

1 VAN NUYS, CALIFORNIA; WEDNESDAY, APRIL 17, 1996

2 3:20 P.M.

3 DEPARTMENT NW N HON. STANLEY WEISBERG, JUDGE

4 (APPEARANCES AS HERETOFORE NOTED)

5 (MARY LU MURPHY, OFFICIAL REPORTER)

6

7 (THE FOLLOWING PROCEEDINGS

8 WERE HELD OUT OF THE PRESENCE

9 OF THE JURY:)

10

11 THE COURT: IN THE TRIAL, THE DEFENDANTS ARE IN

12 COURT WITH THEIR LAWYERS. THE PEOPLE ARE HERE.

13 AND THE JURY HAS INDICATED TO THE BAILIFF

14 THAT THEY HAVE REACHED VERDICTS IN THIS CASE, AND WE

15 WILL BE TAKING THE VERDICTS IN A MOMENT.

16 AS WE DID IN THE GUILT PHASE, DO COUNSEL

17 STIPULATE THAT IN READING THE VERDICTS THAT THE CLERK

18 NEED NOT READ THE NAME OF THE FOREMAN WHO SIGNS THE

19 VERDICT FORMS?

20 MS. ABRAMSON: SO STIPULATED.

21 MR. GESSLER: SO STIPULATED, YOUR HONOR.

22 MR. CONN: YES, YOUR HONOR.

23 MS. NAJERA: SO STIPULATED.

24 THE COURT: ALL RIGHT.

25 LET'S HAVE THE JURY OUT, PLEASE.

26 (THE JURY ENTERS THE COURTROOM

27 AND THE FOLLOWING PROCEEDINGS

28 WERE HELD:)

1 THE COURT: OKAY. THE JURY IS IN THE JURY BOX,

2 AND ALSO THE ALTERNATES ARE PRESENT.

3 THE BAILIFF INFORMS ME THAT THE JURY HAS

4 REACHED VERDICTS IN THIS CASE; IS THAT RIGHT?

5 THE FOREPERSON: WE HAVE, YOUR HONOR.

6 THE COURT: OKAY. DO YOU HAVE THE VERDICT FORMS?

7 THE FOREPERSON: YES, I DO.

8 THE COURT: WOULD YOU HAND IT TO THE BAILIFF,

9 PLEASE.

10 THE BAILIFF: THANK YOU.

11 THE COURT: OKAY. THE VERDICT FORMS APPEAR TO BE

12 IN ORDER, AND THE CLERK WILL NOW READ THE VERDICTS.

13 THE CLERK: (READING:)

14 "TITLE OF COURT AND CAUSE:

15 WE, THE JURY IN THE

16 ABOVE-ENTITLED ACTION, HAVING FOUND THE

17 DEFENDANT, ERIK GALEN MENENDEZ, GUILTY OF

18 FIRST-DEGREE MURDER IN COUNT 1, AND HAVING

19 FOUND THE SPECIAL CIRCUMSTANCES TO BE

20 TRUE, FIX THE PENALTY AT LIFE IMPRISONMENT

21 WITHOUT PAROLE, THIS 17TH DAY OF APRIL,

22 1996. NO. 1214, FOREPERSON.

23

24 TITLE OF COURT AND CAUSE:

25 WE, THE JURY IN THE

26 ABOVE-ENTITLED ACTION, HAVING FOUND THE

27 DEFENDANT, ERIK GALEN MENENDEZ, GUILTY OF

28 FIRST-DEGREE MURDER IN COUNT 2, AND HAVING

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1 FOUND THE SPECIAL CIRCUMSTANCES TO BE

2 TRUE, FIX THE PENALTY AT LIFE IMPRISONMENT

3 WITHOUT PAROLE, THIS 17TH DAY OF APRIL,

4 1996. NO. 1214, FOREPERSON.

5

6 TITLE OF COURT AND CAUSE:

7 WE, THE JURY IN THE

8 ABOVE-ENTITLED ACTION, HAVING FOUND THE

9 DEFENDANT, JOSEPH LYLE MENENDEZ, GUILTY OF

10 FIRST-DEGREE MURDER IN COUNT 1, AND HAVING

11 FOUND THE SPECIAL CIRCUMSTANCES TO BE

12 TRUE, FIX THE PENALTY AT LIFE IMPRISONMENT

13 WITHOUT PAROLE, THIS 17TH DAY OF APRIL,

14 1996. NO. 1214, FOREPERSON.

15

16 TITLE OF COURT AND CAUSE:

17 WE, THE JURY IN THE

18 ABOVE-ENTITLED ACTION, HAVING FOUND THE

19 DEFENDANT, JOSEPH LYLE MENENDEZ, GUILTY OF

20 FIRST-DEGREE MURDER IN COUNT 2, AND HAVING

21 FOUND THE SPECIAL CIRCUMSTANCES TO BE

22 TRUE, FIX THE PENALTY AT LIFE IMPRISONMENT

23 WITHOUT PAROLE THIS 17TH DAY OF APRIL,

24 1996. NO. 1214, FOREPERSON."

25 THE CLERK: LADIES AND GENTLEMEN OF THE JURY, ARE

26 THESE YOUR VERDICTS?

27 (JURY RESPONDS IN THE AFFIRMATIVE.)

28

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1 THE CLERK: SO SAY YOU ONE, SO SAY YOU ALL?

2 (JURY RESPONDS IN THE AFFIRMATIVE.)

3

4 THE COURT: OKAY. THOSE ARE THE VERDICTS.

5 DO THE PEOPLE WISH THE JURY POLLED?

6 MR. CONN: NO, YOUR HONOR.

7 THE COURT: OKAY. DO COUNSEL STIPULATE THAT THE

8 VERDICTS, AS READ BY THE CLERK, MAY BE RECORDED, AND

9 THOSE ARE THE VERDICTS IN THIS CASE AS RECORDED?

10 MR. GESSLER: YES, YOUR HONOR.

11 MR. LEVIN: SO STIPULATED.

12 MS. ABRAMSON: YES, YOUR HONOR.

13 THE COURT: OKAY. THEN THAT COMPLETES THE TASK

14 OF THE JURY IN THIS CASE.

15 LADIES AND GENTLEMEN, I WANT TO THANK YOU

16 ALL VERY MUCH FOR THE TIME AND EFFORT THAT YOU HAVE

17 DEVOTED FOR THIS CASE.

18 AS YOU ARE AWARE, A SYSTEM SUCH AS OURS

19 CANNOT FUNCTION WITHOUT PEOPLE WILLING TO DONATE THEIR

20 TIME AND THEIR EFFORT, AND CERTAINLY YOU HAVE DONE THAT.

21 IT HAS BEEN A GREAT IMPOSITION ON ALL OF YOU TO BE HERE,

22 AND YOU'VE BEEN VERY CONSCIENCIOUS IN YOUR EFFORTS, AND

23 VERY COOPERATIVE WITH THE COURT STAFF AND WITH THE

24 BAILIFFS UNDER VERY TRYING CIRCUMSTANCES. I KNOW IT'S

25 BEEN DIFFICULT FOR YOU, AND IT'S BEEN DIFFICULT TO TAKE

26 YOU AWAY FROM YOUR DAILY ACTIVITIES AND POSE A VERY

27 ISOLATED SITUATION UPON YOU, AND I APPRECIATE VERY MUCH

28 ALL THE TIME AND EFFORT YOU HAVE DEVOTED TO THIS.

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1 I WANT TO THANK YOU ALL ON BEHALF OF THE

2 ENTIRE SUPERIOR COURT FOR ALL THE TIME AND EFFORT YOU

3 HAVE PUT INTO THIS MATTER.

4 I HAVE SOME INFORMATION TO PROVIDE TO YOU,

5 AND I'LL DO THAT NOW. CERTAIN THINGS I AM OBLIGATED TO

6 DO, AND I WILL TELL YOU ABOUT THEM.

7 FIRST OF ALL, I AM OBLIGATED UNDER CODE OF

8 CIVIL PROCEDURE SECTION 206 TO TELL YOU THAT ONCE YOU

9 ARE DISCHARGED, YOU MAY TALK TO PEOPLE ABOUT THIS CASE,

10 OR YOU DON'T HAVE TO TALK TO ANYONE ABOUT THE CASE.

11 IT'S TOTALLY YOUR DECISION. I WILL GIVE YOU A COPY OF

12 THAT CODE SECTION WHICH EXPLAINS YOUR RIGHTS IN REGARDS

13 TO WHETHER YOU WISH TO OR DON'T WISH TO TALK TO ANYONE.

14 AFTER THE TRIAL IS CONCLUDED, OFTENTIMES

15 THE LAWYERS LIKE TO TALK TO YOU ABOUT THE CASE TO GET

16 INPUT FROM YOU AS TO WHAT OCCURRED DURING THE TRIAL.

17 IT'S UP TO YOU WHETHER YOU TALK TO THE LAWYERS ABOUT THE
18 CASE. I AM OBLIGATED TO TELL YOU THAT ANY UNREASONABLE
19 CONTACT BY A LAWYER, WHETHER IT'S DEFENSE OR
20 PROSECUTION, WITH A JUROR IS IMPROPER, AND YOU SHOULD
21 INFORM THE COURT IMMEDIATELY OF ANY SUCH UNREASONABLE
22 CONTACT.

23 TO ASSIST YOU IN ANY CONTACT WITH COUNSEL,
24 IF YOU WANT TO SPEAK WITH COUNSEL, THE COURT WILL
25 PROVIDE THE COURTROOM FOR THAT PURPOSE A LITTLE LATER
26 TODAY, IF YOU WANT TO TALK TO THE LAWYERS ABOUT THE
27 CASE. IT'S AGAIN UP TO YOU IN THAT REGARD.

28 ALSO, THE COURT UNDER SECTION 237 OF THE

1 CODE OF CIVIL PROCEDURE SEALS THE PERSONAL IDENTIFYING
2 INFORMATION ABOUT YOU, YOUR NAMES AND ADDRESSES AND
3 THINGS OF THAT NATURE.

4 HOWEVER, I CANNOT ASSURE YOU THAT YOUR
5 IDENTITY IS NOT KNOWN TO PEOPLE OUTSIDE OF THE
6 COURTROOM. IT'S POSSIBLE THAT THE PUBLIC, THE PRESS,
7 KNOW SOME OF YOUR NAMES AND KNOW HOW TO LOCATE YOU
8 OUTSIDE THE COURTROOM. IT'S UP TO YOU WHETHER YOU TALK
9 TO THE PRESS OR THE PUBLIC ABOUT THIS MATTER. THAT'S
10 YOUR DECISION. NO ONE CAN FORCE TO YOU DO THAT. IT'S A
11 DECISION YOU MUST MAKE ON YOUR OWN.

12 IF YOU DO CHOOSE TO SPEAK WITH THE PRESS,
13 AGAIN, WE WILL MAKE THE COURTROOM AVAILABLE FOR THAT

14 PURPOSE THIS AFTERNOON, IF YOU WANT TO SPEAK WITH THE

15 PRESS ABOUT THIS CASE. IT'S YOUR DECISION.

16 IF YOU DO CHOOSE TO SPEAK WITH THE PRESS,

17 WE WILL HAVE SOMEBODY FROM THE COURT INFORMATION OFFICE

18 ASSIST YOU, AND SHE WILL SPEAK WITH YOU ABOUT THE

19 SPECIFICS OF ANY INTERVIEWS THAT MIGHT BE CONDUCTED.

20 I SHOULD ALERT YOU, HOWEVER, THAT IF YOU

21 CHOOSE NOT TO SPEAK HERE TO THE PRESS, IT'S ALWAYS

22 POSSIBLE THAT THE PRESS MIGHT FIND YOU SOMEWHERE ELSE

23 AND TRY TO SPEAK WITH YOU ABOUT THE CASE, WHEREVER IT

24 IS.

25 AGAIN, IT'S YOUR DECISION AS TO WHETHER YOU

26 SPEAK WITH ANYONE OR NO ONE ABOUT THE CASE.

27 THAT'S BASICALLY WHAT I HAVE TO TELL YOU.

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1 ANOTHER CODE SECTION THAT I SPOKE TO YOU ABOUT DURING

2 THE EARLY STAGE OF THE TRIAL WHEN I GAVE YOU INITIAL

3 INSTRUCTIONS ON THE CASE, PENAL CODE SECTION 116.5. I

4 WOULD SUGGEST THAT YOU READ ALL OF THESE AT SOME POINT

5 TO ASSIST YOU IN YOUR OBLIGATIONS AS A JUROR AND YOUR

6 RIGHTS AS A JUROR ONCE YOU'RE EXCUSED FROM THIS CASE.

7 AGAIN, MY THANKS TO ALL OF YOU. THANK YOU

8 ALL VERY MUCH. IN THE FUTURE I HOPE TO SEE YOU BACK

9 HERE. I HOPE THAT YOUR EXPERIENCE AS JURORS HAS BEEN

10 ONE THAT WOULD CAUSE YOU TO WANT TO COME BACK AND DO IT

11 AGAIN. MAYBE NOT. MAYBE NOT THIS YEAR, BUT MAYBE IN

12 THE FUTURE.

13 THANK YOU ALL VERY MUCH. AND WE WILL ASK

14 THAT YOU GO BACK -- I APOLOGIZE FOR ALL THIS SHEPHERDING

15 YOU AROUND LIKE THIS -- BUT I WOULD ASK THAT YOU GO BACK

16 INTO THE JURY ROOM. WE WILL CLEAR THE COURTROOM, AND

17 THOSE OF YOU WHO WANT TO TALK TO THE LAWYERS, YOU WILL

18 BE ABLE TO DO THAT HERE IN THE COURTROOM, AND THEN YOU

19 WILL BE AT THE DIRECTION OF THE BAILIFF AS TO YOUR EXIT.

20 THANK YOU ALL VERY MUCH.

21 (THE JURY EXITS THE COURTROOM

22 AND THE FOLLOWING PROCEEDINGS

23 WERE HELD:)

24

25 THE COURT: ALL RIGHT. AS FAR AS POST-TRIAL

26 PROCEEDINGS.

27 ANY PARTICULAR DATE THAT YOU HAVE IN MIND?

28 MS. ABRAMSON: YES, YOUR HONOR.

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1 WE WOULD LIKE SUBSTANTIAL TIME IN

2 ANTICIPATION OF PREPARING A MOTION FOR NEW TRIAL, AND

3 BECAUSE SOME OF MY COLLEAGUES HAVE OUT-OF-TOWN

4 OBLIGATIONS, WE ARE ASKING FOR WEDNESDAY, JUNE 26TH.

5 MR. GESSLER: I WOULD JOIN IN THAT, YOUR HONOR,

6 IF THAT'S AVAILABLE TO THE COURT.

7 MS. ABRAMSON: I THINK IT WILL BE MORE THAN A

8 ONE-DAY PROCEEDING, SO THAT'S WHY I AM ASKING TO SET IT

9 IN THE MIDDLE OF THE WEEK.

10 THE COURT: AS FAR AS THE LENGTH OF THE

11 CONTINUANCE, DO THE PEOPLE HAVE ANY PROBLEM WITH THAT

12 GENERAL TIME FRAME? AS FAR AS THE SPECIFIC DATE, THAT

13 MIGHT BE A PROBLEM FOR ME.

14 MR. CONN: NO.

15 THE COURT: OKAY. THAT MIGHT BE A PROBLEM FOR ME

16 THAT WEEK, SO EITHER THE FOLLOWING WEEK -- FIRST WEEK IN

17 JULY OR THE SECOND WEEK IN JULY.

18 MS. ABRAMSON: THAT'S FINE.

19 MR. GESSLER: I WILL HAVE TO POSTPONE MY JURY

20 SERVICE A DAY OR TWO, I THINK.

21 MS. ABRAMSON: HE WAS GOING TO GET ON A CASE, WE

22 KNOW THAT.

23 THE FOLLOWING WEEK IS FINE, YOUR HONOR.

24 THE COURT: JULY THE 1ST IS A MONDAY.

25 MS. ABRAMSON: COULD WE MAKE IT THE TUESDAY?

26 THE COURT: TUESDAY, OKAY.

27 IS THAT AGREEABLE WITH EVERYBODY,

28 RECOGNIZING THE 4TH IS A THURSDAY, WHICH WE WOULDN'T --

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1 WHICH IS A LEGAL HOLIDAY?

2 MR. GESSLER: THE 2ND IS FINE WITH US, YOUR

3 HONOR.

4 THE COURT: JULY THE 2ND FOR MOTIONS AND

5 SENTENCING.

6 THE COURT ORDERS A PROBATION REPORT AS TO

7 EACH DEFENDANT.

8 EACH DEFENDANT HAS A RIGHT TO BE SENTENCED

9 WITHIN 20 DAYS OF TODAY'S DATE.

10 DO YOU UNDERSTAND THAT RIGHT, LYLE

11 MENENDEZ?

12 DEFENDANT LYLE MENENDEZ: YES, I DO.

13 THE COURT: DO YOU GIVE UP THAT RIGHT AND AGREE

14 THAT YOUR SENTENCING WILL BE ON THE 2ND OF JULY?

15 DEFENDANT LYLE MENENDEZ: I DO, YOUR HONOR.

16 THE COURT: DO YOU UNDERSTAND THAT RIGHT, ERIK

17 MENENDEZ?

18 DEFENDANT ERIK MENENDEZ: YES, YOUR HONOR.

19 THE COURT: DO YOU AGREE THAT YOUR SENTENCING

20 WILL BE ON THE 2ND OF JULY?

21 DEFENDANT ERIK MENENDEZ: YES, YOUR HONOR.

22 THE COURT: OKAY.

23 THEN EACH DEFENDANT IS REMANDED WITHOUT

24 BAIL, AND ORDERED TO RETURN ON JULY THE 2ND FOR FURTHER

25 PROCEEDINGS.

26 ALL RIGHT. COURT IS IN RECESS.

27 (AT 3:35 P.M., PROCEEDINGS WERE

28 ADJOURNED UNTIL JULY 2, 1996)

2 FOR THE COUNTY OF LOS ANGELES

3

4 DEPARTMENT NW "N" HON. STANLEY M. WEISBERG, JUDGE

5

6

THE PEOPLE OF THE STATE OF)

7 CALIFORNIA,)

PLAINTIFFS,)

8)

VS.) NO. BA 068880

9)

ERIK GALEN MENENDEZ, AND)

10 JOSEPH LYLE MENENDEZ,)

DEFENDANTS.)

11 _____)

12

REPORTER'S TRANSCRIPT OF PROCEEDINGS

13 WEDNESDAY, APRIL 17, 1996

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14 PAGES 54988 THROUGH 54996

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17 APPEARANCES:

(SEE APPEARANCE PAGE

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25 MARY LU MURPHY, CSR NO. 5178

MARILYN FADALE, CSR NO. 4547

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