

# URGENT ACTION

## MEXICAN AMERICAN FACING EXECUTION IN ARIZONA

**Sammy Lopez is scheduled to be executed in the US state of Arizona on 27 June for a murder committed in 1986. The details of his background of extreme poverty and severe childhood abuse and its effects on him were not presented to the sentencing judge.**

The body of Estefana Holmes, a 59-year-old woman, was found in her Phoenix apartment on 29 October 1986. She had been sexually assaulted, stabbed, and had her throat slit. **Samuel Villegas Lopez** (known as **Sammy Lopez**), a 24-year-old Mexican American man, was charged with the murder, and sentenced to death by a judge. The sentence was overturned in 1990, but he was sentenced to death by the same judge at a 1990 re-sentencing.

At his first trial in 1987, the jury conviction from which still stands, Sammy Lopez was represented by a lawyer who had never handled a death penalty case before. He presented no evidence at the first stage of the trial and no witnesses at either stage. In a sworn statement given in February 2012, the lawyer acknowledged that in 1987, he had had “no concept of mitigation” and “did not conduct a mitigation investigation”. At his re-sentencing in 1990, Sammy Lopez was represented by another lawyer, who also failed to investigate his client’s family or life history. Indeed, the prosecutor urged the judge to pass a death sentence, saying: “Where is there any mitigation in this man’s life, either past, present or future, that is in any way socially redeeming? There is none.... We would ask this court to sentence this man to the most severe penalty society can exact.” Asked to respond, the defence lawyer said: “there’s nothing societally [sic] redeeming in the defendant’s background. I wish we could all argue with Paul [the prosecutor] on that. Probably can’t.” The judge sentenced Sammy Lopez to death again.

In 2006, Dr George W. Woods produced a 95-page social history of the Lopez family, providing the detail that the sentencing judge never heard about the “horribly violent home” in which Sammy Lopez grew up and which left him “acutely traumatized”. Sammy Lopez’s father was “a cruel and vicious alcoholic who beat his wife and children regularly”. After he left, when Sammy was about nine, another man moved in, and he continued the abuse: he used to “terrorize [Samuel] with guns”. Sammy Lopez’s mother’s “own horrific childhood, multiple rapes, physical assaults, and coercive control by common law husbands” left her “unable to assume even the most basic responsibilities of parenthood”. “Like many traumatized individuals”, Sammy Lopez “sought relief from the isolation, rejection and pain he felt by using drugs and alcohol”, and as his “symptoms of trauma and depression went untreated, his alcohol, drug, and solvent addiction increased”. From about the age of 21, he was homeless, living in cars, the local park and a cemetery. Neurological testing of Samuel Lopez in 2006 revealed “significant neurological impairments including frontal lobe impairments” and symptoms indicative of Post Traumatic Stress Disorder. Dr Woods concluded that Sammy Lopez was further impaired at the time of the crime due to intoxication.

### **Please write immediately, in English or your own language:**

- Explain that you are not seeking to excuse the murder of Estefana Holmes or to downplay the suffering caused;
- Express deep concern that the judge who sentenced Samuel Villegas Lopez to death never heard compelling information about the defendant’s history of severe poverty and appalling abuse or its effects on him;
- Call for Samuel Lopez’s death sentence to be commuted.

### **PLEASE SEND APPEALS BEFORE 27 JUNE 2012 TO:**

The Honorable Janice K. Brewer, Arizona Governor, Executive Tower, 1700 West Washington Street, Phoenix, AZ 85007, USA

**Email:** [azgov@az.gov](mailto:azgov@az.gov)

**Fax** +1 602 542 1381

**Salutation:** Dear Governor

**Send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## MEXICAN AMERICAN FACING EXECUTION IN ARIZONA

### ADDITIONAL INFORMATION

According to the social history produced by Dr Woods in 2006, Sammy Lopez grew up in “profound conditions of neglect and poverty” in an area of Phoenix, Arizona, that was 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, the Lopez family “stood out as being extraordinarily poor”. In addition, “multigenerational trauma, substance abuse, anxiety, psychosis and mood disorders left Sammy and his family at an increased risk for developing similar disorders”. Sammy Lopez, the doctor wrote, “lived much of his life as a feral child. Born with cognitive impairments... Sammy’s neurological deficits were augmented by the bone-and-soul-crushing beatings, paranoia, poverty, neglect, and finally, self-medication with mind-destroying drugs”. Dr Woods recounted that “Sammy suffered a childhood of life-threatening trauma” at the hands of his father and others, and “the beatings, neglect, isolation, and fear disrupted his normal development”. The “constellation 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”. Samuel Lopez “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”, and his dependency on organic solvents continued into adulthood, causing “long-lasting changes in his brain”.

In February 2012, Sammy Lopez signed a sworn statement in which he stated that he remembered nothing about the night of the crime: “I don’t remember being there or doing any of the things the police said I did. I cannot believe I could ever do those horrible things. My mom was raped. I know what an awful thing rape is.” His statement continues, “I’ve always been sorry for what [Estefana Holmes] went through that night and for what her family has gone through ever since.”

Sammy Lopez was convicted by a jury in April 1987. At that time in Arizona, judges, not juries, were the sole sentencing authority in capital cases, authorized to determine the presence of “aggravating” factors making the crime eligible for the death penalty. In June 1987, the judge sentenced Sammy Lopez to death. That death sentence was overturned on appeal due to a legal error relating to one of the two aggravating factors found by the judge, but Sammy Lopez was re-sentenced to death on 3 August 1990 by the same judge, finding the aggravating factor that the murder was committed in an “especially cruel, heinous, or depraved” manner. In 2002, the US Supreme Court ruled that under Arizona’s sentencing scheme it should be juries not judges determining the presence or absence of aggravating factors. In 2004, the Court ruled that this did not apply retroactively to cases – like that of Sammy Lopez – whose death sentence had already been affirmed on mandatory (“direct”) appeal.

Sammy Lopez was the sixth of eight sons who, according to Dr Woods’s report, were “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”. The same judge who sentenced Sammy Lopez to death had also presided over the unrelated capital case of two of Lopez’s younger brothers, charged in 1985 with first-degree murder at the ages of 19 and 20. The 19-year-old was tried and sentenced to death (later overturned to life imprisonment), and the other to life imprisonment after a guilty plea. Sammy Lopez’s trial lawyers knew about these cases, but never sought to have another judge preside over his trial.

Sammy Lopez has been on death row for half his life. Aged 24 when he was first sentenced to death, his execution is due three days before his 50<sup>th</sup> birthday. His would be the fourth execution in Arizona in 2012. There have been 21 executions in the USA this year, and 1298 executions since 1977, 31 of them in Arizona. Amnesty International opposes the death penalty in all cases.

Name: Samuel Villegas Lopez

Gender m/f: m

UA: 176/12 Index: AMR 51/048/2012 Issue Date: 20 June 2012