to walk, I sat up and pulled my body with my hands and arms across the floor. My father rubbed my legs with the inside lining of egg shells and buried my legs in the hot Texas sand to help sooth my legs and give them strength to carry me. When I could not walk I was helpless. Once a neighborhood dog attacked me and I could not run away. To this day I have a large scar on my left leg from where the dog bit me. My father took his gun and shot the dog dead. It was good that I was later able to walk. My sisters and brothers and I walked to school and then home and to the cotton fields each day. We walked whether it was sunny, raining or snowing.

6. The school my sisters and brothers and I went to was for Hispanic children who lived in the Fabens area. The white children went to another school and the black children went to yet another school, even though there were only a few black people in Fabens when I was growing up. Some of the teachers for the Hispanic students were white and some were Hispanic, but all of them taught in English only. My family spoke Spanish only at home, so I did not understand what the teachers said for a long time. I eventually learned English from the other students and teachers, but my family always spoke Spanish at home.

7. Mother never learned to speak English and my father only learn a little English. Whenever my brothers and sisters and I spoke in English, Mother yelled at us and wanted to know what we were talking about. We always said schoolwork regardless of what we were talking about because she got angry when we talked about boys or other things she thought were

silly.

8. After school in the fall and during the day in the summer time, my brothers and sisters and I picked cotton in the fields around Fabens. We picked cotton until the sun went down, so Mother made dinner during the day for us to eat when we got home. During the fall my brothers and sisters and I went home right after school to change into our work clothes. We each had gloves and scarves and hats to protect us from the prickly cotton and hot sun. If we forgot our gloves or something to cover our head, Mother pulled our ears and yelled at us for not listening to her. My oldest sister Angela especially did not like to pick cotton because of the scratches and little scars it left on her arms. She thought the nicks and cuts made her ugly.

9. When I left Texas and moved to Phoenix, I had to leave my first baby behind with my parents in Fabens. I met Arcadio Verdugo Lopez after I moved to Phoenix, and we lived together in the Phoenix area for the next 20 years. Sammy Lopez is one of my nine children by Arcadio Lopez. We had eight sons and one daughter, but our daughter died. People usually called me Mrs. Lopez while we were together, but Arcadio and I were never married. He was an alcoholic and left the family for good when Sammy was about nine. Arcadio became a drifter, and I have no idea where he is now or even if he is still alive. For about the last 25 years, I have lived with Pedro Santibenez.

10. My first child, Roberto Villegas, was born after I was raped at age 17 by Jesus Vasquez. Jesus Vasquez and his family had always been close to my family. Jesus' mother was my mother's godmother, and Jesus' father performed the ceremony when my parents were married. I felt shocked, terrified, and betrayed when Jesus raped me. Jesus was about twice my age. When I was in high school, Jesus Vasquez was about 35. He used to hang around the drugstore where my sisters and brothers and I went after school for sodas. Back then, Jesus

owned a bar in Fabens where people danced, and he asked me and my sister Marie to come to his bar. We told him we didn't drink, but he finally convinced us to come down a few times just to watch people dance and to listen to the music.

11. Shortly after that, Jesus came to my high school one day. He told the school people that I was needed at home right away because my mother had been hurt. Fabens was a very small town, so everyone knew everyone. Everyone knew how close the Vasquez family was to mine, so of course they trusted this man to take me out of school. I went with Jesus in his car because I believed my mother needed me. Before long, though, I realized he was not heading toward my house. When I asked Jesus where he was taking me, he told me to shut up. He took me all the way out to the cemetery. Then he tied me up like an animal and raped me. I was a virgin until Jesus Vasquez did this awful thing to me.

12. I did not tell anyone what had happened. I was ashamed and confused, because we were never taught about the facts of life in our house. I was so stupid, I did not even realize I was pregnant until my mother told me. My mother saw me throwing up in the mornings and figured it out. Mother hit me over and over with the belt when she realized I was pregnant. I asked her why she was hitting me, and she said because I was pregnant.

13. Once I learned I was pregnant, I wanted to marry JesusVasquez because he was the father of the baby inside me. My mother told me I could not marry him, though, because he was too close to our family. She said it would be wrong in the eyes of God and the Catholic Church. Still, I went to talk to Jesus and asked him if he would help take care of our baby. He said he would, but he never did. My mother hated Jesus Vasquez for what he did to me.

14. Once I began to show, I had to quit school. My mother began making me stay in the back room all day until my father returned home, only letting me out when I had to use the

bathroom. After a week or so, I told my father, and he asked my mother why she was keeping me shut away in the bedroom. She told him I had brought shame on our family. She said she didn't want the neighbors to see I was pregnant, and she wanted to make sure I learned not to get pregnant again in the future. My father told her the pregnancy was not my fault since I had been raped, and he told my mother not to shut me in the back room anymore.

15. They put me under when I gave birth to the baby. I named him Roberto, just because I liked the name. After Roberto was born, my mother told me I had to find work to support my child. I did not want to stay in Fabens where I would see over and over the man who raped me, so I moved to Phoenix, where my mother's sister Cruz Madrid lived. I told my mother I wanted to take my baby and raise him myself, but she said I was too young and irresponsible to care for a child. She still blamed me for having been raped. She made me leave my baby behind with her when I moved to Arizona. I was supposed to send money back to help my parents raise Roberto, but I was always so poor I could never afford to. After a while, I pretty much stopped ever thinking about Roberto or the rest of my family back in Texas. It just hurt me too much. I did not see Roberto again until I visited Fabens about 10 years later.

16. When I got to Phoenix, I found work in the fields cutting broccoli, cabbage and lettuce and pulling carrots and onions. I spent all day every day bent over the rows of vegetables, pulling or cutting and then throwing the vegetables into the trailers of trucks as they moved through the fields. Cabbage was the hardest because it was the heaviest. There were no bathrooms near the fields, so it was not easy to find a private place to go when we needed to — usually a bush was about the best we could do. The farm owners placed barrels of water and sometimes ice next to the fields, but we had to bring or find our own drinking scoops to dip it out with. I was paid once a week for most vegetables and at the end of each day for carrots and

onions. I earned four to five dollars a week. Eventually, I was able to rent a room of my own and move out from Aunt Cruz' home.

17. While working in the fields there, I met Arcadio Lopez. Arcadio was born in Tombstone, Arizona, but he never talked about his family. He was a driver for the farming company I worked for. He picked workers up from a few different spots and drove us out to the fields at 4 or 5 in the morning and drove us back to town about 3 or 4 in the afternoon. One day, Arcadio offered to drop me off right at my front door so I wouldn't have to walk all the way from my usual stop. He started dropping me off in front of my building almost every day.

18. One day, Arcadio showed up at my door with his belongings and told me he wanted to stay with me for a while. I was angry at first that he just moved in like that, and I did not want him there at all. But he started paying my rent every month which was expensive for me alone, so I let him stay. I was not happy with Arcadio living with me, though, even in the beginning. He made me have sex with him. He never asked me, he just did it to me. I never wanted to do it; I hated it. When I tried to tell him no, he hit me and made me do it anyway. Arcadio saw another woman, Bernice, after he moved in with me, but he still made me have sex.

19. I got pregnant within a few months and began to realize my dreams would never come true. I was angry when I realized I was pregnant again. I did not want to start a family then. I wanted to finish school and do something with my life other than work in the fields and factories. But, Arcadio and I had eight sons together, one after the other, between 1954 and 1966. In all that time, Arcadio never once said that he loved me. So I never told Arcadio that I loved him either. I didn't love him, and now I can't remember what I ever even liked about him.

20. When Arcadio moved in, I did not know he was an alcoholic — and I never dreamed what a bad alcoholic he would become over the next few years. He did not drink so

much when we were first together, but over time, he began drinking both at night and during the day. He drank wine mostly. I think he did drugs also, but I'm not sure what kind. He would go a few days or a week without drinking, then he would turn around and stay drunk every day for two or three weeks. He stopped paying any attention to his responsibilities even though our family kept growing. He worked less often and spent much of the little money he did make on wine instead of food and rent for our children.

21. Arcadio's behavior also became worse as he drank more and more often. Arcadio disappeared for days without any explanation when he came back home. He had a bad temper and got angry easily. When he got home from work he did not say anything nice to me or the children, he just demanded his dinner. He ate, put on clean clothes that I had washed and ironed for him, and then went out drinking only to come home later smelling of alcohol and throw up. Sometimes he did not make it back into the house or apartment but passed out in the yard after wetting and throwing up on himself. Arcadio often screamed at me and the children for no reason and accused me of crazy things, like having an affair with a Shamrock milk delivery man. He got angry if I didn't want to give him money for beer and wine. The only good thing about Arcadio's drinking was that Arcadio couldn't have sex when he drank too much.

22. I never knew when Arcadio was going to come home drunk and out of his mind. Our children were afraid of him, their own father, never knowing what mood he'd be in when he came home. When Arcadio was drunk, he called our sons cruel names and hurt them for no reason. Back when we were at the Arena Ranch and our oldest little boy Junior was about four years old, he grabbed at Arcadio's leg while Arcadio was heating some water. Arcadio spilled the boiling water on Junior on purpose and burned him badly. Junior was scared of Arcadio and never liked him after that.

23. Arcadio often threatened me with his work knife when he was drinking. Arcadio's knife was about ten inches long and he kept it sharp for chopping the vegetables in the fields. I learned to run from him whenever I saw him start to pull it out. Most often, Arcadio hit me with his fists and knocked me into the wall. The boys kept watch and warned me when they saw their father coming home. They cried and beg me to lock the door and not let him in the house. Sooner or later, though, I always had to let him in — otherwise he broke all the windows. Our landlords for a while were a nice white neighbor couple who called the police on Arcadio when he got rough with me. Once while we were living in Glendale and Arcadio was throwing things at me, I hit him in the ear with a 2' x 4' to protect myself. The police came that time, and I got a restraining order against him and he got six months in jail for attacking me.

24. Arcadio brought in food and things sometimes, but he never helped with the rent or the bills once we had all those children. He never gave me any money directly for anything. He either bought what we needed himself or he just spent his money on his drinking and women. With eight boys to feed, we needed a lot more money than I could make by myself. We got evicted several times when I could not come up with the rent even though I worked as hard as I could. The boys and I packed everything we had into boxes and sacks. Once when we had no where else to go and Arcadio had run off again, the boys and I went to the park to look for a place to sleep, carrying all our stuff. The boys were crying and scared and they kept asking me what was going to happen to us. I was scared, too, and I didn't know what to tell them. The police found us in the park and told us we couldn't stay there overnight. I thought they were going to arrest us, but the policemen took us to an apartment building and paid the deposit for a place for us to rent.

25. My first son by Arcadio Lopez was born in 1954. We named the boy Arcadio

after his father, but everyone has always called him Junior. Junior is ashamed of how poor he was growing up. He lives in a rich part of Phoenix with his wife Anna now and never comes to visit or bring his two sons to see me. He has never given me any pictures of his children. Junior does not like anyone to smoke or wear shoes in his house, so I don't think I would like going there anyway.

26. Our second son, Eddie Lopez, was a chubby baby born in 1955. Eddie has grown up to be a hard drinker, as bad as his father Arcadio. For some reason, Eddie was the only one of our sons that Arcadio ever paid any attention to. From the time Eddie was about five years old, his father took him along with him to bars. I had to ask the police a few times to get Eddie and bring him back home. Eddie sleeps on the streets now and is barely able to keep a job. He works only at jobs that pay daily and spends it all each night on beer and whiskey. I don't understand why people drink so much.

27. In 1957, our third son Frank Lopez was born. Our family has always called him Pancho, which is Mexican for Frank. Frank had his tonsils out when he was a kid. I am so grateful he was only one of my babies ever to need surgery, but Frank was very sick when he had his tonsils out. His throat was so swollen that he could not swallow even a little water and he could not speak. Pus came out of the blisters on his throat. I took him to the county hospital where a doctor operated on him. Today, Frank and his wife Joanna have four children and live in a house in Phoenix. We could never afford a phone when my children were growing up, so it was very sweet when Frank had a phone installed for me. All I have to do is pay the monthly bill.

28. In 1958, our fourth son Esteve Lopez was born. Most people nowadays call him Steve. Our family called him Avee when he was small because that's what little Frank called him when he was trying to say "baby." Steve was a good boy, but I did not know how to make him

understand that he should not play with boys in the neighborhood who got into trouble. He went to prison for many years and was released from prison in March 1998. I was never able to bring myself to see Steve in prison, but now that he is out, I see Steve often. He has better manners since he has been in prison, and he now helps me every Saturday and Sunday. Steve worked construction from the time of his parole until he was laid off because of a work shortage. He then began working for a large landscaping firm.

29. In 1960, our fifth son Jimmy Lopez was born. Jimmy and his girlfriend Diane have two daughters, Valerie, age two, and Ashley, age seven. I do not know where Jimmy's family lives, but I babysit Valerie at my home during the week while Jimmy and Diane are working. Jimmy gets home about 6 p.m. each day. Jimmy is a good cook. He brings me food or chocolate sometimes.

30. Our sixth son Sammy Lopez was born in 1962. Sammy was a chubby baby, like his older brother Eddie. All my other kids were skinny, but those two were fat when they were little. When Sammy was a year and half old he could say "dada" and "mama" and "wawa." Sammy could walk six to nine months before he could talk. Even when he was older, Sammy was always a quiet little boy.

31. My first five sons by Arcadio Lopez were all born right after one other, about a year or so apart. After Sammy was born, though, it was a couple of years before I got pregnant again. Our sixth son, Jose Lopez, usually called Joe by most people, was born in 1965. Our seventh son, George Lopez, followed in 1966. Sammy was always closest to Joe and George, his two baby brothers, even though he was nearer in age to the older boys. My three youngest sons have always been best friends, even now that they are grown men.

32. Joe and George never got into trouble with the police until they were arrested for

killing a man over drugs when they were 19 and 20 years old. I could not believe it. Sammy took it especially hard. He was very sad and withdrew into himself. I could see he was hurting, but I did not know how to talk to him to about it.

33. When the boys were growing up, they had funny nicknames for each other. Gringo was the boys' nickname for George because he was so white, and Nigger was their name for Sammy because he was so dark. Jimmy was called Worm because, when he was a baby, he wiggled across the table to eat from the sugar bowl. Joe was called Skinny because he was so thin. The younger boys' nickname for Junior was Wolf because he punished them to keep them in line when I was gone. They thought he was too mean to them, but Junior was trying to be the man of the house.

34. Growing up, my boys were alone all afternoon after school and only had Junior to look after them. Arcadio and I were both out working, or else I was working two jobs while Arcadio was off somewhere drunk. The neighbors tried to keep an eye on the children for me, and my older sons were good about watching my younger sons. Still, I worried with so many boys in the house together unattended that one of them would have an accident. Luckily, the boys did not have many serious accidents or emergencies. The most serious one I can remember happened to Junior. When Junior was 10 and Eddie was nine, Eddie threw a balsa wood airplane in the air, and when it came down it poked Junior in the eye. When I got home and saw Junior's eye, I called Arcadio's bosses, some Japanese ranch owners, and asked them to let Arcadio leave work and borrow a truck to get Junior to the hospital. They said they would, but then they didn't let Arcadio leave until after 8 p.m. By the time we got Junior to the hospital many hours had passed, and he had lost too much fluid from his eyeball for it ever to heal completely. He had to wear a patch for a long time. Junior still has to wear dark eye glasses to protect his eye from the

light and to hide the fact that the eye still sometimes leaks tears. Junior is even wearing his dark glasses in his wedding portrait.

35. Our last child and only daughter, Gloria, was born in 1970. Sammy was almost eight years old then. Arcadio was disappearing more and more often and for longer periods of time before Gloria was born, so I had thought that we would not have any more children. I was very happy to finally have a girl, and she made our home better just being there. With so many boys in the house already, I was glad they finally had the influence of a sister to calm them down. They acted so sweet, all crazy about Baby Gloria. Gloria was born with a sickness, and she died in 1971 when she was less than a year old. I think all my boys still carry a heaviness inside them because their only sister was taken from them so young. I do, too.

36. Not long after Gloria died, Arcadio drifted away for good. Sammy was about nine or 10 years old, his oldest brother Junior was 17 and his youngest brother George was only about five years old. I had to raise eight boys by myself. My oldest sons, especially Junior, helped me take care of and watch my younger sons. Junior had already dropped out of school a couple of years earlier when he was a freshman in high school and gotten a full-time job at the Arizona Republic newspaper to help me with the bills. Frank and Eddie got jobs when they were in high school, too. Junior moved out when he got married in the mid 1970s. I felt like I was losing my right hand when Arcadio left home. He had helped with the bills and helped control his younger brothers. I told him what chores I wanted the boys to do and he made sure that they went to school and did their chores when they got home.

37. With or without Arcadio, my sons and I always had to struggle to make ends meet. One of our first homes was on the Arena Ranch in Tolleson, which is north of Phoenix. Arcadio and I worked for a time in the fields at the ranch when we had only our first three sons.

The ranch workers all lived in cabins provided by the owners. The cabins had no water or bathroom or even a stove inside. I cooked all our meals outside over an open fire. I washed our clothes in a metal tub. The worst thing about the ranch was the scorpions. Every morning when we woke up scorpions were all over the ground, but we were very lucky and none of the boys ever got stung. I was careful to check the outhouse for scorpions before I let the boys use it in the morning. I told the boys over and over again always to watch for scorpions and not ever to go near one. I always told my boys to be careful.

38. We moved from the ranch to a few places in Glendale, which is just outside of West Phoenix. In 1966, after Jose was born but before George was born, we moved to the south west part of Phoenix. We lived in a couple different places there, too. Many of the places we lived in were not better than the ranch. The places we rented were small and the boys had to share beds, but they had running water and electricity. We were never able to afford to have a phone when the boys were at home. Each of the neighborhoods we lived in were mostly Hispanic.

39. After Arcadio left me and the children for good, I met Pedro Santibenez and we have been together now for about 25 years. I met Pedro at a place called the Crystal dance hall. I liked listening to the Spanish bands that played there. I never went to places like dancehalls, but after Arcadio left, my children told me I should go out and relax. They knew how hard I had always worked to give them food and clothes. So I went out with the women I worked with. One night at the Crystal dancehall, Pedro came up and told me not to dance with anyone but him. So, the women I came with and I left and went to another dance hall, but Pedro followed us. Pedro moved in with me and the boys when Sammy was 10 years old. Joe was seven then, and he was use to sleeping in my bed. When Pedro moved in, Joe tried telling him to go to his own

house to sleep.

40. After Pedro moved in with us, he told me about his family in Mexico. He is married to another woman in Mexico, and they have eight children — three girls and five boys. Five of Pedro's childen now live around Phoenix. Pedro's daughter San Juana had her first baby last September 27. She called me from the hospital and said she was alone and scared, so I went to the hospital and stayed with her all day. Pedro has two sons who live in Kansas, and his oldest son Pedro Jr. still lives in Mexico.

41. For the last six or seven years, Pedro has worked for the company that takes care of the parks in Scottsdale. My son Steve now works for the same company. Every morning they go down to the office and a company truck takes them to their work assignments. Pedro and Steve have the same birthday, too: October 23rd.

42. I still live in Southwest Phoenix after more than 30 years. I like that I know the neighborhood. I always shop at the same grocery store, and I don't have to go out anywhere else very often. I don't like that there are more people hanging out here who don't belong than there use to be. I see more prostitutes and people buying and using drugs or just drinking alcohol. I have seen someone shooting up drugs in the vacant lot next to where I live.

43. My mother's sister Cruz Madrid still lives in Phoenix a few blocks from me in a government housing project. She had seven children: Ramone, Velia, Lorenzo, Lupe, Rimaldo, Ruben and Francis. Ruben was killed in a drunk driving accident right after he came home from Vietnam. Lupe's son Ricky, nicknamed Duke, was killed in a Phoenix park when he tried to help a girl being stabbed by another man. I haven't kept up with Cruz and her family in the last several years.

44. I love all my children, including Sammy, very much. I wish I could have given

Sammy and his brothers more when they were younger. I wish I could have protected them from the people who hurt them, especially their father, but I did not know what else to do. It just seemed so hopeless.

45. Before Sammy's trial, no one asked me about Sammy or our life. I would have talked to them and testified if someone had asked me.

I declare under penalty of perjury under the laws of the State of Arizona and the United States that the forgoing is true and correct.

Executed: June 15, 1999.

Concepcion (Concha) Villegas

DECLARATION OF ARCADIO VILLEGAS LOPEZ

I, Arcadio Villegas Lopez, declare as follows:

1. I am Sammy Lopez' oldest brother. I am known as "Junior" by my family and friends because our father's name also is Arcadio. Our father is Arcadio Lopez, and our mother is Concha Villegas. Our mother and father never married, but they had nine children together. I was born August 30, 1954, and I am the oldest of their children. I have seven younger brothers, including Sammy Lopez. We also had a sister named Gloria, but she died when she was less than a year old in 1971.

2. Although I was forced to drop out of school as a freshman in high school to help support our family, I have since earned my GED and established myself as a pressman for the *Arizona Republic*. I started working for the paper 27 years ago as a maintenance worker and worked my way up first to flyman then to apprentice and eventually to pressman. Anna, my wife of 22 years, and I own our home in North Phoenix where we live with our two sons Michael and Nicolas, ages 17 and 20.

3. I grew up in the Phoenix area with my seven brothers, our mother, and our father until he left us. Our mother is originally from Texas. She had 13 brothers and sisters, but we rarely saw any of our relatives. We did not have the money to travel to Texas to visit our grandparents and or other relatives.

4. Our mother has an aunt, Cruz Madrid, who lives in Phoenix. Cruz had several

children. One of her sons Ruben served in the U.S. Marines during the Vietnam War. Just after he returned from Vietnam he was killed in a car accident. Cruz' daughter Lupe is married to Sam Ogul. Sam and Lupe Ogul's son was murdered in a park in Phoenix just before his 21st birthday in 1990. He was waiting in the park to meet his parents and sister to celebrate his sister birthday. He was stabbed repeatedly and killed when he tried to help a girl being attacked.

5. I know very little about our father and his family because he was a very closed person who never talked about his family. I asked our mother about his family once, but she said she didn't know anything about them. I never met anyone from our father's family.

6. Our father, Arcadio Lopez, was an alcoholic who drank mostly cheap wine. Sometimes he drank beer. I first realized that our dad was a drinker when I was about 9 years old. I knew before then that our father drank, but it was not until then that I realized how drastically alcohol changed his behavior and affected all of our lives.

7. He spent much of what little money he earned on alcohol, and so we often had little to eat and poor clothing. Money was always tight. Our brothers and I slept in bunk beds. There was never any extra money for birthday presents or toys. My brothers and I could not join after school activities and sports teams because we did not have the money for the fees and uniforms. The family car was always broken because our father was always too drunk to fix it or see about getting it fixed. He never spent any time with me or my brothers playing ball, helping us with homework, teaching us about cars, or any of the other things that most fathers do for their sons.

8. When he was not drinking, our father was not as mean. He even cooked breakfast for the family a few times. As I grew older, our father drank more and he drank more often. Eventually, our father was pretty much drunk all of the time, and he often became violent when he drank.

9. Our father beat our mother in front of me and my younger brothers when he was drunk. The beatings happened about once a week, but we never knew when or why he would beat our mother. He often came home after drinking late into the night, yelled at our mother, and then started hitting her with his hand or fist. Sometimes he demanded that she make him something to eat at 2 or 3 in the morning even though she had to get up and go to the work in only a few hours, and then he beat her if she complained or he thought she was too slow.

10. Our parents' relationship was always up and down. It wasn't just our father's drinking and physical abuse, he also cheated on our mother with other women. I remember our mother going to find our father because he was staying with another woman. I did not understand why our mother bothered to go and get him.

11. Our father abandoned our family for good when I was about 15 years old and Sammy was about seven. One night when our father was hurting our mother, I pushed him up against the wall and told him not to ever hit her again. He just left; he did not even take his clothes. He did not leave the family anything either. He left us with nothing because that is the type of man that he is.

12. Our father was often depressed when I was growing up and tried to kill himself

several times. When I was about 7 or 8 years old and our family was living in Glendale, our father intentionally drank from a bottle of Clorox bleach. I remember the ambulance that came. Our father also tried to jump in front of a train numerous times.

13. I have no good memories of our father. One of my strongest early memories of our father was from when I was about 6 years old and he almost drown me and my brothers Eddie, Frank, Steve and Jimmy. This was when we lived on a ranch in Glendale and our old 1955 Nomad station wagon was working. Our father got drunk and took all the kids in the car. Either by accident or intentionally, he drove into an irrigation canal. Water quickly began to fill the car, and we could not get out. Luckily, there were people nearby who saw us and pulled me and my brothers out of the car and saved us all from drowning.

14. What little money our father made he earned by picking cotton, grapes, peaches and other fruits and vegetables. Sometimes he left to work in the fields in California. Some of my brothers and I went with our father to pick cotton when I was about 10 or 12 years old. I remember being shocked by how low the pay was for each bag of cotton and how back-breaking the work was. I decided then to stay in school and make real money. I would have stayed in school, too, if our father had not deserted our family. I had to quit school after the first three months of my freshman year at Carl Hayden High School to help support our family. Our mother received ADC, but it was not enough really to feed and clothe all of us.

15. We moved several times when I was child. I remember living on a ranch in Glendale. We moved to Phoenix because a flood destroyed our apartment. I remember floating in the living room in a big metal tub our mother usually used for washing clothes.

16. Our family did not have enough money to celebrate birthdays and mother worked so hard she never had time to relax or enjoy her life. She tried to get us presents for Christmas, but there were plenty of times we just weren't able to celebrate holidays.

17. Our father did not show me or any of my brothers any love or affection. He showed us almost no attention at all other than to punish us whenever he felt like it, even when we had done nothing wrong. He usually hit us with a belt for what ever he felt we had done wrong.

18. I do not want to be like our father. I do not drink or use any drugs, even cigarettes. I saw what alcohol did to our father, and I decided a long time ago that I will never end up an old drunk like our father.

19. Our mother also had a hard time expressing her affection. She is not the type to say "I love you" or to hug or kiss her children. She showed her love by working as hard as a person can to try and support us.

20. I am the only one of the eight Lopez brothers to visit our mother's family. I keep their addresses and phone numbers because our mother never seemed to be able to keep track of things like that. She does not know how old her grandchildren are. Our mother did not even recognize my son when I brought him by her apartment last year. I always missed having a family when I was a child and I made up my mind to make sure my kids knew their relatives and learned to love them.

21. Our mother is Catholic and deeply religious, but she did not go to church. She did not take me or my brothers to church. I started attending church when I married my wife

Anna. Mother always hung a picture of the Last Supper and a picture of Jesus in our home. She prayed when any of her children were hurt, in trouble or needed help. She just never went out on her own when she did not have to, even to attend church.

22. When I was a child, Mother usually spoke in Spanish to me and my brothers and our father. Her English was not so great when my brothers and I were younger. Sometimes I could not understand our parents' conversations because they were in Spanish. Sometimes I did not understand our mother when she spoke to me in Spanish because she spoke too fast, but I pretended to understand her. I tried to spell words in English and tell her the correct pronunciation to help her, but she just told me not to correct her.

23. Pedro Santibenez, who is sometimes called Pete, moved in with our mother a few years after our father left us. Most of my brothers were no longer living with Mother by the time Pete moved in with our mother. He was not like a father or a stepfather to me or my brothers. If one of my brothers had a problem or got into trouble, Pete told our mother that they were her kids and that she had to take care of them.

24. Pete did not always get along with my brothers. Pete and my brother Eddie often argued. They yelled at one another and used foul language.

25. I was luckier than my younger brothers in that I had a male mentor. Sam Ogul is the husband of our mothers' maternal cousin Lupe Madrid Ogul. When I was a teenager Sam taught me about cars and other things. We sometimes competed to see which of us could rebuild a engine part faster. Sam always won because he was older and knew so much more about cars, but I learned a lot. Sam was more like a dad to me than Arcadio ever was. Today,

I teach my sons about cars and helped them to buy cars to rebuild and restore. Having old cars to fix up gives them an interest at home which helps to keep them out of trouble.

26. Sam got me a job where he works at the *Arizona Republic* newspaper working on the press machines. When I was still living with Mother and my brothers, I used the money from this job to help pay bills and buy groceries for our family. Sam retired from the paper earlier this year after he suffered a heart attack on the job.

27. My brothers did not have a mentor like I did in Sam. I was the closest that they had to a male role model. I lived with my brothers and mother until I married Anna when I was 21 or 22 years old. As long as I lived with our family, I tried to keep my brothers out of trouble, in school and away from people who took advantage of them, but I was too young and inexperienced to be a substitute father.

28. After I moved out, the family fell apart. I wasn't there to protect and watch out for my brothers any more. My younger brothers began to get into trouble, and Mother grew even more isolated from the community. Some bad characters started taking advantage of my brothers. Some of these bad characters lived in the government housing projects between 19th and 20th Avenue and Buckeye and Durango.

29. A couple of my brothers were sort of adopted by the Servin family. The Servins are real trouble. One died of a drug overdose. Manuel and Tony Servine went to prison. One of the Servins stole the television I bought for Mother. A neighbor saw him taking the T.V. from her apartment. The Servins even stole from their own grandmother.

30. Despite our father's alcoholism, my brothers drink. My brother Eddie is an

alcoholic. He is mean when he drinks; alcohol makes him want to fight whoever is around him. I do not understand how Eddie is still alive after all the drinking and driving he has done. Like our father, when Eddie drinks he gets defensive and then he gets violent. About two years ago I saw Eddie at Mother's apartment. Eddie was drunk, and he began to argue with me. Eddie threatened to get a gun from his car and shoot me, so I just left.

31. Our brother Frank was the first to move out of our mother's home. He left when he married Joanna Salias. Frank and his wife now have four children: Frankie, Marie, Steve and Anthony.

32. Frank is really shy. He won't eat in public. His kids are the same way. Frank has always had a fear of contracts. He didn't want to buy a house or sign a lease. So Frank and Joanne lived with Joanne's mother until about a year and a half ago when they finally moved into their own home. He never bought a new car because he didn't want to have to sign the papers. Frank just bought old cars he could buy with cash. I do not know how Frank learned about cars. I learned about car repair and maintenance from Sam Ogul.

33. After I moved out from home, I turned my attention to my new family. I was determined their lives would be better than mine and they would never experience the sadness and fear I did as a child. I did not really keep up with my brothers after I moved out of our mother's apartment. I do not know whether any of them finished high school.

34. I learned from our family that parents can not give proper attention to their children if they have too many. I intentionally limited my family to two children. It is too hard to control and care for more children than that. My sons are doing well; I am proud neither of

them have a drug or alcohol problem. I wish I had the security and love growing up that my children have.

35. I have always lived in the Phoenix area and it is well known among my family that I have worked at the *Arizona Republic* newspaper for my entire adult life. I was never contacted by any one regarding my brother Sammy's arrest and trial for murder. If anyone had asked me, I would have testified at Sammy's trial about my brother and his life.

I declare under penalty of perjury under the laws of Arizona and the United States that the forgoing is true and correct.

Executed on June 17, 1999.

Arcadio ~~Villegas~~ Lopez

Declaration of Frank Villegas Lopez

1. My legal name is Frank Lopez, but in my family, I've always been known as "Pancho," the Mexican nickname for Francisco. I was born on August 27, 1957. My parents are Concepcion Villegas and Arcadio Lopez. They are American citizens, and I am too, but my family is really Mexican. Like a lot of Mexican families, mine is a big one. I have seven brothers, one of whom is Sammy Lopez.

2. Our oldest brother is Arcadio, who we call "Junior" since Arcadio was also our father's name. Then came Eddie, me, and Esteve, who we call "Avie" or just "Steve." The youngest four were Jimmy, then Sammy, then Jose, who we call Joe, and finally George. Our sister Gloria was the youngest. She came after Georgie, but she was born sick, and she died before her first birthday.

3. We were dirt poor when Sammy and my other brothers and I were growing up. Nothing came easy for our family, not money, not finding a safe place to live, not keeping ourselves fed. We could never even count on having a roof over our head. Surviving from day to day was a struggle for us when we were growing up. It seemed like we were always a day away from getting kicked out of our house and living on the streets.

4. My brothers and I didn't have anything but each other. When you go to church and they ask for donations for the poor, they were talking about us. We got a lot of our clothes and food from the church and from other neighbors who saw how hard my mom was working to keep us alive. If we wanted anything more than clothes and food, we had to figure out a way to make it ourselves. We collected broken down bicycles from all over the neighborhood, and we pieced them together into crazy looking bikes that we took turns riding.

My mom worked so hard she didn't have time to buy us a Halloween costume. But when my oldest brother Junior started working, he brought home big sheet of paper and together my brothers and I cut it up and taped it into funny little costumes that we could wear. It may sound strange, but those are some of the best memories of our life. When you're poor, anything you get is special.

5. The worst part of our childhood wasn't being poor and struggling to survive every day. The worst thing about our childhood was living with our dad. Ask any of my brothers or my mom, and they'll tell you the same thing. Our father was a man with a lot of problems, and he took his problems out on my brothers, on our mom, and on me. He was angry, unstable, selfish, unpredictable, and violent.

6. We never called Arcadio "Dad," "Papa," or any of the things kids usually call their fathers. We called him by the same name everyone else used for him: "Beto." Whatever name we used for him, calling Beto our father is giving him more credit than he deserves. Beto never cared about my brothers or me. We were his sons, but he didn't love us. I can't remember him ever showing us any affection or love, not even once. Beto never took the time to sit and talk with us, or to teach us the important lessons about life. He didn't care about taking good care of us and making sure we grew up to be happy or even healthy. Beto barely talked to us, except to yell at us or to call us foul names. Beto wasn't our father. He was just the man who got our mom pregnant with us and terrorized our home.

7. Beto was a terrible, violent alcoholic. When he came home from work, he started yelling right away and looked for a way to start trouble with my mom and with us. If dinner wasn't ready when he got home, he yelled at my brothers and my mom and me, called us

names, and beat us with his hands. We tried to keep it from happening by having everything perfect, but Beto could always find something to yell at us about. He said, "Why isn't the floor swept? Why is this mess here? Where is my food? Why aren't my tortillas hot?" If one of us tried to answer his question, he hit us with his fist for talking back. If we didn't answer, he hit us for ignoring him. We couldn't win.

8. When Beto hit us, my mom tried to stop it. That's when he started hitting her. Sometimes he just hit her once or twice and then left or went in the other room to drink his wine. Other times he hit her over and over again until she collapsed from the beating. My brothers and I used to try to stop him, but Beto was bigger and stronger than we were, and we couldn't do anything about it until we were much older.

9. Beto didn't just hit us once. He hit my brothers, my mom, and me over and over and used his hands, his fists, his feet, his belt, and extension cord, or whatever he could find. We didn't have a phone until I was a lot older, so we always had to run to the neighbors and ask them to call the police. Things were different in those days, and the police didn't get involved. The only thing they did was tell Beto to leave for the night and come back when he was sober. For us that was like hearing them tell a killer to come back later.

10. Beto's beatings hurt us all, especially Sammy. Sammy spent his days at the window watching out for when Beto came home. When he saw Beto, Sammy started crying. Then he warned everyone and ran away before Beto got inside.

11. We all avoided Beto. When he couldn't get his hands on one of us, he punched a hole in a wall or a door. Beto punched the walls so hard he injured himself many times. After he punched a wall, he quit yelling, sat down quietly in a chair, and watched his

hand bleed. It was like he was suddenly a different person. Then one of my brothers or I brought him a towel.

12. He did a lot of other strange things. Sometimes he saw things that weren't there. Another time he drank bleach.

13. Beto got more violent as we got older. That was so bad for the older brothers, including me. When we got older we spent more time away from the house with friends and girlfriends. Unfortunately, Sammy, Joe and Georgie were younger, so it was harder for them to get away from home. They had to face Beto's attacks without us older brothers around to help them. It makes me sad to think about the way Sammy and the youngest kids took the most violent beatings, but it's true: Beto saved the worst hell for them.

14. I try my best to look on the bright side, but there was no bright side with Beto. You wouldn't treat an animal the way he treated us. If you want to understand what it was like growing up in our family, pretend you're a little boy and you live with someone who wants to kill you. Beto told us that all the time, and the way he beat us, I believed it. To put yourself in our shoes, you have to imagine that all the good stuff you see on the TV is for everyone else. It wasn't for us. Our life was just fear, and we all knew it would never get better.

15. The only father I know is my mom. She taught my brothers and me everything we know, and she worked hard to keep us fed and clothed with a roof over our head. If I could, I would show Beto where Sammy, Joe and Georgie are today. I know for a fact that everything Sammy and the youngest brothers have gone through and where they've ended up is because of Beto. He ruined their lives. He ruined all of our lives. My brothers and I have never recovered from the beatings and the fear we lived in.

16. Sammy was always the most sensitive of my brothers. Beto's beatings affected him the worst. For years, Sammy woke everyone up in the middle of the night, crying, screaming, and sweating with shakes so bad you could see him twitching.

17. We were so worried about Sammy we always kept on eye on him when he went to bed. When Sammy didn't wake up screaming, he sleepwalked. Sammy often got up in the middle of the night like he was going to the kitchen for a glass of water. When he didn't go back to bed, we checked on him to see what was wrong. We found him crouching down in a corner of the kitchen shaking as if he was hiding and really scared. Sometimes Sammy stayed there sweating and shivering in the corner of the kitchen for an hour or more. We couldn't get through to Sammy when this happened. It was like he couldn't even hear us.

18. Other times, when Sammy got up and went to the kitchen, he grabbed a table knife and gripped it really hard in his hand like he was scared and he had to defend himself from someone who wasn't there. We knew Sammy wouldn't hurt us with the knife, but we were afraid he might hurt himself. He held the knife in front of him and backed up against a wall or a cabinet. We told him: "Sammy, put the knife down. You're sleepwalking again. Put the knife down." But Sammy didn't answer. His mind was in some other place. He just held the knife and stood there shivering in the kitchen. Only my mom could get him to respond. She walked up to him slowly and took the knife away. Then she put him back to bed. If he really woke up when he was sleep walking like this, he just looked at you and started shaking and crying out loud. If you put a hand on him, you could feel his whole body shaking and sweating. Even today, it can still see the look of fear in that little boy's eyes.

19. Sammy used to run out of the house when he was sleepwalking. It scared

us because it was the middle of the night, it was dark, and we were afraid he might hurt himself or get hit by a car. He just got up crying, and he ran out the door and down the street as fast as he could. He ran so fast, it was hard for us to catch up with him. When we finally caught Sammy, we stopped him and tried to carry him back home with one of my brothers. It was hard to bring him home because he was crying and shaking and breathing hard and struggling against us.

20. Sammy's sleepwalking got so bad that Joe and Georgie had to sleep by the door to keep Sammy from leaving the house and running down the street in the middle of the night.

21. Sammy never remembered his sleepwalking the next day. We asked him why he kept getting up at night and hiding in the kitchen or running out of the house, but he didn't know what we were talking about. He thought we were making the whole thing up. We were afraid for Sammy. Today, what bothers me most about it is that it didn't have to be this way for Sammy. Sammy suffered like this because he was the most sensitive to the fear and the beatings.

22. Sammy was sensitive in other ways too. Of all of my brothers, he was the closest to our baby sister Gloria. Sammy used to sit with her and hold her hand for hours at a time. He liked to take care of her too, making sure she had everything she needed. Any time Gloria needed a bottle, Sammy jumped up and made her formula and brought it. Sammy loved all his brothers, but there was something special about the way he loved Gloria. When Gloria died, it hurt us all, but it affected Sammy the worst. He went into a shell. It seemed like weeks went by before he said two words.

23. Not long after Gloria died Beto left for the last time. He didn't say anything about his plans. He just never came back.

24. Even when Sammy was a little boy, he had to have all of his things a certain way. With eight boys in the house, none of us had a lot of things or places to put them. But Sammy always made a little spot in a corner or in a closet for his things. He put his books and papers exactly straight, and if you bumped them or moved a pencil, Sammy knew it. Sometimes my other brothers teased him by moving his things because they knew that it upset him. When he saw that his things were moved, Sammy went and put them back the way he needed them to be.

25. Sammy used to clean his shoes every day with water and soap and salt and a toothbrush. He couldn't stand having even a spot on his shoes. He spent a lot of time, putting his laces in his sneakers. He couldn't stand it if a lace got twisted. The laces all had to be perfectly flat or he did them over. Sammy also had to wash and clean and iron his own clothes because no one else could do it exactly the way he wanted. I didn't care about these things. I just threw my clothes in a pile, but Sammy washed his clothes, got out every single spot, and ironed them so the creases were exactly the way he wanted them. He didn't like to fold his t-shirts or his pants because he was afraid they might get a line where they were folded. Instead he put newspapers, towels, and handkerchiefs over wire hangers and then hung his clothes over that. To me, it was a lot of trouble just to keep the hangers from putting a crease in his clothes.

26. Sammy started drinking when he was young, about 12 years old. He also started sniffing paint a few years after that. I was out of the house by this time, but I came around enough to see that he was going in the wrong direction. It was hard for me to see him

like that. Sammy was getting so drunk and high that he was seeing things. I was with him several times when he thought he saw La Llorona. La Llorona is the screaming woman. She's the ghost of a Mexican woman who drowned her baby, and she comes to get kids. She's like a Mexican boogeyman, just an old, scary story for little kids. But Sammy used to see her when he got really loaded. It happened out of the blue. One minute Sammy was sitting with me like everything was fine. The next minute, his eyes were big white circles and he was running for his life, screaming that La Llorona was coming for him.

27. A strange thing about Sammy was that drinking seemed to give him energy. It was strange to me because I always drank to wind down every day. When Sammy had his first couple beers of the day, he was calm and relaxed like anyone. Then all of a sudden, Sammy was a blur. The next thing you knew, Sammy was in my kitchen sweeping, or mopping, or doing dishes. Or he went to the park to play basketball. I never saw alcohol affect anyone else that way.

28. Sammy was usually the quiet one in our family. One time when of his girlfriends broke up with him, I realized Sammy was worse than just sensitive. He just couldn't control his moods. Sammy was about fourteen years old at the time. His girlfriend, a girl named Linda, broke up with him one day at the park where all the kids used to hang out. Sammy completely shut down after this. I didn't hear him talk for about three weeks. When Sammy got sad like this, there was just no way to bring him out of it. Joe and Georgie were closest to Sammy. They couldn't get him to go to the park and play basketball, and that was his favorite thing to do. When you couldn't get Sammy to go play basketball, you knew something was wrong. Sammy barely left the house for three weeks after Linda broke up with him.

29. Right around that same time, my mom was raped by a stranger. One night she went to the store across the open field next to where we lived and she didn't come back for a couple of hours. Finally, the police brought her home. Some of her clothes were missing and pulled and her face was scratched, and she looked scared like she'd been attacked. We were all frightened and confused, but Sammy was affected the most by it. He was speechless, and he looked like he was going to cry. We spent a lot of time trying to figure out what to do for my mom, but Sammy couldn't say a word. Finally, he just ran out of the house because he couldn't take it anymore. He came back after a few hours, but he still wasn't talking. I don't think Sammy ever got over that.

30. Sammy was always the kind of person who tried to keep everything inside. When something was wrong with him, I could tell because he got even quieter than usual. When you asked him what was wrong, he tried to end the conversation, and he only gave you one-word answers, "nothing," he said, or, "nada."

31. When Sammy was a teenager, Pedro had moved into the house with him and my mom. I didn't have to deal with Pedro too much because I moved out when I was about seventeen and Sammy was about twelve. A lot of my brothers left soon after that. Junior got married and moved out. Eddie and Steve went out on their own. But Jimmy, Sammy, Joe, and Georgie were left at my mom's, and they all had a hard time getting along with Pedro and his family. Jimmy got in a fight with Pedro, and my mom kicked him out of the house. Later, the same thing happened with Sammy.

32. Sammy started getting in trouble and went to juvenile hall and prison. He also started drinking and using drugs more and more. I saw him so many times with gold paint

on his lips from sniffing. Other times he tried to hide the paint in a bag, but I could hear the mixing ball rattling around in the can. He was also doing strange things. A couple years before he was arrested the last time, he came to my house panicked and bleeding out of his hand. For some reason he had tried to pick up a lawn mower from underneath. The blades were still moving and they almost took his fingers off.

33. After that Sammy kept drinking a lot. Once he got drunk and forgot how his fingers got cut. He just looked down at the bandages, started crying, and asked me what happened to his hand. I tried to calm Sammy down, and I told him, "It's okay, Sammy. You cut your fingers on a lawn mower, but you're okay now." Nothing I said got through to him. He just kept crying and asking what happened to him.

34. Sammy was locked up when Joe and Georgie got into trouble, and when he got out, he had nothing: he had no job, his closest brothers were gone, and he had no place to live. He told me he felt like no one wanted him. He never recovered. He was breaking out in tears all the time. I had never seen him this low. We stayed up all night a few times just talking about how lost he felt. He said he missed Joe and Georgie and he didn't know what to do because he felt like a part of him was missing. Without his little brothers, Sammy said he felt like he didn't know who he was anymore. He couldn't stop crying, and nothing made him feel any better. He just kept saying that he felt empty inside, that he didn't know what to do, and that he blamed himself for the trouble Joe and Georgie got in. He said he should have been there for his little brothers, and that if he had been around, he never would have let it to happen. I've never seen anyone so sad and desperate as Sammy was after Joe and Georgie got locked up.

35. In the months before he was arrested the last time, Sammy was so lost it

broke my heart. He was sleeping in Willow Park. I told him to come and stay with me and my wife and son. I also offered to talk to my mom so she would let Sammy move back in with her. But Sammy said he didn't want to be a problem. He came to my house a lot, but never stayed for more than a day. I didn't know how to help him, but I knew he needed help. Sammy was so lost that you could feel it just by sitting next to him. I told him I wanted him to stay and that he could live with us until he got his head straight. I just wanted him to get better and decide what he wanted to do with his life, but Sammy was so messed up that he couldn't make a plan to change his life.

36. The only thing Sammy could do was drink and use drugs. In the months before he was arrested the last time, Sammy was drunk or high or both every time I saw him.

37. Sammy was getting so drunk and high that I thought he was losing his mind. He did strange things and didn't remember, like throwing up in the sink or getting up and peeing on the furniture. When I asked him why he did it the next day, he didn't know what I was talking about. It got so bad that I left his vomit in the sink so I had proof the next day. Sammy saw it, and he was shocked. He was forgetting a lot of things that happened.

38. Sammy just wasn't himself in the months before he got arrested the last time. I could tell just by looking at him. He was filthy, like one of the homeless people you see talking to themselves. He looked like he slept in a canal; his hair was greasy and not combed; and his clothes looked like he found them in a garbage can. And he smelled like he didn't take a shower for months. When Sammy came to my house, we made him take a shower and borrow some clean clothes before we let him sit on the furniture.

39. The last time I saw Sammy, he was so high that I couldn't even have a

conversation with him. He was sitting in the basketball court in the park, and he couldn't hold his head up straight. He was slurring his words and saying things that didn't make any sense. He was also breathing really heavy. This was just a few days before he was arrested.

40. I was not called to testify at any of Sammy's trials. If I had been called to testify, I would have.

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 11 day of Feb, 2006.

Frank Villegas Lopez

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 SR I'M AWAKE UNTIL THREE OR FOUR IN THE MORNING.

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