

1 VAN NUYS, CALIFORNIA; FRIDAY, DECEMBER 8, 1995

2 9:20 A.M.

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

4 (APPEARANCES AS HERETOFORE NOTED.)

5

6 (THE FOLLOWING PROCEEDINGS WERE

7 HELD IN OPEN COURT OUT OF THE

8 PRESENCE OF THE JURY:)

9

10 THE COURT: IN THE TRIAL, THE DEFENDANTS,

11 THEIR LAWYERS AND THE PROSECUTORS ARE HERE.

12 ARE THERE ANY MATTERS TO TAKE UP BEFORE

13 THE JURY COMES IN?

14 MR. LEVIN: I --

15 MR. CONN: YES, YOUR HONOR.

16 MR. LEVIN: THERE IS ONE ADDITIONAL EXHIBIT

17 THAT I'M TRYING TO FIND THAT I'LL SHOW MR. CONN AS

18 SOON AS WE FIND IT. BUT OTHER THAN THAT, NOTHING

19 FROM THE DEFENSE.

20 THE COURT: ANYTHING FROM THE PROSECUTION AT

21 THIS POINT?

22 MR. CONN: YES, YOUR HONOR. THERE ARE

23 SEVERAL EXHIBITS WHICH WE WILL BE OBJECTING TO. I'M

24 NOT SURE THE PURPOSE FOR WHICH THESE EXHIBITS ARE

25 GOING TO BE OFFERED.

26 THE COURT: ARE THEY GOING TO BE OFFERED

27 DURING THE NEXT STAGE OF THE EXAMINATION OF THE

28 WITNESS?

1 MR. LEVIN: SOME ARE, YOUR HONOR, SOME  
2 AREN'T.

3 THE COURT: LET'S FOCUS ON THOSE THAT WILL BE  
4 REFERRED TO IN THE UPCOMING SESSION SO THAT WE DON'T  
5 GET SIDETRACKED ON ISSUES THAT WON'T ARISE UNTIL  
6 LATER, IF YOU CAN JUST PINPOINT THOSE.

7 MR. LEVIN: PERHAPS THE ONE YOU'RE HOLDING  
8 AND THEN THIS ONE. YOU'RE OBJECTING TO BOTH OF  
9 THEM?

10 MR. CONN: YES.

11 THERE ARE -- OF THE TWO IDENTIFIED BY  
12 COUNSEL, WE WOULD OBJECT TO BOTH OF THEM.  
13 APPARENTLY, THERE'S A PHOTOGRAPH WHICH SIMPLY  
14 DEPICTS A JAR OF VASELINE ON THE -- IN THE BEDROOM,  
15 AND UNLESS THAT PARTICULAR JAR OF VASELINE HAS SOME  
16 SIGNIFICANCE, WE WOULD CERTAINLY OBJECT. AND EVEN  
17 IF IT DOES HAVE SOME SIGNIFICANCE, I WOULD STILL  
18 OBJECT THAT UNDER 352 A PHOTO OF A JAR OF VASELINE  
19 IS NOT PARTICULARLY PROBATIVE AND SHOULD BE  
20 EXCLUDED.

21 AND THEN THERE'S ANOTHER PHOTOGRAPH  
22 WHICH SIMPLY DEPICTS A ROAD AND SOMEWHERE THERE AT  
23 THE END OF THE ROAD. I SUPPOSE THAT THIS IS ANOTHER

24 LOCATION RELATING TO WHERE THE DEFENDANTS LIVED AT  
25 SOME POINT IN TIME. WE ALREADY HAVE PHOTOGRAPHS OF  
26 ALL OF THE HOUSES IN WHICH THEY LIVED AND WE WOULD  
27 OBJECT TO THAT. I DON'T SEE THE RELEVANCE OF THAT.

28 AND THERE'S A THIRD PHOTOGRAPH, WHICH

43203

1 ONCE AGAIN IS THE TYPICAL CHILDHOOD PHOTOGRAPHS  
2 WHICH THE DEFENDANTS ARE SEEKING TO PRESENT IN THIS  
3 TRIAL. THIS ONE DEPICTS THE TWO DEFENDANTS AS  
4 CHILDREN SITTING ON A BOAT IN A LAKE. SO WE'LL  
5 OBJECT TO ALL THREE OF THESE EXHIBITS.

6 THE COURT: OKAY. LET'S MARK THEM SO THAT WE  
7 HAVE A RECORD HERE. 359 IS A PHOTO WITH WHAT HAS  
8 BEEN DESCRIBED BY MR. CONN AS A JAR OF VASELINE  
9 DEPICTED IN IT.

10 MR. CONN: 359 WILL BE THE PHOTO OF THE JAR  
11 OF VASELINE. 360, THE PHOTO OF THE ROAD WITH  
12 SOMEONE AT THE END OF THE ROAD. AND 361, PHOTO OF  
13 THE DEFENDANTS ON A BOAT IN A LAKE.

14 THE COURT: AND WHAT IS THE RELEVANCE OF THE  
15 360?

16 MR. LEVIN: 360, YOUR HONOR, WHICH -- I'M  
17 SORRY, IS THAT THE BOAT OR THE CUL-DE-SAC?

18 MS. NAJERA: CUL-DE-SAC.

19 YES, YOUR HONOR, THE EXHIBIT 360 IS A  
20 PHOTOGRAPH WHICH DEPICTS THE CUL-DE-SAC WHERE ERIK  
21 MENENDEZ, AS A YOUNG CHILD, WAS FORCED TO RIDE HIS  
22 BICYCLE DOWN A STEEP GRADE, WHICH HE WOULD TESTIFY  
23 TO WAS A REQUIREMENT FOR HIM TO KEEP THE BICYCLE;  
24 THAT HIS FATHER TOLD HIM THAT HE WOULD HAVE TO BE  
25 ABLE TO MAINTAIN A -- HIS BALANCE ON THE BICYCLE  
26 GOING AROUND THE CUL-DE-SAC -- AND THAT UNLESS HE WAS  
27 ABLE TO MAINTAIN HIS BALANCE -- AND EVEN SOMETIMES  
28 HE WAS PUSHED DOWN THE CUL-DE-SAC. AND WE DO HAVE

43204

1 AN EYEWITNESS THAT'S GOING TO TESTIFY TO THAT, ALAN  
2 ANDERSEN -- ERIK MENENDEZ WOULD NOT BE ALLOWED TO  
3 KEEP THE BICYCLE.  
4 ON ONE OCCASION, ONE SPECIFIC OCCASION,  
5 HE FELL DOWN, ERIK MENENDEZ DID. HE INJURED HIS  
6 ARM, WHICH WAS A GAPING WOUND, WHICH UNDER NORMAL  
7 CIRCUMSTANCES WOULD PROBABLY REQUIRE STITCHES. BUT  
8 HIS PARENTS DID NOT SEEK MEDICAL ATTENTION AND THE  
9 WOUND WAS JUST HEALED BY ITSELF AND ERIK MENENDEZ  
10 HAS A SCAR. THIS EVIDENCE WAS ADDUCED AT THIS LAST  
11 TRIAL, AND HE SHOWED THE JURY THE SCAR AND THE  
12 PHOTOGRAPH WHICH HAD BEEN PREVIOUSLY USED IN THE  
13 TRIAL AND MARKED AS EXHIBIT 155.

14 THE COURT: OKAY. AND THE OTHER PHOTOGRAPH,  
15 361?  
16 MR. LEVIN: 361, THE ROWBOAT ON THE LAKE,  
17 REFERS TO AN INCIDENT WHERE ERIK MENENDEZ AND LYLE  
18 MENENDEZ WERE TOGETHER ON A BOAT IN A LAKE AND JOSE  
19 MENENDEZ FORCED THEM TO SWIM TO SHORE; ON ONE  
20 PARTICULAR OCCASION, ERIK MENENDEZ FINDING HIMSELF  
21 TOO WEAK TO BE ABLE TO MAKE IT TO SHORE, BEGAN TO  
22 DROWN. HE WAS SAVED BY HIS BROTHER, WHICH ENRAGED  
23 JOSE MENENDEZ. THE RESPONSE WAS: DO IT ALL OVER  
24 AGAIN. AND THIS PHOTOGRAPH IS OF THAT LAKE.  
25 THE COURT: WAS THAT PHOTOGRAPH TAKEN AT THE  
26 TIME THE INCIDENT OCCURRED?  
27 MR. LEVIN: UNFORTUNATELY, A PHOTOGRAPHER DID  
28 NOT WITNESS THE EVENT. THIS WAS PREVIOUSLY USED --

43205

1 OR IT WAS USED IN THE PREVIOUS TRIAL. IT WAS  
2 EXHIBIT 170. BUT IT'S THE ONLY ILLUSTRATION OF THIS  
3 PARTICULAR LAKE THAT SHOWS BOTH LYLE AND ERIK  
4 MENENDEZ ON A BOAT ON THE LAKE. AND NOT ONLY WOULD  
5 GIVE THE JURY A GRAPHIC DEPICTION OF THE SIZE OF THE  
6 LAKE, WHICH OTHERWISE THEY WOULD HAVE TO INFER AND  
7 CONJURE UP AN IMAGE IN THEIR OWN MIND, THIS  
8 PHOTOGRAPH CLEARLY SHOWS THE SIZE OF THE LAKE AND

9 ACCURATELY DEPICTS THE SURROUNDING FOLIAGE AND THE  
10 AREA WHERE ERIK MENENDEZ WOULD SAY THAT HE WAS AT  
11 THE TIME THAT HE WAS DROWNING IN THE LAKE. AND  
12 BECAUSE HE'S ON THE LAKE WITH HIS BROTHER ALSO TENDS  
13 TO CORROBORATE THAT THERE IS A LAKE AND HE WAS ON  
14 IT.

15 THE COURT: ALL RIGHT. AS TO THE UNDERLYING  
16 INCIDENTS THEMSELVES, WHAT IS THE PEOPLE'S  
17 POSITION?

18 MR. CONN: WELL, ONCE AGAIN, WE WOULD OBJECT  
19 TO TESTIMONY CONCERNING THESE PARTICULAR INCIDENTS.  
20 UNLESS THE DEFENDANT IS PREPARED TO SAY THAT HE  
21 KILLED HIS FATHER BECAUSE HE BELIEVED HIS FATHER WAS  
22 GOING TO KILL HIM AS A RESULT OF THESE INCIDENTS, OR  
23 IN SOME WAY TIES THESE INCIDENTS INTO HIS MOTIVATION  
24 FOR KILLING HIS FATHER, I WOULD SUBMIT THAT THE  
25 DEFENDANT SHOULD NOT BE ABLE TO RELATE TO THE JURY  
26 EVERY NEGATIVE EXPERIENCE HE EVER HAD WITH HIS  
27 FATHER. ESSENTIALLY WHAT HE'S DOING IS ONCE AGAIN  
28 TRYING TO PUT HIS FATHER ON TRIAL.

43206

1 I THINK THAT UNDER EVIDENCE CODE SECTION  
2 352, THE COURT CAN FIND THAT BECAUSE THESE INCIDENTS  
3 DO NOT BEAR DIRECTLY UPON WHY THE DEFENDANT FEARED

4 THAT HIS FATHER WAS GOING TO KILL HIM, THAT THE  
5 COURT CAN EXCLUDE THE INCIDENTS ALTOGETHER.

6 SO I WOULD SUBMIT THAT IF THE INCIDENTS  
7 ARE EXCLUDED, THEN THE PHOTOGRAPHS WHICH DO NOT EVEN  
8 PROVE-UP THE INCIDENTS, BUT ONLY RELATE SOMEHOW  
9 TANGENTIALLY TO THESE, SHOULD ALSO BE EXCLUDED.

10 THE COURT: ALL RIGHT. AS FAR AS EXHIBIT  
11 359, THAT WAS SUBJECT OF TESTIMONY IN THE FIRST  
12 TRIAL. I DON'T KNOW IF THIS PARTICULAR PHOTOGRAPH  
13 WAS THE ONE USED OR ANOTHER PHOTOGRAPH THAT DEPICTED  
14 THAT SCENE. BUT I RECALL THERE WAS SUCH REFERENCE  
15 TO THAT PHOTOGRAPH, I BELIEVE USED AS AN EXHIBIT,  
16 AND IT TIES INTO THE DEFENDANT'S TESTIMONY, THAT  
17 PHOTOGRAPH OF THAT SCENE. THE BEDROOM IS RELEVANT  
18 TO THE DEFENSE AND, THEREFORE, WOULD BE ADMITTED.

19 AS FAR AS THE PHOTOGRAPH, 360, AND THE  
20 INCIDENT TO WHICH IT RELATES, WHAT AGE IS IT THAT  
21 THE DEFENDANT WAS AT THE TIME THAT INCIDENT  
22 OCCURRED?

23 MR. LEVIN: WELL, YOUR HONOR, IT WAS IN HIS  
24 EARLY CHILDHOOD YEARS. IT WAS APPROXIMATELY WHEN HE  
25 WAS SEVEN OR EIGHT YEARS OLD.

26 THE COURT: OKAY. THE COURT FINDS THAT THE  
27 INCIDENT AS OUTLINED BY THE OFFER OF PROOF IS REMOTE  
28 IN TIME. IT'S IRRELEVANT TO THE ISSUES IN THIS

1 TRIAL. THE PROBATIVE VALUE OF THIS EVIDENCE IS  
2 SUBSTANTIALLY OUTWEIGHED BY ITS POTENTIAL FOR  
3 PREJUDICE AND UNDUE CONSUMPTION OF TIME. AND THE  
4 INCIDENT ITSELF AND THE PHOTOGRAPH TO WHICH IT  
5 PURPORTEDLY RELATES AS AN OFFER OF PROOF ARE  
6 IRRELEVANT AND EXCLUDABLE UNDER 352 OF THE EVIDENCE  
7 CODE. THEREFORE, THAT EXHIBIT WILL NOT BE PERMITTED  
8 TO BE USED.

9 MR. LEVIN: YOUR HONOR, THERE IS ANOTHER  
10 BASIS FOR THE INTRODUCTION OF THIS EVIDENCE, AND  
11 THIS GOES TO THE RELATIONSHIP BETWEEN LYLE MENENDEZ  
12 AND ERIK MENENDEZ THAT DEVELOPED THROUGHOUT THE  
13 COURSE OF THEIR LIVES.

14 LYLE MENENDEZ BEGAN AS SOMEWHAT OF A  
15 BULLY AND ABUSER HIMSELF WITH RESPECT TO ERIK  
16 MENENDEZ, BUT LATER BECAME HIS PROTECTOR. AND  
17 SEVERAL KEY POINTS OR KEY INCIDENTS OCCURRED DURING  
18 THEIR LIVES TOGETHER THAT WERE SIGNIFICANT WITH  
19 RESPECT TO ERIK MENENDEZ' STATE OF MIND AS IT  
20 EXISTED --

21 THE COURT: WELL, FIRST OF ALL, THE RULING I  
22 JUST MADE HAD TO DO WITH 360, WHICH WAS THE BICYCLE  
23 INCIDENT. NOW YOU'RE GOING ON TO THE BOAT.

24 MR. LEVIN: WELL, I'LL WAIT FOR THE COURT'S  
25 RULING BEFORE I PERHAPS --

26 THE COURT: DID YOU WISH TO ARGUE THE ISSUE  
27 REGARDING THE BOAT -- THE ROAD AND THE PHOTOGRAPH OF



43208

1 MR. LEVIN: NO.

2 THE COURT: ALL RIGHT. THERE WILL BE NO  
3 REFERENCE TO THAT DURING THE EXAMINATION BASED UPON  
4 THE COURT'S RULING.

5 IF THERE'S ANY CONFUSION IN -- THAT  
6 RULING I JUST MADE RELATED TO EXHIBIT 360, WHICH MY  
7 NOTES INDICATE IS THE PHOTOGRAPH OF THE ROAD.

8 MR. LEVIN: YOUR HONOR, THE POINT THAT WE'RE  
9 TRYING TO DEMONSTRATE, THERE IS ONE MATTER WITH THE  
10 BICYCLE INCIDENT, IS THAT IT CONSTITUTES SUBSTANTIAL  
11 FEAR THAT ERIK MENENDEZ HAD OF HIS FATHER AND THE  
12 FACT THAT HE WOULD FOLLOW HIS FATHER'S ORDERS, AND  
13 HIS FATHER WOULD USE THIS KIND OF BEHAVIOR IN THE  
14 TRAINING OF ERIK MENENDEZ; THAT ERIK MENENDEZ HAD  
15 LITERALLY NO CHOICE IN THE MATTER; THAT HE WOULD  
16 HAVE TO PERFORM IN THE MANNER THAT HIS FATHER  
17 REQUIRED; AND EVEN IF HE GOT HURT, HIS FATHER AND  
18 HIS MOTHER WOULD NOT EVEN SEEK AND OBTAIN MEDICAL  
19 TREATMENT FOR HIM. AND THE FACT THAT HE PUSHED HIM  
20 DOWN THE CUL-DE-SAC IS A SEPARATE BASIS FOR A  
21 FINDING OF PHYSICAL ABUSE WHERE MR. MENENDEZ,  
22 KNOWING THAT THIS YOUNG BOY IS NOT GOING TO BE ABLE

23 TO MAKE THIS BICYCLE TRIP, HE TAKES HIM AND HE  
24 PUSHES HIM DOWN THE CUL-DE-SAC. AND IT TENDS TO  
25 SHOW THE FEAR THAT ERIK MENENDEZ WOULD HAVE NOT AT  
26 THE PROPULSION OF HIMSELF GOING DOWN THE CUL-DE-SAC,  
27 BUT AT THE HANDS OF HIS FATHER.  
28 AND I THINK THAT THAT'S -- THAT'S

43209

1 IMPORTANT; AND ALSO THE FACT THAT HE WAS INJURED AND  
2 HE DID NOT RECEIVE ANY MEDICAL ATTENTION FOR THE  
3 WOUND.

4 THE COURT: ALL RIGHT. I CAN'T -- JUST AN  
5 INITIAL REACTION, I CAN'T IMAGINE MANY OF US WHO  
6 HAVEN'T BEEN IN SIMILAR SITUATIONS AS CHILDREN,  
7 QUITE FRANKLY. IT'S A VERY TRIVIAL EVENT THAT  
8 YOU'RE DESCRIBING HERE AND MAKING IT INTO A VERY  
9 DRAMATIC EVENT. THAT'S MY FIRST REACTION TO IT.

10 BUT BEYOND THAT, YOU DIDN'T TAKE TO  
11 HEART MY REMARKS YESTERDAY ABOUT CUTTING BACK ON  
12 THIS SORT OF EVIDENCE. YOU SAID YOU'RE AWARE OF IT  
13 AND YOU'RE COGNIZANT OF MY REMARKS, BUT THE  
14 IMPORTANT THING IS TO REACT AND RESPOND TO IT IN A  
15 WAY THAT CUTS BACK ON THIS EVIDENCE RATHER THAN KEEP  
16 GOING AT THE SAME PACE THAT YOU INTENDED TO GO ALL  
17 ALONG.

18 MR. LEVIN: YOUR HONOR, I MIGHT POINT OUT  
19 THAT ERIK MENENDEZ HAS ONLY BEEN ON THE STAND FOR  
20 THREE HOURS.

21 THE COURT: YES.

22 MR. LEVIN: HIS TESTIMONY PROBABLY COMPRISES  
23 ON DIRECT EXAMINATION SO FAR MAYBE A HUNDRED AND  
24 TWENTY PAGES. AT THE FIRST TRIAL HE TESTIFIED -- HIS  
25 TESTIMONY OF THESE TYPES OF EVENTS, WHICH CAUSED HIM  
26 TO HAVE FEAR, COMPRISED 10 DAYS AND IS ABOUT 1,700  
27 PAGES, ABOUT A THOUSAND PAGES ON DIRECT.

28 MS. ABRAMSON: NO, WHAT WAS --

43210

1 THE COURT: FIRST OF ALL, A LOT OF THAT HAD  
2 NOTHING TO DO -- A LOT OF THAT TESTIMONY HAD NOTHING  
3 TO DO WITH THE EVENTS THAT YOU'RE TALKING ABOUT  
4 NOW. WHAT I'M TRYING TO DO IS GET YOU TO RELEVANT  
5 TESTIMONY RATHER THAN THE EARLY EVENTS.

6 MS. ABRAMSON: CAN WE HAVE A MOMENT, YOUR  
7 HONOR.

8 (ATTORNEYS ABRAMSON AND LEVIN  
9 CONFER SOTTO VOCE.)

10

11 MS. ABRAMSON: THANK YOU, YOUR HONOR.

12 MR. LEVIN: YOUR HONOR, BASED ON THE COURT'S

13 RULINGS, BASED ON WHAT THE COURT HAS ALREADY  
14 INFORMED THE DEFENSE REGARDING THE LIMITATIONS OF  
15 THE TYPE OF EVIDENCE THAT WE WISH TO PRESENT, THE  
16 ONLY WITNESS THAT WE CAN USE TO PRESENT A PICTURE OF  
17 THE BRUTALITY, THE ACTS OF VIOLENCE, THE STATE OF  
18 MIND THAT ERIK MENENDEZ HAD ON AUGUST 20TH, IS ERIK  
19 MENENDEZ.

20 IN FACT, BASED ON THE COURT'S RULINGS,  
21 WE WERE PUT IN A POSITION AND LITERALLY FORCED TO  
22 CALL ERIK MENENDEZ TO TESTIFY BEFORE WE COULD CALL  
23 ANY FAMILY MEMBERS, ANY TEACHERS, COACHES, ANY  
24 WITNESSES THAT HAVE FIRSTHAND KNOWLEDGE OF SPECIFIC  
25 INCIDENTS WHICH CORROBORATE THE TESTIMONY OF ERIK  
26 MENENDEZ.

27 AND SO ERIK MENENDEZ IS PUT IN A  
28 POSITION WHERE HE'S TRYING TO EXPLAIN THE BRUTALITY

43211

1 AND THE VIOLENCE, A LIFETIME OF BRUTALITY AND  
2 VIOLENCE, THAT HE SUFFERED AT THE HANDS OF HIS  
3 FATHER. THAT INCLUDES SEXUAL ABUSE, PHYSICAL ABUSE  
4 AND PSYCHOLOGICAL ABUSE. AND WHEN A FATHER -- NOT  
5 IN AN ISOLATED INCIDENT OF A LIFETIME OF LOVE AND  
6 KINDNESS, WHEN A FATHER, IN A LIFETIME OF  
7 TERRORISTIC ACTIVITIES AND BRUTALITY, TAKES A CHILD

8 AND THROWS HIM DOWN A CUL-DE-SAC AND PUSHES HIM DOWN  
9 ON HIS BICYCLE, THAT IS A SIGNIFICANT EVENT IN A  
10 CHILD'S LIFE. AND THAT PARTICULAR EVENT IS ONE  
11 WHICH IS MIND-NUMBING AND ONE WHICH CREATES AN  
12 IMPRESSION THAT LASTS. IT DOESN'T GO AWAY.

13 AND ERIK MENENDEZ' STATE OF MIND WITH  
14 RESPECT TO THE TYPE OF BRUTALITY THAT WAS USED UPON  
15 HIM BY HIS FATHER, NOT JUST ONLY IN THE BEDROOM, BUT  
16 THE TYPE OF BRUTALITY THAT WAS USED AGAINST HIM  
17 OUTSIDE THE BEDROOM IN HIS EVERYDAY LIFE, IS  
18 IMPORTANT FOR US TO BE ABLE TO EXPLAIN.

19 THIS IS NOT GOING TO BE EXTREMELY  
20 TIME-CONSUMING. THIS PARTICULAR INCIDENT WILL TAKE  
21 TWO MINUTES, IF THAT, FOR MR. MENENDEZ TO EXPLAIN  
22 AND SHOW THE JURY THAT HE HAS A SCAR FROM IT.

23 NOW, IF THE COURT'S GOING TO SAY THAT  
24 THE PROSECUTION CANNOT CROSS-EXAMINE ERIK MENENDEZ  
25 ON HIS LIFE, IF THEIR THEORY IS THAT HE WAS  
26 BRUTALIZED AND THAT HE WAS SEXUALLY ABUSED AND THAT  
27 HE WAS TERRORIZED AND HE WAS TORTURED, THEN I  
28 SUPPOSE THAT THE DEFENSE SHOULD BE IN A POSITION TO

43212

1 WHERE ERIK MENENDEZ SHOULD JUST SAY, I HAD A ROTTEN  
2 LIFE, AND GO ON FROM THERE. BUT MR. CONN IS NOT

3 GOING TO DO THAT.

4 THE PROSECUTION IN THIS CASE IS TAKING  
5 THE POSITION THAT EVERYTHING IN ERIK MENENDEZ' LIFE  
6 IS MADE UP; THAT HE HAS FABRICATED A DEFENSE; THAT  
7 HE IS MAKING UP THE ABUSE AND BRUTALITY THAT HE WAS  
8 SUBJECTED TO. THE PURPOSE OF THE RECONSTRUCTION, OF  
9 WHY WE LISTENED TO ALL THAT TESTIMONY OF ROGER  
10 MC CARTHY, TO SHOW THAT IT'S INCONSISTENT WITH  
11 SOMEONE WHO HAS HAD THAT KIND OF LIFE.

12 AND THEIR THEORIES ARE VERY, VERY  
13 CLEAR. WE'VE HEARD TREMENDOUS TESTIMONY, AMOUNT OF  
14 TESTIMONY, OF POST-CRIME SPENDING WITH BLOW-UPS OF  
15 ROLEX WATCHES THAT THE COURT ALLOWED IN THAT WEREN'T  
16 EVEN THE ROLEX WATCHES THAT THEY PURCHASED; IN FACT,  
17 NOT EVEN THE TYPE OF ROLEX WATCH THAT THEY  
18 PURCHASED. AND HERE WE HAVE THE VERY LAKE AND THE  
19 VERY CUL-DE-SAC AND THE VERY INCIDENT, AND I THINK  
20 THAT IT'S INCUMBENT UPON THIS COURT TO ALLOW ERIK  
21 MENENDEZ TO FULLY EXPLAIN THOSE INCIDENTS THAT HE  
22 HAS PROOF OCCURRED, PHYSICAL PROOF ON HIS ARM,  
23 PHYSICAL PROOF BY PHOTOGRAPHS, CORROBORATING PROOF  
24 FROM WITNESSES THAT WILL COME IN AND TESTIFY WHEN  
25 MR. CONN CROSS-EXAMINES ERIK MENENDEZ AND LEAVES AN  
26 INFERENCE IN FRONT OF THIS JURY THAT ALL THIS  
27 EVIDENCE OF HIS LIFE IS BEING CONJURED UP AND MADE  
28 UP. AND THIS GOES TO THE VERY HEART OF THIS CASE.

1 THE COURT: WELL, THAT'S PART OF THE DEFECT  
2 IN YOUR ARGUMENT. AND YOU ARGUE LONG AND YOU ARGUE  
3 HARD AND YOU ARGUE EFFECTIVELY FOR ADMISSION OF  
4 EVIDENCE IN A CASE WHERE THE ALLEGATION WAS CHILD  
5 ABUSE. THAT'S NOT THE ALLEGATION HERE. THIS IS A  
6 DIFFERENT CASE AND A DIFFERENT CHARGE, AND THE ONLY  
7 RELEVANCE OF THIS EVIDENCE IS AS IT RELATES TO THE  
8 MENTAL STATE OF THE DEFENDANT AT THE TIME HE KILLED  
9 HIS PARENTS. AND IT'S ONLY SUPPORTIVE OF,  
10 CORROBORATIVE OF, HIS TESTIMONY OF HIS MENTAL STATE  
11 AT THE TIME AND SUPPORTIVE OF ANY EXPERT OPINION YOU  
12 MIGHT OFFER. AND IT'S SUBJECT TO LIMITATIONS  
13 BECAUSE ITS REMOTE IN TIME AND LACKING IN PROBATIVE  
14 VALUE.

15 AND THE RULINGS WOULD BE DIFFERENT IF,  
16 IN FACT, THIS WAS A TRIAL WHERE YOU WERE THE  
17 PROSECUTOR AND YOU WERE TRYING TO PROVE CHILD ABUSE  
18 AND THE ROLES WERE REVERSED. THIS IS NOT THAT  
19 TRIAL.

20 MR. LEVIN: BUT, YOUR HONOR, I THINK WE TEND  
21 TO LOSE SIGHT THAT THIS INCIDENT OCCURRED IN 1989.  
22 IT OCCURRED SIX YEARS AGO. IT'S REMOTE FROM TODAY.  
23 ERIK MENENDEZ IS 25 YEARS OLD TODAY. HE'S BEEN IN  
24 JAIL FOR SIX YEARS. WHEN A PERSON IS 18 YEARS OLD,  
25 EVENTS THAT HAPPENED WHEN THEY'RE 11, 12, 13, 15,

26 ARE NOT REMOTE. AND THESE -- THIS WAS NOT A  
27 FULL-GROWN MATURE MAN WHEN HE WENT TO JAIL. THIS  
28 WAS A YOUNG MAN RIGHT OUT OF HIGH SCHOOL, DAYS OUT

43214

1 OF HIGH SCHOOL. AND THESE EVENTS WERE NOT REMOTE IN  
2 TIME WITH RELATIONSHIP TO WHEN -- WHEN AUGUST 20TH,  
3 1989 OCCURRED. AND I -- YOU KNOW, I HOPE THAT WE  
4 ARE NOT IN THE POSITION WHEN WE CONSIDER REMOTENESS  
5 OF LOOKING AT ITS REMOTENESS OF TIME IN 1995. AND I  
6 THINK THAT BECAUSE OF THE EVENTS, BECAUSE THERE'S  
7 BEEN A TRIAL, BECAUSE THERE'S BEEN LENGTHY DELAYS,  
8 WE TEND TO GET MIRED UP IN THE ISSUE OF REMOTENESS.  
9 EIGHTEEN YEARS OLD IS NOT THAT FAR REMOVED FROM 12,  
10 13 AND 15.

11 THE COURT: NO, I'M QUITE AWARE OF THE TIME  
12 FRAME THAT'S AT ISSUE HERE, AND I'M QUITE SATISFIED  
13 THAT THE INCIDENT RELATING TO THE BICYCLE IS REMOTE  
14 IN TIME AND LACKING IN PROBATIVE VALUE, AND BOTH  
15 UNDER SECTION 350 AND 352 OF THE EVIDENCE CODE, THE  
16 COURT SUSTAINS THE PROSECUTION'S OBJECTION.

17 I AGREE THAT THE DEFENDANT HAS NOT BEEN  
18 ON THE WITNESS STAND A LONG TIME, BUT WE'RE TALKING  
19 ABOUT MORE THAN JUST HIS TIME ON THE WITNESS STAND.  
20 WE'RE TALKING ABOUT THE POTENTIAL OF CONFUSION OF



21 ISSUES IN THIS CASE, AND, AGAIN, CONFUSING WHAT I  
22 JUST REFERRED TO OF A TRIAL OF MURDER OR HOMICIDE  
23 TRIAL VERSUS A TRIAL OF CHILD ABUSE. THEY'RE  
24 DIFFERENT TRIALS. AND THIS IS THE TRIAL INVOLVING A  
25 HOMICIDE AND THAT IS THE ISSUE THAT WE HAVE TO FOCUS  
26 ON. AND THE REFERENCES TO THESE EARLY INCIDENTS  
27 ONLY HAVE RELEVANCE AS TO THE MENTAL STATE OF THE  
28 DEFENDANT AT THE TIME HE KILLED HIS PARENTS, AND

43215

1 THAT'S HOW IT HAS TO BE ANALYZED; NOT ON A LIFETIME  
2 OF EXPERIENCES AND EVERYTHING THAT -- BECAUSE OF THE  
3 NEGATIVE NATURE AND HIS RELATIONSHIP WITH HIS FATHER  
4 THAT THE DEFENSE SEEKS TO INTRODUCE DOESN'T BECOME  
5 ADMISSIBLE JUST BECAUSE IT IS SOMETHING THE DOCTORS  
6 AND PSYCHOLOGISTS WHO EXAMINED THE DEFENDANT THINK  
7 IT'S IMPORTANT OR BECAUSE COUNSEL THINK IT'S  
8 IMPORTANT. IT HAS TO HAVE A BASIS OF ADMISSIBILITY  
9 IN THIS TRIAL ON THE GROUNDS OF RELEVANCE, AND THIS  
10 IS NOT RELEVANT.

11 MR. LEVIN: TO -- I THINK TO A CASUAL OBSERVER  
12 CONJURING UP THE IMAGE OF A YOUNG BOY SITTING ON A  
13 BICYCLE WHERE A FATHER PUSHES HIM DOWN A CUL-DE-SAC  
14 MAY NOT SEEM TO BE SO TERRIBLE. BUT WHEN IT'S  
15 EXPLAINED FROM THE MIND OF A YOUNG ERIK MENENDEZ

16 WHERE HIS ENTIRE LIFE WAS ONE WHERE HE WAS SUBJECTED  
17 TO RANDOM ACTS OF VIOLENCE TO WHERE HE FORMED THE  
18 OPINION DAY BY DAY, INCIDENT BY INCIDENT, THAT HE  
19 WAS GOING TO DIE AND THAT HIS FATHER WAS GOING TO  
20 KILL HIM, THIS IS A SIGNIFICANT EVENT AT AN EARLY  
21 CHILDHOOD TIME OF HIS LIFE WHICH TENDS TO FORM A  
22 PERMANENT IMPRESSION THAT DOESN'T GO AWAY THAT HE  
23 FEARED DEATH AND THAT HE FELT THE TASTE OF DEATH.  
24 HE FELT THAT HE WAS GOING TO DIE. HE KNEW HE  
25 COULDN'T MAKE IT DOWN THE CUL-DE-SAC AND INDEED  
26 DIDN'T. AND WHEN HE WENT DOWN AND HE INJURED  
27 HIMSELF AND HE WAS BLEEDING, HE DIDN'T KNOW WHAT WAS  
28 GOING TO HAPPEN. HE KNEW HE DIDN'T GO SEE A

43216

1 DOCTOR. BUT THE POINT IS THAT HE FELT THAT HE WAS  
2 GOING TO DIE.

3 THE COURT: OKAY. I'VE RULED. I'VE HEARD  
4 YOUR ARGUMENT.

5 LET'S MOVE ON TO THE BOAT INCIDENT.  
6 YOU'VE ALREADY MADE SOME REMARKS ABOUT THAT.  
7 ANYTHING FURTHER YOU WANTED TO ADD TO IT?

8 MR. LEVIN: YES, YOUR HONOR.

9 THIS INCIDENT IS VERY IMPORTANT. THEY  
10 ALL ARE, BUT THIS INCIDENT IS VERY SIGNIFICANT WITH

11 RESPECT TO DEMONSTRATING THAT WHICH IT PURPORTS,  
12 THAT JOSE MENENDEZ WAS A CRUEL MAN WHO WOULD  
13 TOLERATE NO SIGN OF WEAKNESS FROM HIS SONS. AND  
14 WHEN HE SAW ERIK MENENDEZ UNABLE, PHYSICALLY, TO  
15 MAKE IT TO SHORE AND WAS DROWNING, HIS RESPONSE WAS  
16 TO MAKE HIM DO IT ALL OVER AGAIN.

17       HOWEVER, OR MOREOVER, YOU HAVE -- WE HAVE  
18 LYLE MENENDEZ STEPPING IN IN THE ROLE OF PROTECTOR  
19 AND TAKING THE -- OR MAKING THE CONSCIOUS EFFORT TO  
20 SAVE ERIK MENENDEZ' LIFE FROM THE LAKE, AND THAT  
21 CAUSES ERIK MENENDEZ TO REALIZE THAT HIS BROTHER IS  
22 HIS PROTECTOR; THAT HIS BROTHER IS THE KIND OF  
23 PERSON THAT HE COULD GO TO, AND INDEED HE DOES WHEN  
24 HE GOES TO HIM -- WHEN HE GOES TO HIM TUESDAY, ON  
25 AUGUST 15TH, AND HE TELLS LYLE MENENDEZ --  
26       THE COURT: OKAY. LET ME STOP HERE.

27       I FIND THAT THAT INCIDENT IS marginally  
28 RELEVANT, THAT BOAT INCIDENT, I'LL PERMIT IT.

43217

1 HOWEVER, THE PHOTOGRAPH IS NOT A DEPICTION OF THE  
2 INCIDENT AS IT OCCURRED AND IS NOT RELEVANT;  
3 THEREFORE, UNDER 352 OF THE EVIDENCE CODE AND 350,  
4 THE PHOTOGRAPH, 361, WILL NOT BE PERMITTED TO BE  
5 USED.

6 MR. LEVIN: YOUR HONOR, THAT PHOTOGRAPH IS OF  
7 THE VERY LAKE WHERE THE INCIDENT TOOK PLACE, AND HOW  
8 THIS COURT CAN ALLOW THE PROSECUTOR TO ADMIT JEEPS  
9 THAT AREN'T EVEN OF THE TYPE OR COLOR OR YEAR, ROLEX  
10 WATCHES THAT AREN'T EVEN OF THE TYPE THAT WERE  
11 PURCHASED, AND THEN SAY THAT THIS PHOTOGRAPH IS NOT  
12 AN ACCURATE DEPICTION OF THAT WHICH IT PURPORTS TO  
13 BE, I CAN'T UNDERSTAND THAT.

14 AND THAT PHOTOGRAPH IS THE ONLY, ONLY  
15 WAY THAT ERIK MENENDEZ CAN DEMONSTRATE TO THE JURY  
16 THAT THIS WAS NOT JUST A SMALL LITTLE POOL OF WATER  
17 WHERE HE COULD HAVE STOOD UP IN THE WATER; THAT  
18 BOATS GO ON THE WATER; THAT IT'S DIFFICULT TO MAKE  
19 IT ACROSS. AND THIS PHOTOGRAPH DEPICTS ALL THAT.

20 WITHOUT IT ERIK MENENDEZ CAN TESTIFY TO  
21 IT, BUT WITHOUT BEING ALLOWED TO CALL LIVE WITNESSES  
22 TO CORROBORATE HIM, WITHOUT BEING ABLE TO  
23 CORROBORATE HIS TESTIMONY WITH PHOTOGRAPHIC  
24 EVIDENCE, ERIK MENENDEZ ALONE MUST MAKE HIS CASE,  
25 AND THE PROSECUTION CERTAINLY IS GOING TO  
26 CROSS-EXAMINE HIM ON THE TRUTH AND VERACITY OF  
27 EVERYTHING HE SAYS. THIS PHOTOGRAPH IS RELEVANT.

28 THE COURT: I'M NOT DEALING WITH WHAT THE

1 PROSECUTION MIGHT DO ON CROSS-EXAMINATION BECAUSE I  
2 HAVEN'T HEARD IT YET.

3 AT THIS POINT, THE PHOTOGRAPH DOESN'T  
4 DEPICT ANYTHING IN ISSUE IN THIS CASE. IT'S NOT  
5 RELEVANT. AND, THEREFORE, THE OBJECTION IS  
6 SUSTAINED TO THAT.

7 MR. LEVIN: WE'RE READY, YOUR HONOR.

8 THE COURT: AND AS FAR AS OTHER INCIDENTS AND  
9 OTHER EXHIBITS, I WOULD ASK THAT YOU NOT JUST KEEP  
10 IN MIND THE COURT'S REMARKS, BUT UTILIZE THEM IN  
11 ANALYZING THE -- WHEN DECIDING WHAT OTHER EVIDENCE  
12 YOU INTEND TO OFFER BEFORE YOU GET ON TO THE  
13 INCIDENTS AT ISSUE IN THIS CASE.

14 MR. LEVIN: I AM UNAWARE OF THE COURT'S  
15 ARBITRARY LINE OF WHICH IT DRAWS WITH RESPECT TO  
16 PRESENTING MR. MENENDEZ' LIFE. I HAVE TRIED TO  
17 SELECT INCIDENTS THAT I FEEL ARE RELEVANT AND  
18 IMPORTANT TO HIS DEFENSE IN A CAPITAL CASE WHERE  
19 BOTH LYLE AND ERIK MENENDEZ ARE ON TRIAL FOR THEIR  
20 LIVES AND THEY'RE TRYING -- ERIK MENENDEZ IS TRYING  
21 TO EXPLAIN TO THE JURY WHAT HIS STATE OF MIND WAS.  
22 BUT I CANNOT, IN MY MIND, CLEARLY DEMARK WHERE IT IS  
23 THAT THE COURT IS SAYING THAT HE CAN AND CANNOT  
24 TESTIFY.

25 I MEAN, I HAVE TRIED AND I'LL CONTINUE  
26 TO TRY, BUT I DON'T KNOW WHAT THE COURT IS SAYING  
27 WITH RESPECT TO EITHER A TIME, LET'S GET ON WITH IT,  
28 OR THIS IS WHERE WE'RE CUTTING IT OFF. I DON'T SEE

1 THE INSIGNIFICANCE IN THESE INCIDENTS, AND FOR THAT  
2 I APOLOGIZE.

3 THE COURT: ALL RIGHT. AND I HOPE YOU  
4 APOLOGIZE FOR DESCRIBING THE COURT AS BEING  
5 ARBITRARY.

6 MR. LEVIN: WELL, YOUR HONOR, IF THE COURT  
7 TOOK IT THAT WAY, I TAKE THE COURT'S LINE THAT IT  
8 DREW AS BEING ARBITRARY. I DON'T TAKE THIS COURT AS  
9 ARBITRARY. I HAVE GREAT RESPECT FOR YOU AND GREAT  
10 RESPECT FOR THE COURT. BUT WHAT I'M REFERRING TO IS  
11 THAT I DON'T KNOW CLEARLY IN MY MIND WHERE THE COURT  
12 HAS DRAWN THE LINE UPON WHICH I CROSS TO FIND THAT  
13 INCIDENTS ARE INSIGNIFICANT VERSUS INCIDENTS WHICH  
14 THE COURT FINDS ARE RELEVANT TO MR. MENENDEZ' STATE  
15 OF MIND.

16 WE HAVE BEEN DISCUSSING ALL THESE  
17 INCIDENTS WITH EXPERTS WHO FIND GREAT RELEVANCE IN  
18 THESE INCIDENTS, WHO ARE PREPARED TO COME TO COURT  
19 AND TESTIFY NOT ONLY TO THE KNOWLEDGE OF THE  
20 INCIDENTS, BUT TO THE MEANING OF THEM AND EXPLAIN  
21 HOW THEY IMPACTED ERIK MENENDEZ' LIFE. AND,  
22 THEREFORE, I CANNOT, IN ATTEMPTING TO DEFEND ERIK  
23 MENENDEZ, FIND WITHIN MYSELF THAT WHICH I FEEL THE  
24 COURT IS SAYING. IT'S NOT CLEAR TO ME.

25 THE COURT: WELL, AS I SAID, YOU BETTER FOCUS  
26 ON THE ISSUE IN THE CASE, WHICH IS HIS MENTAL STATE  
27 AT THE TIME OF THE KILLING OF THE PARENTS, AND SPEND  
28 LESS TIME ON THESE OTHER INCIDENTS THAT ARE REMOTE

43220

1 IN TIME.

2 MR. LEVIN: THAT'S WHAT I'M SAYING. I  
3 SUPPOSE THAT WHEN THE COURT FEELS IT'S APPROPRIATE,  
4 IT WILL LET ME KNOW WITH SPEEDY DISPATCH. BUT IT'S  
5 NOT CLEAR TO ME.

6 THE COURT: OKAY. AS I SAID BEFORE THIS  
7 TESTIMONY BEGAN, I WASN'T GOING TO MAKE ANY  
8 RULINGS. ALTHOUGH THE PROSECUTION ASKED THE COURT  
9 TO FORECLOSE ALL OF THIS EVIDENCE THAT YOU'RE NOW  
10 OFFERING, I WASN'T GOING TO MAKE ANY RULINGS UPON IT  
11 UNTIL I HEARD THE QUESTIONS AND THE NATURE OF THE  
12 INQUIRY, AND I THINK THAT'S THE APPROPRIATE WAY TO  
13 PROCEED. IF THE COURT ADOPTED THE PROSECUTION'S  
14 ANALYSIS AND THEIR POSITION, NONE OF THIS EVIDENCE  
15 WOULD BE RECEIVED WHATSOEVER.

16 AND THE COURT HAS NOT TAKEN THAT  
17 POSITION. THE COURT FEELS THAT SOME OF THIS  
18 EVIDENCE IS RELEVANT AND RELEVANT ONLY ON THE ISSUE  
19 OF THE DEFENDANT'S MENTAL STATE AT THE TIME HE

20 KILLED HIS PARENTS. AND THAT IS WHERE THE COURT IS  
21 FOCUSED AND THE COURT EXPECTS COUNSEL TO FOCUS  
22 LIKEWISE IN THAT AREA.

23 MR. LEVIN: I'LL TRY, YOUR HONOR.

24 THE COURT: ALL RIGHT. LET'S GET THE JURY  
25 OUT, PLEASE.

26

27 / / /

28 (THE JURY ENTERED THE

43221

1 COURTROOM AND THE FOLLOWING

2 PROCEEDINGS WERE HELD:)

3

4 THE COURT: OKAY. THE JURY'S IN COURT.

5 GOOD MORNING, LADIES AND GENTLEMEN. AND

6 WE'RE READY TO RESUME WITH THE TESTIMONY OF THE

7 DEFENDANT, ERIK MENENDEZ.

8 WOULD YOU GET BACK ON THE WITNESS STAND,

9 PLEASE.

10

11 ERIK GALEN MENENDEZ,

12 THE WITNESS ON THE STAND AT THE ADJOURNMENT, HAVING

13 BEEN PREVIOUSLY SWORN, TESTIFIED FURTHER AS FOLLOWS:

14 THE COURT: YOU'RE STILL UNDER OATH.



15           YOU MAY CONTINUE WITH THE DIRECT  
16 EXAMINATION.

17       THE WITNESS: YES, SIR.

18

19           DIRECT EXAMINATION (CONTINUED)

20 BY MR. LEVIN:

21       Q   MR. MENENDEZ, ARE YOU TAKING ANY  
22 MEDICATION FOR DEPRESSION?

23       A   YES.

24       Q   WHAT IS IT THAT YOU'RE TAKING?

25       A   I'M NOT SURE WHICH ONE OF THEM IS FOR  
26 WHAT. EITHER PAMELOR OR -- I THINK IT'S PAMELOR.

27       Q   ONE OF THE MEDICATIONS THAT YOU  
28 MENTIONED THE FIRST DAY OF YOUR TESTIMONY IS FOR

43222

1 DEPRESSION?

2       A   YES.

3       Q   AND YOU MENTIONED THAT YOU SAW  
4 DR. VICARY.

5           HAVE YOU ALSO SEEN A LOS ANGELES COUNTY  
6 JAIL DR. KOONSMAN?

7       A   DR. KOONSMAN, YES.

8       Q   AND HAS HE, LIKEWISE, PRESCRIBED YOU  
9 MEDICATION?

10 A YES.

11 Q I WANT TO MOVE FORWARD A LITTLE BIT.

12 ON SUNDAY, AUGUST THE 13TH, 1989, HOW

13 OLD WERE YOU?

14 A EIGHTEEN.

15 Q AND THAT'S JUST WHEN YOU GOT OUT OF HIGH

16 SCHOOL, CORRECT?

17 A YES.

18 Q AND THIS WAS ONE WEEK BEFORE THE DEATH

19 OF YOUR PARENTS, CORRECT?

20 A YES.

21 Q ON THAT DAY, DID SOMETHING HAPPEN

22 BETWEEN YOU AND YOUR FATHER THAT LITERALLY SHATTERED

23 YOUR LIFE?

24 A YES.

25 Q WHAT WAS THAT?

26 A HE TOLD ME THAT I WOULD HAVE TO BE

27 LIVING AT HOME SEVERAL NIGHTS A WEEK WHILE I WAS IN

28 COLLEGE AND THAT MY BEDROOM WOULD BE PRESERVED AND

43223

1 THAT I WOULD BE SLEEPING THERE.

2 Q HOW DID YOU INTERPRET HIS REMARKS?

3 A THAT THE SEX BETWEEN HIM AND ME WOULD

4 CONTINUE ON INTO COLLEGE.

5 Q DID THE SEX BETWEEN YOU AND YOUR FATHER  
6 CONTINUE AFTER YOUR 18TH BIRTHDAY?

7 A YES.

8 Q WHEN WAS THE LAST TIME THAT YOUR FATHER  
9 HAD SEX WITH YOU BEFORE THE DEATH OF YOUR PARENTS?

10 A AUGUST 9TH OR 10TH.

11 Q OF 1989?

12 A YES.

13 Q APPROXIMATELY 10 OR 11 DAYS BEFORE THEIR  
14 DEATH?

15 A RIGHT.

16 Q AND YOUR FATHER -- AND WE'LL GET INTO THE  
17 SPECIFICS OF THE CONVERSATION YOU HAD WITH HIM AT A  
18 LATER TIME. BUT WHAT IMPACT DID THAT CONVERSATION  
19 HAVE ON YOU?

20 A I BECAME -- I GUESS I REACHED A POINT  
21 WHERE I NO LONGER CARED ABOUT LIVING, NO LONGER  
22 CARED ABOUT GOING ON, AND IT SEEMED LIKE MY LIFE WAS  
23 FOLDING OUT IN FRONT OF ME.

24 Q DID YOU HAVE SOME HOPE AND SOME DREAM  
25 THAT WOULD OCCUR AFTER YOU GRADUATED HIGH SCHOOL?

26 A I HAD A DREAM OF GOING AWAY TO COLLEGE  
27 AND GETTING AWAY FROM MY FATHER.

28 Q WHERE DID YOU WANT TO GO TO COLLEGE?

1 A IN AUGUST I THOUGHT I WAS GOING TO GO TO  
2 U.C.L.A.

3 Q WHERE DID YOU WANT TO GO?

4 A BROWN UNIVERSITY.

5 Q WHERE'S BROWN?

6 A IN RHODE ISLAND.

7 Q WERE YOU SOMEWHAT OPTIMISTIC THAT YOU  
8 WOULD BE ABLE TO GET AWAY --

9 A YEAH.

10 Q -- AFTER YOUR 18TH BIRTHDAY AND AFTER YOU  
11 GRADUATED HIGH SCHOOL?

12 A YES.

13 Q ON TUESDAY, AUGUST THE 15TH, JUST FIVE  
14 DAYS BEFORE THE DEATH OF YOUR PARENTS, DID YOU TELL  
15 SOMEONE THAT YOU HAD BEEN MOLESTED FOR 12 YEARS FROM  
16 THE TIME THAT YOU WERE SIX TO THE TIME THAT YOU WERE  
17 18, BY YOUR FATHER?

18 A YES.

19 Q WHO DID YOU TELL?

20 A LYLE.

21 Q WHY DID YOU TELL LYLE MENENDEZ AT THIS  
22 PARTICULAR TIME?

23 A I SUPPOSE BECAUSE LYLE HAD ALWAYS BEEN  
24 THERE FOR HIM ME AND PROTECTED ME IN MY LIFE, AND I  
25 REACHED A POINT WHERE I WASN'T GOING TO MAKE IT AND  
26 IT JUST SEEMED TO BE THE LAST STEP I COULD TAKE.

27 Q WHAT WAS YOUR HOPE THAT LYLE MENENDEZ

43225

1 A THAT HE WOULD SOMEHOW FIND A WAY TO END  
2 IT FOR ME.

3 Q AND WHEN YOU SAY FIND A WAY TO END IT,  
4 WHAT DID YOU HAVE IN MIND?

5 A SOMEHOW TALK TO DAD ANY WAY AND WHAT WAS  
6 HAPPENING BETWEEN DAD AND I. IT COULD NOT  
7 CONTINUE.

8 Q DID LYLE MENENDEZ HAVE A DIFFERENT  
9 RELATIONSHIP WITH RESPECT TO COMMUNICATION WITH YOUR  
10 FATHER THAN YOU HAD?

11 A VERY DIFFERENT.

12 Q AND HOW WOULD YOU DESCRIBE THAT  
13 RELATIONSHIP WITH LYLE MENENDEZ AND YOUR FATHER?

14 A MY FATHER AND I DIDN'T REALLY HAVE A  
15 COMMUNICATION, AND LYLE, THROUGHOUT MY LIFE AND  
16 GROWING UP, WAS THE FIRST BORN AND WAS THE ONE THAT  
17 MY DAD PRIMARILY FOCUSED HIS ATTENTION AND TRAINING  
18 ON IN SPORTS AND GROOMING FOR BUSINESS, AND LYLE  
19 UNDERSTOOD MY DAD BETTER IN MANY WAYS AND HE WAS  
20 JUST MY OLDER BROTHER AT THE TIME.

21 Q DID YOU FEEL THAT LYLE MENENDEZ HAD  
22 GREATER STRENGTH THAN YOU?

23 A YES.

24 Q AND WHAT KIND OF STRENGTH COMES TO  
25 MIND?

26 A ALMOST IN EVERY SENSE. HE WAS SMARTER,  
27 PHYSICALLY STRONGER. HE WAS MUCH MORE BRAVE THAN I  
28 WAS.

43226

1 Q HAD YOU SEEN LYLE MENENDEZ INTERACT WITH  
2 YOUR FATHER BEFORE?

3 A THROUGHOUT MY LIFE.

4 Q WAS THERE A COMMON WAY -- A CUSTOMARY WAY  
5 WHERE LYLE MENENDEZ WOULD COMMUNICATE WITH YOUR  
6 FATHER IN YOUR PRESENCE?

7 A YES.

8 Q AND DID THIS OCCUR AT THE DINNER TABLE?

9 A YES.

10 Q COULD YOU EXPLAIN TYPICALLY WHAT YOU  
11 WOULD SEE.

12 A MY FATHER WOULD COME HOME AND THE WHOLE  
13 FAMILY WOULD HAVE DINNER TOGETHER, AND IN THE DINNER  
14 MY DAD WANTED TO KNOW WHAT HAPPENED FROM THE MOMENT  
15 LYLE WOKE UP TO THE MOMENT HE WENT TO SLEEP AND ALL  
16 THE MOMENTS IN BETWEEN, AND THEY WOULD GO THROUGH A  
17 QUESTION-AND-ANSWER TYPE OF DRILL IN WHICH LYLE

18 WOULD TELL HIM WHAT HE DID WHEN HE FIRST WOKE UP IN  
19 THE MORNING, WHAT STRETCHES AND EXERCISES HE DID.  
20 NORMALLY IT WAS MY FATHER WHO TOOK US TO PLAY TENNIS  
21 AT 5:00 IN THE MORNING, SO HE KNEW WHAT HAPPENED IN  
22 THE TENNIS COURT. BUT LYLE WOULD EXPLAIN WHAT  
23 HAPPENED AT SCHOOL. AND IF MY FATHER WANTED TO TEST  
24 LYLE AND SEE IF HE REALLY UNDERSTOOD WHAT HE WAS  
25 TALKING ABOUT, HE WOULD HAVE LYLE GET UP FROM THE  
26 DINNER TABLE AND EXPLAIN EITHER THE STROKES HE WAS  
27 USING TO PLAY TENNIS OR THE STRETCHING EXERCISES HE  
28 WOULD DO AND THE DRILLING THAT WOULD GO ON.

43227

1 Q NOW, WAS THIS JUST A TYPICAL -- STRIKE  
2 TYPICAL.

3 WAS THIS JUST A FAMILY DINNER WHERE ALL  
4 THE MEMBERS WERE CONVERSING?

5 A NO.

6 Q WHO WOULD BE PRESENT AT A DINNER IN THE  
7 MENENDEZ HOUSEHOLD WHERE YOUR FATHER AND LYLE  
8 MENENDEZ WOULD BE COMMUNICATING IN THE MANNER YOU  
9 JUST DESCRIBED?

10 A MY FATHER, MYSELF, LYLE, MY MOTHER.

11 Q AND WOULD YOUR MOTHER PARTICIPATE IN THE  
12 CONVERSATION?

13 A IN A WAY.

14 Q IN WHAT WAY?

15 A AS LYLE WOULD TELL THE STORY OF HIS DAY,  
16 MY MOTHER WOULD EITHER SHAKE HER HEAD OR NOD IN  
17 AGREEMENT OR IN DISAGREEMENT WITH THINGS THAT LYLE  
18 WAS SAYING, IN WHICH CASE MY DAD WOULD EXPLODE AND  
19 GRAB LYLE AND BUMP HIS HEAD AND SAY, WRONG, THAT'S  
20 NOT WHAT YOU'RE SUPPOSED TO BE DOING, OR YOU'RE  
21 LYING. AND SO IT WAS MORE OF A SILENT  
22 PARTICIPATION, IN WHICH SHE SAID VERY FEW WORDS.

23 Q SO YOUR FATHER WOULD ASK LYLE TO RECOUNT  
24 HIS DAY AND LYLE MENENDEZ WOULD BEGIN RECOUNTING HIS  
25 DAY; YOUR MOTHER WOULD AFFIRM IT OR DENY IT IN SOME  
26 WAY?

27 A YES.

28 Q AND WOULD YOU BE ALLOWED TO PARTICIPATE

43228

1 IN THE CONVERSATION?

2 A I DIDN'T REALLY WANT TO PARTICIPATE IN  
3 THE CONVERSATION. I DIDN'T REALLY WANT TO BE SPOKEN  
4 TO OR ASKED QUESTIONS -- I MEAN, AFTER -- IF MY FATHER  
5 REACTED IN THE WAYS HE DID TO LYLE, HE WOULD DO NO  
6 LESS WITH ME. AND SO I DIDN'T REALLY WANT TO BE  
7 INVOLVED. SO I WOULD ANSWER QUESTIONS IF ASKED.



8 Q WHAT KIND OF SIGNAL WOULD YOUR MOTHER  
9 MAKE TO YOUR FATHER THAT WOULD CAUSE HIM TO REACT IN  
10 THE MANNER YOU JUST DESCRIBED?

11 A SHE WOULD -- NORMALLY, MY MOTHER WAS NOT  
12 JUST SITTING AT THE TABLE. SHE WOULD BE SITTING AND  
13 EATING OR GETTING UP AND GOING TO THE KITCHEN, WHICH  
14 WAS RIGHT NEXT DOOR. AND WAS RIGHT NEXT TO THE  
15 DINNER TABLE. AND SHE WOULD EITHER NOD FROM THE  
16 KITCHEN OR SHAKE HER HEAD AND MY FATHER WOULD BE  
17 CONTINUALLY LOOKING OVER TO HER THROUGHOUT THE  
18 DINNER.

19 Q AND WOULD THE REACTION OF JOSE MENENDEZ  
20 TO YOUR BROTHER LYLE MENENDEZ, IF HE WAS REACTING IN  
21 A VIOLENT WAY, OCCUR AT THE DINNER TABLE?

22 A YES.

23 Q AND WHAT IS IT THAT HE WOULD DO TO LYLE  
24 MENENDEZ?

25 A HE WOULD EITHER GRAB HIM AND PULL HIM  
26 CLOSER OR YELL AND SAY, WRONG, THAT'S NOT HOW YOU DO  
27 IT. SOMETIMES HE WOULD RUFFLE HIS HAIR AND SAY GOOD  
28 BOY. IF MY BROTHER DID TOO MANY THINGS WRONG IN THE

43229

1 DAY OR MY FATHER DISAPPROVED TO A LARGER EXTENT,  
2 THERE WERE TIMES WHEN HE WOULD TAKE LYLE AND THROW

3 HIM OUTSIDE AND CLOSE THE SLIDING GLASS DOOR AND HE  
4 WOULD WAIT OUTSIDE.

5 Q HOW DID YOU FEEL ABOUT WITNESSING THIS?

6 A VERY USED TO IT. FRIGHTENED AT FIRST  
7 AND THEN YOU LEARN NOT TO PARTICIPATE AND LEARN TO  
8 SORT OF BE INVISIBLE.

9 Q WAS IT FUNNY?

10 A NO, IT WAS NOT FUNNY.

11 Q WAS IT SCARY?

12 A YES.

13 Q DID -- HOW DID LYLE MENENDEZ REACT?

14 A LYLE WAS A LOT MORE STONE-FACED THAN I  
15 WAS. HE -- YOUNGER, I REMEMBER HIM CRYING AND THEN  
16 HE LEARNED, OVER THE YEARS, NOT TO. AND SO HE  
17 WOULD -- HE WOULDN'T GIVE TOO MUCH OF AN  
18 EXPRESSION. HE'D JUST -- WOULD TRY TO KEEP UP WITH  
19 WHAT WAS HAPPENING AND -- SO THAT -- HIS GREATEST FEAR  
20 WAS --

21 MR. CONN: OBJECTION. CALLS FOR SPECULATION  
22 AS TO WHAT THE CODEFENDANT'S FEAR WAS.

23 THE COURT: SUSTAINED AT THE POINT WHERE THE  
24 WITNESS SAID "HIS GREATEST FEAR." THAT STATEMENT  
25 AND ANYTHING THEREAFTER IS STRICKEN.

26 Q BY MR. LEVIN: WERE THERE TIMES,  
27 MR. MENENDEZ, WHERE YOU HAD PERSONAL KNOWLEDGE OF  
28 WHAT LYLE MENENDEZ DID DURING THE DAY THAT FORMED

1 THE BASIS OF THE CONVERSATION HE WAS RELATING TO  
2 YOUR FATHER?

3 A I PLAYED TENNIS WITH HIM IN THE MORNING,  
4 WITH MY FATHER, FROM 5:00 OR 5:30 IN THE MORNING TO  
5 6:30 OR 7:00. AT SCHOOL, AT PRINCETON DAY SCHOOL,  
6 WE WENT TO SCHOOL TOGETHER, BUT HE WAS THREE GRADES  
7 MORE UP THAN I WAS, SO I DIDN'T SEE HIM VERY OFTEN.  
8 BUT AFTERWARDS MY MOTHER WOULD PICK US UP AND GO TO  
9 SPORTS AND I'D BE WITH HIM ALL THE TIME IN THE CAR  
10 AND THEN OUT ON THE TENNIS COURT. HE WAS THE NEXT  
11 TENNIS COURT OVER, SOMETIMES ON MY COURT.

12 Q WERE THERE TIMES, MR. MENENDEZ, WHERE  
13 YOU HAD PERSONAL KNOWLEDGE THAT THAT WHICH LYLE  
14 MENENDEZ WAS TELLING YOUR FATHER WAS THE TRUTH, BUT  
15 YOUR MOTHER DISAGREED WITH IT?

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: OVERRULED.

18 THE WITNESS: YES.

19 Q BY MR. LEVIN: AND HOW DID THAT MAKE YOU  
20 FEEL WITH RESPECT TO HOW YOU VIEWED YOUR MOTHER?

21 A WELL, I -- I DON'T QUITE KNOW HOW TO  
22 ANSWER THE QUESTION. THE VIEW OF MY MOTHER FORMED  
23 FROM MANY OTHER WAYS IN TERMS OF HOW TO ANSWER  
24 QUESTIONS IN FRONT OF MY DAD, IN FRONT OF HER,  
25 WHETHER SHE WOULD AGREE WITH WHAT HAD HAPPENED  
26 DURING THE DAY OR SAY DIFFERENT THINGS THAT

27 HAPPENED. DEPENDED A LOT MORE ON OTHER  
28 CIRCUMSTANCES THAT WERE GOING ON AT THE TIME.

43231

1 Q ARE YOU SAYING THAT YOUR MOTHER IN YOUR  
2 STATE OF MIND WOULD DO THINGS TO GET LYLE MENENDEZ  
3 IN TROUBLE WITH YOUR FATHER ON PURPOSE?

4 A NORMALLY, BECAUSE SOMEBODY WAS GOING TO  
5 GET HURT IN THE FAMILY, AND THAT WAS THE REASON, I  
6 GUESS, YES.

7 Q I WANT YOU TO EXPLAIN THAT. WHAT DO YOU  
8 MEAN SOMEBODY WAS GOING TO GET HURT.

9 A THERE WAS A TIME WHEN WE WERE COMING  
10 HOME FROM THE TENNIS CLUB AND MY FATHER WAS GETTING  
11 HOME AROUND EIGHT AND THERE WAS A FLAT TIRE ON THE  
12 WAY HOME. IT WAS ABOUT AN HOUR DRIVE HOME. AND MY  
13 MOTHER HAD TO FIX THE FLAT TIRE AND WE DIDN'T GET  
14 HOME TILL ABOUT NINE. AND MY MOTHER DIDN'T WANT TO  
15 SAY THAT THERE WAS A FLAT TIRE, TO NO FAULT OF HER  
16 OWN, BUT SHE WAS AFRAID THAT DAD WOULD SAY, YOU  
17 SHOULD HAVE CHECKED THE TIRE OR THE TIRE SHOULD HAVE  
18 HAD MORE AIR IN IT. SO SHE SAID THAT LYLE WAS  
19 GOOFING OFF AT THE TENNIS CLUB AND NOT AT THE CAR ON  
20 TIME WHEN THEY WERE PREPARED TO LEAVE. AND AS A  
21 RESULT IT WOULD BE LYLE THAT GOT HURT INSTEAD OF

22 MOM.

23 Q HOW -- AND YOU KNEW THIS WASN'T TRUE; IS  
24 THAT CORRECT?

25 A YES.

26 Q WHAT YOUR MOTHER SAID.

27 DID LYLE MENENDEZ SAY ANYTHING TO JOSE  
28 MENENDEZ THAT WHAT HIS MOTHER HAD TOLD HIM WAS NOT

43232

1 TRUE?

2 MR. CONN: OBJECTION. IRRELEVANT.

3 THE COURT: SUSTAINED.

4 Q BY MR. LEVIN: HOW DID LYLE MENENDEZ  
5 REACT WHEN HIS FATHER WOULD HIT HIM OR SHAKE HIM AT  
6 THE DINNER TABLE DURING THESE CONVERSATIONS?

7 A HE HAD AN INCREDIBLE ABILITY TO ADAPT TO  
8 WHAT MY FATHER WANTED TO HEAR, SO I THINK THAT HE  
9 WOULD WANT US ALL TO KEEP THE EMOTION INSIDE AND --  
10 HE WAS ABLE TO SWITCH WHAT HE WAS SAYING IN MID  
11 SENTENCE FROM THE LOOK ON MY DAD'S FACE AND OTHER  
12 EXPRESSIONS, BASICALLY JUST RESPOND IN THE WAY MY  
13 DAD WOULD WANT TO AFTER THAT.

14 Q WAS HE BRAVE?

15 A SOMETIMES HE WAS, YES.

16 Q WAS HIS EMOTIONS DIFFERENT THAN THE WAY

17 YOU HANDLED THESE THINGS?

18 MR. CONN: OBJECTION. IRRELEVANT.

19 THE COURT: SUSTAINED.

20 Q BY MR. LEVIN: COULD YOU TELL FROM JUST

21 THE LOOK ON YOUR FATHER'S FACE WHAT WAS GOING TO

22 HAPPEN?

23 A OFTEN.

24 Q WHAT KIND OF LOOKS WOULD YOUR FATHER

25 MAKE THAT WOULD CAUSE YOU TO FEEL THAT SOMETHING WAS

26 GOING TO HAPPEN?

27 A WELL, IT WAS THE LOOK AND THE THINGS HE

28 DID ALONG WITH THE LOOK IN WHICH YOU COULD FIGURE

43233

1 OUT WHAT WAS GOING TO HAPPEN; HIS STARE AND THE WAY

2 HIS FACE FROWNED OR HIS LIPS MOVED. DIFFERENT

3 EXPRESSIONS HE WOULD GIVE, OTHER THINGS HE WOULD

4 DO.

5 Q NOW, LYLE MENENDEZ WAS NOT ALWAYS YOUR

6 PROTECTOR, WAS HE?

7 A HE DIDN'T ALWAYS PROTECT ME, NO.

8 Q AND DURING YOUR EARLY CHILDHOOD YOU

9 DIDN'T LIKE LYLE MENENDEZ VERY MUCH, DID YOU?

10 A AFTER WHAT HAD HAPPENED WHEN I WAS FIVE

11 WITH LYLE, I WAS A LITTLE LEERY OF HIM.

12 Q DID YOUR FATHER EVER USE LYLE MENENDEZ  
13 AS AN INSTRUMENT TO HURT YOU?  
14 A WELL, MY FATHER WANTED TO TEACH MY  
15 BROTHER DIFFERENT WAYS TO FIGHT, DIFFERENT JOINTS  
16 AND WHERE THE PRESSURE POINTS ON A BODY WERE, AND SO  
17 I WAS SORT OF THE GUINEA PIG IN WHICH LYLE WOULD  
18 PRACTICE ON ME.  
19 Q AND WHEN YOU SAY LYLE WOULD PRACTICE,  
20 WOULD HE HURT YOU?  
21 A YES.  
22 Q WOULD YOU CRY IN PAIN?  
23 A SOMETIMES.  
24 Q WOULD YOU -- WOULD HE STOP WHEN YOU CRIED  
25 IN PAIN?  
26 A WHEN HE GOT OLDER, YES.  
27 Q WAS JOSE MENENDEZ ENCOURAGING LYLE  
28 MENENDEZ TO HURT YOU?

43234

1 A THE MORE I CRIED, THE LESS MY FATHER  
2 LIKED ME. AND SO HE WOULDN'T TELL LYLE TO STOP.  
3 Q HOW DID THAT MAKE YOU FEEL?  
4 A I DON'T KNOW.  
5 Q DID THINGS LATER DEVELOP IN YOUR LIFE  
6 WHERE YOUR FATHER AND YOUR MOTHER DID CERTAIN THINGS

7 TO TRY TO GET YOU NOT TO CRY SO MUCH?

8 MR. CONN: OBJECTION. IRRELEVANT.

9 THE COURT: SUSTAINED.

10 Q BY MR. LEVIN: DID YOUR FATHER EVER TELL  
11 YOU TO DO ANYTHING TO LYLE, LIKE HIT HIM OR PUNCH  
12 HIM?

13 A YES.

14 Q WHAT DID HE TELL YOU?

15 A AT ONE POINT I -- I -- EITHER I WAS HAVING  
16 A YELLING MATCH WITH LYLE OR I COMPLAINED TO DAD  
17 THAT LYLE WAS HURTING ME TOO MUCH, AND HE TOLD ME  
18 THAT WHEN WE GET IN THE FIGHTS, JUST TO GRAB THE  
19 BIGGEST OBJECT I COULD PICK UP AT THE TIME AND SMASH  
20 LYLE IN THE FACE.

21 Q AND DID YOU DO IT?

22 A TRIED ONE TIME.

23 Q AND WHAT HAPPENED?

24 A I MISSED AND, YOU KNOW, I GUESS THE  
25 PUNISHMENT GOT A LITTLE WORSE AT THAT TIME, FOR THAT  
26 INCIDENT.

27 Q WHAT WAS YOUR DAD'S REACTION?

28 A HE LAUGHED.

43235

1 Q WERE YOU HURT?



2 A YES.

3 Q WAS THERE A TIME WHEN THINGS BEGAN TO  
4 CHANGE, WHERE LYLE MENENDEZ, IN YOUR MIND, BECAME  
5 PROTECTIVE OF YOU?

6 MR. CONN: OBJECTION. IRRELEVANT.

7 THE COURT: DOES THIS HAVE TO DO WITH A  
8 SPECIFIC INCIDENT THAT WE'VE DISCUSSED?

9 MR. LEVIN: WELL, YES, IT DOES.

10 THE COURT: OVERRULED.

11 YOU CAN ANSWER THE QUESTION.

12 THE WITNESS: YES.

13 MS. ABRAMSON: COULD I HAVE A MOMENT, YOUR  
14 HONOR.

15 (ATTORNEYS ABRAMSON AND LEVIN

16 CONFER SOTTO VOCE.)

17

18 Q BY MR. LEVIN: WAS THERE A SPECIFIC  
19 INCIDENT WITH RESPECT TO A LAKE THAT IS SIGNIFICANT  
20 IN YOUR MIND, WHERE YOU FELT LYLE MENENDEZ WAS YOUR  
21 PROTECTOR?

22 A IT WAS THE FIRST TIME THAT HE EVER SAVED  
23 MY LIFE. LYLE GENERALLY PROTECTED ME FROM MY MOM'S  
24 RAGES OR ANY OUTBURSTS THAT WOULD HAPPEN AT THE  
25 HOUSE EARLIER IN TIME. BUT THIS WAS THE FIRST TIME  
26 THAT HE SAVED MY LIFE.

27 Q AND COULD YOU RELATE THAT PARTICULAR  
28 INCIDENT TO THE JURY.

1       A   WHEN MY FATHER TOOK MY BROTHER AND I OUT  
2 ON THE LAKE. WE LIVED ON A LARGE LAKE THAT HAD A  
3 NARROW BEGINNING AND THEN WENT INTO A WIDE CIRCLE,  
4 AND MY BROTHER AND MYSELF AND MY FATHER WERE OUT ON  
5 THE -- IN A VERY SMALL SUNFISH SAILBOAT, AND HE WOULD  
6 SAIL OUT TO THE MIDDLE OF THE LAKE, AND ON THE WAY  
7 MY FATHER WOULD TELL STORIES ABOUT THE SNAPPING  
8 TURTLES IN THE LAKE AND THE LITTLE ONES AND THE BIG  
9 ONES. AND SO AND WHEN WE GOT TO THE LAKE, MY FATHER  
10 WANTED US TO SWIM TO SHORE, PRACTICE BEING ABLE TO  
11 SWIM THE DISTANCE. IT WAS A FAR DISTANCE. AND -- SO  
12 HE ORDERED MY BROTHER OUT OF THE BOAT, AND MY  
13 BROTHER WAS RELUCTANT, BUT SINCE MY DAD ORDERED HIM  
14 OUT OF THE BOAT, HE WENT OUT OF THE BOAT, AND I  
15 BEGAN TO CRY. I WAS AFRAID TO GO OUT OF THE BOAT.  
16 SO MY FATHER PUSHED ME OUT OF THE BOAT AND SAILED  
17 ON. AND LYLE WAS A FASTER SWIMMER AND THREE YEARS  
18 OLDER AND FURTHER AHEAD AND WAS CLOSER TO SHORE, AND  
19 SO I STARTED SWIMMING TO SHORE. AND ABOUT HALFWAY  
20 THERE, THREE QUARTERS OF THE WAY THERE, I WAS  
21 BEGINNING TO PANIC AND I WAS BEGINNING TO TAKE IN  
22 WATER AND SWALLOW WATER, AND I WAS -- I WASN'T GOING  
23 TO MAKE IT. I WAS GOING DOWN, AND I WOULD FLAP MY  
24 ARMS AND YELL FOR HELP, AND MY BROTHER, WHO WAS ON  
25 THE SHORE, SWAM BACK INTO THE LAKE AND GRABBED ME

26 AND PULLED ME TOWARD THE SHORE.

27 Q HE SAVED YOUR LIFE?

28 A YES.

43237

1 Q NOW, DO YOU HAVE A VISION IN YOUR MIND

2 OF WHAT THIS LAKE LOOKS LIKE?

3 A YES.

4 Q WAS THIS JUST A SMALL LITTLE POND OR A

5 BODY OF WATER?

6 A NO. IT WAS A LARGE LAKE THAT A LOT OF

7 HOUSES WERE ON THAT HAD A DAMN AT THE END OF IT IN

8 WHICH THE WATER WOULD FLOW OVER AND IT WENT OFF INTO

9 SEVERAL DIRECTIONS, SORT OF A BIG POOL WITH SMALL

10 LITTLE LAKES OR ONE -- TWO SMALL LAKES GOING OFF OF

11 IT.

12 Q WAS IT JUST LIKE A ROUND LAKE -- STRIKE

13 THAT.

14 HOW WIDE WOULD YOU SAY IT WAS ACROSS?

15 A I REMEMBER IT BEING HUGE. HALF MILE.

16 Q WAS IT THE KIND OF SHALLOW LITTLE POND

17 WHERE YOU COULD AT ANY TIME STAND UP IN IT?

18 A NO.

19 Q IF YOU TRIED, WOULD THE WATER BE OVER

20 YOUR HEAD?

21 A I'M SURE THE DEPTH WAS 30, 40 FEET.  
22 Q WHAT KIND OF BOATS GO ON THE LAKE?  
23 A BIG AND SMALL. CATAMARANS. SAILBOATS.  
24 Q AND WHERE WERE YOU IN RELATIONSHIP TO  
25 THE SHORE WHEN YOUR FATHER TOLD YOU TO GO SWIM TO  
26 SHORE?  
27 A A HUNDRED FEET, HUNDRED AND 50 FEET  
28 OFFSHORE.

43238

1 Q AND HE WANTED YOU NOT TO SWIM BACK TO  
2 WHERE YOU HAD COME FROM BUT TO THE OTHER SIDE?  
3 A HE DROPPED US OFF IN THE MIDDLE OF THE  
4 LAKE, IN THE CENTER, SO THAT WE WOULD HAVE NO CHOICE  
5 BUT TO SWIM TO ONE OF THE SHORES, AND HE WANTED ME  
6 TO SWIM TO SHORE.  
7 Q AND YOU BELIEVE THAT THERE WERE SNAPPING  
8 TURTLES IN THE WATER?  
9 A THERE WERE SNAPPING TURTLES. THE  
10 STORIES WERE TRUE THAT HE WAS TELLING.  
11 Q SO THIS IS -- GOT KIND OF A MUDDY BOTTOM;  
12 IT'S A REAL LAKE?  
13 A YES.  
14 Q WHAT HAPPENED AFTER LYLE MENENDEZ PULLED  
15 YOU TO SHORE?

16 A MY FATHER CAME OVER AND WAS IN A RAGE  
17 THAT MY BROTHER HAD SAVED ME WHEN MY FATHER FELT I  
18 WOULD HAVE MADE IT, AND MY BROTHER SAID I WASN'T  
19 GOING TO MAKE IT. AND HE GRABBED LYLE, PUT HIM BACK  
20 IN THE BOAT, PUT ME BACK IN THE BOAT AND SAILED OUT  
21 TO SHORE -- SAILED OUT FROM SHORE AGAIN TO THE MIDDLE  
22 OF THE LAKE.

23 Q WERE YOU CRYING?

24 A YOU KNOW, I DON'T REMEMBER. I WAS  
25 CRYING WHEN I WAS SWIMMING. I DON'T REMEMBER IF I  
26 WAS CRYING AT THAT TIME.

27 Q DID YOU KNOW WHAT WAS GOING TO HAPPEN  
28 WHEN YOUR FATHER PUT YOU BACK IN THE BOAT?

43239

1 A I HAD A BAD FEELING.

2 Q AND WHAT HAPPENED?

3 A HE MADE LYLE SWIM TO ONE SHORE AND WHEN  
4 LYLE WAS ABOUT HALFWAY THERE, HE ORDERED ME TO SWIM  
5 TO THE OPPOSITE SHORE.

6 Q MADE LYLE SWIM TO THE OTHER SHORE THAT  
7 YOU HAD TO SWIM TO?

8 A YES.

9 Q AND THAT WAS SO HE COULDN'T HELP YOU?

10 A YES.

11 Q WAS THIS TYPICAL OF YOUR FATHER'S  
12 BEHAVIOR WITH RESPECT TO YOU AND LYLE MENENDEZ  
13 DURING YOUR CHILDHOOD AND ADOLESCENT YEARS?

14 MR. CONN: OBJECTION. VAGUE AND IRRELEVANT.

15 THE COURT: SUSTAINED ON THE GROUNDS OF BEING  
16 VAGUE.

17 Q BY MR. LEVIN: WERE THERE OTHER  
18 INCIDENTS THAT YOU COULD DESCRIBE WHERE SIMILAR  
19 TYPES OF EVENTS OCCURRED BETWEEN YOUR FATHER AND  
20 LYLE MENENDEZ AND YOURSELF?

21 A WHAT PART OF THE INCIDENT -- INCIDENTS  
22 WHERE LYLE SAVED ME --

23 Q YES.

24 A OTHER INCIDENTS WHERE MY FATHER PUT US  
25 OUT ON THE LAKE?

26 Q WHERE LYLE MENENDEZ INTERVENED AND DID  
27 SOMETHING THAT YOU INTERPRETED AS BEING YOUR  
28 PROTECTOR.

43240

1 MR. CONN: OBJECTION. IRRELEVANT.

2 THE COURT: OVERRULED.

3 THE WITNESS: YES.

4 Q BY MR. LEVIN: AND WHAT COMES TO MIND?

5 A SEVERAL DIFFERENT THINGS, BUT I GUESS IN

6 RELATION TO THE LAKE THERE WAS A TIME -- WE HAD A  
7 CANOE AND A SAILBOAT AND WE HAD TO MAKE SURE THAT  
8 THEY WERE TIED UP TO A TREE BECAUSE THE CURRENT  
9 WOULD DRAG THE BOATS AWAY. DIFFERENT PEOPLE HAD A  
10 DOCK, WE DIDN'T.

11 AND ONE DAY, I GUESS IT WAS IN THE  
12 SUMMER, I WAS OUT IN THE CANOE AND I CAME BACK AND  
13 IT WAS BEGINNING TO BE -- IT WAS A WINDY DAY AND I  
14 THINK THERE WAS A STORM COMING. ANYWAY, I TIED UP  
15 THE CANOE AND I DIDN'T TIE IT UP WELL ENOUGH AND THE  
16 CANOE STARTED -- BY THE TIME I SAW IT AGAIN, IT WAS  
17 AT THE END OF THE LAKE.

18 Q WHAT HAPPENED?

19 A I WENT TO MY BROTHER AND I WAS CRYING  
20 AND I WAS PANICKING AND I WAS SAYING, I GOT TO GET  
21 THE CANOE. AND HE SAID, DAD'S GOING TO BE HOME ANY  
22 SECOND. AND I STARTED TO SHAKE BECAUSE I KNEW WHAT  
23 WAS GOING TO HAPPEN.

24 Q WHAT WAS GONNA HAPPEN?

25 MR. CONN: OBJECTION. CALLS FOR  
26 SPECULATION.

27 THE COURT: REPHRASE THE QUESTION.

28 Q BY MR. LEVIN: IN YOUR MIND WHAT WAS

1 GOING TO HAPPEN?

2 A I WAS GOING TO GET BEATEN OR WHIPPED.

3 Q WHY WOULD YOU POSSIBLY BELIEVE THAT YOUR

4 FATHER WOULD BEAT OR WHIP YOU FOR THAT?

5 A JUST WHAT MY DAD DID.

6 Q DID WHEN?

7 A THROUGHOUT MY LIFE.

8 Q GO AHEAD.

9 A AND SO I'M SORT OF OUT BY THE SUNFISH

10 THINKING OF A -- OF SOME TYPE OF REASON I CAN GIVE TO

11 HIM OF WHY I WAS -- I DIDN'T TIE THE BOAT WELL

12 ENOUGH, AND I WENT BACK UP INTO THE BOAT -- UP INTO

13 THE HOUSE AND AT SOME POINT MY BROTHER HAD HAD A

14 CONVERSATION WITH MY DAD AND HAD TOLD MY DAD THAT HE

15 WAS THE ONE THAT DIDN'T TIE UP THE CANOE AND THAT

16 THE CANOE HAD DRIFTED DOWN BECAUSE IT WAS HIS FAULT.

17 AND I REMEMBER BEING IN MY ROOM AND

18 HEARING THE SOUND OF THE BELT AND JUST FEELING A

19 GREAT SENSE OF RELIEF AND PAIN, AND I GUESS

20 HAPPINESS, BECAUSE I WAS BEGINNING TO REALIZE THAT

21 LYLE REALLY LOVED ME.

22 Q DID YOU ASK LYLE MENENDEZ TO TAKE THE

23 BLAME FOR YOU?

24 A NO.

25 Q DID YOU ASK LYLE MENENDEZ TO TAKE A

26 BEATING FOR YOU?

27 A NO.

28 Q YOU MENTIONED A BELT.



1 DID YOUR FATHER USE A BELT TO BEAT YOU  
2 OR HIT YOU?

3 A YES.

4 Q WHERE DID HE KEEP THE BELT?

5 A HANGING IN MY CLOSET.

6 Q WHOSE BELT WAS IT?

7 A HIS BELT.

8 Q AND WERE YOU TOLD ANYTHING WITH RESPECT  
9 TO THIS BELT?

10 A NOT TO MOVE IT OR TOUCH IT.

11 Q WERE THERE OTHER INCIDENTS WHERE LYLE  
12 MENENDEZ HAD PROTECTED YOU FROM A BEATING THAT YOU  
13 WERE -- YOU BELIEVED YOU WERE GOING TO GET FROM YOUR  
14 FATHER?

15 A YES. THERE WAS A TIME WHEN I WAS SPRAY  
16 PAINTING MY BICYCLE AND DIDN'T REALIZE THAT MY BIKE  
17 WAS A LITTLE BIT TOO CLOSE TO THE CAR AND I'D GOTTEN  
18 SPRAY PAINT ON THE CAR, AND THERE WAS SORT OF THE  
19 OUTLINE OF THE BIKE OR SPRAY PAINT ON THE CAR, AND I  
20 WENT TO LYLE AND I SAID, WHAT AM I GOING TO DO?  
21 I'VE GOT TO CLEAN THIS OFF. AND I HAD ALREADY TRIED  
22 SOME SORT OF BRUSH THAT SORT OF -- THAT WIPED AWAY  
23 THE PAINT OF THE CAR ALONG WITH THE SPRAY PAINT AND

24 MADE A BIG MARK ON THE CAR. THE PAINT HAD COME OFF,  
25 AND LYLE HAD TOLD DAD THAT HE WAS THE ONE THAT DID  
26 THAT WHEN DAD FINALLY GOT HOME.

27 Q DID YOU FEAR YOUR MOTHER ON AUGUST THE  
28 20TH, 1989?

43243

1 A YES.

2 Q HAD SHE DONE THINGS THROUGHOUT YOUR LIFE  
3 THAT CAUSED YOU TO BELIEVE THAT SHE COULD KILL YOU?

4 A YES.

5 Q HAD SHE DONE THINGS THROUGHOUT YOUR LIFE  
6 THAT CAUSED YOU TO FEAR HER?

7 A YES.

8 Q HAD THINGS HAPPENED WHERE LYLE MENENDEZ  
9 PROTECTED YOU FROM THINGS THAT YOUR MOTHER DID THAT  
10 SCARED YOU?

11 A YES.

12 Q WHAT KINDS OF THINGS DID YOUR MOTHER DO  
13 TO SCARE YOU?

14 A TO SCARE ME OR THAT SCARED ME?

15 Q THAT SCARED YOU.

16 A SHE -- SHE WOULD DRINK A LOT AND --

17 Q ALCOHOL?

18 A YES.

19 IT WAS A SCARY SITUATION IN THE HOUSE  
20 WHEN MOM WAS DRINKING, BECAUSE SHE WOULD GET ANGRY --  
21 OR EVEN WHEN SHE WASN'T DRINKING, SHE WOULD GO INTO  
22 A RAGE ABOUT SOMETHING OR OTHER. AND IF YOU WERE IN  
23 FRONT OF HER, YOU COULD GET HIT. AND IF THAT WAS  
24 GOING TO HAPPEN TO ME, LYLE MANY, MANY TIMES STEPPED  
25 IN FRONT OF ME SO THAT MY MOM HIT HIM INSTEAD AND  
26 OTHER THINGS LIKE THAT.  
27 Q DID YOUR MOTHER EVER LEAVE YOU ALONE IN  
28 SHOPPING MALLS?

43244

1 MR. CONN: OBJECTION. IRRELEVANT.  
2 THE COURT: SUSTAINED.  
3 Q BY MR. LEVIN: I WANT TO GO BACK FOR A  
4 MOMENT TO WHY YOU BELIEVED THAT LYLE MENENDEZ WOULD  
5 TALK TO YOUR FATHER AND COMMUNICATE WITH HIM BETTER  
6 THAN YOU.  
7 AND, YOUR HONOR, COULD WE TAKE A RECESS  
8 AT THIS TIME? I JUST NEED TO DO SOMETHING FIRST.  
9 THE COURT: ALL RIGHT. WE'LL TAKE OUR RECESS  
10 AND WE'LL RESUME AT 10 MINUTES TO THE HOUR.  
11 DON'T DISCUSS ANYTHING AMONG YOURSELVES  
12 OR WITH ANYONE ELSE ABOUT THIS CASE. DON'T FORM ANY  
13 FINAL OPINIONS ABOUT IT AND WE'LL RESUME AT 10

14 MINUTES TO.

15 (THE JURY EXITED THE

16 COURTROOM AND THE FOLLOWING

17 PROCEEDINGS WERE HELD:)

18 THE COURT: ALL RIGHT. AGAIN, IF YOU'RE

19 GOING TO BE USING ANY ADDITIONAL EXHIBITS THAT WE

20 HAVEN'T TALKED ABOUT, IF YOU CAN SHOW THOSE TO THE

21 PROSECUTION SO THAT WE CAN HAVE SOME HEARING ABOUT

22 10 MINUTES BEFORE WE HAVE THE JURY BACK, SO ABOUT 20

23 MINUTES TO.

24 MR. LEVIN: ALL RIGHT.

25 THE COURT: YOU CAN STEP DOWN.

26 (A RECESS WAS TAKEN FROM

27 10:30 A.M. TO 10:55 A.M.)

28

43245

1 THE COURT: OKAY. I'VE BEEN INFORMED THERE'S

2 NOTHING OUTSIDE THE PRESENCE OF THE JURY, SO WE'LL

3 HAVE THE JURY COME OUT.

4 (THE JURY ENTERED THE COURTROOM

5 AND THE FOLLOWING PROCEEDINGS

6 WERE HELD:)

7

8 THE COURT: OKAY. THE JURY IS IN THE JURY

9 BOX.

10 YOU MAY CONTINUE YOUR DIRECT

11 EXAMINATION.

12 MR. LEVIN: THANK YOU, YOUR HONOR.

13 Q MR. MENENDEZ, WERE THERE TIMES WHERE YOU

14 WOULD BE ON THE TENNIS COURT IN THE PRESENCE OF BOTH

15 YOUR BROTHER AND YOUR FATHER?

16 A YES.

17 Q AND WAS TENNIS A TIME WHEN OCCASIONALLY --

18 WHERE YOUR FATHER EXPRESSED VIOLENCE TOWARDS YOU?

19 MR. CONN: OBJECTION. VAGUE AS TO TIME.

20 THE COURT: OVERRULED.

21 THE WITNESS: DO YOU MEAN IN THE TRAINING

22 METHODS HE USED OR IN REACTION TO --

23 MR. LEVIN: JUST A VERY GENERAL QUESTION.

24 Q OF ALL THE TIMES THAT YOU WERE PLAYING

25 TENNIS DURING THAT PERIOD OF TIME, WAS THAT A SOURCE

26 OF VIOLENCE BY YOUR FATHER TOWARDS YOU?

27 A YES.

28 Q AND WAS THIS SOMETHING THAT HAPPENED

43246

1 OCCASIONALLY OR SOMETHING THAT HAPPENED QUITE

2 FREQUENTLY?

3 A I'M STILL NOT SURE WHAT YOU'RE ASKING

4 ME. ARE YOU ASKING IN THE WAY THAT HE TRAINED ME OR  
5 IN THE REACTION TO HOW I WAS TRAINING?

6 Q DID YOUR FATHER EVER HIT YOU OR USE  
7 VIOLENCE AGAINST YOU ON THE TENNIS COURT?

8 A YES.

9 Q HAD HE DONE SO ON MORE THAN ONE  
10 OCCASION?

11 A YES.

12 Q NOW, WAS THERE AN OCCASION WHERE YOUR  
13 FATHER USED PHYSICAL VIOLENCE AGAINST YOU IN THE  
14 PRESENCE OF YOUR BROTHER LYLE MENENDEZ?

15 A EVERY WEEKEND -- WE HAD A TENNIS COURT  
16 IN OUR BACKYARD AND EVERY WEEKEND WE WOULD TRAIN IN  
17 THE BACKYARD FOR SIX OR SEVEN HOURS A DAY. I WAS  
18 OUT THERE ALL DAY EVERY SATURDAY AND SUNDAY WITH MY  
19 BROTHER. SO ANY TIME I WAS OUT ON THE TENNIS COURT  
20 WITH MY FATHER, MY BROTHER WOULD ALWAYS BE THERE.

21 Q IS THERE A PARTICULAR INCIDENT WHERE  
22 YOUR BROTHER LYLE MENENDEZ PROTECTED YOU FROM  
23 VIOLENCE THAT HAD OCCURRED TO YOU FROM YOUR FATHER  
24 WHILE YOU WERE ON THE TENNIS COURT?

25 A I REMEMBER A TIME THAT HE TRIED TO  
26 COMFORT ME WHEN MY FATHER WAS BEING VIOLENT.

27 Q WHAT HAPPENED?

28 A I WAS ON THE SAME SIDE OF THE COURT AS

1 MY FATHER. MY BROTHER WAS ON THE OPPOSITE SIDE OF  
2 THE COURT, AND MY BROTHER WOULD HIT THE BALL TO  
3 LYLE -- I MEAN TO MY FATHER, ONE TO MY FATHER AND ONE  
4 BALL TO ME. AND DURING THE PRACTICE, WHEN YOU'RE ON  
5 THE COURT, AND IT'S NOT IN A BREAK, WE WERE SUPPOSED  
6 TO KEEP OUR FEET MOVING EVERY SECOND. OUR FEET WERE  
7 CONTINUALLY SUPPOSED TO BE DANCING, SO TO SPEAK, FOR  
8 AEROBIC EXERCISE. AND IT WAS LATE IN THE DAY AND I  
9 WAS TIRED AND I WAS DRAGGING MY FEET AND MY FATHER  
10 GAVE ME A WARNING, AND FOUND ME DRAGGING MY FEET  
11 AGAIN, AND GRABBED ME AND THREW ME AGAINST THE  
12 FENCE, AND LIFTED ME UP BY MY SHIRT ABOVE THE  
13 GROUND, AND MY FATHER -- MY BROTHER RAN OVER AND I  
14 HAD STARTED TO CRY AND MY BROTHER RAN OVER, AND  
15 BEHIND MY FATHER HE WAS TRYING TO TELL ME TO NOT CRY  
16 BECAUSE IT WOULD JUST MAKE IT WORSE. HE COULDN'T  
17 SAY ANYTHING, BUT HE WAS USING HIS HANDS TO JUST  
18 TELL ME HE WAS THERE, IT'S OKAY, AND JUST TO TRY TO  
19 RELAX.

20 Q DID THE PRESENCE OF YOUR BROTHER CALM  
21 YOUR FATHER?

22 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

23 THE COURT: REPHRASE THE QUESTION.

24 Q BY MR. LEVIN: DID THE PRESENCE OF YOUR  
25 BROTHER CALM YOU?

26 A YES.

27 Q DID IT STOP YOUR FATHER?

43248

1 THE COURT: COULD WE HAVE A TIME FRAME WHEN  
2 THIS INCIDENT OCCURRED.

3 MR. LEVIN: YES.

4 THE WITNESS: I WAS 11 OR 12 YEARS OLD.

5 Q BY MR. LEVIN: NOW, DIRECTING YOUR  
6 ATTENTION -- OH, I'M SORRY. I HAD LEFT THE BREAK  
7 WITH A QUESTION PENDING.

8 AND THAT WAS: WHY DO YOU FEEL THAT LYLE  
9 MENENDEZ WOULD BE ABLE TO COMMUNICATE WITH YOUR  
10 FATHER CONCERNING THE SEXUAL MOLESTATION THAT YOU  
11 BELIEVED THAT WAS GOING TO CONTINUE AFTER YOU  
12 GRADUATED HIGH SCHOOL? DID LYLE MENENDEZ HAVE A  
13 PARTICULAR METHOD TO WHICH HE COMMUNICATED WITH HIS  
14 FATHER THAT CAUSED YOU TO BELIEVE THAT HE WAS  
15 EFFECTIVE AT DOING SO?

16 A I GUESS THE ANSWER TO THAT QUESTION IS  
17 YES.

18 Q AND WHAT METHOD COMES TO YOUR MIND?

19 A LYLE WOULD, IN TALKS THAT HE WAS TO HAVE  
20 WITH DAD, PREPARE AN OUTLINE OF WHAT HE WAS GOING TO  
21 SAY, BECAUSE WHEN YOU SPOKE TO MY FATHER YOU GOT SO  
22 NERVOUS AND HE WOULD TRIP YOU UP WITH DIFFERENT



23 QUESTIONS, THAT LYLE TENDED TO STUTTER AND BEGIN  
24 STUTTERING AND DAD WOULD MAKE FUN OF HIM  
25 STUTTERING. SO HE PREPARED AN OUTLINE AFTER SPEECH  
26 OR THE THINGS THAT HE WANTED TO TALK ABOUT AND THE  
27 WAYS THAT HE WANTED TO TALK ABOUT IT SO THAT HE  
28 COULD GET THE INFORMATION ACROSS TO MY FATHER.

43249

1 AND HE DID THAT FROM THE TIME I WAS LIKE  
2 SIX AND HE WAS NINE, I REMEMBER HIM WRITING DOWN ON  
3 A PIECE OF PAPER THE THINGS THAT HE WANTED TO CONVEY  
4 TO MAKE SURE THAT THEY GOT CONVEYED.

5 Q THESE WERE POINTS THAT HE WAS GOING TO  
6 GO OVER WITH YOUR FATHER?

7 A POINTS THAT HE WAS GOING TO GO OVER,  
8 INFORMATION ABOUT THE POINTS, SO THAT HE WOULD  
9 REMEMBER IT UNDER THE PRESSURE OF TALKING TO DAD.

10 Q WOULD HE BRING THE LIST WITH HIM IN YOUR  
11 PRESENCE WHEN HE TALKED TO YOUR FATHER?

12 A YES.

13 Q AND YOU WOULD SEE HIM USING THE LIST?

14 A YES.

15 Q WAS YOUR BROTHER A STUTTERER? IS THAT  
16 WHAT YOU SAID?

17 A HE STUTTERED A GOOD PORTION OF HIS EARLY

18 LIFE.

19 Q AND WAS IT A POINT THAT YOUR FATHER MADE  
20 FUN OF HIS MANNER OF SPEAKING?

21 A YES.

22 Q DID YOUR FATHER MAKE FUN OF OR RIDICULE  
23 LYLE MENENDEZ FOR ANY OTHER FRAILTIES THAT HE HAD?

24 A YES.

25 MR. CONN: OBJECTION. IRRELEVANT.

26 THE COURT: SUSTAINED. THE ANSWER'S STRICKEN.

27 Q BY MR. LEVIN: GOING BACK TO TUESDAY OR  
28 GOING FORWARD TO TUESDAY, AUGUST THE 15TH, 1989,

43250

1 JUST FIVE DAYS BEFORE THE DEATH OF YOUR PARENTS, DID  
2 YOU TELL LYLE MENENDEZ THE DETAILS AND THE EXTENT OF  
3 THE SEXUAL BRUTALITY THAT YOUR FATHER HAD INFLICTED  
4 UPON YOU?

5 A NO.

6 Q WAS THERE A REASON WHY YOU DID NOT DO  
7 SO?

8 A THERE WERE, I SUPPOSE, A COUPLE OF  
9 REASONS.

10 Q WHAT WAS THE REASON THAT YOU HAD?

11 A ASIDE FROM THE FACT THAT I WAS JUST  
12 EMBARRASSED AND IT WAS HUMILIATING, THINGS -- HIS

13 QUESTIONS AT THE TIME WEREN'T THE MOST GRACIOUS. HE  
14 ASKED ME, YOU KNOW, WHY? DID I LIKE IT? DID I WANT  
15 IT? WHY I NEVER STOPPED IT. WHY I DIDN'T COME TO  
16 HIM EARLIER.

17 SO I DIDN'T WANT TO GO INTO THE DETAILS,  
18 BUT I ALSO DIDN'T WANT TO SCARE HIM OFF. HE WAS MY  
19 LAST HOPE AT THAT POINT, AND I DIDN'T WANT TO  
20 FRIGHTEN HIM AWAY IN TERMS OF THE EXTENT OR THE  
21 THREATS THAT DAD HAD GIVEN ME ABOUT TELLING LYLE.  
22 AND I DIDN'T WANT HIM TO SAY, YOU KNOW, HEY, ERIK,  
23 MY LIFE IS GOING WELL, I'M SORRY. I DIDN'T THINK HE  
24 WOULD, BUT I DIDN'T WANT TO TAKE A CHANCE.

25 Q HAD IT BEEN MADE CLEAR TO YOU,  
26 MR. MENENDEZ, THROUGHOUT THE YEARS THAT YOU WERE  
27 SUBJECTED TO THE ACTS OF VIOLENCE AND CHILD  
28 MOLESTATION BY YOUR FATHER THAT YOU WERE NOT TO

43251

1 REVEAL THAT THESE THINGS WERE OCCURRING?

2 A YES.

3 Q NOW, DID YOUR FATHER MAKE IT CLEAR TO  
4 YOU WHAT WOULD HAPPEN IF YOU DID DISCLOSE THAT THESE  
5 EVENTS WERE OCCURRING BETWEEN YOU AND HE?

6 A YES.

7 Q AND WHAT WAS IT THAT HE MADE CLEAR TO

8 YOU WOULD HAPPEN?

9 A THAT I WOULD BE KILLED, THAT HE WOULD BE  
10 KILLED, WHOEVER I TOLD TO KEEP THE SECRET; TOLD ME  
11 THAT HE WOULD KILL MY DOG VELVET. BUT, GENERALLY,  
12 IT WAS DIRECTED TOWARD LYLE.

13 Q DID YOU HAVE THOSE THINGS IN MIND WHEN  
14 YOU MADE THE DECISION NOT TO TALK ABOUT THE DETAILS  
15 AND THE EXTENT OF WHAT YOU HAD BEEN THROUGH WITH  
16 YOUR FATHER?

17 A YES. I CERTAINLY DIDN'T WANT TO TELL  
18 LYLE THAT DAD -- ALL THE THREATS THAT DAD HAD MADE  
19 ABOUT TELLING LYLE, AFRAID THAT HE WOULDN'T CONFRONT  
20 MY DAD.

21 Q DID I HEAR YOU SAY YOU WERE AFRAID YOUR  
22 BROTHER WOULD LEAVE YOU?

23 A YES.

24 Q WHY WOULD YOU BE AFRAID THAT YOUR  
25 BROTHER WOULD LEAVE YOU?

26 A I JUST HAD IMAGES IN MY MIND FROM TIMES  
27 IN THE PAST.

28 I REMEMBER THERE WAS A TIME WHEN I WAS --

43252

1 I WAS -- I WAS YOUNG, WHEN LYLE WAS RUNNING AWAY, AND  
2 INSTEAD OF TAKING ME WITH HIM, HE TOOK "COOKIE

3 MONSTER," ONE OF HIS STUFFED BEARS, ONE OF HIS  
4 STUFFED ANIMALS THAT HE HAD, AND I FELT VERY EMPTY  
5 INSIDE WHEN HE TOOK "COOKIE MONSTER" INSTEAD OF ME.  
6 HIS LIFE AT THE TIME WAS GOING WELL, AND I THOUGHT  
7 THAT MAYBE THIS WAS A PRETTY DRASTIC THING THAT I  
8 WAS ASKING HIM TO HELP ME WITH, AND I WAS JUST  
9 AFRAID THAT HE WOULD. I DON'T KNOW IF IT WAS THE  
10 RIGHT WAY TO FEEL OR NOT.

11 Q WHY WOULD YOU THINK THAT YOUR BROTHER  
12 HAD TAKEN A STUFFED TOY INSTEAD OF YOU AS OPPOSED TO  
13 JUST LEAVING AND TAKING A STUFFED TOY WITH HIM?

14 A I BLANKED OUT ON THE QUESTION.

15 Q WHY WOULD YOU THINK THAT YOUR BROTHER  
16 WAS TAKING A STUFFED TOY INSTEAD OF YOU, AS OPPOSED  
17 TO JUST PACKING HIS BAGS AND THROWING IT IN AND  
18 LEAVING?

19 A BECAUSE I KNEW HOW IMPORTANT -- LYLE LIKE  
20 HAD FIFTY OR A HUNDRED STUFFED ANIMALS, AND THEY  
21 WERE A DIFFERENT WORLD FOR HIM.

22 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

23 THE COURT: SUSTAINED AS TO THE ANSWER AS  
24 NONRESPONSIVE.

25 Q BY MR. LEVIN: DID LYLE MENENDEZ HAVE A  
26 SIGNIFICANT EMOTIONAL ATTACHMENT TO STUFFED ANIMALS  
27 THAT YOU WERE AWARE OF AND HAD PARTICIPATED IN?

28 MR. CONN: OBJECTION. IRRELEVANT. CALLS FOR

1 SPECULATION.

2 THE COURT: SUSTAINED.

3 Q BY MR. LEVIN: WHO WAS "COOKIE MONSTER"?

4 MR. CONN: OBJECTION. IRRELEVANT.

5 THE COURT: SUSTAINED.

6 Q BY MR. LEVIN: WHO DID --

7 MR. LEVIN: YOUR HONOR, MAY WE APPROACH?

8 THE COURT: NOT ON THIS SUBJECT.

9 MR. LEVIN: I'M HEARING THINGS BEHIND ME THAT  
10 ARE QUITE DISTRESSING.

11 THE COURT: IF THERE IS ANY REACTION OF THE  
12 AUDIENCE OF ANY SORT, THE PERSON WHO'S MAKING THAT  
13 DEMONSTRATION WILL BE REMOVED FROM THE COURTROOM AND  
14 NOT BE PERMITTED TO RETURN. SO EVERYBODY KEEP THAT  
15 IN MIND.

16 MR. LEVIN: THANK YOU.

17 Q WHO WILL -- STRIKE THAT.

18 WHO WAS IT THAT LYLE MENENDEZ LEFT WITH  
19 INSTEAD OF YOU?

20 MR. CONN: OBJECTION. IRRELEVANT.

21 THE COURT: ALL RIGHT. WE'VE ALREADY HAD  
22 THAT.

23 Q BY MR. LEVIN: WHAT WAS IT THAT CAME TO  
24 YOUR MIND WHEN YOU MADE THE DECISION THAT LYLE  
25 MENENDEZ MIGHT LEAVE YOU?

26 MR. CONN: OBJECTION. VAGUE AND IRRELEVANT.

27 THE COURT: AT WHAT TIME ARE YOU TALKING

28 ABOUT?

43254

1 MR. LEVIN: TALKING ABOUT ON AUGUST THE 15TH,  
2 1989.

3 Q WAS THERE A SPECIFIC REASON WHY YOU FELT  
4 THAT LYLE MENENDEZ WOULD LEAVE YOU IF YOU TOLD HIM  
5 THE DANGER THAT HE WOULD BE IN?

6 A ASIDE FROM THAT SPECIFIC TIME, I GUESS  
7 IT WAS JUST DIFFERENT THINGS OVER MY LIFE THAT MADE  
8 ME THINK THAT HE MIGHT LEAVE ME, DIFFERENT INCIDENTS  
9 OVER MY LIFE THAT MADE ME THINK THAT.

10 Q I WANT TO MOVE ON TO A LITTLE DIFFERENT  
11 SUBJECT CONCERNING YOUR MOTHER.

12 YOU HAD MENTIONED BEFORE THAT YOU FEARED  
13 YOUR MOTHER.

14 IS THAT A CORRECT CHARACTERIZATION?

15 A YES.

16 Q DID YOU LOVE YOUR MOTHER?

17 A YES.

18 Q DID YOU THINK THAT SHE LOVED YOU?

19 A SHE DID.

20 Q WHAT KIND OF THINGS DID SHE DO TO

21 FRIGHTEN YOU?

22 MR. CONN: OBJECTION.

23 MR. LEVIN: OR THAT FRIGHTENED YOU.

24 MR. CONN: OBJECTION. VAGUE AS TO TIME.

25 THE COURT: WELL, IT WOULD HELP IF YOU WOULD

26 FOCUS A LITTLE BIT ON SOME TIME FRAME.

27 Q BY MR. LEVIN: WAS THERE ANY SIGNIFICANT

28 EVENT OR ACTIVITY THAT OCCURRED BY YOUR MOTHER THAT

43255

1 CAUSED YOU TO FEAR HER WHEN YOU WERE A YOUNG CHILD?

2 A YOU JUST WANT ONE?

3 Q NO. JUST ANSWER YES OR NO.

4 A YES.

5 Q AND DO YOU HAVE INCIDENTS IN YOUR MIND,

6 SPECIFIC INCIDENTS IN YOUR MIND, THAT CAUSE YOU TO

7 ANSWER THAT QUESTION THAT YOU FEARED YOUR MOTHER IN

8 THE AFFIRMATIVE?

9 A YES.

10 Q NOW, WHAT IS YOUR EARLIEST RECOLLECTION

11 OF FEARING YOUR MOTHER?

12 MR. CONN: OBJECTION. IRRELEVANT. VAGUE AS

13 TO TIME.

14 THE COURT: WELL, WE WON'T KNOW THAT UNTIL WE

15 HAVE A TIME FRAME.



16 LET'S HAVE A TIME FRAME FIRST.

17 Q BY MR. LEVIN: WHEN -- IF YOU COULD TELL

18 US, APPROXIMATELY HOW OLD YOU WERE WHEN YOU FIRST

19 FEARED YOUR MOTHER.

20 A MY MEMORY DOES NOT GO BACK THAT FAR.

21 Q DID YOU EVER NOT FEAR YOUR MOTHER?

22 A NOT THAT I REMEMBER.

23 Q AND SO WOULD YOUR DESCRIPTION OF YOUR

24 RELATIONSHIP WITH YOUR MOTHER BE ESSENTIALLY A

25 LIFETIME OF EVENTS THAT CAUSED YOU TO FEAR HER

26 THROUGHOUT YOUR LIFE?

27 MR. CONN: OBJECTION. LEADING.

28 THE COURT: OVERRULED.

43256

1 THE WITNESS: YES.

2 Q BY MR. LEVIN: WOULD THE SAME BE SAID

3 FOR YOUR FATHER?

4 A YES.

5 Q WAS THERE EVER A TIME WHEN YOU DIDN'T

6 FEAR YOUR FATHER?

7 A IN GENERAL OR -- CERTAIN TIMES -- YOU MEAN

8 A YEAR OR A DAY? I MEAN, THERE WERE CERTAIN DAYS I

9 KNEW HE WASN'T.

10 Q WITHDRAW THAT.

11 DID YOUR MOTHER AND YOUR FATHER EVER

12 WORK TOGETHER TO SCARE YOU?

13 A YES.

14 Q AND DO YOU RECALL A SPECIFIC INCIDENT

15 WHERE THAT OCCURRED?

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: ALL RIGHT. YOU'RE ASKING DID

18 THIS CAUSE HIM TO BE IN FEAR OF THE INDIVIDUALS?

19 MR. LEVIN: YES.

20 THE COURT: REPHRASE IT IN THAT WAY.

21 Q BY MR. LEVIN: DID YOUR MOTHER AND YOUR

22 FATHER EVER DO ANYTHING TOGETHER THAT CAUSED YOU TO

23 FEAR -- STRIKE THAT.

24 DID YOU FEAR YOUR MOTHER SEPARATELY?

25 A YES.

26 Q DID YOU FEAR YOUR FATHER SEPARATELY?

27 A YES.

28 Q DID YOU FEAR THEM AS A UNIT TOGETHER?

43257

1 A YES.

2 Q DID YOUR MOTHER AND YOUR FATHER EVER DO

3 ANYTHING TOGETHER THAT CAUSED YOU TO FEAR THEM AS A

4 UNIT?

5 A YES.

6 Q AND WHAT INCIDENT COMES TO MIND?

7 A AN INCIDENT WHERE A MASK FELL OUT OF MY  
8 CLOSET, AN INCIDENT WHEN I WAS IN THE BASEMENT, AN  
9 INCIDENT WHERE MY MOTHER WOULD TELL ON ME AND I  
10 WOULD GET HURT BY DAD. DIFFERENT TIMES.

11 Q YOU SAID THERE WAS AN INCIDENT WITH A  
12 MASK. WHAT HAPPENED WITH A MASK BETWEEN YOUR MOTHER  
13 AND YOUR FATHER THAT CAUSED YOU TO FEAR THEM AS A  
14 UNIT TOGETHER?

15 MR. CONN: OBJECTION. VAGUE AS TO TIME AND  
16 IRRELEVANT.

17 THE COURT: ALL RIGHT. FIRST ESTABLISH A  
18 FOUNDATION AS TO TIME.

19 Q BY MR. LEVIN: ALL RIGHT. AS A RESULT --  
20 STRIKE THAT.

21 DID YOU SLEEP WELL?

22 MR. CONN: OBJECTION. VAGUE AS TO TIME AND  
23 IRRELEVANT.

24 THE COURT: IT IS VAGUE.

25 Q BY MR. LEVIN: FOLLOWING YOUR 6TH  
26 ANNIVERSARY (SIC) WHEN YOUR FATHER BEGAN TO MOLEST  
27 YOU, DID YOU FIND THAT YOU HAD SLEEPING PROBLEMS?

28 THE COURT: 6TH BIRTHDAY.

1 MR. LEVIN: FOLLOWING HIS 6TH BIRTHDAY, YES.

2 MR. CONN: OBJECTION. IRRELEVANT.

3 THE COURT: OVERRULED.

4 YOU CAN ANSWER THAT QUESTION YES OR NO.

5 THE WITNESS: YES.

6 Q BY MR. LEVIN: AND DID YOUR PROBLEM IN  
7 SLEEPING, WAS IT RELATED TO SOMETHING THAT WOULD  
8 HAPPEN AFTER YOU WOULD GO TO SLEEP?

9 MR. CONN: OBJECTION. CALLS FOR SPECULATION  
10 AND CONCLUSION AND IMPROPER OPINION.

11 THE COURT: OVERRULED.

12 THE WITNESS: (NO AUDIBLE RESPONSE.)

13 MR. LEVIN: DREAMS?

14 THE WITNESS: ARE YOU SAYING -- I DON'T  
15 UNDERSTAND THE QUESTION.

16 Q BY MR. LEVIN: DID YOU HAVE NIGHTMARES?

17 A YES.

18 Q AND WERE THERE SPECIFIC THINGS THAT  
19 WOULD COME TO YOU IN THESE NIGHTMARES?

20 MR. CONN: OBJECTION. IRRELEVANT.

21 THE COURT: SUSTAINED.

22 Q BY MR. LEVIN: COULD YOU DESCRIBE YOUR  
23 NIGHTMARES.

24 MR. CONN: OBJECTION. IRRELEVANT.

25 THE COURT: I THINK WE'RE FOCUSED ON -- THE  
26 LAST INQUIRY WAS SOMETHING TO DO WITH A FEAR-INDUCING  
27 INCIDENT AND NOW YOU'VE SKIPPED ON TO SOMETHING  
28 ELSE.

1 MR. LEVIN: IT'S RELATED.

2 THE COURT: PERHAPS YOU CAN GET TO IT.

3 MR. LEVIN: I'M TRYING.

4 THE COURT: DO IT ANOTHER WAY.

5 Q BY MR. LEVIN: DID YOU EVER EXPRESS THAT  
6 YOU HAD FEAR TO YOUR MOTHER AND YOUR FATHER?

7 A THAT WAS NOT A GOOD THING TO DO.

8 Q YOU INDICATED THAT IT WASN'T A GOOD  
9 THING TO DO BEFORE, BUT MY QUESTION TO YOU IS: DID  
10 YOU EVER TELL THEM THAT YOU WERE AFRAID OF THINGS?

11 A YES.

12 Q AND DID TELLING THEM THAT YOU WERE  
13 AFRAID OF SOME PARTICULAR THING RESULT IN THEM  
14 WORKING TOGETHER TO REALLY FRIGHTEN YOU?

15 MR. CONN: OBJECTION. LEADING AND  
16 IRRELEVANT.

17 THE COURT: OVERRULED.

18 THE WITNESS: YES.

19 Q BY MR. LEVIN: WHAT WAS IT THAT YOU TOLD  
20 YOUR MOTHER OR -- FIRST OF ALL, WHO WAS IT THAT YOU  
21 TOLD OF THIS FEAR?

22 A MY MOTHER.

23 Q AND WHAT DID YOU TELL HER?

24 A WHEN I WAS ABOUT 10 I BEGAN TO HAVE

25 HORRIBLE NIGHTMARES THAT WOULD LAST TWO MONTHS,  
26 THREE MONTHS AT A TIME, EVERY NIGHT, AND I TOLD HER  
27 THAT I COULDN'T GET TO SLEEP AND I COULDN'T GO TO  
28 SLEEP, AND I WOULD WAKE UP IN THE MIDDLE OF THE

43260

1 NIGHT, AND I WOULD STAY UP BECAUSE I WAS AFRAID TO  
2 GO BACK TO SLEEP.

3       AND SO EVERY NIGHT WE HAD A RITUAL AFTER  
4 THAT IN WHICH I WOULD HAVE HER CHECK THE CLOSETS AND  
5 THE DRAWERS AND UNDER THE BED, AND EVERY POSSIBLE  
6 CUBBYHOLE IN MY ROOM, OR I WOULD DO IT. SHE WAS  
7 TRYING TO GET ME TO DO IT SO I WOULD NOT BE AFRAID.

8       MY FATHER DIDN'T LIKE THE FACT I WAS  
9 HAVING THESE NIGHTMARES, AND SO I TOLD HER ABOUT  
10 THOSE.

11     Q   NOW, YOU SAID YOU WOULD CHECK  
12 CUBBYHOLES, CLOSETS, DRAWERS. WHAT WERE YOU  
13 CHECKING FOR?

14     A   THE PEOPLE, IMAGES, GREEN FACE, A FACE  
15 OF DIFFERENT ANIMALS THAT WOULD BE IN MY DREAM THAT  
16 WOULD ATTACK ME, THE DIFFERENT, I GUESS, MONSTERS IN  
17 MY DREAM, DIFFERENT THINGS THAT WOULD HAPPEN IN MY  
18 DREAM.

19     Q   WOULD THESE MONSTERS IN YOUR DREAM EVER

20 TURN INTO HUMAN FIGURES?

21 A MY FATHER.

22 Q AND WHAT MONSTER DID YOU SEE IN YOUR

23 DREAM THAT WOULD TURN INTO YOUR FATHER?

24 MR. CONN: OBJECTION. ASSUMES FACTS NOT IN

25 EVIDENCE AND IRRELEVANT.

26 THE COURT: OVERRULED.

27 THE WITNESS: A GREEN FACE THAT WOULD TURN

28 INTO MY FATHER.

43261

1 Q BY MR. LEVIN: NOW, WAS THERE A

2 PARTICULAR INCIDENT THAT OCCURRED WITH RESPECT TO A

3 GREEN FACE WHERE YOUR MOTHER AND YOUR FATHER DID

4 SOMETHING?

5 A YES.

6 Q COULD YOU RELATE THAT TO THE JURY

7 PLEASE.

8 A WAS ONE NIGHT WHEN I WAS DOING THE HABIT

9 OF CHECKING THE CLOSETS, AND MY MOTHER TOLD ME THAT

10 SHE WANTED ME TO DO IT THIS TIME, INSTEAD OF HER

11 DOING IT; AND SO I WENT AND WAS LOOKING THROUGH

12 DIFFERENT CUBBYHOLES AND DRAWERS, AND I OPENED UP

13 THE CLOSET AND A GREEN MASKED FACE CAME OUT OF THE

14 CLOSET AT ME AND I JUMPED BACK SCREAMING.

15 Q WHAT WAS YOUR FATHER'S REACTION?

16 A I DIDN'T KNOW MY FATHER WAS THERE. MY  
17 FATHER WAS AROUND THE CORNER WAITING FOR THE --  
18 WAITING FOR ME TO OPEN UP THE CLOSET. AND AS SOON  
19 AS THE MASK CAME OUT AND I SCREAMED, HE STARTED  
20 LAUGHING, AND HE CAME AROUND THE CORNER, AND MY  
21 MOTHER STARTED LAUGHING.

22 Q AND FOLLOWING THAT ACTIVITY DID YOU  
23 CONTINUE TO HAVE THESE NIGHTMARES?

24 A NIGHTMARES HAVEN'T ENDED.

25 Q DID YOU EVER -- WHEN YOU HAD A NIGHTMARE  
26 OF THE NATURE THAT YOU DESCRIBE, DID IT EVER CAUSE  
27 YOU TO WAKE UP SCREAMING OR AUDIBLY VOICING FEAR?

28 MR. CONN: OBJECTION. IRRELEVANT.

43262

1 THE COURT: COULD I HAVE THE QUESTION READ  
2 BACK PLEASE.

3 (PENDING QUESTION READ.)

4

5 THE COURT: OVERRULED.

6 THE WITNESS: YEAH. ACTUALLY, IN LOOKING  
7 BACK, I BELIEVE THAT'S HOW MY MOTHER FIRST BECAME  
8 AWARE OF THE NIGHTMARES AND --

9 MR. CONN: OBJECTION. NONRESPONSIVE. CALLS



10 FOR A YES OR NO ANSWER.

11 THE WITNESS: YES.

12 THE COURT: ALL RIGHT. I'LL LET THE ENTIRE  
13 ANSWER STAND.

14 NEXT QUESTION, PLEASE.

15 Q BY MR. LEVIN: DID YOUR MOTHER EVER  
16 APPEAR FOLLOWING YOU WAKING UP IN THE MANNER THAT  
17 YOU DESCRIBED?

18 A I WOULD STILL BE DREAMING WHEN SHE CAME  
19 INTO THE ROOM -- I GUESS THE ANSWER'S YES.

20 Q DID SHE HOLD YOU AND COMFORT YOU?

21 A WELL, I WOULD THINK THAT SHE WAS PART OF  
22 THE DREAM AND I WOULD BE FIGHTING HER AND SHE WOULD  
23 LIFT ME AND CARRY ME DOWN THE HALL, AND I WOULD BE  
24 HITTING AND SCREAMING BECAUSE I THOUGHT SHE WAS AN  
25 ACTUAL -- SOMEONE IN THE DREAM, AND SHE WOULD PUT ME  
26 IN HER BATHTUB UNDER THE COLD WATER, AND THAT'S WHEN  
27 I WOULD WAKE UP AND REALIZE THAT WAS MY MOTHER.

28 MR. CONN: OBJECTION. NONRESPONSIVE. MOTION

43263

1 TO STRIKE.

2 THE COURT: OVERRULED. THE ANSWER WILL  
3 STAND.

4 Q BY MR. LEVIN: YOUR MOTHER WOULD TAKE

5 YOU INTO HER BATHTUB IN COLD WATER TO WAKE YOU OUT

6 OF THE DREAM?

7 A YES.

8 Q BUT THIS WAS REAL. IT WASN'T PART OF

9 THE DREAM; IS THAT CORRECT?

10 A YES.

11 Q YOU THOUGHT IT WAS?

12 A I DIDN'T REALIZE THAT IT WAS -- YES.

13 Q AND THEN YOU'D WAKE UP AND REALIZE IT

14 REALLY HAD HAPPENED?

15 MR. CONN: OBJECTION. LEADING.

16 THE COURT: OVERRULED.

17 THE WITNESS: YES.

18 Q BY MR. LEVIN: WERE THERE OTHER

19 INCIDENTS WHERE -- STRIKE THAT.

20 FOLLOWING SEVERAL YEARS OF BEING

21 MOLESTED BY YOUR FATHER -- THANK YOU, LESLIE.

22 FOLLOWING SEVERAL YEARS OF BEING

23 MOLESTED, DID YOU -- DID YOU CONTINUE TO CRY? WERE

24 YOU EMOTIONAL?

25 A YES.

26 Q AND WOULD YOUR FATHER REACT TO YOU

27 EXPRESSING THIS EMOTION?

28 A YES.

1 Q DID YOU FIND THAT YOU WOULD CRY AT JUST  
2 ABOUT ANYTHING?

3 A (NO AUDIBLE RESPONSE.)

4 Q DID IT TAKE MUCH TO MAKE ERIK MENENDEZ  
5 CRY?

6 A I ONLY CRIED WHEN I WAS AFRAID OR,  
7 BASICALLY, WHEN I WAS AFRAID. SO, NO, IT DIDN'T  
8 TAKE MUCH, I GUESS, TO MAKE ME SCARED.

9 Q DID YOUR FATHER EVER EXPRESS TO YOU THAT  
10 YOU NEEDED SOME TRAINING, TOUGHENING, WITH RESPECT  
11 TO YOUR EMOTIONAL OUTBURSTS?

12 A YES.

13 Q AND DO YOU RECALL ANY SPECIFIC INCIDENTS  
14 WHERE YOUR FATHER AND YOUR MOTHER DID SOMETHING TO  
15 YOU TO HELP YOU OR TO MAKE YOU STOP EXPRESSING FEAR?

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: WHEN YOU SAY STOP EXPRESSING  
18 FEAR, WHAT DO YOU MEAN?

19 Q BY MR. LEVIN: DO YOU RECALL YOUR MOTHER  
20 AND YOUR FATHER DOING ANYTHING ELSE TOGETHER THAT  
21 CAUSED YOU TO FEAR THEM AS A UNIT?

22 A YES.

23 Q AND WHAT INCIDENT COMES TO YOUR MIND?

24 MR. CONN: OBJECTION. IRRELEVANT.

25 THE COURT: OVERRULED.

26 THE WITNESS: A TIME WHEN I WAS IN THE  
27 BASEMENT OF ONE OF MY HOUSES AND WITH MY MOTHER, AND

43265

1 AND IT WAS ONE OF THOSE BASEMENTS THAT WAS  
2 UNRUGGED. IT DIDN'T HAVE A RUG FLOOR, AND SO IT WAS  
3 DARK AND WE WERE -- SHE WAS LEAVING, AND SO I WAS  
4 FOLLOWING HER UP THE STAIRS AND SHE WAS GETTING TOO  
5 FAR AHEAD OF ME, AND I WAS TRYING TO CATCH UP, AND  
6 BEFORE I WAS ABLE TO GET TO THE DOOR SHE CLOSED IT  
7 AND TURNED OFF THE LIGHTS.

8 Q THEN WHAT HAPPENED?

9 MR. CONN: OBJECTION. VAGUE AS TO TIME.

10 THE COURT: PERHAPS YOU COULD ESTABLISH A  
11 TIME FRAME, AGE OR SOMETHING OF THAT NATURE.

12 Q BY MR. LEVIN: HOW OLD WERE YOU WHEN  
13 THIS OCCURRED?

14 A I WAS SEVEN.

15 Q GO AHEAD. CONTINUE.

16 A AND I WAS BANGING ON THE DOOR FOR HER TO  
17 OPEN UP THE DOOR, BECAUSE IT WAS PITCH BLACK IN THE  
18 BASEMENT, AND I WAS POUNDING AND SCREAMING OUT TO  
19 HER. AND SUDDENLY I STARTED HEARING A NOISE IN THE  
20 BACK OF THE BASEMENT, DOWN THE STAIRS, AND I STOPPED  
21 AND I LISTENED AND IT WAS AN OOHING AND A BOOING  
22 SOUND, AND I IMMEDIATELY STARTED CRYING AND

23 SCREAMING. AND THE SOUND WAS GETTING CLOSER, AND I  
24 COULD HEAR THINGS MOVING IN THE BASEMENT, AND I JUST  
25 STARTED PANICKING, AND CONTINUED BANGING ON THE  
26 DOOR.

27 Q WHAT HAPPENED NEXT?

28 A THE SOUND GOT TO THE BOTTOM OF THE

43266

1 STAIRS AND THEN I HEARD THE SLOW STEPS GETTING  
2 CLOSER TO ME, AND I -- EVENTUALLY THE STEPS GOT  
3 CLOSER AND CLOSER, AND THEN THE PERSON GRABBED ME  
4 AND SCREAMED, AND I SCREAMED, AND MY MOTHER OPENED  
5 UP THE DOOR AND IT WAS MY FATHER AND -- THAT'S WHAT  
6 HAPPENED.

7 Q WHAT WAS YOUR FATHER'S REACTION?

8 A HE WAS LAUGHING.

9 Q WHAT WAS YOUR REACTION?

10 A I WAS CRYING.

11 Q WERE YOU SCARED?

12 A YES.

13 Q WERE YOU SCARED OF THE DARK?

14 A I WAS TERRIFIED OF THE DARK.

15 Q WERE YOU ALWAYS AFRAID OF THE DARK?

16 A YES.

17 Q WAS THERE PARTICULAR TIMES IN YOUR LIFE

18 THAT YOU FOUND THAT YOU WERE AFRAID OF THE DARK?

19 MR. CONN: OBJECTION. IRRELEVANT.

20 THE COURT: OVERRULED.

21 MR. LEVIN: LET ME ASK YOU THIS MORE

22 DIRECTLY.

23 Q DID BEING AFRAID OF THE DARK HAVE ANY

24 RELATIONSHIP AT ALL, MR. MENENDEZ, TO YOUR FATHER

25 COMING INTO YOUR BEDROOM AT NIGHT AND MOLESTING YOU?

26 A YES.

27 Q WHAT WAS YOUR FEELING ABOUT BEING ALONE

28 IN DARK ROOMS?

43267

1 A WHAT AGE?

2 Q AFTER YOU DEVELOPED THE FEAR.

3 A I WAS AFRAID OF THE DARK BEFORE MY

4 FATHER BEGAN MOLESTING ME, BUT AFTER HE STARTED

5 COMING INTO THE ROOM AT NIGHT I BEGAN FEARING OTHER

6 THINGS.

7 Q LIKE WHAT?

8 A LIKE MY FATHER COMING INTO THE ROOM AT

9 NIGHT.

10 Q AND DID THAT CAUSE YOU TO BE VERY AWARE

11 OF YOUR SURROUNDINGS AND YOUR ENVIRONMENT?

12 MR. CONN: OBJECTION. LEADING.

13 THE COURT: OVERRULED.

14 THE WITNESS: YES.

15 Q BY MR. LEVIN: DID LITTLE THINGS MEAN A  
16 LOT TO YOU?

17 MR. CONN: OBJECTION. VAGUE.

18 THE COURT: SUSTAINED.

19 Q BY MR. LEVIN: DID FOOTSTEPS MEAN  
20 ANYTHING TO YOU?

21 MR. CONN: OBJECTION. VAGUE.

22 THE COURT: SUSTAINED.

23 Q BY MR. LEVIN: I WANT TO CONCENTRATE ON  
24 YOUR MOTHER FOR A MOMENT.

25 YOU INDICATED THAT YOU FEARED YOUR  
26 FATHER, YOU FEARED YOUR MOTHER, AND YOU FEARED THEM  
27 TOGETHER AS A UNIT.

28 WHY DID YOU FEAR YOUR MOTHER ALONE AS AN

43268

1 INDIVIDUAL?

2 A I SPENT MORE TIME WITH HER IN MY LIFE.

3 Q YOU RELATED AN INCIDENT BEFORE WHERE  
4 YOUR MOTHER AT THE DINNER TABLE HAD LIED TO YOUR  
5 FATHER, JOSE MENENDEZ, ABOUT SOMETHING LYLE MENENDEZ  
6 DID THAT RESULTED IN PUNISHMENT TO HIM.

7 DID YOUR MOTHER EVER DO THE SAME THING

8 TO YOU?

9 A YES.

10 Q AND WHAT KIND OF THINGS WOULD SHE  
11 TYPICALLY DO?

12 MR. CONN: OBJECTION. IRRELEVANT.

13 THE COURT: ALL RIGHT. ARE YOU ASKING FOR AN  
14 EXAMPLE?

15 MR. LEVIN: YES.

16 THE COURT: OVERRULED.

17 THE WITNESS: GENERALLY IT RELATED TO  
18 SPORTS. MOST THINGS IN MY LIFE DID. AND THERE  
19 WOULD BE A TIME WHEN EITHER MY MOTHER WOULD FORGET  
20 SOMETHING ON THE WAY TO THE TOURNAMENT, AND AS A  
21 RESULT I WOULD LOSE; OR A TIME WHEN SHE WOULD PICK  
22 ME UP LATE AND I WOULD BE DEFAULTED FROM A MATCH.

23 Q BY MR. LEVIN: AND THEN WHAT DID SHE  
24 TELL YOUR FATHER?

25 A IT DEPENDS ON THE TIME.

26 Q WOULD SHE BLAME YOU FOR IT?

27 A YES.

28 Q WOULD THAT RESULT IN ANYTHING HAPPENING

43269

1 TO YOU?

2 A YES.



3 Q WHAT?

4 A EITHER I WOULD GET SLAPPED; SOMETIMES  
5 I'D GET BEATEN, DEPENDS ON THE SEVERITY OF THE  
6 INCIDENT WHICH SHE BLAMED ME FOR.

7 Q WOULD YOU EVER TELL YOUR FATHER THAT YOU  
8 HAD NOT DONE WHAT YOUR MOTHER TOLD HIM YOU HAD DONE?

9 A I WOULD NEVER DO THAT.

10 Q WHY?

11 A I REMEMBER ONE TIME SPECIFICALLY WHEN I  
12 WAS ON THE WAY TO A TOURNAMENT AND MY MOTHER --  
13 AFTER SHE PICKED ME UP FROM SCHOOL I WOULD GET  
14 DRESSED AND CHANGED IN THE CAR, AND AFTER I HAD  
15 CHANGED I WAS LOOKING FOR MY TENNIS RACKETS IN THE  
16 BACK, AND THE TENNIS RACKETS WERE NOT THERE AND THEY  
17 WERE --

18 MR. CONN: OBJECTION. THIS IS NONRESPONSIVE  
19 TO THE QUESTION.

20 THE COURT: COULD WE GET SPECIFICALLY TO THE  
21 POINT HERE.

22 THE WITNESS: MY TENNIS RACKETS WEREN'T THERE  
23 AND I BROUGHT IT UP TO MY MOM.

24 MR. CONN: AGAIN, I OBJECT. THIS IS STILL  
25 NONRESPONSIVE.

26 THE COURT: I ASSUME HE'S TRYING TO RESPOND  
27 TO THE QUESTION. SO LET'S HEAR THE REST OF THE  
28 ANSWER AND WE'LL SEE.

1 THE WITNESS: AND I BROUGHT IT UP TO MY MOM  
2 THAT MY RACKETS WEREN'T IN THE CAR, AND SHE SAID  
3 WELL, YOU'RE JUST GOING TO HAVE TO PLAY WITH SOME  
4 OTHER RACKETS. AND IT'S NOT SOMETHING THAT YOU JUST  
5 DO IN TENNIS; AND EVENTUALLY, I LOST THE MATCH.

6 ON THE WAY BACK HOME I SAID TO MY  
7 MOTHER: WHAT ARE WE GOING TO TELL MY DAD?  
8 AND SHE SAID: WELL, YOU'RE JUST GOING  
9 TO HAVE TO TELL HIM YOU FORGOT YOUR RACKETS AT  
10 SCHOOL.

11 AND I SAID: THAT'S NOT GOING TO BE --  
12 DAD'S NOT GOING TO BE VERY HAPPY WITH ME FOR  
13 FORGETTING MY RACKETS.

14 AND SHE SAID: WELL, YOU'RE CERTAINLY  
15 NOT GOING TO TELL HIM THAT I FORGOT MY RACKETS --  
16 THAT SHE FORGOT MY RACKETS.

17 AND I SAID: WELL, DAD'S GOING TO BE NOT  
18 PLEASED THAT I LOST THE MATCH BECAUSE I FORGOT MY  
19 RACKETS.

20 AND SHE MADE IT VERY CLEAR TO ME THAT  
21 SHE WOULD BE TELLING MY FATHER THAT AND THAT SHE  
22 COULD PUNISH ME WORSE THAN MY FATHER COULD IF I DID  
23 NOT GO ALONG WITH HER STORY.

24 Q BY MR. LEVIN: AND HAD YOUR MOTHER  
25 PUNISHED YOU FOR THINGS BEFORE?

26 A YES.

27 Q WHAT KINDS OF THINGS WOULD YOU BE

28 PUNISHED BY YOUR MOTHER FOR?

43271

1 MR. CONN: OBJECTION. IRRELEVANT.

2 THE COURT: OVERRULED. FIRST OF ALL, LET'S

3 HAVE SOME FOUNDATION THAT'S WHAT IS MEANT BY

4 PUNISHMENT.

5 DO YOU NEED SOME WATER?

6 (BRIEF PAUSE.)

7

8 THE COURT: OKAY. LET'S RESUME.

9 MR. LEVIN: THANK YOU.

10 Q HOW WOULD YOUR MOTHER PUNISH YOU?

11 MR. CONN: OBJECTION. VAGUE AS TO WHAT IS

12 MEANT BY PUNISHMENT.

13 THE COURT: THAT'S WHERE WE BROKE OFF.

14 Q BY MR. LEVIN: WHAT KIND OF THINGS WOULD

15 YOUR MOTHER DO WHEN SHE PUNISHED YOU?

16 A SHE WOULD LOCK ME IN MY ROOM. SHE WOULD

17 LOCK ME IN HER CLOSET IN HER BEDROOM. SHE WOULD HIT

18 ME. SHE WOULD THROW THINGS AT ME. THINGS LIKE

19 THAT.

20 Q HAD YOU EVER SEEN YOUR MOTHER ENRAGED AT

21 YOU?

22 A YES.

23 Q AND COULD YOU TELL WHEN YOUR MOTHER WAS  
24 ENRAGED AT YOU?

25 A YES. IT WAS CLEAR.

26 Q WOULD SHE DO SOMETHING THAT OCCURRED  
27 VERY FREQUENTLY THAT WOULD SHOW YOU SHE WAS ENRAGED?

28 A YES.

43272

1 Q WHAT WAS IT?

2 A SHE WOULD CLENCH HER FISTS TOGETHER,  
3 TIGHTEN HER JAW, AND HER FACE WOULD SHAKE, AND SHE  
4 WOULD GET VERY RED AND SHE WOULD GRIT HER TEETH.  
5 AND SHE WOULD START SCREAMING AND YELLING AND  
6 FLAILING OR THROWING THINGS.

7 Q DID YOUR MOTHER DRINK A LOT OF ALCOHOL  
8 DURING YOUR CHILDHOOD YEARS?

9 MR. CONN: OBJECTION. VAGUE AS TO TIME.

10 THE COURT: OVERRULED.

11 YOU CAN ANSWER THE QUESTION.

12 THE WITNESS: SHE DID.

13 Q BY MR. LEVIN: DID SHE GET DRUNK?

14 A OFTEN.

15 Q AND WOULD SHE BE DRUNK WHEN SHE WAS WITH  
16 YOU ALONE?

17 A YES.

18 Q WOULD SHE BE DRUNK WHEN SHE DROVE YOU  
19 PLACES?

20 A SOMETIMES.

21 Q NOW, YOU MENTIONED PUNISHMENT IN A  
22 CLOSET. WHAT CLOSET WERE YOU TALKING ABOUT?

23 A THERE WAS A LONG NARROW CLOSET AT THE  
24 END OF A NARROW HALLWAY IN HER BEDROOM THAT WAS HER  
25 CLOSET.

26 Q FOLLOWING THE ACTS OF MOLESTATION, YEARS  
27 OF MOLESTATION BY YOUR FATHER, DID YOU FIND THAT YOU  
28 WERE HAVING TROUBLE IN SCHOOL CONCENTRATING?

43273

1 MR. CONN: OBJECTION. IRRELEVANT.

2 THE COURT: OVERRULED.

3 THE WITNESS: FOLLOWING OR DURING?

4 MR. LEVIN: I'M SORRY. DURING, BUT FOLLOWING  
5 YEARS OF IT OCCURRING.

6 THE WITNESS: YES.

7 Q BY MR. LEVIN: AND DID THE CONCENTRATION  
8 PROBLEMS THAT YOU HAD CAUSE YOU TO DO POORLY IN  
9 SCHOOL?

10 MR. CONN: OBJECTION. IRRELEVANT.

11 MR. LEVIN: BY YOUR MOTHER'S STANDARDS.

12 MR. CONN: OBJECTION. IRRELEVANT.

13 THE COURT: SUSTAINED.

14 Q BY MR. LEVIN: WAS PERFORMANCE IN SCHOOL  
15 BY YOU CRITICAL?

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: IT'S ALSO VAGUE.

18 Q BY MR. LEVIN: DID YOUR MOTHER EVER DO  
19 ANYTHING WITH RESPECT TO THE CLOSET THAT CAUSED YOU  
20 TO FEAR HER?

21 A FEARED GOING IN THE CLOSET.

22 Q AND WHAT WAS IT THAT SHE WOULD DO?

23 MR. CONN: OBJECTION. VAGUE AS TO TIME.

24 THE COURT: PERHAPS WE CAN PINPOINT WHEN IT  
25 WAS.

26 Q BY MR. LEVIN: WAS THE CLOSET A FREQUENT  
27 USUAL OCCURRENCE FOR YOU?

28 A YES.

43274

1 Q AND DID IT OCCUR OVER A PERIOD OF YOUR  
2 LIFETIME?

3 A YES.

4 Q WHAT PERIOD OF TIME DID THESE CLOSET  
5 INCIDENTS OCCUR?

6 A THEY APPEARED (SIC) WHEN I WAS 7 AND 8,

7 AND THEN FOR DIFFERENT REASONS, WHEN I WAS IN 6TH  
8 GRADE, 12, 13, 14, EARLY 15.

9 Q NOW, WERE THERE SPECIFIC REASONS FOR  
10 YOUR MOTHER TO PUT YOU IN THE CLOSET?

11 A YES.

12 Q AND WHEN YOU WERE PUT IN THE CLOSET WERE  
13 YOU PUT IN THE CLOSET FOR A PERIOD OF TIME?

14 MR. CONN: OBJECTION. IRRELEVANT.

15 MR. LEVIN: LAYING A FOUNDATION, YOUR HONOR.

16 THE COURT: OVERRULED.

17 THE WITNESS: YES.

18 Q BY MR. LEVIN: DID IT VARY WITH RESPECT  
19 TO THE TIME?

20 A YES.

21 Q AND WHAT DID IT VARY BETWEEN?

22 A BETWEEN -- DEPENDING ON WHY I WAS IN  
23 THERE, OF COURSE, ANYWHERE FROM AN HOUR TO 12, 18  
24 HOURS.

25 Q DID YOU EVER HAVE A CHOICE WITH RESPECT  
26 TO BEING PUT IN THE CLOSET?

27 A NO.

28 Q AND WHO WAS IT THAT WOULD PUT YOU IN THE

2 A MY MOTHER.

3 Q WHY DID YOU FEAR THE CLOSET?

4 A BECAUSE I WOULD BE LEFT IN THERE FOR FOR  
5 LONG PERIODS OF TIME AND THE LIGHTS WERE OUT AT  
6 TIMES. I DON'T KNOW WHY I FEARED IT. I JUST DID  
7 SOMETIMES.

8 Q WHAT DID THE CLOSET LOOK LIKE?

9 A IT WAS VERY LONG, VERY NARROW, AND THERE  
10 WERE A LOT OF DIFFERENT THINGS THERE. IT WAS ABOUT  
11 9 OR 10-FEET HIGH.

12 Q WERE YOU TOLD TO DO ANYTHING WHEN YOU  
13 WENT INTO THE CLOSET?

14 A SOMETIMES.

15 Q WHAT WERE YOU TOLD TO DO?

16 A I WAS TOLD TO FINISH OR REWRITE  
17 ASSIGNMENTS OR DO WORK THAT SHE HAD PUT ME IN THE  
18 CLOSET TO DO.

19 Q YOU DID THAT IN THE DARK?

20 A IT JUST DEPENDED ON WHY I WAS PUT IN THE  
21 CLOSET. IF I DID THE ASSIGNMENT WRONG I WOULD STAY  
22 IN THE CLOSET FOR A LENGTHY PERIOD OF TIME AS  
23 PUNISHMENT. IT ALL DEPENDS ON WHY I WAS IN THERE.

24 Q DID YOU HAVE A CHAIR --

25 A NO.

26 Q -- TO SIT ON? DID YOU HAVE A NOTEBOOK  
27 OR CLIPBOARD TO WRITE ON?

28 A I HAD A CLIPBOARD.



1 Q AND COULD YOU COME OUT OF THE CLOSET  
2 WHEN YOU HAD TO GO TO THE BATHROOM?

3 A IF SHE WAS HOME.

4 Q WHAT IF SHE WASN'T HOME?

5 A SHE GAVE ME A TUPPERWARE CONTAINER TO GO  
6 TO THE BATHROOM IN.

7 Q AND SHE -- HOW DID SHE KNOW THAT YOU  
8 WOULDN'T COME OUT OF THE CLOSET?

9 A I DIDN'T KNOW AT FIRST. SHE JUST SEEMED  
10 TO KNOW AND I EVENTUALLY DISCOVERED WHY.

11 Q WHY WAS THAT?

12 A SHE PUT A PIECE OF PAPER ON THE OUTSIDE  
13 OF THE DOOR, THAT WHEN THE DOOR OPENED IT FELL TO  
14 THE GROUND; AND SO IF IT WAS ON THE GROUND, SHE'D  
15 KNOW THE DOOR WAS OPENED. AND IF IT WASN'T, SHE'D  
16 KNOW THAT THE CLOSET DOOR HAD REMAINED CLOSED.

17 Q WAS THERE A TIME WHEN YOU CAME OUT AND  
18 THAT'S HOW YOU FOUND OUT?

19 A ONE OF THE TIMES.

20 Q WHAT WOULD HAPPEN IF YOUR MOTHER FOUND  
21 THAT YOU HAD LEFT THE CLOSET?

22 A SHE WOULD GO INTO A RAGE AND I WOULD  
23 REMAIN IN THERE FOR THE REST OF THE DAY UNTIL MY  
24 FATHER GOT HOME.

25 Q NOW, DID YOU USE THE BIN THAT SHE GAVE

26 YOU?

27 A I DIDN'T ENJOY -- I DIDN'T WANT TO USE

28 IT. I REMEMBER I USED IT ONCE; OTHERWISE, NO.

43277

1 Q WHAT DID YOU DO IF YOU HAD TO GO TO THE  
2 BATHROOM?

3 A I STORED PLASTIC BAGS AND ZIP-LOC BAGS  
4 IN THE CLOSET FOR THOSE TIMES.

5 Q WHAT WOULD YOU DO WITH THE BAGS?

6 A I WOULD GO TO THE BATHROOM IN THE BAGS  
7 BECAUSE I DIDN'T WANT TO TURN OVER WHERE I HAD GONE  
8 TO THE BATHROOM TO MY MOTHER WHEN SHE GOT HOME.

9 Q WERE THERE OTHER THINGS THAT YOUR MOTHER  
10 HAD DONE TO YOU THAT COME TO MIND THAT CAUSED YOU TO  
11 FEAR HER?

12 A GENERALLY, JUST WHEN SHE RAGED. I  
13 REMEMBER THERE WAS A SPECIFIC TIME, SOMETHING SHE  
14 DID TO LYLE, OR WHEN SHE WAS DRUNK. HER MOOD SWINGS  
15 ARE WHAT I FEARED.

16 Q NOW, YOU HAD INDICATED BEFORE THAT THERE  
17 WERE THINGS THAT YOU DID NOT TELL LYLE MENENDEZ THAT  
18 HAD HAPPENED TO YOU WITH RESPECT TO THE DETAILS AND  
19 EXTENT OF THE SEXUAL BRUTALITY THAT YOUR MOTHER  
20 PERPETRATED ON YOU; ISN'T THAT CORRECT? THERE ARE

21 THINGS THAT YOU DIDN'T TELL LYLE HAD HAPPENED TO  
22 YOU, AND I'M REFERRING TO TUESDAY'S CONVERSATION ON  
23 AUGUST THE 15TH.

24 A YES.

25 Q HAVE YOU TOLD THOSE THINGS YET TO THE  
26 JURY?

27 A NO.

28 Q NOT ALL OF THEM. YOU HAD INDICATED

43278

1 BEFORE THAT YOU HAD COME TO NAME CERTAIN TYPES OF  
2 SEX WITH YOUR FATHER.

3 DO YOU RECALL THAT TESTIMONY?

4 A YES.

5 Q AND DO YOU RECALL -- STRIKE THAT.

6 THE TYPE OF SEX THAT YOU'VE DESCRIBED TO  
7 THE JURY THAT WAS OCCURRING BEFORE YOUR 11TH YEAR,  
8 BEFORE IT BECAME VIOLENT, WHAT WAS THAT NAME? DOES  
9 THAT TYPE OF SEX HAVE A NAME TO YOU?

10 A THEY WERE MESSAGES.

11 Q YOU CALLED THOSE MESSAGES?

12 A YES.

13 Q AND THE TYPE OF SEX THAT YOUR FATHER HAD  
14 WITH YOU AFTER 11 YEARS OLD, YOU GAVE THEM SPECIFIC  
15 NAMES, AND I'M ASKING YOU TO REPEAT THOSE NAMES

16 NOW.

17 A KNEES, NICE SEX, ROUGH SEX, SEX.

18 Q YOU HAVE ALREADY DESCRIBED SOME  
19 INCIDENTS TO THE JURY, AND JUST SO THAT I CAN BE  
20 CLEAR, HOW DO YOU DESCRIBE "KNEES"?

21 MR. CONN: OBJECTION. ASKED AND ANSWERED.

22 THE COURT: OVERRULED.

23 THE WITNESS: THAT'S WHEN MY FATHER WOULD BE  
24 IN MY ROOM AND HAVE ME GET DOWN ON MY KNEES IN FRONT  
25 OF HIM AND --

26 Q BY MR. LEVIN: WELL, HOW FREQUENTLY  
27 WOULD "KNEES" OCCUR?

28 A IT WAS THE MOST FREQUENT.

43279

1 Q WAS THAT WHERE YOUR FATHER WOULD REQUIRE  
2 YOU TO ORALLY COPULATE HIM?

3 A YES.

4 Q WOULD HE DO THE SAME TO YOU DURING AN  
5 ACT OF "KNEES"?

6 A NO.

7 Q WAS IT PROLONGED? WAS IT SHORT? HOW  
8 LONG DID "KNEES" TAKE?

9 A IT WAS SHORT AND IT WAS QUICK. YES.

10 Q AND FOR THAT REASON, DID YOU ENJOY --

11 STRIKE THE WORD "ENJOY."

12 DID YOU FAVOR "KNEES" ABOVE ANY OF THE  
13 OTHER TYPES OF SEX?

14 MR. CONN: OBJECTION. LEADING.

15 THE COURT: OVERRULED.

16 THE WITNESS: YES.

17 Q BY MR. LEVIN: AND THE OTHER TYPES OF  
18 SEX, WERE THEY MORE PROLONGED IN TERMS OF TIME?

19 A YES.

20 Q WHAT WOULD YOU OR HOW WOULD YOU  
21 CHARACTERIZE AN ACT OF "NICE SEX"?

22 A IT'S WHEN MY FATHER WOULD COME INTO MY  
23 ROOM, AND HE WOULD HAVE ME TAKE OFF MY CLOTHES. HE  
24 WOULD TAKE THEM OFF WITH ME, AND THEN HE WOULD TAKE  
25 OFF HIS CLOTHES, AND DIFFERENT ACTIVITIES WOULD  
26 HAPPEN.

27 Q WHY WOULD YOU, OR WHY DID YOU COME TO  
28 CHARACTERIZE THAT PARTICULAR OCCURRENCE AS "NICE

43280

1 SEX"? WHAT WAS THE "NICE" RELATED TO?

2 A THE OPPOSITE.

3 Q WHAT DO YOU MEAN OPPOSITE?

4 A THE TIMES WHEN HE WOULD COME INTO MY  
5 ROOM AND HE WASN'T NICE.

6 Q OKAY. BUT WHAT WAS IT ABOUT "NICE SEX"

7 IN THE TERMS OF DESCRIBING IT THAT WOULD CAUSE YOU

8 TO CALL THAT -- I'M ASKING YOU TO DESCRIBE IT.

9 A THERE WAS NOTHING NICE EXCEPT FOR MY

10 FATHER'S ATTITUDE. THE ONLY REASON I CAME TO CALL

11 IT THAT IS BECAUSE OF ROUGH SEX.

12 Q WHAT WAS "SEX"?

13 A IT'S WHEN MY DAD WOULD COME INTO MY ROOM

14 AND HAVE SEX.

15 Q AND WHAT DO YOU MEAN HE WOULD COME INTO

16 YOUR ROOM AND HAVE SEX?

17 A HE WOULD ENTER ME.

18 Q HE WOULD SODOMIZE YOU?

19 A YES.

20 Q AND FOR WHAT PERIOD OF TIME IN YOUR

21 LIFE, MR. MENENDEZ, WOULD YOUR FATHER SODOMIZE YOU?

22 A INFREQUENTLY, TILL I WAS 18.

23 Q FROM THE TIME THAT YOU WERE WHAT AGE TO

24 WHAT AGE?

25 A TWELVE TO EIGHTEEN.

26 Q WHAT ABOUT NICE SEX? WHAT AGES WERE YOU

27 THAT YOUR FATHER WOULD PERFORM NICE SEX?

28 A TWELVE YEARS OLD AND SIX MONTHS TO

1 EIGHTEEN.

2 Q AND WHAT ABOUT "KNEES"?

3 A ELEVEN TO EIGHTEEN.

4 Q SO FROM SIX TO ELEVEN IT WAS AS YOU

5 DESCRIBED; AND THEN FOLLOWING ELEVEN, YOU HAVE COME

6 TO LABEL DIFFERENT TYPES OF SEXUAL ACTIVITY IN THE

7 WAY THAT YOU JUST DESCRIBED IT, WITH THE EXCEPTION

8 OF "ROUGH SEX," WHICH WE HAVEN'T TALKED ABOUT YET?

9 A RIGHT.

10 Q DID YOU HAVE A NAME FOR YOURSELF DURING

11 THIS PERIOD OF TIME?

12 A YES.

13 Q AND WHAT NAME DID YOU CALL YOURSELF?

14 MR. CONN: OBJECTION. IRRELEVANT.

15 THE COURT: OVERRULED.

16 THE WITNESS: "HURT MAN."

17 Q BY MR. LEVIN: HURT MAN AS IN

18 H-U-R-T-M-A-N?

19 A YES.

20 Q DID YOU TELL ANYONE THAT YOUR NAME WAS

21 "HURT MAN"?

22 A YES.

23 Q WAS THAT A NAME THAT YOU GAVE TO

24 YOURSELF?

25 A YES.

26 Q WHY DID YOU GIVE YOURSELF THE NAME "HURT

27 MAN"?

28 A BECAUSE OF THE WAY I VIEWED LIFE, I

1 GUESS.

2 Q HOW DID YOU VIEW YOUR LIFE?

3 A JUST -- I DON'T KNOW HOW I VIEWED MY  
4 LIFE. I WAS JUST A BOY AND THINGS WERE UNORGANIZED  
5 IN MY LIFE, AND I WOULD GET HURT SOMETIMES.

6 Q DID THE HURT REFER TO SEX?

7 A SOME OF IT, YES.

8 Q DID IT REFER TO THE WAY YOU FELT?

9 A MORE SO.

10 Q AND HOW OLD WERE YOU WHEN YOU CALLED  
11 YOURSELF "HURT MAN"?

12 A I WAS 12.

13 Q YOU WERE A BOY?

14 A YES.

15 MR. CONN: OBJECTION. ARGUMENTATIVE.

16 THE COURT: OVERRULED.

17 Q BY MR. LEVIN: DID YOU FEEL LIKE A BOY?

18 A YES.

19 Q DID YOU EVER THINK OF WHY YOU CALLED  
20 YOURSELF "HURT MAN," M-A-N?

21 A DIDN'T OCCUR TO ME.

22 Q THAT'S JUST THE NAME YOU GAVE YOURSELF?

23 A YES.



24 MR. LEVIN: YOUR HONOR, COULD WE BREAK AT  
25 THIS POINT?  
26 THE COURT: ALL RIGHT. WE'LL RESUME AT  
27 1:30.  
28 DON'T DISCUSS THE CASE WITH ANYONE, AND

43283

1 DON'T FORM ANY FINAL OPINIONS ABOUT IT, AND WE'LL  
2 RESUME AT 1:30.  
3 (AT 12:00 NOON PROCEEDINGS WERE  
4 ADJOURNED UNTIL 1:30 P.M. OF THE  
5 SAME DAY.),

43284

1 VAN NUYS, CALIFORNIA; FRIDAY, DECEMBER 8, 1995  
2 1:45 P.M.  
3 DEPARTMENT NW "N" HON. STANLEY M. WEISBERG, JUDGE  
4 (APPEARANCES AS HERETOFORE NOTED.)  
5  
6 (THE FOLLOWING PROCEEDINGS WERE  
7 HELD IN OPEN COURT OUT OF THE  
8 PRESENCE OF THE JURY:)  
9

10 THE COURT: ALL RIGHT. THE DEFENDANTS ARE  
11 HERE AS WELL AS ALL COUNSEL.

12 THERE WAS SOMETHING YOU WANT TO TALK  
13 ABOUT BEFORE WE RESUME?

14 MR. LEVIN: YOUR HONOR, THERE'S AN ITEM OF  
15 EVIDENCE THAT I MAY BE INTRODUCING THIS AFTERNOON,  
16 WHICH IS A LARGE KNIFE THAT I HAVE BROUGHT TO COURT  
17 AND YOUR DEPUTIES HAVE TAKEN CUSTODY OF. I SHOWED  
18 IT TO THE PROSECUTORS AND THEY INDICATED THEY MAY  
19 WISH TO ADDRESS THE COURT BEFORE I USE IT AS AN  
20 EXHIBIT IN TRIAL.

21 THE COURT: HOW DID YOU PROPOSE TO USE IT?

22 MR. LEVIN: I'M GOING TO THROW IT AND  
23 HOPEFULLY STICK IT -- NO, THIS IS A -- THIS EXHIBIT IS  
24 A WEAPON THAT WAS USED BY JOSE MENENDEZ AGAINST ERIK  
25 MENENDEZ. IT'S A LARGE KNIFE. AND DURING AN  
26 EPISODE OF SEX WHERE ERIK MENENDEZ REFUSED TO GO  
27 ALONG WITH THE DEMANDS PLACED UPON HIM, JOSE  
28 MENENDEZ LEFT THE ROOM AND RETURNED WITH THIS LARGE

43285

1 KNIFE AND PUT IT TO THE THROAT, PUT IT TO THE BODY  
2 OF ERIK MENENDEZ AND TOLD HIM THAT HE WOULD KILL HIM  
3 IF HE EVER RESISTED AGAIN.

4 THE COURT: WHEN DID THIS HAPPEN?

5 MR. LEVIN: THIS WAS A LATER INCIDENT THAT  
6 HAPPENED --

7 MS. ABRAMSON: SEVENTEEN.

8 MR. LEVIN: -- IN HIS TEENAGE YEARS. AS I  
9 UNDERSTAND IT, ABOUT 17.

10 MS. ABRAMSON: ABOUT A YEAR BEFORE, YOUR  
11 HONOR.

12 THE COURT: WHAT, YOU PROPOSE TO HAVE IT AT  
13 THE PODIUM AND SHOW IT TO YOUR CLIENT?

14 MR. LEVIN: IN ANY WAY THAT THE COURT AND THE  
15 SHERIFF'S DEPARTMENT WISH ME TO DISPLAY IT, I WILL,  
16 OF COURSE, COMPLY.

17 THE COURT: WHAT IS THE PEOPLE'S POSITION?

18 MR. CONN: WE WOULD OBJECT UNDER 352 THAT  
19 IT'S UNDULY INFLAMMATORY. IN LIGHT OF THE  
20 CONCESSION OF THE DEFENDANT THAT HE DID NOT KILL HIS  
21 PARENTS BECAUSE HIS PARENTS HAD MOLESTED HIM IN ANY  
22 WAY, WE WOULD SUBMIT THAT USING THE KNIFE IN  
23 ADDITION TO RELATING TO THE JURY THIS PARTICULAR  
24 EPISODE IS UNDULY INFLAMMATORY.

25 THE COURT: IS THERE SOME IDENTIFICATION OF  
26 THIS BEING THE WEAPON OR JUST AN EXEMPLAR OR WHAT?

27 MS. ABRAMSON: NO. IT'S THE SAME ONE.

28 THE COURT: WE HAVE ONE PERSON TALKING.

1 UNLESS YOU'RE A VENTRILOQUIST WE HAVE ONE TALKING.

2 MR. LEVIN: DEPENDING ON HOW CLOSE -- I MEAN,  
3 IF I STOOD BACK HERE AND SHOWED IT TO HIM, HE WOULD  
4 SAY YES, IT LOOKS LIKE IT. IF I SHOWED IT TO HIM  
5 I'M SURE HE'D BE ABLE TO IDENTIFY IT.

6 QUITE FRANKLY, HE'S BEEN IN CUSTODY, AND  
7 I HAVE NOT BEEN ABLE TO ACTUALLY SHOW HIM THE  
8 WEAPON, BUT I HAVE REASON TO BELIEVE THAT IT IS THE  
9 WEAPON.

10 MR. CONN: WELL, I THINK THAT THE COURT  
11 SHOULD, FIRST OF ALL, TAKE A LOOK AT THE WEAPON TO  
12 SEE WHAT WE'RE TALKING ABOUT, AND PERHAPS COUNSEL  
13 SHOULD ALSO MAKE A DETERMINATION AS TO WHETHER OR  
14 NOT THERE IS GOING TO BE AN IDENTIFICATION.

15 THE COURT: ALL RIGHT. AS FAR AS THE  
16 OBJECTION ON THE GROUNDS OF IT BEING INFLAMMATORY,  
17 THIS IS DEMONSTRATIVE EVIDENCE RELATING TO A  
18 SPECIFIC INCIDENT AND HAS RELEVANCE TO THAT  
19 INCIDENT. I DON'T SEE IT AS BEING AN INFLAMMATORY  
20 ISSUE, PER SE.

21 THE ONLY QUESTION IS WHETHER OR NOT THIS  
22 IS A WEAPON THAT CAN BE IDENTIFIED. I'LL LET THE  
23 SHERIFF SHOW IT TO THE DEFENDANT AND SEE IF HE CAN  
24 IDENTIFY IT. SO YOU CAN DO THAT NOW.

25 MR. LEVIN: IS THAT IT, ERIK?

26 THE DEFENDANT ERIK MENENDEZ: YES.

27 MR. LEVIN: HE INDICATES THAT'S THE WEAPON  
28 AND HE'LL IDENTIFY IT.

1 THE COURT: OKAY. THEN IT CAN BE DISPLAYED  
2 BY COUNSEL AT THE PODIUM. BUT IT WILL BE BROUGHT  
3 OVER BY THE SHERIFF AND THEN BROUGHT BACK BY THE  
4 SHERIFF.

5 BAILIFF OELAND: YES, SIR.

6 THE COURT: ANYTHING ELSE NOW BEFORE WE  
7 RESUME?

8 MR. LEVIN: NO, YOUR HONOR, NOT FROM THE  
9 DEFENSE.

10 THE COURT: OKAY. LET'S GET THE JURY OUT.

11 LET'S GET THE DEFENDANT BACK ON THE  
12 WITNESS STAND.

13 (THE JURY ENTERED THE

14 COURTROOM AND THE FOLLOWING

15 PROCEEDINGS WERE HELD:)

16

17 THE COURT: OKAY. THE JURY IS BACK AND WE'LL  
18 RESUME WITH THE DIRECT EXAMINATION.

19 MR. LEVIN: THANK YOU.

20

21 DIRECT EXAMINATION (CONTINUED)

22 BY MR. LEVIN:

23 Q MR. MENENDEZ, THERE WAS A CERTAIN

24 ACTIVITY WHICH YOU HAVE COME TO CALL ROUGH SEX; IS  
25 THAT CORRECT?  
26 A YES.  
27 Q AND WAS THERE A -- WAS THERE A CERTAIN  
28 TYPE OF ACTIVITY THAT OCCURRED IN THE BEDROOM

43288

1 BETWEEN YOURSELF AND YOUR FATHER THAT CAUSED YOU TO  
2 CALL IT ROUGH SEX?  
3 A YES.  
4 Q DID YOUR FATHER CALL IT ROUGH SEX?  
5 A NO.  
6 Q DID YOUR FATHER CALL THESE ACTS OF SEX  
7 BY ANY NAME?  
8 A NO.  
9 Q THESE WERE NAMES THAT YOU ATTACHED TO  
10 THE SPECIFIC ACTS, CORRECT?  
11 A YES.  
12 Q WHEN WAS THE FIRST ACT OF ROUGH SEX?  
13 A I DON'T REMEMBER.  
14 Q APPROXIMATELY HOW OLD YOU WERE?  
15 A THIRTEEN. TWELVE. THIRTEEN. IN THE  
16 FALL OF MY 13TH YEAR.  
17 Q AND HAD THIS OCCURRED FOLLOWING THE ACTS  
18 OF "KNEES"?

19 A YES.

20 Q HAD IT OCCURRED AFTER THE ACTS OF NICE  
21 SEX?

22 A YES.

23 Q HAD IT OCCURRED AFTER WHAT YOU CALL  
24 "SEX"?

25 A YES.

26 Q COULD YOU DESCRIBE TO THE JURY WHAT IT  
27 WAS THAT YOUR FATHER DID TO YOU THAT YOU LABELED AS  
28 ROUGH SEX.

43289

1 A HE WOULD BRING INTO MY BEDROOM A KNIFE,  
2 ROPE, NEEDLES, TACKS, CANDLES, AND HE WOULD USE THEM  
3 ON ME.

4 Q NOW, DID YOU KNOW OR DO YOU HAVE A  
5 RECOLLECTION OF THE VERY FIRST TIME THAT ROUGH SEX  
6 OCCURRED?

7 A NO.

8 Q DO YOU HAVE IN MIND A SPECIFIC INCIDENT  
9 OR SPECIFIC WAY OF DESCRIBING A TYPICAL ACT OF ROUGH  
10 SEX? CAN YOU ENVISION IT IN YOUR MIND AND SEE IT?

11 A I KNOW -- I HAVE PICTURES. I REMEMBER  
12 FEELINGS. I REMEMBER IMAGES.

13 Q WHAT PICTURES COME TO YOUR MIND WHEN YOU

14 THINK OF ROUGH SEX?

15 A CANDLES IN THE ROOM, DANCING SHADOWS ON  
16 THE WALL, MY FATHER'S FACE.

17 Q DID YOU KNOW THAT ROUGH SEX WAS GOING TO  
18 OCCUR BEFORE YOUR FATHER CAME INTO YOUR ROOM?

19 A NO.

20 Q DID YOU EVER KNOW WHAT WOULD OCCUR  
21 BEFORE YOUR FATHER CAME INTO THE ROOM?

22 A NO.

23 Q AND DURING AN EPISODE OF WHAT YOU HAVE  
24 COME TO CALL ROUGH SEX, WHAT WOULD YOUR FATHER DO  
25 WITH THE KNIFE?

26 A HE WOULD HOLD IT AGAINST MY SKIN. HE  
27 WOULD CUT ME WITH IT. I WOULD SEE IT AND IT WOULD  
28 FRIGHTEN ME.

43290

1 Q WERE YOU TOLD TO UNDRESS FIRST?

2 A I WAS ALWAYS NAKED.

3 Q AND WOULD HE UNDRESS HIMSELF?

4 A YES.

5 Q WOULD THERE BE TIMES WHEN ROUGH SEX  
6 WOULD TAKE PLACE AND YOUR MOTHER WOULD BE HOME?

7 A I DON'T REMEMBER.

8 Q HOW LONG WOULD IT TAKE FOR AN EPISODE OF



9 ROUGH SEX?

10 A I DON'T REMEMBER.

11 Q WAS IT LONG AND MORE -- LONGER AND DRAWN  
12 OUT THAN THE OTHER TYPES OF SEX?

13 A MORE DRAWN OUT THAN "KNEES" OR ACTUAL  
14 SEX.

15 Q NOW, HOW WOULD YOUR FATHER CUT YOU WITH  
16 THE KNIFE?

17 A MY THIGHS.

18 Q WOULD HE CUT YOU DEEPLY WHERE YOU BLED?

19 A YES.

20 Q WHAT KIND OF A KNIFE WAS IT?

21 A IT WAS A KITCHEN KNIFE.

22 Q WOULD HE SAY ANYTHING TO YOU WHILE HE  
23 CUT YOU?

24 A NO.

25 Q DID YOU UNDERSTAND WHY HE WAS CUTTING  
26 YOU?

27 A I UNDERSTOOD WHY THESE ACTS WERE TAKING  
28 PLACE.

43291

1 Q WHAT DID YOU UNDERSTAND TO BE THE REASON  
2 FOR THESE ACTS TO BE TAKING PLACE?

3 A THEY WERE A TYPE OF PAIN TRAINING.

4 Q WHAT DO YOU MEAN BY "PAIN TRAINING"?

5 A MY FATHER SAID THAT I WAS WEAK, A  
6 COWARD, AND TOO EASILY FRIGHTENED AND SHOWED MY PAIN  
7 TOO OFTEN.

8 Q DID YOU CRY WHEN YOUR FATHER WOULD CUT  
9 YOU WITH THE KNIFE?

10 A SOMETIMES I WOULD CRY, BUT NEVER  
11 OVERTLY, NEVER HAD TEARS IN MY EYES. BUT MY FATHER,  
12 HIS LOOK, HIS EXPRESSION, IT JUST SCARED ME. AND I  
13 COULD NOT TALK AND I WASN'T ALLOWED TO EXPRESS  
14 MYSELF IN ANY WAY.

15 Q DESCRIBE THE LOOK ON YOUR FATHER'S FACE  
16 DURING THIS.

17 A IT WAS -- I JUST REMEMBER HIS BLACK EYES,  
18 HIS HAIR, AND IT WAS A LOOK THAT WOULD LOOK RIGHT  
19 PAST ME. IT WAS VERY DIFFERENT FROM ANYTHING I HAVE  
20 EVER EXPERIENCED IN MY FATHER.

21 Q WHAT WOULD YOU BE FEELING WHEN YOU WOULD  
22 SEE THIS LOOK ON YOUR FATHER'S FACE?

23 A TERROR.

24 Q WHAT WOULD YOUR FATHER DO WITH THE  
25 ROPE?

26 A HE WOULD TIE MY PENIS AND MY TESTICLES  
27 WITH IT.

28 Q AND WHEN YOU SAY HE WOULD TIE YOUR PENIS

1 AND YOUR TESTICLES WITH THEM, WHAT DO YOU MEAN?

2 A HE WOULD WRAP IT AROUND MY PENIS AND

3 UNDER MY TESTICLES.

4 Q DO YOU KNOW WHY HE DID THAT?

5 A NO.

6 Q DID IT HURT?

7 A YES.

8 Q DID YOU TELL HIM TO STOP?

9 A NEVER.

10 Q DID YOU RESIST HIM?

11 A NO.

12 Q WHY NOT?

13 A I DON'T KNOW. I WAS -- I WAS JUST USED

14 TO NOT RESISTING HIM EVER.

15 Q WHAT DID YOU DO WITH THE -- I'M SORRY --

16 WHAT DID HE DO WITH THE NEEDLES?

17 A HE WOULD STICK THEM IN ME.

18 Q AND WAS THERE ANY SPECIFIC THING THAT

19 WAS HAPPENING WHEN HE WOULD STICK THE NEEDLES IN

20 YOU?

21 A OFTEN I'D BE GIVING HIM ORAL SEX.

22 Q AND WOULD THIS OCCUR ON THE BED?

23 A YES.

24 Q YOU WERE ON THE BED?

25 A HE WAS LYING BACK AGAINST THE BACK OF MY

26 BED AND HIS LEGS SPREAD AND I WAS IN BETWEEN THEM.

27 Q NOW, WOULD HE TELL YOU WHAT TO DO OR WAS  
28 IT JUST A THING THAT YOU UNDERSTOOD THAT WHEN HE GOT

43293

1 ON THE BED LIKE YOU DESCRIBED, THAT YOU WOULD HAVE  
2 TO COME BETWEEN HIS LEGS?

3 A IT WAS A COMBINATION.

4 Q NOW, WHEN YOU WOULD BE COPULATING HIM,  
5 WHERE WOULD HE STICK YOU WITH THE TACKS AND THE  
6 NEEDLES?

7 A IN MY THIGHS AND MY BUTT.

8 Q HE WOULD BE REACHING DOWN BEHIND YOU AND  
9 STICKING YOU?

10 A YES.

11 Q AND DID THAT HURT?

12 A YES.

13 Q DID YOU REACT?

14 A I WAS NOT SUPPOSED TO. I REACTED IN  
15 SMALL WAYS.

16 Q DID YOUR --

17 A NEVER IN A WAY THAT I WANTED TO DRAW HIS  
18 ATTENTION.

19 Q DID YOUR FATHER EVER HIT YOU DURING ACTS  
20 OF ROUGH SEX?

21 A NO.

22 Q WHAT KINDS OF EMOTIONS WOULD YOUR FATHER  
23 SHOW WHILE HE WAS PERFORMING ROUGH SEX WITH YOU?  
24 A THE ONLY EMOTION I EVER REMEMBER, WHAT I  
25 SPECIFICALLY REMEMBER, IS THE LACK OF EMOTION. HE  
26 WOULD -- IF I MADE A SOUND, HE WOULD WHIP HIS HEAD  
27 AROUND AND LOOK RIGHT AT ME. IT WAS AS THOUGH HE  
28 WAS LOOKING THROUGH ME. I REMEMBER HIM GRUNTING. I

43294

1 DON'T REMEMBER ANY OTHER EMOTION.

2 Q WOULD HE DO THINGS TO YOU DURING ROUGH  
3 SEX OTHER THAN WHAT YOU DESCRIBED?

4 A YES.

5 Q WHAT WOULD HE DO TO YOU?

6 A HE WOULD MASSAGE MY PENIS. GIVE ME ORAL  
7 SEX SOMETIMES. STICK THINGS IN ME.

8 Q YOU SAY STICK THINGS IN YOU. WHAT DO  
9 YOU MEAN?

10 A HE HAD A KNOTTED ROPE THAT HE WOULD PUT  
11 INSIDE OF ME.

12 Q PUT INSIDE WHERE?

13 A IN MY BUTT.

14 Q AND WHAT WOULD HE DO?

15 A HE WOULD SLOWLY PULL IT OUT OF ME.

16 Q AND HOW DID -- HOW DID THIS MAKE YOU

17 FEEL? WHAT WERE YOU THINKING ABOUT YOURSELF DURING

18 THIS TIME?

19 A I REMEMBER WATCHING FROM ABOVE THE BED.

20 I REMEMBER LEAVING MYSELF AND MY EMOTIONS AND TRYING

21 JUST TO DROWN OUT EVERYTHING AND TO NOT FEEL

22 ANYTHING AND I GOT GOOD AT IT. I HAVE ONLY -- THE

23 PAIN OF THE FEELING IN MY MEMORY, I ONLY HAVE

24 SPECIFIC FLASHES. THESE ARE NOT THINGS THAT I

25 REMEMBER IN GREAT DETAIL AND SEQUENCE.

26 Q WHAT WOULD YOUR FATHER DO WITH THE

27 CANDLES?

28 A HE WOULD LIGHT THEM AND PUT THEM AROUND

43295

1 THE ROOM ON MY NIGHT STANDS, ON MY DRESSERS AND ON

2 THE FLOOR.

3 Q LOTS OF CANDLES?

4 A YES.

5 Q DID THIS PRODUCE A CERTAIN EFFECT WITH

6 RESPECT TO THE LIGHTING IN YOUR ROOM THAT YOU HAVE A

7 SPECIFIC RECOLLECTION OF?

8 A YES.

9 Q AND WHAT DO YOU RECALL FEELING DURING

10 THE TIME THAT -- AND I TAKE IT THE LIGHTS WOULD BE

11 OUT?

12 A YES.

13 Q WHAT KINDS OF FEELINGS WOULD YOU HAVE,  
14 WHAT KIND OF IMAGES WOULD IT PRODUCE, WITH THE  
15 LIGHTS -- WITH THE CANDLES BURNING IN YOUR ROOM?

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: OVERRULED.

18 THE WITNESS: SHADOWS OF BOTH MYSELF AND MY  
19 FATHER. FLICKERING SHADOWS ON THE WALL.

20 Q BY MR. LEVIN: HOW LONG IN TERMS OF FROM  
21 WHEN IT FIRST OCCURRED IN YOUR MEMORY TO THE LAST  
22 ACT OF WHAT YOU HAVE DESCRIBED AS ROUGH SEX, HOW  
23 LONG OF A PERIOD OF TIME DID IT OCCUR?

24 A IT WAS NO LONGER OCCURRING WHEN I MOVED  
25 TO PRINCETON.

26 Q AND THAT WAS WHEN YOU WERE HOW OLD?

27 A FIFTEEN AND A HALF.

28 Q DO YOU KNOW WHY IT STOPPED?

43296

1 A NO.

2 Q DID IT OCCUR OVER A PERIOD OF YEARS?

3 A TWO YEARS, I GUESS.

4 Q WHAT WAS THE MOST FREQUENT FORM OF SEX  
5 THAT YOUR FATHER HAD WITH YOU?

6 A "KNEES."

7 Q AND WHAT WOULD BE THE NEXT MOST FREQUENT

8 FORM OF SEX?

9 A NICE SEX.

10 Q AND THEN "SEX"?

11 A NO.

12 Q AND THEN WHICH KIND?

13 A I DON'T REMEMBER HOW OFTEN ROUGH SEX

14 OCCURRED. NIGHT TIME SEX OCCURRED MORE THAN ACTUAL

15 SEX.

16 Q YOU JUST SAID "NIGHT TIME SEX." WHAT IS

17 "NIGHT TIME SEX" TO YOU?

18 A IT WAS WHEN HE WOULD COME INTO MY ROOM

19 IN THE MIDDLE OF THE NIGHT WHEN HE HAD GOTTEN BACK

20 FROM A LONG TRIP.

21 Q WHEN YOU SAY MIDDLE OF THE NIGHT, WHAT

22 TIME ARE YOU REFERRING TO?

23 A IT WAS AFTER I WENT TO BED, ELEVEN,

24 MIDNIGHT, ONE, TWO.

25 Q WAS YOUR FATHER, ON THESE OCCASIONS,

26 FREQUENTLY GONE ON SOME KIND OF BUSINESS TRIP OR

27 BUSINESS ENGAGEMENT?

28 A ON WHAT OCCASIONS?

43297

1 Q NIGHT TIME SEX. WOULD IT OCCUR WHEN HE



2 WAS ALREADY HOME OR DID IT SEEM TO OCCUR WHEN YOUR  
3 FATHER WAS AWAY EITHER ON BUSINESS OR JUST AWAY FROM  
4 THE HOUSE?

5 A I REMEMBER IT -- I REMEMBER THE ANXIETY  
6 THAT IT WAS GOING TO HAPPEN WHEN HE GOT BACK OFTEN  
7 FROM EUROPE OR FROM CALIFORNIA WHEN WE LIVED IN  
8 NEW JERSEY.

9 Q DID IT ALSO HAPPEN ON CERTAIN NIGHTS  
10 WHEN HE HAD GONE OUT FOR THE EVENING LIKE BUSINESS  
11 ASSOCIATES OR THINGS LIKE THAT?

12 A IT MAY HAVE. I DON'T REMEMBER.

13 Q WOULD IT BE A SITUATION WHERE NIGHT TIME  
14 SEX WOULD OCCUR AFTER YOU WENT TO BED AND WHEN YOUR  
15 FATHER WAS NOT HOME?

16 A I DON'T UNDERSTAND WHAT YOU'RE ASKING.

17 Q IN OTHER WORDS, THOSE TIMES WHEN NIGHT  
18 TIME SEX TOOK PLACE, WOULD THE SITUATION GENERALLY  
19 BE ON THOSE NIGHTS WHERE WHEN YOU WENT TO BED WHEN  
20 YOUR FATHER WAS NOT HOME?

21 A YES.

22 Q WHEN YOUR FATHER WAS NOT HOME ON EVERY  
23 OCCASION, DID YOU HAVE FEAR?

24 A I ONLY HAD FEAR WHEN I KNEW THAT HE  
25 WOULD BE COMING HOME THAT NIGHT.

26 Q AND WHAT WAS IT YOU WERE AFRAID OF IT?

27 A HIM COMING INTO MY ROOM WHEN HE GOT  
28 HOME.

1 Q DID YOU HAVE ANY WAY OF KNOWING,  
2 MR. MENENDEZ, WHEN YOU WENT TO BED FOR THE NIGHT AND  
3 YOUR FATHER WAS NOT HOME AND YOU KNEW THAT HE WAS  
4 COMING HOME, WHETHER HE WOULD OR HE WOULD NOT ENTER  
5 YOUR ROOM WHEN HE CAME HOME?

6 A I HAD NO IDEA.

7 Q DID YOU HAVE ANY IDEA WHAT TIME HE WOULD  
8 COME HOME AND ENTER YOUR ROOM?

9 A SOMETIMES I KNEW WHAT TIME HE'D BE  
10 ARRIVING HOME FROM THE AIRPORT. I'D ASK MY MOTHER  
11 AND SHE'D SAY AT MIDNIGHT OR HE'LL BE GETTING HOME  
12 AT TWO A.M., AND -- SO THEN I'D KNOW. OFTEN I'D WAIT  
13 UP, IF HE WAS GETTING BACK FROM A LONG TRIP, TO SEE  
14 HIM COME HOME. I HAD A WINDOW THAT OVERLOOKED THE  
15 DRIVEWAY.

16 Q WAS IT A FREQUENT OCCURRENCE WHERE YOU  
17 WOULD GO TO BED, YOUR FATHER WAS GONE FOR THE  
18 EVENING, BUT YOU KNEW THAT HE WAS GOING TO COME HOME  
19 THAT NIGHT? DID THAT HAPPEN OFTEN?

20 A I'M SORRY.

21 Q DID IT HAPPEN OFTEN WHERE YOU WENT TO  
22 BED AND YOUR FATHER WAS NOT HOME AND YOU KNEW HE WAS  
23 GOING TO BE COMING HOME?

24 A MY FATHER DIDN'T SLEEP AT HOME, I'D SAY  
25 TWO NIGHTS A WEEK.

26 Q HE WOULD BE ON BUSINESS TRIPS?  
27 A HE'D SLEEP OVER IN NEW YORK.  
28 Q WHEN YOU KNEW THAT HE WAS AWAY ON

43299

1 BUSINESS OR AWAY ON CERTAIN OTHER ACTIVITIES, DID  
2 YOU SLEEP BETTER?

3 A YES.

4 Q AND WERE THERE -- WAS IT OFTEN -- I'M JUST  
5 TRYING TO DETERMINE IF IT WAS AN OFTEN, FREQUENT  
6 OCCURRENCE, WHERE YOU WOULD GO TO SLEEP, YOUR FATHER  
7 WASN'T HOME WHEN YOU WENT TO SLEEP, AND YOU KNEW  
8 BEFORE YOU WENT TO SLEEP THAT YOUR FATHER WAS GOING  
9 TO COME HOME.

10 DID THAT HAPPEN OFTEN?

11 A ONCE OR TWICE A WEEK.

12 Q DURING THOSE TIMES, WHETHER YOUR FATHER  
13 ENTERED YOUR ROOM OR DIDN'T ENTER YOUR ROOM, DID YOU  
14 HAVE DIFFICULTY SLEEPING ON THOSE PARTICULAR  
15 NIGHTS?

16 A SOMETIMES I WOULD, SOMETIMES I  
17 WOULDN'T.

18 I WOULDN'T EXPECT MY FATHER TO COME INTO  
19 MY ROOM IF HE HAD LEFT EARLIER IN THE DAY AND WAS  
20 JUST ARRIVING LATE FROM NEW YORK.

21 Q OKAY. AND YOU SAID THAT YOU WOULD LOOK  
22 OUT THE WINDOW. WAS THE WINDOW OF YOUR ROOM  
23 POSITIONED IN SUCH A WAY THAT YOU COULD SEE TO THE  
24 DRIVEWAY?

25 A YES.

26 Q AND HOW OFTEN WOULD YOU LOOK OUT YOUR  
27 WINDOW?

28 MR. CONN: OBJECTION. IRRELEVANT UNDER

43300

1 EVIDENCE CODE SECTION 352.

2 THE COURT: OKAY. WE'VE BEEN GOING OVER THIS  
3 QUITE A BIT HERE NOW. LET'S MOVE ON.

4 Q BY MR. LEVIN: WHAT WOULD HAPPEN WHEN  
5 YOUR FATHER WOULD ENTER YOUR ROOM?

6 A I WOULD WAKE UP WITH THE SOUND OF THE --  
7 USUALLY WITH THE SOUND OF THE DOOR CLOSINGS.

8 Q DID THAT MEAN THAT SOMETHING HAD  
9 OCCURRED TO YOU WHEN YOU HEARD THAT SOUND?

10 MR. CONN: OBJECTION. VAGUE.

11 THE COURT: IT IS VAGUE. WHY DON'T YOU ASK  
12 IT DIFFERENTLY.

13 Q BY MR. LEVIN: DID THE SOUND OF YOUR  
14 DOOR CLOSING MEAN ANYTHING TO YOU?

15 MR. CONN: OBJECTION. VAGUE AND IRRELEVANT.

16 THE COURT: OTHER THAN THE FACT THAT THE DOOR  
17 WAS -- HAD BEEN OPENED AND CLOSED?

18 MR. LEVIN: JUST THE FACT THAT HE HEARD THE  
19 NOISE.

20 THE COURT: DID IT HAVE ANY SPECIFIC  
21 SIGNIFICANCE TO HIM? IS THAT WHAT YOU'RE ASKING?

22 MR. LEVIN: YES.

23 THE COURT: OVERRULED.

24 THE WITNESS: I'D KNOW THAT MY FATHER -- WHEN  
25 I'D WAKE UP, I WOULDN'T KNOW IMMEDIATELY THAT IT WAS  
26 MY FATHER, JUST THAT MY DOOR HAD CLOSED AND THAT  
27 SOMEBODY WAS IN MY ROOM, AND I'D HEAR HIM WALKING  
28 TOWARD THE BED.

43301

1 Q BY MR. LEVIN: WHAT WOULD HE DO WHEN HE  
2 GOT TO YOU?

3 MR. CONN: OBJECTION. VAGUE AS TO TIME.

4 THE COURT: YOU'RE ASKING HIM EVERY TIME THE  
5 SAME THING HAPPENED OR WHAT?

6 MR. LEVIN: YES.

7 THE COURT: DO YOU UNDERSTAND THAT'S THE  
8 QUESTION?

9 THE WITNESS: YES.

10 THE COURT: YOU CAN ANSWER IT.

11 THE WITNESS: HE WOULD PUT HIS HAND ON MY  
12 BODY OR MY FACE, TO LOCATE MY FACE. HE WOULD  
13 UNBUCKLE HIS PANTS AND HE WOULD PULL OUT HIS PENIS.  
14 SOMETIMES HE WOULD REACH UNDERNEATH THE COVER AND  
15 TOUCH ME, WHATEVER HE FELT LIKE DOING.

16 Q BY MR. LEVIN: AND WHAT KIND OF SEX  
17 WOULD HE WANT YOU TO PERFORM?

18 MR. CONN: OBJECTION. VAGUE AS TO TIME.

19 THE COURT: YOU'RE ASKING, AGAIN, ON ALL  
20 THESE OCCASIONS?

21 Q BY MR. LEVIN: ON ALL THESE OCCASIONS.  
22 WAS THERE A SPECIFIC TYPE OF SEX THAT HE WOULD HAVE  
23 YOU PERFORM?

24 A YES.

25 Q WHAT TYPE OF WAS IT?

26 A ORAL SEX.

27 Q WOULD HE EJACULATE?

28 A SOMETIMES.

43302

1 Q NOW, HOW OLD WERE YOU WHEN YOU FIRST  
2 REMEMBER YOUR FATHER COMING INTO YOUR ROOM AT NIGHT  
3 IN THE WAY YOU DESCRIBED?

4 A THIRTEEN. I WAS 14. AND I WAS 15.

5 Q THE LAST TYPE OF SEX THAT YOUR FATHER

6 HAD HAD WITH YOU, YOU SAID WAS DAYS BEFORE HIS

7 DEATH; IS THAT CORRECT?

8 A RIGHT.

9 Q WHAT TYPE OF SEX WAS THAT?

10 A "KNEES."

11 Q AND WHAT TYPE OF SEX OCCURRED BEFORE

12 THAT?

13 A SORRY?

14 Q WAS THERE AN ACT OF SEX THAT OCCURRED

15 SOON IN TIME BEFORE THE LAST ACT OF SEX THAT YOU

16 JUST DESCRIBED, THAT YOU JUST TOLD US ABOUT?

17 A YES.

18 Q AND WHEN DID THAT ACT OCCUR?

19 A WHEN I WAS AT THE CLAY COURTS AT -- I

20 DON'T REMEMBER THE NAME OF THE CITY -- END OF

21 SUMMER.

22 Q WHAT TYPE OF SEX OCCURRED THERE?

23 A "KNEES" AND NICE SEX.

24 Q NOW, SEX THEN WITH YOUR FATHER,

25 MOLESTATION THAT YOUR FATHER PERFORMED, DID NOT ONLY

26 OCCUR IN THE BEDROOM OF THE VARIOUS HOMES WHERE YOU

27 RESIDED; IS THAT CORRECT?

28 A RIGHT.

1 Q WHERE ELSE DID THESE THINGS HAPPEN?

2 A THE SHOWER, HOTEL ROOMS, VACATION.

3 Q WAS IT MORE FREQUENT THAT IT HAPPENED AT  
4 YOUR HOUSE, MOST FREQUENT AT ONE OF YOUR HOUSES  
5 WHERE YOU RESIDED IN YOUR BEDROOM?

6 A YES.

7 Q AND WITH RESPECT TO WHEN IT OCCURRED IN  
8 YOUR HOUSE, YOU INDICATED THAT IT OCCURRED ALSO IN  
9 THE SHOWER.

10 HOW OFTEN WOULD YOUR FATHER HAVE SEX  
11 WITH YOU IN THE SHOWER?

12 A INFREQUENTLY.

13 Q WHAT WOULD YOUR FATHER WANT YOU TO DO OR  
14 MAKE YOU DO OR TELL YOU TO DO IN THE SHOWER?

15 A ORAL SEX.

16 Q AND HOW WOULD HE INDICATE TO YOU THAT HE  
17 WANTED YOU TO PERFORM AN ACT OF ORAL SEX WITH HIM?

18 A HE WOULD NORMALLY TELL ME.

19 Q AND WOULD YOU COMPLY?

20 A YES.

21 Q HOW OLD WERE YOU -- HOW OLD WERE YOU WHEN  
22 YOU TOOK SHOWERS WITH YOUR FATHER? DURING WHAT  
23 PERIOD OF WHAT TIME IN YOUR LIFE?

24 A FROM THE TIME I WAS BORN TO THE TIME I  
25 WAS 18.

26 Q DID YOUR FATHER EVER DO ANYTHING WITH  
27 RESPECT TO SHAVING YOU?

28 A YES.



1 Q WHAT DID HE DO?

2 A HE WOULD CUT MY PUBIC HAIR DOWN AND  
3 SOMETIMES SHAVE IT OFF.

4 Q WHEN YOU SAY HE WOULD CUT IT DOWN, CUT  
5 IT WITH A SCISSORS?

6 A YES.

7 Q HOW OLD WERE YOU WHEN HE CUT YOUR PUBIC  
8 HAIR WITH SCISSORS?

9 A 6TH GRADE. THIRTEEN, TWELVE. THIRTEEN,  
10 FOURTEEN.

11 Q AND HOW OLD WERE YOU WHEN HE STOPPED  
12 DOING THAT?

13 A STOPPED BEFORE PRINCETON.

14 Q DID IT ON MORE THAN ONE OCCASION?

15 A YES.

16 Q WAS THERE ANY REASON THAT HE EVER GAVE  
17 YOU AS TO WHY HE WAS CUTTING YOUR -- THE PUBIC  
18 HAIRS?

19 A NO.

20 Q AND HOW OFTEN DID HE SHAVE YOU?

21 A SOMETIMES HE WOULD JUST CUT MY HAIR WITH  
22 THE SCISSORS. SOMETIMES HE WOULD SHAVE IT.  
23 SOMETIMES HE WOULD DO BOTH. I DON'T KNOW HOW OFTEN

24 HE'D SHAVE IT.

25 Q NOW, DURING THE TIME THAT YOUR FATHER  
26 WAS SODOMIZING YOU, DID HE EVER HIT YOU?

27 A WHAT DO YOU MEAN BY HIT?

28 Q WELL, DID HE EVER SLAP YOU OR HIT YOU

43305

1 FOR ANY REASON WHILE HE WAS SODOMIZING YOU OR TRYING  
2 TO SODOMIZE YOU?

3 A YES.

4 Q AND WHEN DID THAT OCCUR?

5 A WHEN I WAS CRYING.

6 Q HOW OLD WERE YOU?

7 A THE FIRST TIME IT HAPPENED WAS WHEN I  
8 WAS 12. IT HAPPENED AGAIN WHEN I WAS 17. AND I  
9 DON'T HAVE SPECIFIC RECOLLECTIONS OF OTHER TIMES.

10 Q DO YOU RECALL THE FIRST TIME THAT YOUR  
11 FATHER SODOMIZED YOU?

12 A YES.

13 Q TELL THE JURY WHAT HAPPENED.

14 A MY FATHER CAME INTO MY ROOM. I WAS HOME  
15 ALONE WITH HIM. HE PUT A SLATE UNDERNEATH THE  
16 DOOR. HE CLOSED THE BLINDS AND TOLD ME TO TAKE OFF  
17 MY CLOTHES AND BEND OVER THE FOOT BOARD, AND I DID  
18 SO.

19 Q FIRST OF ALL, YOU MENTION THE SLATE.

20 WHAT DO YOU MEAN BY A SLATE?

21 A THERE WAS A WOODEN BOARD THAT -- I HAD

22 MANY UNDER MY BED AND ONE WAS KEPT BEHIND THE DOOR

23 AND HE WOULD PUT IT UNDERNEATH THE DOOR TO THE FLOOR

24 AND IT WOULD JAM THE DOOR CLOSED.

25 Q UNDERNEATH THE DOOR HANDLE TO THE

26 FLOOR?

27 A YES.

28 Q HE WOULD TELL YOU TO DO THAT?

43306

1 A NO. HE WOULD DO IT HIMSELF.

2 Q WHAT KIND OF SLED OR SLATE WAS THIS?

3 A A WOODEN ONE.

4 Q WHAT HAPPENED AFTER YOU BARRICADED THE

5 DOOR?

6 A I DIDN'T BARRICADE THE DOOR.

7 Q WHAT HAPPENED AFTER YOUR FATHER

8 BARRICADED THE DOOR?

9 A HE GOT UNDRESSED AND HE GOT ON THE BED.

10 Q WHAT HAPPENED THEN?

11 A HE PUT THE VASELINE HE HAD BROUGHT INTO

12 THE ROOM ON ME AND ON HIM AND HE ENTERED ME.

13 Q AND DID YOU -- DID IT HURT?

14 A OH, YES.

15 Q DID YOU CRY OUT IN PAIN?

16 A YES.

17 Q HOW DID IT HURT?

18 A NEEDLES AND CUTTING ME OPEN, FELT LIKE I

19 WAS BEING TORN IN TWO.

20 Q WHAT DID YOU WANT YOUR FATHER TO DO?

21 A I ASKED HIM TO STOP.

22 Q HOW DID YOU ASK HIM TO STOP?

23 A I SAID, PLEASE, DADDY, YOU'RE HURTING

24 ME. PLEASE STOP.

25 Q DID YOU THINK YOUR FATHER WANTED TO HURT

26 YOU?

27 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

28 THE COURT: OVERRULED.

43307

1 THE WITNESS: I WASN'T SURE ANYMORE.

2 Q BY MR. LEVIN: DID YOUR FATHER STOP?

3 A NO.

4 Q WHAT DID HE DO?

5 A CONTINUED.

6 Q AND DID THIS HAPPEN ON MORE THAN ONE

7 OCCASION, WHERE HE WOULD SODOMIZE YOU AND IT WOULD

8 HURT AND YOU WOULD TELL HIM TO STOP?

9 A NO.

10 Q WAS THERE A REASON WHY IT DIDN'T HAPPEN  
11 ON MORE THAN ONE OCCASION?

12 A YES.

13 Q WHY?

14 A BECAUSE AFTER THIS OCCASION MY FATHER  
15 TOLD ME WHY HE HAD CONTINUED AND I VOWED WHEN I WAS  
16 IN THE BATHTUB AFTERWARDS NEVER TO RESIST, NEVER TO  
17 FIGHT, NEVER TO CRY OUT.

18 Q WHY DID YOUR FATHER TELL YOU THAT HE  
19 CONTINUED?

20 A HE TOLD ME BECAUSE -- THAT I HAD BEEN  
21 SCREAMING AND CRYING AND HAD BEEN PLEADING WITH HIM  
22 TO STOP.

23 Q WHEN HE CONTINUED DID HE HURT YOU MORE?

24 A I ASSUME HE DID. I DON'T REMEMBER IT  
25 AFTERWARDS. I REMEMBER THE PAIN. I REMEMBER THE --  
26 HIM GOING INTO ME. I REMEMBER THE AGONY OF THE  
27 FEELING AND I REMEMBER LEAVING MY MIND. AND I DON'T  
28 REMEMBER ANYTHING MORE ABOUT IT UNTIL AFTERWARDS

43308

1 WHEN HE PUT A TOWEL DOWN ON MY BED.

2 Q MR. MENENDEZ, DID YOU HAVE ANY DEVICES  
3 THAT YOU WERE -- THAT YOU USED TO COPE WITH THE

4 MOLESTATION DURING YOUR CHILDHOOD YEARS?

5 A YES.

6 Q WHAT DID YOU DO?

7 MR. CONN: OBJECTION. IRRELEVANT.

8 THE COURT: OVERRULED.

9 THE WITNESS: I WOULD PUT CINNAMON IN HIS

10 DRINKS. I WOULD HIDE FROM HIM. I WOULD SHAKE ON

11 THE FLOOR. I WOULD LIE TO HIM. I WOULD URGE MYSELF

12 UP TO FIGHT HIM WHEN HE CAME INTO THE ROOM AND

13 PSYCHE MYSELF UP TO ATTACK HIM WHEN HE ENTERED THE

14 ROOM, DIFFERENT WAYS TO KEEP MYSELF FROM HATING

15 MYSELF.

16 Q BY MR. LEVIN: HOW WOULD YOU HIDE FROM

17 HIM?

18 A I HAD A BED THAT WAS IN THE MIDDLE OF

19 THE ROOM AND HE WOULD OPEN THE DOOR AND I WOULD HIDE

20 BEHIND THE BED OR I'D HIDE IN THE CLOSET.

21 Q WOULD HE LOOK FOR YOU IF HE DIDN'T SEE

22 YOU?

23 A YES.

24 Q WOULD HE FIND YOU?

25 A SOMETIMES.

26 Q WOULD HE SAY OR DO ANYTHING TO YOU AFTER

27 HE FOUND YOU?

28 A HE THOUGHT IT WAS FUNNY.

1 Q DID HE DO ANYTHING TO YOU?

2 A SOMETIMES HE'D SLAP ME. SOMETIMES HE  
3 WOULD JUST LAUGH AND GO ON WITH IT.

4 Q WHY WERE YOU HIDING? YOU KNEW HE'D FIND  
5 YOU.

6 A THERE WERE TIMES WHEN HE DIDN'T.

7 Q SO YOU TRIED ANYWAY?

8 A YES.

9 Q HOW WOULD YOU LIE TO HIM?

10 A I WOULD TELL HIM I WAS GOING TO BE UP IN  
11 MY BEDROOM AND NOT BE THERE. I WOULD -- I WOULD  
12 JUST LIE ABOUT WHERE I WAS GOING TO BE WHEN I WAS IN  
13 THE HOUSE OR I WOULD LIE ABOUT DIFFERENT ACTIVITIES  
14 THAT MIGHT PRECEDE IT.

15 Q DID THE LYING THAT YOU WOULD UTILIZE AS  
16 A TECHNIQUE TO YOUR FATHER WORK?

17 A NOT REALLY.

18 Q YOU MENTIONED SHAKE ON THE FLOOR. WHAT  
19 WOULD SHAKING ON THE --

20 FIRST OF ALL, WHAT DO YOU MEAN BY  
21 SHAKING ON THE FLOOR?

22 A THERE WERE TIMES WHEN I COULDN'T HANDLE  
23 THE PAIN WHEN HE WASN'T THERE, THE FEELING THAT I  
24 WOULD HAVE OF MYSELF, THE HATE THAT I WOULD HAVE  
25 WITH WANTING TO STOP IT AND WHEN EVERYTHING  
26 OVERWHELMED ME. I WOULD JUST LIE DOWN ON THE FLOOR  
27 AND CURL UP AND SHAKE AND CRY, AND IT WAS A WAY FOR

43310

1 RELEASING THE PAIN SOMEHOW AND IN SOME WAY IT JUST  
2 HELPED ME.

3 Q HOW DID YOUR FATHER REACT TO YOUR  
4 SHAKING ON THE FLOOR?

5 A HE DIDN'T KNOW.

6 Q THIS WOULD HAPPEN AFTER HE LEFT OR  
7 BEFORE HE CAME?

8 A THIS WOULD HAPPEN WHEN HE WASN'T EVEN  
9 HOME SOMETIMES. THIS WOULD JUST HAPPEN WHEN THE  
10 EMOTION WOULD OVERWHELM ME AT SOME POINT IN THE  
11 DAY. DIDN'T MATTER WHETHER HE WAS HOME OR WHETHER  
12 HE WASN'T.

13 Q DID YOU EVER CONTEMPLATE TAKING YOUR OWN  
14 LIFE?

15 A YES.

16 Q WHEN'S THE FIRST TIME YOU THOUGHT ABOUT  
17 TAKING YOUR OWN LIFE?

18 A ABOUT A MONTH OR TWO AFTER I FIRST TRIED  
19 TO RUN AWAY.

20 Q AND WHAT -- STRIKE THAT.

21 I WANT TO GET BACK TO THAT AND FINISH  
22 WITH THE OTHER COPING THAT YOU MENTIONED.



23           YOU MENTIONED CINNAMON.  
24           WHAT WOULD -- HOW WOULD CINNAMON BE USED  
25 AS A WAY OF COPING WITH YOUR FATHER'S MOLESTATION?  
26       A   IT WAS JUST SOMETHING THAT I HEARD IN  
27 SCHOOL CHANGED THE TASTE OF HIM AND SO I TRIED.  
28       Q   THE TASTE OF SEMEN?

43311

1       A   YES.  
2       Q   AND WHAT WOULD YOU DO WITH RESPECT TO  
3 THE CINNAMON?  
4       A   HE WOULD NEED ANOTHER CUP OF COFFEE OR  
5 WHEN DINNER WAS BEING MADE, I'D OFFER TO GET HIM THE  
6 CUP OF COFFEE, AND WHEN I WAS DOING IT I WOULD POUR  
7 CINNAMON INTO THE COFFEE OR INTO THE TEA. DIFFERENT  
8 THINGS LIKE THAT.  
9       Q   DID IT WORK?  
10      A   NO.  
11      Q   DID YOU DO ANYTHING WITH RESPECT TO  
12 TRYING TO DULL YOUR OWN SENSES BECAUSE OF THE TASTE  
13 OF SEMEN?  
14      A   I USED A LOT OF LEMON ON MY FOOD.  
15      Q   WHY DID YOU USE LEMON?  
16      A   ALLOWED ME NOT TO TASTE ANYTHING ELSE.  
17      Q   NOW, YOU INDICATED THAT YOU HAD TRIED TO

18 RUN AWAY.

19 WHEN WAS THE FIRST TIME THAT YOU TRIED  
20 TO RUN AWAY?

21 A AFTER THE SECOND TIME HE CAME INTO MY  
22 ROOM FOR ACTUAL SEX WAS IN THE SUMMER OF -- AFTER MY  
23 6TH GRADE HAD ENDED.

24 Q HOW OLD ARE YOU AT THAT TIME?

25 A TWELVE.

26 Q AND WHERE WERE YOU LIVING?

27 A PENNINGTON.

28 Q WHY IS IT THAT YOU DECIDED TO RUN AWAY?

43312

1 A I COULDN'T -- I COULDN'T HANDLE IT  
2 ANYMORE. I COULDN'T HANDLE THE EMPTY FEELING, THE  
3 HATE I HAD OF MYSELF. I DIDN'T KNOW WHAT TO DO AND  
4 MY LIFE WAS AT A POINT WHERE I JUST -- I HATED MYSELF  
5 FOR NOT STOPPING WHAT WAS HAPPENING AND I WAS TOO  
6 AFRAID. I THOUGHT THAT I WAS -- IT WAS THE ONLY WAY  
7 OUT.

8 Q UP TO THAT POINT, MR. MENENDEZ, HAD YOU  
9 TOLD ANYONE THAT YOUR FATHER HAD BEEN MOLESTING  
10 YOU?

11 A NO.

12 Q NOW, WHERE WERE YOU GOING TO GO?

13 A I DIDN'T KNOW.

14 Q DID YOU ACTUALLY RUN AWAY?

15 A YES.

16 Q AND DID SOMEONE FIND YOU?

17 A MY FATHER.

18 Q RELATE TO THE JURY THE INCIDENT THAT  
19 OCCURRED WHERE YOU RAN AWAY.

20 A IT WAS A SUMMER DAY AND I PACKED MY  
21 CLOTHES IN A BACKPACK. I PACKED FOOD IN ONE OF MY  
22 LUNCH BOXES AND I GOT IN THE CANOE AND I WENT ACROSS  
23 THE LAKE. AND ACROSS THE LAKE THERE WAS A FOREST,  
24 AND I WENT THROUGH THE FOREST AND I JUST KEPT  
25 WALKING, AND I KNEW THERE WERE OTHER TOWNS ON THE  
26 OTHER FOREST -- ON THE OTHER SIDE.

27 Q WHAT DID YOU DO? DID YOU MAKE IT TO ANY  
28 TOWNS?

43313

1 A NO. IT GOT DARK EVENTUALLY AND I WAS  
2 STILL IN THE FOREST AND I STARTED THINKING ABOUT MY  
3 BROTHER WHO I WOULD NEVER SEE AGAIN AND MY MOTHER  
4 WHO WOULD MISS ME AND WHO WOULD WORRY ABOUT ME. AND  
5 SO I GOT VERY UNSURE OF WHAT I WANTED AND I GOT  
6 AFRAID OF THE DARK AND SO I SAT BY A TREE AND I  
7 CRIED AND I THOUGHT ABOUT WHAT I WANTED TO DO, AND I

8 ATE A LITTLE FOOD AND I WASN'T SURE WHAT TO DO, AND  
9 THEN I HEARD MY FATHER'S VOICE CALLING AND I CALLED  
10 OUT TO HIM.

11 Q WHY WOULD YOU CALL OUT TO YOUR FATHER  
12 HEARING HIS VOICE, WHEN YOU WERE ATTEMPTING TO RUN  
13 AWAY FROM HIM?

14 A AT THAT POINT I WASN'T SURE THAT I  
15 WANTED TO RUN AWAY ANYMORE. IT WAS AT NIGHT AND I  
16 WAS SCARED AND I PREFERRED MY FATHER'S VOICE TO ALL  
17 OF THE STRANGE NOISES IN THE FOREST.

18 Q DID YOUR FATHER HEAR YOUR VOICE?

19 A YES.

20 Q DID HE FIND YOU?

21 A YES.

22 Q WHAT DID HE DO?

23 A LIFTED ME UP OFF THE GROUND, PUT ME  
24 AGAINST THE TREE, AND HE YELLED AND SCREAMED AT ME.

25 Q WHAT KINDS OF THINGS DID HE SAY TO YOU?

26 A HE ASKED ME: WHO DID I THINK I WAS FOR  
27 TRYING TO EMBARRASS HIM? A COUSIN OF MINE WAS  
28 LIVING AT THE HOUSE AT THAT TIME.

43314

1 Q IS THAT DIANE VANDERMOLLEN?

2 A YES.

3 HE ASKED ME IF I REALLY THOUGHT I WAS  
4 GOING TO BE ABLE TO GET AWAY FROM HIM. HE TOLD ME  
5 THAT HE WOULD KILL ME NEXT TIME I TRIED TO RUN AWAY;  
6 THAT I WOULD NEVER GET AWAY FROM HIM; THAT HE'D FIND  
7 ME. I JUST REMEMBER HIS FACE YELLING AT ME AND --  
8 AND I REMEMBER WISHING I HAD NOT BEEN SO STUPID AS  
9 TO TRY.

10 Q DID YOUR FATHER COMMUNICATE TO YOU,  
11 MR. MENENDEZ, THAT YOU WERE NEVER, EVER, TO TELL  
12 ABOUT THE SEXUAL MOLESTATION?

13 MR. CONN: OBJECTION. LEADING.

14 THE COURT: OVERRULED.

15 I BELIEVE YOU'VE ALREADY ASKED THIS  
16 QUESTION AND HE'S ALREADY ANSWERED IT, HAS HE NOT?

17 MR. LEVIN: IT'S JUST A PRELUDE TO ANOTHER  
18 ONE, YOUR HONOR.

19 THE COURT: LET'S GET TO THE NEXT ONE.

20 MR. LEVIN: MAY I JUST ASK THAT ONE TOO?

21 THE COURT: ALL RIGHT. I THINK IT'S ALREADY  
22 BEEN ASKED AND ANSWERED.

23 Q BY MR. LEVIN: WAS IT CLEAR TO YOU THAT  
24 THERE WAS A FAMILY SECRET?

25 A MY FATHER SAID SO.

26 Q AND HAD YOUR FATHER EVER THREATENED YOUR  
27 LIFE BEFORE HE FOUND YOU IN THE WOODS?

28 A YES.

1 Q WHEN WAS THE FIRST TIME YOUR FATHER  
2 THREATENED YOUR LIFE?

3 A WHEN I WAS 11.

4 Q WAS THERE A SPECIFIC INCIDENT THAT  
5 OCCURRED WHERE YOUR FATHER HAD THREATENED YOU  
6 BECAUSE HE THOUGHT YOU HAD TOLD SOMEONE THAT HE WAS  
7 MOLESTING YOU?

8 A YES.

9 Q AND WHO WAS IT THAT YOUR FATHER THOUGHT  
10 YOU HAD TOLD THAT HE WAS MOLESTING YOU?

11 A HE ACCUSED ME OF TELLING LYLE.

12 Q HAD YOU TOLD LYLE MENENDEZ THAT YOUR  
13 FATHER WAS MOLESTING YOU?

14 A NO.

15 Q WHAT HAPPENED WHEN YOUR FATHER  
16 CONFRONTED YOU ABOUT THIS BELIEF?

17 A HE THREW ME AROUND, HIT ME, TOLD ME THAT  
18 IF I EVER TOLD LYLE AGAIN, THAT HE WOULD KILL ME;  
19 THAT HE WOULD KILL LYLE. I'M NOT SURE IF IT WAS ON  
20 THAT TIME. HE TOLD ME HE WOULD KILL VELVET.

21 Q DID YOU EVER SAY OR DID YOU SAY ANYTHING  
22 TO LYLE MENENDEZ AFTER YOUR FATHER HAD CONFRONTED  
23 YOU WHEN YOU WERE 11 YEARS OLD?

24 A NO.

25 Q WHY DIDN'T YOU SAY SOMETHING TO LYLE

26 MENENDEZ AT THAT TIME?

27 A I DIDN'T -- I WAS CONFUSED AT WHAT HE WAS  
28 TALKING ABOUT. I HADN'T TOLD LYLE. I CAME TO

43316

1 UNDERSTAND THAT LYLE HAD CONFRONTED DAD ABOUT  
2 WHETHER DAD WAS DOING THESE THINGS IN MY ROOM. BUT  
3 AT THE TIME RIGHT UP TO THAT INCIDENT, I DIDN'T KNOW  
4 THAT AND I DIDN'T HAVE THE TYPE OF RELATIONSHIP WITH  
5 LYLE -- I WASN'T ABLE TO COMMUNICATE. I WASN'T EVEN  
6 GOING TO BRING IT UP. I DIDN'T WANT LYLE TO TALK TO  
7 DAD AGAIN IF HE HAD IN THE FIRST PLACE.

8 MR. CONN: I WOULD OBJECT AS HEARSAY,  
9 ANYTHING SAID BY THE DEFENDANT, LYLE MENENDEZ.

10 THE COURT: WELL, AT THIS POINT I DON'T KNOW  
11 IF THE ANSWER HAS REFERRED TO ANYTHING OTHER THAN AN  
12 UNDERSTANDING, I BELIEVE THAT HE REFERRED TO IN SOME  
13 FASHION. THAT REMARK IS STRICKEN. THE REST OF THE  
14 ANSWER WILL STAND.

15 Q BY MR. LEVIN: AT SOME POINT IN TIME,  
16 DURING THE WEEK BEFORE YOUR PARENTS' DEATH, DID YOU  
17 TALK TO LYLE MENENDEZ ABOUT THIS VERY INCIDENT?

18 A YES.

19 Q AND WHAT DAY DID THAT OCCUR?

20 A TUESDAY.

21 Q WHAT DID YOU TELL LYLE MENENDEZ WITH  
22 RESPECT TO THIS INCIDENT ON TUESDAY?

23 A I ASKED HIM IF HE REMEMBERED IT. I  
24 ASKED HIM IF HE REMEMBERED EVER TALKING TO DAD.

25 Q AND WHAT DID HE SAY?

26 A NO.

27 MR. CONN: I WOULD OBJECT. MOVE TO STRIKE  
28 ANYTHING SAID BY THE CODEFENDANT AS HEARSAY.

43317

1 THE COURT: OBJECTION SUSTAINED. THE ANSWER  
2 IS STRICKEN. IT'S OFFERED FOR THE TRUTH OF THE  
3 MATTER ASSERTED.

4 MR. LEVIN: IT'S NOT OFFERED TO PROVE THE  
5 TRUTH OF THE MATTER ASSERTED, YOUR HONOR. IT'S JUST  
6 OFFERED FOR STATE OF MIND WITH RESPECT TO ERIK  
7 MENENDEZ.

8 THE COURT: ALL RIGHT. THEN THE COURT WILL  
9 RECEIVE THAT STATEMENT AND IT'S NOT BEING RECEIVED  
10 FOR THE TRUTH OF WHATEVER WAS SAID, BUT JUST TO  
11 REFLECT THE STATE OF MIND OF THE WITNESS WHO SAYS IT  
12 OCCURRED.

13 Q BY MR. LEVIN: WHEN YOU WERE 12 YEARS  
14 OLD, DID YOUR MOTHER EVER SHOW CONCERN ABOUT YOUR  
15 PRIVATE PARTS?



16 A YES.

17 Q AND WHEN I REFER TO YOUR PRIVATE PARTS,  
18 I'M TALKING ABOUT YOUR PENIS.

19 DID YOUR MOTHER DO ANYTHING TO YOU WITH  
20 RESPECT TO LOOKING AT YOUR PENIS?

21 A YES.

22 Q WHAT DID YOUR MOTHER DO?

23 A SHE SAT ME DOWN ON MY BED, ASKED ME TO  
24 REMOVE MY PANTS, SOMETIMES IT WAS MY SHORTS, AND  
25 WOULD EXAMINE ME.

26 Q WHEN YOU SAY EXAMINE YOU, WHAT WOULD SHE  
27 DO?

28 A SHE WOULD LOOK AT MY PENIS AND MY

43318

1 TESTICLES AND THE AREAS SURROUNDING.

2 Q AS A RESULT OF THE MOLESTATION, DID YOU  
3 HAVE ANY SORES OR PROBLEMS EVER ON YOUR PENIS?

4 A YES.

5 Q WHAT KINDS OF SORES?

6 A I HAD SMALL BLISTERS SOMETIMES.

7 Q WHAT WOULD YOUR MOTHER DO?

8 A SHE WOULD SQUEEZE THEM.

9 Q HOW LONG DID THIS CONTINUE?

10 A UP UNTIL I MOVED TO PRINCETON.

11 Q WAS THERE A TIME, MR. MENENDEZ, WHERE  
12 YOUR FATHER HAD INSERTED HIS PENIS IN YOUR MOUTH TO  
13 WHERE HE HURT THE BACK OF YOUR THROAT?

14 A WHEN I WAS YOUNG HE DID THAT A LOT.

15 Q WAS THERE A TIME WHEN YOU SAW A DOCTOR  
16 BECAUSE OF THAT?

17 A NO. IT'S THERE IN THE RECORDS. MY  
18 SPECIFIC MEMORY OF IT IS NOT THERE.

19 Q DO YOU REMEMBER SEEING A DOCTOR BECAUSE  
20 OF THAT THROAT INJURY, OR YOU REMEMBER SEEING  
21 RECORDS THAT INDICATE THAT YOU WENT TO A DOCTOR?

22 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

23 THE COURT: SUSTAINED.

24 Q BY MR. LEVIN: WAS IT AN OFTEN  
25 OCCURRENCE FOR YOU TO SEE A DOCTOR AS A CHILD?

26 A IT'S HARD TO ANSWER THAT QUESTION.

27 Q WOULD YOU SEE A DOCTOR -- LET ME ASK  
28 YOU: WERE YOU -- WERE THERE TIMES WHEN YOU HAD BEEN

43319

1 PHYSICALLY INJURED AND YOU WERE NOT TAKEN TO A  
2 DOCTOR?

3 A YEAH.

4 Q WERE THERE TIMES WHEN YOU WERE BLEEDING  
5 AND CUT AND YOU DIDN'T GO TO A DOCTOR AS A CHILD?

6 A YES.

7 Q DID YOU KNOW OF ANY DOCTOR THAT YOU FELT  
8 THAT YOU COULD TELL THAT YOU HAD BEEN MOLESTED WITH  
9 WHERE YOU FELT COMFORTABLE ENOUGH TO TALK TO THE  
10 DOCTOR?

11 A I DIDN'T FEEL COMFORTABLE ENOUGH TO TALK  
12 TO ANYONE ABOUT THAT EXCEPT FOR ANDY.

13 Q AND WHEN YOU SAY ANDY, ARE YOU TALKING  
14 ABOUT YOUR COUSIN, ANDY CANO?

15 A YES.

16 Q DID YOU TELL ANDY CANO THAT YOUR FATHER  
17 WAS MOLESTING YOU?

18 A IN A WAY.

19 Q HOW OLD WERE YOU WHEN YOU TALKED TO ANDY  
20 CANO?

21 A TWELVE OR THIRTEEN.

22 Q WHAT DID YOU TELL HIM?

23 A I JUST TOLD HIM -- WELL, I ASKED HIM  
24 FIRST. I WAS TRYING TO FIND OUT AT THIS POINT  
25 WHETHER ANY OTHER FATHERS DID THIS WITH THEIR SONS,  
26 AND I WAS -- I WAS GOING THROUGH A PERIOD WHERE I  
27 JUST WASN'T SURE. AND I ASKED HIM IF HIS FATHER HAD  
28 EVER DONE THESE THINGS -- I ASKED HIM IF HIS FATHER

1 HAD EVER TOUCHED HIM, HIS PENIS, BEFORE.

2 Q WHAT DID HE TELL YOU?

3 A HE SAID NO.

4 Q DID YOU GO INTO SPECIFICS WITH ANDY CANO

5 ABOUT WHAT YOUR FATHER WAS DOING TO YOU?

6 A NO. I JUST TOLD HIM THAT MY FATHER WAS

7 HURTING ME. I TOLD HIM THAT MY FATHER WAS TOUCHING

8 ME. HIS FATHER HAD DIVORCED HIS MOTHER AND SO HE

9 WASN'T QUITE SURE IF IT WAS NORMAL OR NOT. HE

10 WANTED TO ASK -- HE WANTED ME TO TALK TO HIS MOTHER.

11 Q DID YOUR FATHER HAVE A CERTAIN ACTIVITY

12 THAT HE PERFORMED WITH YOU WHERE YOU -- THAT WAS MADE

13 CLEAR TO YOU THAT YOU WERE TO NEVER TELL ANYONE OF

14 THE MOLESTATION?

15 A YES.

16 Q AND WAS THIS ACTIVITY ASSOCIATED WITH A

17 PARTICULAR THING?

18 A YES.

19 Q WHAT WAS THE THING THAT IT WAS

20 ASSOCIATED WITH?

21 A A ROUND MIRROR IN MY BEDROOM.

22 Q WOULD YOU DESCRIBE THIS MIRROR.

23 A IT WAS A ROUND MIRROR WITH SPOKES ON IT

24 LIKE A SHIP'S WHEEL.

25 Q WHERE WAS THE MIRROR IN YOUR ROOM?

26 A IT WAS OPPOSITE MY BED ON MY DRESSER

27 LEANING AGAINST THE WALL.

28 Q HOW OLD WERE YOU WHEN YOU -- WHEN THE

1 MIRROR WAS FIRST EMPLOYED BY YOUR FATHER IN ANY  
2 WAY?

3 A THIRTEEN.

4 Q AND HOW LONG DID IT LAST?

5 A NO, I'M SORRY. I WAS IN 5TH GRADE. I  
6 WAS 11.

7 Q ELEVEN YEARS OLD. RIGHT ABOUT THE TIME  
8 WHEN THE SEX TURNED VIOLENT?

9 A YES.

10 Q AND HOW LONG DID THE MIRROR CONTINUE?

11 A WITH THE SHIP'S WHEEL?

12 Q YES.

13 A UP UNTIL WE MOVED TO PRINCETON.

14 Q HOW OLD WERE YOU THEN?

15 A I WAS 15 AND A HALF.

16 Q WHAT WOULD YOUR FATHER DO, TYPICALLY,  
17 WITH THIS SHIP'S MIRROR, SHIP'S TYPE MIRROR?

18 A HE WOULD HAVE ME SIT IN A CHAIR OPPOSITE  
19 THE MIRROR AND MAKE ME LOOK INTO THE MIRROR AT  
20 MYSELF.

21 Q YOU WOULD BE SITTING IN A CHAIR FACING  
22 THE MIRROR?

23 A YES.

24 Q WHERE WOULD YOUR FATHER BE?

25 A WALKING BEHIND ME BACK AND FORTH.  
26 Q THIS WOULD HAPPEN IN YOUR BEDROOM?  
27 A YES.  
28 Q AND ABOUT HOW BIG WITH YOUR HANDS WAS

43322

1 THE MIRROR?

2 A IT WAS ABOUT THREE FEET IN DIAMETER.

3 Q AND HE WOULD TELL YOU TO LOOK INSIDE THE  
4 MIRROR TO LOOK AT YOURSELF?

5 A YES.

6 Q WHAT WOULD YOUR FATHER SAY TO YOU?

7 A HE WOULD ASK ME QUESTIONS AND I WOULD  
8 HAVE TO ANSWER HIS QUESTIONS.

9 Q WHAT KIND OF QUESTIONS WOULD HE ASK  
10 YOU?

11 A DEPENDED ON WHAT INFORMATION HE WANTED  
12 TO KNOW. OFTEN IT WAS RELATED TO TENNIS. SOMETIMES  
13 IT WAS RELATED TO THE SEX.

14 Q AS AN EXAMPLE OF THE TYPE OF QUESTIONS  
15 HE WOULD ASK YOU RELATED TO TENNIS, WHAT MIGHT HE  
16 SAY TO YOU?

17 A HE WOULD ASK ME HOW I PLAYED TODAY. IF  
18 I ANSWERED I PLAYED WELL AND HE SAID NO, THEN I  
19 WOULD BE PUNISHED FOR THAT.

20 Q HOW WOULD YOU -- I'M SORRY. GO AHEAD.  
21 A BUT IF I ANSWERED I PLAYED BADLY AND  
22 THAT WAS THE RIGHT ANSWER, HE WOULD SAY RIGHT.  
23 Q AND WHAT IF YOU GAVE HIM AN ANSWER THAT  
24 HE DIDN'T WANT TO HEAR? WHAT WOULD HAPPEN?  
25 A I WOULD HAVE TO HIT MYSELF.  
26 Q HOW WOULD YOU HAVE TO HIT YOURSELF?  
27 A WITH MY HAND.  
28 Q HOW?

43323

1 A I WOULD JUST HAVE TO SLAP MYSELF IN THE  
2 HEAD.  
3 Q WOULD YOU HAVE TO SLAP YOURSELF HARD IN  
4 THE HEAD OR IN YOUR HEAD HARD?  
5 A YES.  
6 Q IF YOU DIDN'T HIT YOURSELF HARD ENOUGH,  
7 WOULD HE DO SOMETHING?  
8 A HE'D HIT ME.  
9 Q WHAT OTHER KINDS OF QUESTIONS WOULD HE  
10 ASK YOU?  
11 MR. CONN: OBJECTION. IRRELEVANT.  
12 THE COURT: SUSTAINED.  
13 Q BY MR. LEVIN: WERE ANY OF THE QUESTIONS  
14 THAT HE ASKED YOU RELATED TO MOLES- -- HIM MOLESTING

15 YOU?

16 A YES.

17 Q AND WHAT WOULD HE SAY TO YOU?

18 A HE ASKED ME IF I TOLD ANYONE ABOUT WHAT

19 WAS HAPPENING AND I SAID NO.

20 HE ASKED ME -- HE HAD ASKED ME WHAT WOULD

21 HAPPEN IF I TOLD ANYONE, AND I REMEMBER ONCE SAYING

22 YOU WOULD HURT ME AND HE SAID WRONG. AND I HIT

23 MYSELF. AND HE SAID WHAT WOULD HAPPEN IF I TOLD

24 ANYONE. AND I SAID YOU WOULD KILL ME. AND HE SAID

25 RIGHT.

26 Q DID YOU BELIEVE HIM?

27 A YES.

28 Q WHY DID YOU BELIEVE THAT YOUR FATHER

43324

1 WOULD KILL YOU?

2 A BECAUSE HE WOULD DESCRIBE WAYS THAT HE

3 WOULD KILL ME, HIS FACIAL -- I JUST BELIEVED HIM.

4 Q HOW WOULD HE DESCRIBE TO YOU WAYS THAT

5 HE WOULD KILL YOU?

6 A HE TOLD ME THAT HE WOULD TIE ME TO A

7 CHAIR AND HE WOULD BEAT ME TO DEATH.

8 HE ASKED ME IF I'D EVER SEEN THE INSIDE

9 OF A SKULL AND THAT I WOULD IF I TOLD ANYONE BECAUSE



10 HE WOULD SMASH MY SKULL.

11 HE TOLD ME THAT HE WOULD -- HE WOULD GO  
12 INTO DETAILS ABOUT DIFFERENT WAYS.

13 Q AND DID THIS HAPPEN ON MORE THAN ONE  
14 OCCASION?

15 A OH, YES.

16 Q YOU HAD INDICATED BEFORE THAT AT SOME  
17 POINT IN TIME IN YOUR LIFE YOU HAD THOUGHTS OF  
18 SUICIDE AFTER YOU HAD TRIED TO RUN AWAY.

19 WHAT THOUGHTS OF SUICIDE DID YOU HAVE?

20 A I JUST THOUGHT ABOUT ENDING THE PAIN AND  
21 PROBABLY THE EASIEST WAY WAS TO END MY LIFE.

22 Q DID YOU EVER THINK OF SPECIFIC WAYS THAT  
23 YOU WOULD KILL YOURSELF?

24 A YES.

25 Q AND WHAT WAYS DID YOU THINK OF?

26 MR. CONN: OBJECTION. IRRELEVANT.

27 THE COURT: SUSTAINED.

28 Q BY MR. LEVIN: DID YOU EVER HAVE A

43325

1 LITTLE TEST FOR YOURSELF TO SEE WHETHER OR NOT YOU  
2 COULD CONTINUE ON LIVING?

3 A YES.

4 Q WHAT WAS THAT AT THE TIME?

5 MR. CONN: OBJECTION. IRRELEVANT.

6 THE COURT: SUSTAINED.

7 MR. LEVIN: YOUR HONOR, MIGHT WE TAKE OUR  
8 RECESS RIGHT NOW?

9 THE COURT: LET'S GO ON A LITTLE FURTHER.

10 MR. LEVIN: ALL RIGHT. I JUST NEED ONE  
11 MOMENT.

12 I WANT TO TALK TO YOU A LITTLE BIT ABOUT  
13 TENNIS, CHANGE THE SUBJECT.

14 MS. ABRAMSON: EXCUSE ME. I'D LIKE TO CHANGE  
15 THE SUBJECT.

16 (ATTORNEYS ABRAMSON AND LEVIN  
17 CONFERRING SOTTO VOCE.)

18

19 Q BY MR. LEVIN: YOU RECALL DURING THIS  
20 TRIAL THE PROSECUTOR CALLED AS A WITNESS ONE OF YOUR  
21 TENNIS COACHES, MR. HEFFERNAN?

22 A YES.

23 Q AND YOU HEARD HIS TESTIMONY THAT  
24 FOLLOWING THE DEATHS OF YOUR PARENTS, THAT YOU HAD  
25 HIRED HIM TO BE YOUR TENNIS COUCH; YOU HEARD THAT?

26 A I DID.

27 Q WAS MR. HEFFERNAN THE FIRST TENNIS COACH  
28 THAT YOU EVER HAD?

1 A NO.

2 Q OVER THE COURSE OF YOUR LIFETIME, COULD  
3 YOU ESTIMATE HOW MANY TENNIS COACHES THAT YOU HAD?

4 A FORTY, FIFTY TENNIS COUCHES.

5 Q AND WHO PAID FOR THESE TENNIS COACHES?

6 A MY FATHER.

7 Q WERE YOU INVOLVED IN TENNIS ALL YOUR  
8 LIFE, FROM THE TIME THAT YOU INDICATED BEFORE TO THE  
9 JURY TO THE TIME YOU TURNED YOURSELF IN WHEN YOU  
10 WERE IN ISRAEL?

11 A YES.

12 Q WAS IT CONTINUOUSLY STRAIGHT THROUGH?  
13 WERE THERE ANY BREAKS, STOPPING?

14 A AFTER MY PARENTS DIED FOR ABOUT TWO  
15 MONTHS.

16 Q BUT OTHER THAN THAT IT WAS A CONTINUOUS  
17 EVENT IN YOUR LIFE?

18 A YES.

19 Q NOW, I WANT TO TALK A LITTLE BIT ABOUT  
20 THE TENNIS TRAINING THAT YOU WERE INVOLVED IN.

21 THE KIND OF TRAINING THAT MR. HEFFERNAN  
22 DESCRIBED THAT YOU WERE INVOLVED WITH HIM, WAS THIS  
23 TYPICAL OF THE TYPE OF TRAINING THAT YOU WENT  
24 THROUGH DURING YOUR LIFE WHEN YOUR PARENTS WERE  
25 ALIVE?

26 MR. CONN: OBJECTION. IRRELEVANT.

27 THE COURT: OVERRULED.

43327

1 REFERRING TO?

2 Q BY MR. LEVIN: WHERE YOU HAD A COACH AND  
3 YOU WOULD TRAIN FOR HOURS WITH THE TENNIS COUCH.

4 A YES.

5 Q WHEN WAS THE FIRST TIME YOU REMEMBER  
6 HAVING A TENNIS COACH?

7 A WHEN I WAS FIVE, MAYBE SIX.

8 Q WAS THERE EVER A TIME THAT YOU DIDN'T  
9 HAVE A TENNIS COACH?

10 A NO.

11 Q WAS THERE EVER A TIME THAT YOU HAD MORE  
12 THAN ONE TENNIS COACH AT THE SAME TIME?

13 A YES.

14 Q AND HOW WOULD THAT WORK WHERE YOU'D HAVE  
15 MORE THAN ONE?

16 A I WOULD BE IN DRILLS WITH ONE TENNIS  
17 COACH. ON THE DAYS THAT I WASN'T WITH HIM, I WOULD  
18 BE IN PRIVATE SESSIONS WITH ANOTHER TENNIS COACH.  
19 AND ONE TIME IN MY LIFE I HAD THREE.

20 Q NOW, COULD YOU DESCRIBE WHAT IT WAS LIKE  
21 FOR YOU, AS A YOUNG CHILD, A TYPICAL DAY WHEN YOU  
22 WERE INVOLVED WITH TENNIS.

23 MR. CONN: OBJECTION. IRRELEVANT.  
24 THE COURT: SUSTAINED.  
25 MR. LEVIN: I'D LIKE TO BE HEARD, YOUR  
26 HONOR.  
27 THE COURT: OKAY. WE'LL TAKE A RECESS AND  
28 WE'LL DISCUSS IT WITH COUNSEL AND WE'LL RESUME AT

43328

1 FIVE MINUTES AFTER.  
2 DON'T DISCUSS THE CASE WITH ANYONE.  
3 DON'T FORM ANY FINAL OPINIONS ABOUT IT. WE'LL  
4 RESUME AT FIVE AFTER THREE. WE'LL ASK THAT COUNSEL  
5 REMAIN.  
6 (THE JURY EXITED THE  
7 COURTROOM AND THE FOLLOWING  
8 PROCEEDINGS WERE HELD:)  
9  
10 THE COURT: OKAY. YOU MAY STEP DOWN.  
11 YES. THE JURY IS OUT OF THE COURTROOM,  
12 MR. LEVIN.  
13 MR. LEVIN: YOUR HONOR, THE RELEVANCY WITH  
14 RESPECT TO EVIDENCE CONCERNING ERIK MENENDEZ'  
15 LIFETIME OF PLAYING TENNIS IS RELATED TO THE  
16 PROSECUTION'S MOTIVE. MOTIVE IS NOT A NECESSARY  
17 ELEMENT OF AN OFFENSE, YET THEY CHOSE TO SELECT

18 ONE. ONE OF THE MOTIVES THAT THEY SELECTED WAS THAT  
19 ERIK MENENDEZ KILLED HIS PARENTS FOR MONEY SO THAT  
20 HE COULD FREELY CAROUSE THE COUNTRY AS A PLAYBOY  
21 TENNIS PLAYER; THAT HE COULD HIRE TENNIS COUCHES;  
22 THAT HE COULD BE FREE TO DO THE THINGS THAT HE  
23 COULDN'T DO WHEN HE WAS UNDER THE DOMINATION AND  
24 CONTROL OF HIS PARENTS WHO ARE JUST LIVING AT HOME.

25 AND I BELIEVE THAT WE HAVE THE RIGHT AND  
26 OBLIGATION AND IT IS EXTREMELY RELEVANT TO PUT IN  
27 PERSPECTIVE THE OPPOSITION OF THAT, THE OPPOSITE  
28 INFERENCE OF THAT, AND THAT IS THAT TENNIS COACHES

43329

1 WERE THE NORM; THAT TENNIS COACHES WERE PART OF ERIK  
2 MENENDEZ' LIFE; THAT HIS PARENTS WERE THE ONES THAT  
3 INDOCTRINATED HIM TO TENNIS; THAT HIS PARENTS WERE  
4 THE ONES THAT SET THE RIGID SCHEDULE FOR THE TENNIS  
5 THAT HE PLAYED; THAT THE SCHEDULE THAT ERIK MENENDEZ  
6 SET UP WITH MARK HEFFERNAN, THE PROSECUTION WITNESS,  
7 WAS TYPICAL OF THE TYPE OF REGIMEN THAT HIS FATHER  
8 HAD USED DURING HIS LIFETIME, AND IT -- THE EVIDENCE  
9 THAT'S RELEVANT TO REBUT AND REFUTE THE MOTIVE AND  
10 THE INFERENCES FROM THAT EVIDENCE THAT THE  
11 PROSECUTION OFFERED.

12 THE COURT: WELL, AS TO THE LATTER PURPOSES,

13 THAT THE TENNIS COACHES WERE THE NORM AND THAT THE  
14 REGIMEN THAT HE EMBARKED UPON AFTER HE KILLED HIS  
15 PARENTS WAS SIMILAR TO WHAT IT WAS BEFORE, HAS  
16 ALREADY BEEN COVERED BY QUESTIONS YOU'VE ASKED AND  
17 ANSWERS HE'S GIVEN.

18 AS FAR AS HOW YOU CHARACTERIZE THIS,  
19 THIS WAS THE PARENTS WHO DID THIS, THE PARENTS WHO  
20 WERE RESPONSIBLE AND THINGS OF THAT NATURE, THAT'S  
21 IRRELEVANT. HE DIDN'T KILL THEM BECAUSE THE PARENTS  
22 MADE HIM PLAY TENNIS. THAT'S HOW YOU MAKE IT SOUND,  
23 THAT THAT'S WHAT THE MOTIVE WAS IN THIS CASE.

24 MR. LEVIN: NO, NO.

25 THE COURT: THAT THAT HAS SOME REASON OR  
26 RELEVANCE IN THIS CASE.

27 MR. LEVIN: THE PROSECUTION HAS OFFERED  
28 EVIDENCE, POST-CRIME SPENDING, AND WITHIN THAT

43330

1 EVIDENCE THEY OFFERED THE FACT THAT ERIK MENENDEZ  
2 HIRED A TENNIS COACH.

3 THE COURT: YES, I KNOW THAT.

4 MR. LEVIN: WHY DID HE HIRE A TENNIS COACH?

5 THE COURT: I UNDERSTAND THAT.

6 MR. LEVIN: AND HE SHOULD BE ALLOWED TO  
7 EXPLAIN ALL THE REASONS WHY HE HIRED A TENNIS COACH.

8 THE COURT: AND THE FIRST REASON IS THE LIFE  
9 OF A SIX-YEAR-OLD AND TAKING LESSONS, THAT WAS THE  
10 REASON?

11 MR. LEVIN: WELL --

12 THE COURT: THAT'S HOW YOU PROPOSE TO EMBARK  
13 UPON THIS INQUIRY?

14 MR. LEVIN: WHY HE HIRED A TENNIS COACH IS  
15 BASED ON HIS LIFETIME INVOLVEMENT WITH TENNIS AS IT  
16 RELATES TO HIS PARTICULAR LIFE. WE DIDN'T WANT THIS  
17 EVIDENCE IN. WE DIDN'T ASK THAT IT BE INTRODUCED.  
18 BUT WE HAVE AN OBLIGATION TO REFUTE IT.

19 THE COURT: I DON'T DISPUTE THAT YOU HAVE AN  
20 OBLIGATION TO REFUTE IT. BUT THE NATURE OF THE  
21 EVIDENCE THAT YOU'RE OFFERING DOESN'T REFUTE IT,  
22 DOESN'T PROVE ANYTHING.

23 MR. LEVIN: IT DISPROVES THE PROSECUTION  
24 THEORY; OTHERWISE, THE JURY WILL NOT KNOW IN CONTEXT  
25 WHY DID ERIK MENENDEZ EVER HIRE MARK HEFFERNAN AT  
26 TENS OF THOUSANDS OF DOLLARS PER YEAR TO TRAIN HIM.

27 THE COURT: TO GO THROUGH A -- WHAT I EXPECT  
28 FROM THE NATURE OF THAT FIRST QUESTION IS A LENGTHY

43331

1 EXAMINATION OF ALL HIS ACTIVITIES IN TENNIS, AND ALL  
2 THE COACHING AND ALL THE WAYS HE WAS COUCHED AND THE



3 MANNER OF COACHING, DOESN'T PROVE THIS.

4 MR. LEVIN: I'M NOT --

5 THE COURT: ALL IT REQUIRES IS ONE OR TWO  
6 QUESTIONS AND ANSWERS THAT YOU -- YOU ALREADY HAD TWO  
7 OF THEM, AS TO WHETHER OR NOT HE HAD SO MANY COACHES  
8 OVER HIS LIFE AND WHO PAID FOR THEM; AND THIS WAS  
9 THE NORM, THAT THIS SORT OF PRACTICE REGIMEN WAS THE  
10 NORM. IT DOESN'T REQUIRE YOU TO GO INTO THE LIFE OF  
11 A SIX-YEAR-OLD OR EIGHT-YEAR-OLD AND EXPLAIN HOW HE  
12 CONDUCTED HIMSELF TAKING LESSONS AT THAT AGE.

13 MS. ABRAMSON: IF I MAY BE HEARD FOR A MOMENT  
14 TO SUGGEST SOMETHING TO MY COLLEAGUE.

15 (ATTORNEYS ABRAMSON AND LEVIN  
16 CONFERRING SOTTO VOCE.)

17

18 MR. LEVIN: YOUR HONOR, I DON'T INTEND TO  
19 DWELL IN THIS PARTICULAR AREA. WHAT I WANT TO  
20 ESTABLISH IS THAT ERIK MENENDEZ HAD A LIFE OF  
21 COMPETITIVE TENNIS. TO THE DEGREE I ASKED A COUPLE  
22 OF QUESTIONS, I DID, BUT I HAVEN'T CONNECTED IT TO  
23 THE REASON WHY HE HIRED MARK HEFFERNAN, WHICH I NOW  
24 WISH TO DO; AND ALSO THE FACT THAT ERIK MENENDEZ  
25 WILL TESTIFY THAT FOLLOWING HIS PARENTS' DEATH HE  
26 DIDN'T KNOW WHAT TO DO, AND THAT HE -- THE ONLY THING  
27 THAT HE KNEW HOW TO DO WAS PLAY TENNIS AS A RESULT  
28 OF HIS LIFETIME OF BEING INVOLVED IN COMPETITIVE

1 SPORTS, AND HE WAS LOST WITHOUT IT. AND THAT'S WHAT  
2 HE WANTS TO TELL THE JURY.

3 THE COURT: HE CAN SAY THAT --

4 MR. LEVIN: HE WANTS TO EXPLAIN WHY HE HIRED  
5 MARK HEFFERNAN.

6 THE COURT: OKAY. YOU CAN ASK HIM WHY DID  
7 YOU DO THAT?

8 MS. ABRAMSON: CAN HE ASK HIM --

9 THE COURT: THE WAY YOU'RE PROPOSING IT IS,  
10 BY THE NATURE OF THAT LAST QUESTION, ENTIRELY  
11 IRRELEVANT.

12 MR. LEVIN: WELL, IT -- I THINK IT'S RELEVANCY  
13 --

14 THE COURT: I DON'T WANT TO DISCUSS IT. I'VE  
15 TOLD YOU THE QUESTION YOU ASKED ASKED FOR  
16 INFORMATION THAT WAS TOTALLY IRRELEVANT. NOW THE  
17 QUESTIONS YOU'VE JUST INDICATED YOU PROPOSE TO ASK  
18 DO DEAL WITH RELEVANT INFORMATION.

19 MR. LEVIN: ALL RIGHT. I UNDERSTAND.

20 THE COURT: THAT'S HOW I LOOK AT IT. AND  
21 IT'S NOT GOING TO GET INTO EVERY -- OR EVERY DETAIL  
22 OF HIS LIFE OF PLAYING TENNIS AND THINGS OF THAT  
23 NATURE, BUT IF IT HAS RELEVANCE, WELL, IT HAS TO DO  
24 WITH CERTAIN TOURNAMENTS THAT WERE INVOLVED AND THE  
25 TESTIMONY WE'VE HEARD, OR EVIDENCE RELATING TO  
26 HEFFERNAN, THINGS OF THAT NATURE, CLEARLY IT'S

27 ADMISSIBLE AND RELEVANT, BUT THE LAST QUESTION WAS

28 NOT.

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1 OKAY. WE'LL BE IN RECESS UNTIL FIVE

2 AFTER.

3 (A RECESS WAS TAKEN FROM

4 2:55 P.M. TO 3:20 P.M.)

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1 THE COURT: OKAY. ARE WE READY TO PROCEED?

2 MR. LEVIN: YES, YOUR HONOR.

3 THE COURT: OKAY. LET'S HAVE THE JURY OUT.

4 (THE JURY ENTERED THE COURTROOM

5 AND THE FOLLOWING PROCEEDINGS

6 WERE HELD:)

7

8 THE COURT: ALL RIGHT. EVERYBODY IS

9 PRESENT.

10 YOU MAY CONTINUE YOUR DIRECT

11 EXAMINATION.

12 MR. LEVIN: THANK YOU, YOUR HONOR.

13 Q MR. MENENDEZ, FOLLOWING THE DEATH OF

14 YOUR PARENTS YOU HIRED MARK HEFFERNAN AS YOUR COACH,

15 CORRECT?

16 A YES.

17 Q WHY DID YOU DO THAT?

18 A HE WAS MY FRIEND, AND I HAD TRIED TO GET

19 INTO PRINCETON UNIVERSITY FOR THAT SEMESTER AND WAS

20 UNABLE TO. I DIDN'T KNOW WHAT ELSE TO DO WITH MY

21 LIFE.

22 Q WAS YOUR LIFE ONE OF BEING INVOLVED IN

23 FORMAL COMPETITIVE SPORTS FROM THE EARLIEST MEMORY

24 THAT YOU HAVE?

25 A YES.

26 Q DID THE FACT THAT YOU WERE INVOLVED IN

27 TRAINING AND PRACTICES OF ONE FORM OR ANOTHER HAVE

28 ANYTHING TO DO WITH YOUR ABILITY OR OPPORTUNITY TO

43335

1 BE WITH OTHER PEOPLE SUCH AS FRIENDS?

2 A YES.

3 Q WERE YOU ALWAYS BUSY?

4 A BASICALLY.

5 Q YOU HAD DESCRIBED YOUR LIFE BEFORE AS

6 BEING CHAOTIC. WHAT DO YOU MEAN? OR WHAT DID YOU

7 MEAN?

8 MR. CONN: OBJECTION. IRRELEVANT.

9 THE COURT: I DON'T KNOW IF THAT WAS HIS

10 TESTIMONY. SO PERHAPS YOU CAN CLARIFY THAT.

11 Q BY MR. LEVIN: HOW WOULD YOU DESCRIBE

12 YOUR ADOLESCENT YEARS, YOUR TEENAGE YEARS. SORRY,  
13 YOUR TEENAGE YEARS.  
14 A ALWAYS ON THE GO, ALWAYS DOING ONE THING  
15 AFTER ANOTHER, GOING FROM TENNIS TO SCHOOL TO TENNIS  
16 TO GETTING HOME, TRYING TO FINISH MY HOMEWORK, AND  
17 REPEATING IT THE NEXT DAY. ALWAYS BUSY.  
18 Q WAS IT A REGIMEN THAT YOU HAD  
19 ESTABLISHED FOR YOURSELF OR HAD SOMEONE ELSE  
20 ESTABLISHED IT FOR YOU?  
21 MR. CONN: OBJECTION. IRRELEVANT.  
22 THE COURT: OVERRULED.  
23 THE WITNESS: MY FATHER AND MY MOTHER.  
24 Q BY MR. LEVIN: TO WHAT EXTENT DID YOUR  
25 MOTHER AND YOUR FATHER CONTROL YOUR LIFE?  
26 MR. CONN: OBJECTION. IRRELEVANT.  
27 THE COURT: IT'S ALSO VAGUE.  
28 Q BY MR. LEVIN: DID YOU HAVE MUCH SAY-SO

43336

1 ON YOUR OWN DURING YOUR TEENAGE YEARS TO DETERMINE  
2 WHAT YOU WOULD DO WITH YOUR TIME?  
3 MR. CONN: OBJECTION. IRRELEVANT.  
4 THE COURT: OVERRULED.  
5 YOU MAY ANSWER THE QUESTION.  
6 THE WITNESS: I HAD FOUR HOURS A WEEK BY

7 MYSELF.

8 Q BY MR. LEVIN: AND WAS THIS FOUR HOURS  
9 THAT HAD BEEN ESTABLISHED BY SOMEONE IN YOUR FAMILY  
10 FOR THIS PARTICULAR PURPOSE, TO BE BY YOURSELF?

11 A IT WAS FOUR HOURS A WEEK WHICH SOMETHING  
12 WASN'T SCHEDULED FOR MY DAY, AND I COULD DO WHAT I  
13 WANTED IN THOSE FOUR HOURS.

14 Q WHEN DAY DID THIS OCCUR?

15 A SATURDAY NIGHT FROM SIX TO TEN OR SIX TO  
16 EIGHT, TWO HOURS ON SUNDAY.

17 Q WERE THESE THE ONLY TIMES THAT YOU HAD  
18 THAT YOU WOULD CALL -- ONLY TIME THAT YOU HAD THAT  
19 YOU WOULD CALL FREE TIME?

20 A YES.

21 Q OTHER THAN THE FOUR HOURS A WEEK THAT  
22 YOU JUST TESTIFIED TO, WAS THE REMAINDER OF ALL YOUR  
23 TIME CONTROLLED BY SOMEONE?

24 MR. CONN: I WOULD OBJECT AS TO VAGUENESS AS  
25 TO WHAT TIME PERIOD WE'RE TALKING ABOUT.

26 THE COURT: BE MORE SPECIFIC, PLEASE.

27 MR. LEVIN: YES.

28 Q DURING YOUR TEENAGE YEARS, BEING FROM

1 THE TIME THAT YOU WERE APPROXIMATELY 13 OR 14, TO

2 THE TIME THAT YOU WERE 18.

3 A WHAT WAS THE QUESTION BEFORE THAT?

4 Q OTHER THAN -- I'M SORRY.

5 WHO WAS IT THAT CONTROLLED THE REST OF

6 THE TIME OTHER THAN THESE FOUR HOURS A WEEK?

7 A USUALLY MY MOTHER DETERMINED WHAT --

8 WELL, IT WAS DETERMINED BY MY MOTHER AND MY FATHER.

9 AND SETTING UP ON SUNDAY WHAT MY SCHEDULE WAS GOING

10 TO BE FOR THE WEEK WAS USUALLY THE SAME SCHEDULE;

11 AND GOING TO TENNIS IN THE MORNING, IT WAS MY FATHER

12 THAT DETERMINED WHEN WE WOKE UP AND HOW WE

13 PRACTICED; AND AFTER SCHOOL IT WAS MY MOTHER WHO

14 PICKED ME UP AND DROVE ME TO TENNIS.

15 Q HOW WOULD IT BE COMMUNICATED TO YOU AS

16 TO WHAT YOUR WEEKLY SCHEDULE WOULD BE?

17 A MY FATHER WOULD SIT MY BROTHER AND I

18 DOWN AND HE WOULD GO OVER THE SCHEDULE, WHAT WAS

19 GOING TO HAPPEN MONDAY THROUGH SATURDAY, BASICALLY.

20 Q HOW SPECIFIC WAS IT?

21 A EVERY HOUR WAS ACCOUNTED FOR.

22 Q DID HE HAVE SOMETHING WRITTEN DOWN?

23 A USUALLY.

24 Q WAS HE READING OFF OF A LIST?

25 A HE HAD IT CHARTED OUT, HOUR INCREMENTS,

26 WHEN -- THERE WASN'T ENOUGH TIME IN THE DAY. WE

27 WOULD GET UP AT 5:30, PLAY TENNIS, GO TO SCHOOL BY

28 7:30 OR EIGHT. SO USUALLY WE'D LEAVE FROM THE



1 TENNIS COURT TO SCHOOL, AND THEN WE'D BE IN SCHOOL  
2 FOR HOWEVER LONG WE WERE IN SCHOOL. MY MOTHER WOULD  
3 PICK US UP FROM SCHOOL AND SHE WOULD DRIVE US TO  
4 TENNIS; AND THEN SHE WOULD DRIVE US BACK BY EIGHT OR  
5 BY NINE; AND THEN THE HOURS BETWEEN NINE AND ELEVEN  
6 WERE ALLOTTED FOR DINNER AND FOR HOMEWORK.

7 Q DID YOU WATCH A LOT OF TELEVISION?

8 A NO.

9 Q DID YOU HAVE A LOT OF FRIENDS DURING  
10 YOUR TEENAGE HIGH SCHOOL YEARS OUTSIDE OF SCHOOL?

11 A I HAD ONE KID THAT I KNEW IN THE  
12 NEIGHBORHOOD.

13 Q WHO WAS THAT?

14 A A BOY NAME BRENDAN.

15 Q OTHER THAN BRENDAN, DID YOU HAVE ANY  
16 FRIENDS?

17 A I DIDN'T KNOW ANY -- I DIDN'T KNOW THE  
18 OTHER KIDS IN THE NEIGHBORHOOD.

19 Q WERE YOU ALLOWED OR DISALLOWED TO HAVE  
20 CHILDREN SLEEP AT YOUR HOUSE?

21 A THAT WAS EXTREMELY DISAPPROVED OF.

22 Q WERE YOU ALLOWED TO SLEEP AT OTHER  
23 CHILDREN'S HOUSES?

24 A I ONLY REMEMBER DOING SO TWICE.

25 Q NOW, INCLUDED IN YOUR FATHER'S STRUCTURE

26 OF WHAT YOU WOULD BE DOING DURING THE WEEK, DID IT  
27 GET MORE SPECIFIC AS TO WHAT YOU WOULD BE DOING, FOR  
28 EXAMPLE, DURING EACH TENNIS PRACTICE?

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1 MR. CONN: OBJECTION. IRRELEVANT.

2 THE COURT: SUSTAINED.

3 Q BY MR. LEVIN: DID YOU -- COULD YOU

4 DECIDE ON YOUR OWN WHO WOULD COACH YOU?

5 A NO. MY -- THE COACHES TENDED TO CYCLE.

6 WHENEVER A COACH GOT CLOSE TO LYLE OR MYSELF, THEY

7 WOULD BE FIRED AND A NEW COACH WAS SELECTED BY MY

8 FATHER; AND I'D SEE THEM FOR THREE MONTHS, SOMETIMES

9 SIX MONTHS, SOMETIMES SCATTERED FOR A YEAR OR TWO;

10 AND THEN A NEW COACH WAS BROUGHT IN.

11 Q WHY DID YOU THINK THAT YOUR FATHER -- WAS

12 IT YOUR FATHER THAT DID THAT, THE HIRING AND FIRING

13 OF COACHES?

14 A YES, OF COURSE.

15 Q AND PAID THEM AS WELL?

16 A YES.

17 Q WHY DID YOU THINK THAT YOUR FATHER WOULD

18 FIRE A COACH BECAUSE THE COACH GOT TOO CLOSE TO YOU?

19 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

20 THE COURT: REPHRASE THE QUESTION.

21 Q BY MR. LEVIN: HAD YOUR FATHER EVER  
22 INDICATED TO YOU, COMMUNICATED TO YOU IN ANY WAY,  
23 THAT YOU WERE NOT TO GET TOO CLOSE TO YOUR TENNIS  
24 COACHES?

25 A YES.

26 Q AND WHAT DID YOUR FATHER DO OR SAY TO  
27 YOU THAT COMMUNICATED THAT TO YOU?

28 A HE LECTURED MY BROTHER AND I ON FRIENDS

43340

1 IN GENERAL, AND HOW HE DIDN'T WANT US TO GET CLOSE  
2 TO FRIENDS, AND TENNIS COACHES WERE NEVER TO BE  
3 CONSIDERED FRIENDS. THEY WERE OF A TYPE OF  
4 EDUCATION AND LEVEL THAT HE DIDN'T WANT US COMING  
5 CLOSE TO; AND WHENEVER A TENNIS COACH WOULD CONFRONT  
6 MY FATHER ON DIFFERENT THINGS THAT HE SAW HAPPENING  
7 TO LYLE AND I, THEY WOULD IMMEDIATELY BE FIRED.

8 WHENEVER THEY SEEMED TO BE FRIENDLY, MY  
9 FATHER WOULD ASK ME, WHAT KIND OF CONVERSATIONS DOES  
10 THIS COACH HAVE WITH YOU? WHAT KIND OF THINGS DO  
11 YOU DO IN THE LESSON? WHAT DOES HE TALK TO YOU  
12 ABOUT? WHAT DO YOU SAY TO HIM?

13 MY FATHER WOULD HAVE A LIST MADE OUT FOR  
14 ME OF THINGS THAT I WAS TO TELL THE TENNIS COACH WE  
15 WERE SUPPOSED TO PRACTICE, OR LYLE WAS SUPPOSED TO

16 TELL THE TENNIS COACH, THAT HE AND I WERE SUPPOSED

17 TO PRACTICE WITH THE COACH. THESE TYPE OF THINGS.

18 Q AND WOULD THERE BE A TIME WHERE YOU

19 COULD, WITH YOUR COACH, SAY THINGS LIKE: HEY, I'D

20 LIKE TO JUST WORK ON MY BACKHAND TODAY?

21 MR. CONN: OBJECTION. IRRELEVANT.

22 THE COURT: SUSTAINED. LET'S MOVE ON.

23 Q BY MR. LEVIN: DID YOUR FATHER HAVE

24 ANYTHING TO DO WITH WHAT FOOD YOU ATE?

25 A YES.

26 Q AND HOW DID YOUR FATHER HAVE -- WHAT DID

27 YOUR FATHER HAVE TO DO WITH WHAT FOOD YOU ATE?

28 MR. CONN: OBJECTION. IRRELEVANT.

43341

1 THE COURT: JUST ASKING ONE QUESTION ON THIS

2 SUBJECT?

3 MR. LEVIN: YES, YOUR HONOR, VERY LIMITED,

4 DEPENDING ON THE ANSWER. I DON'T WANT TO BIND

5 MYSELF TO ONE, BUT IT WILL BE VERY BRIEF.

6 THE COURT: LET'S MAKE THAT VERY BRIEF.

7 THE WITNESS: HE HAD BOOKS HE'D BUY, A BOOK

8 HE CALLED "EAT TO WIN." DIFFERENT BOOKS HE WOULD GO

9 TO -- I REMEMBER FROM THE TIME I WAS LIKE EIGHT AND

10 THROUGH EIGHTEEN, CERTAINLY IN THOSE YEARS. WE

11 WOULD WRITE DOWN WHAT WE ATE THROUGHOUT THE DAY AND  
12 SUBMIT THE LIST TO HIM AT NIGHT. HE WOULD HAVE IT  
13 ALL CHARTED OUT OF WHAT WAS A HIGH ENERGY FOOD.

14 USUALLY WE WOULD FAST THROUGHOUT THE  
15 WEEKEND. IF THERE WAS A TOURNAMENT THERE WOULD BE  
16 ONLY FRUITS AND VEGETABLES, NO SOLID FOODS WOULD WE  
17 EAT; AND HE WOULD GO DOWN THE LIST IN BOOKS OF WHAT  
18 WAS HIGH-CHOLESTEROL FOODS AND WHAT WAS FOODS THAT  
19 WOULD RAPIDLY BURN ENERGY; FOODS THAT YOU WOULD EAT  
20 SIX HOURS BEFORE A MATCH, AND FOOD WAS BOUGHT BY MY  
21 MOTHER EVERY FRIDAY AT THE SUPERMARKET, AND IT WOULD  
22 BE REGIMENTED THROUGHOUT THE WEEK.

23 Q BY MR. LEVIN: DID YOU SELECT YOUR  
24 CLOTHES?

25 MR. CONN: OBJECTION.

26 THE WITNESS: MY MOTHER DID.

27 MR. CONN: IRRELEVANT.

28 THE COURT: ALL RIGHT. WHAT WAS YOUR ANSWER?

43342

1 THE WITNESS: MY MOTHER DID.

2 THE COURT: ALL RIGHT. YOUR NEXT QUESTION.

3 Q BY MR. LEVIN: WERE YOU EVER INSTRUCTED  
4 OR TOLD BY YOUR FATHER THAT YOU WERE TO MAINTAIN A  
5 CERTAIN DEGREE OF SILENCE CONCERNING YOUR LIFE TO

6 YOUR OTHER FAMILY MEMBERS?

7 A YES.

8 Q AND WHAT WAS IT THAT YOU WERE TOLD THAT

9 YOU COULD NOT TALK ABOUT?

10 A WELL, WHENEVER WE WOULD HAVE A  
11 GET-TOGETHER WITH THE RELATIVES, THEY WOULD COME  
12 OVER OR WE WOULD GO OVER TO THE RELATIVES HOUSE, AT  
13 TIMES THERE WERE COUSINS THAT HAD LIVED WITH US, AND  
14 THEY WOULD BE -- THEY WOULD HAVE BEEN SAT DOWN WITH  
15 US AS WELL. IF THEY WEREN'T LIVING WITH US, IT WAS  
16 JUST LYLE AND I, AND THEY WOULD TELL US WHAT WE  
17 COULD DISCUSS IN TERMS OF HOW I WAS DOING IN TENNIS;  
18 THINGS THAT HAPPENED INSIDE THE HOUSE THAT WAS NOT  
19 TO BE DISCUSSED; ANY -- OBVIOUSLY, ANY PUNISHMENTS  
20 THAT WERE OCCURRING.

21 MY MOTHER WOULD TELL ME WHEN I WENT OVER  
22 TO MY AUNT TERRY'S WHERE TO LEAVE MY BOOKS AND WHAT  
23 QUESTIONS TO ANSWER ABOUT MY GRADES.

24 I REMEMBER WHEN I STAYED BACK A YEAR,  
25 SHE DIDN'T WANT TERRY OR AUNT MARTA TO KNOW THAT.

26 MOST THINGS OF SIGNIFICANCE WE WERE TOLD  
27 WHAT -- WHAT THINGS ABOUT THEM WE COULD DISCUSS AND  
28 NOT DISCUSS.

1 Q BY MR. LEVIN: TERRY IS TERRY BARALT?

2 A YES.

3 Q YOUR FATHER'S SISTER?

4 A YES.

5 Q AND MARTA IS MARTA CANO?

6 A YES.

7 Q AND SHE'S YOUR AUNT?

8 A YES.

9 Q SHE IS THE MOTHER OF PETER CANO AND ANDY

10 CANO?

11 A YES.

12 Q NOW, DID YOU FOLLOW THOSE INSTRUCTIONS

13 THAT YOU WERE TOLD ABOUT NOT REVEALING THESE THINGS

14 THAT YOU JUST TESTIFIED TO YOUR FAMILY MEMBERS?

15 A YES.

16 Q WERE YOU CLOSE WITH YOUR GRANDMOTHER,

17 JOSE MENENDEZ' MOTHER, WHO'S SEATED IN COURT?

18 A WHEN I WAS OVER AT HER HOUSE WE HAD A

19 VERY CLOSE BOND.

20 Q WAS SHE NICE TO YOU?

21 A ALWAYS.

22 Q DO YOU LOVE HER?

23 A VERY MUCH.

24 Q FELT CLOSE TO HER?

25 A YES.

26 Q IS THERE ANY REASON WHY -- HOW DID YOU

27 REFER TO HER?

28 A MAMA.

1 Q WAS THERE ANY REASON WHY YOU FELT YOU  
2 COULDN'T TELL HER ABOUT THE FACT THAT YOUR FATHER,  
3 HER SON, WAS MOLESTING YOU?

4 A DIFFERENT THINGS THAT I WOULD SEE,  
5 DIFFERENT THINGS THAT I WOULD UNDERSTAND ABOUT HER  
6 RELATIONSHIP WITH MY PARENTS, AND MY FEARS IN  
7 GENERAL, YES.

8 Q YOU SAY DIFFERENT THINGS THAT YOU SAW.  
9 WHAT DIFFERENT THINGS DID YOU SEE?

10 A I REMEMBER ONE TIME IN PARTICULAR --  
11 ACTUALLY, IT WAS SEVERAL DIFFERENT TIMES. WHEN MY  
12 MOTHER LOCKED MY BROTHER IN HIS ROOM, HE WOULD STAY  
13 THERE FOR SIX, TEN HOURS AT A TIME, AND THERE WOULD  
14 BE NO DINNER THAT HE WOULD RECEIVE. AND LYLE WOULD  
15 BE CRYING OR CRYING OUT BECAUSE HE WAS HUNGRY, AND  
16 MY GRANDMOTHER, MAMA, WOULD CONFRONT MY MOTHER AND  
17 TELL HER THAT SHE SHOULD BE GIVING LYLE FOOD, AND  
18 LYLE NEEDS FOOD, AND THAT HE'S HUNGRY, AND MY MOTHER  
19 WOULD SAY THAT THIS WAS HER HOUSE, AND SHE WOULD DO  
20 WHAT SHE WANTS IN HER HOUSE; AND MY GRANDMOTHER  
21 WOULD LEAVE FOOD FOR MY BROTHER UNDER HIS PILLOW OR  
22 UNDER MY PILLOW OR SNEAK US BREAD BEHIND MY MOTHER'S  
23 BACK.



24 I REMEMBER ONE TIME MY MOTHER WAS GOING  
25 TO SEND ME TO MY ROOM, AND MY GRANDMOTHER KNEW IT,  
26 AND SHE WENT UP TO MY ROOM AHEAD OF TIME AND PUT  
27 FOOD UNDERNEATH THE PILLOW BECAUSE SHE KNEW I WAS  
28 GOING TO BE THERE ALL NIGHT.

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1 Q BY MR. LEVIN: WAS THERE EVER A TIME,  
2 MR. MENENDEZ, WHEN YOUR MOTHER GOT ANGRY AT YOU FOR  
3 DOING SOMETHING WITH RESPECT TO YOUR GRANDMOTHER?

4 A YES.

5 Q WHAT INCIDENT IS THAT?

6 A I WAS HOME ALONE SICK, AND I WAS FEELING  
7 VERY ILL, AND I WASN'T SUPPOSED TO ANSWER THE PHONE  
8 AT THE HOUSE WHEN I WAS HOME ALONE AND MY  
9 GRANDMOTHER -- THE PHONE RANG AND I ANSWERED IT AND  
10 IT WAS MAMA. AND MAMA ASKED WHO ME WHAT I WAS DOING  
11 HOME AND WAS MY MOTHER AND MY FATHER HOME, AND I  
12 SAID NO. SHE ASKED WHY I WAS HOME, AND I SAID I WAS  
13 SICK. SO SHE CAME OVER AND PICKED ME UP AND BROUGHT  
14 ME BACK TO HER HOUSE. AND MY MOTHER WAS ENRAGED,  
15 AND I WOULD HEAR MY GRANDMOTHER SCREAMING AT MY  
16 MOTHER THAT I WAS STAYING AT HER HOUSE. AND I  
17 STAYED AT MY GRANDMOTHER'S HOUSE THAT NIGHT. AND  
18 THE NEXT DAY WHEN I RETURNED HOME I WAS TOLD HOW

19 THAT WAS NEVER TO HAPPEN AGAIN, WHAT WOULD HAPPEN IF  
20 I EVER ANSWERED THE PHONE AT THE HOUSE AGAIN.

21 Q WHAT WERE YOU TOLD WOULD HAPPEN TO YOU?

22 A MY MOTHER EXPLAINED TO ME THE DIFFERENT  
23 WAYS IN WHICH SHE COULD PUNISH ME AND TOLD ME THAT  
24 THE PUNISHMENT WOULD BE SEVERE; GENERALLY BEING  
25 LOCKED IN THE CLOSET WITHOUT FOOD, THINGS LIKE THAT.

26 Q HAVE YOU EVER SEEN YOUR GRANDMOTHER  
27 CONFRONT YOUR MOTHER?

28 A SOMETIMES IN DIFFERENT WAYS WHEN SHE WAS

43346

1 OVER THE HOUSE ABOUT HOW WE WERE TREATED, BUT  
2 GENERALLY MY GRANDMOTHER TRIED TO HELP LYLE AND I  
3 BEHIND MY MOTHER'S BACK.

4 Q IS THAT WHY YOU DIDN'T TELL HER?

5 A ONE OF THE REASONS.

6 Q DID YOU EVER THINK OF CALLING THE POLICE  
7 AND TELLING THE POLICE THAT YOUR FATHER WAS  
8 MOLESTING YOU?

9 A NO.

10 Q WHY NOT?

11 A WELL, DIFFERENT REASONS. ONE, I HAD  
12 SEEN THE WAY MY FATHER TREATED THE POLICE AND HAD  
13 HANDLED THE POLICE; AND ANOTHER REASON -- I MEAN, IT

14 MAY SOUND STRANGE, BUT I REALLY LOVED MY DAD, AND HE  
15 TALKED ABOUT THE FAMILY LINEAGE AND MY GRANDMOTHER  
16 AND MY GREAT GRANDFATHER, AND I KNEW THE LIFE STORY  
17 OF MY GREAT GREAT GRANDFATHER IN CUBA AND THE  
18 ANCESTRY IN THE FAMILY, THAT PAPA WOULD TELL ME OR  
19 MY FATHER WOULD TELL ME AND HE WOULD TELL ME ABOUT  
20 HOW MY GREAT GREAT GRANDFATHER WAS MADE TO KISS THE  
21 FLAG OF CUBA WHEN A NEW DICTATOR CAME OVER AND HOW  
22 HE WOULDN'T; AND THE HONOR OF THE FAMILY AND PRIDE.  
23 AND I SIMPLY WASN'T GOING TO DESTROY MY FATHER OR MY  
24 GRANDFATHER AND MY GRANDFATHER'S FATHER BY TELLING  
25 THEM SOMETHING THAT WAS HURTING ME. I WASN'T GOING  
26 TO DO IT.

27 Q AS YOU UNDERSTOOD YOUR FATHER, WHAT  
28 WOULD YOU SAY WAS THE MOST IMPORTANT THING TO HIM?

43347

1 A THE FAMILY IMAGE.

2 Q AND WAS THAT BASED ON A NUMBER OF  
3 CONVERSATIONS THAT YOU HAD WITH HIM CONCERNING THE  
4 FAMILY IMAGE?

5 MR. CONN: OBJECTION. LEADING.

6 THE COURT: OVERRULED.

7 THE WITNESS: YES.

8 Q BY MR. LEVIN: WHAT WAS THE IMAGE THAT

9 YOUR FATHER PORTRAYED OF YOUR FAMILY?

10 MR. CONN: OBJECTION. RELEVANCE.

11 THE COURT: ALSO VAGUE AS TO WHAT YOU MEAN BY  
12 "PORTRAYED."

13 Q BY MR. LEVIN: AS YOU UNDERSTOOD YOUR  
14 LIFE, WAS IT FAR DIFFERENT BETWEEN THE TYPE OF LIFE  
15 THAT YOUR FATHER WANTED YOU TO PORTRAY THE MENENDEZ  
16 FAMILY AS?

17 A BASICALLY.

18 Q WHAT DID YOU UNDERSTAND THE IMAGE OF THE  
19 MENENDEZ FAMILY WAS AS YOUR FATHER WOULD DESCRIBE  
20 IT?

21 MR. CONN: OBJECTION. IRRELEVANT.

22 THE COURT: SUSTAINED.

23 Q BY MR. LEVIN: WAS PERFECTION IMPORTANT  
24 TO YOUR FAMILY?

25 MR. CONN: OBJECTION. IRRELEVANT. VAGUE.

26 THE COURT: SUSTAINED.

27 Q BY MR. LEVIN: YOU MENTIONED THAT YOU  
28 HAD, OR THAT YOUR FATHER HAD DONE SOMETHING TO

43348

1 INDICATE, OR AT LEAST CAUSED YOU TO FEEL THAT YOU  
2 COULDN'T GO TO THE POLICE BECAUSE OF SOME REASON.

3 WHAT REASON IS THAT?

4       A   GENERALLY, THE WAY HE TALKED ABOUT THE  
5 POLICE AND THE WAY I SAW HIM TREAT THE POLICE.

6           I REMEMBER ONE TIME IN PARTICULAR WHEN  
7 HE WAS RACING TO GET MY BROTHER AND I TO A TENNIS  
8 TOURNAMENT, AND IT WAS -- IN NEW JERSEY THERE ARE A  
9 LOT OF SMALL ROADS AND HILLS. IT'S NOT LIKE  
10 CALIFORNIA. AND THERE ARE LITTLE DIPS AND VALLEYS,  
11 THROUGH VALLEYS AND SMALL TOWNSHIPS; AND HE WAS  
12 RACING ALONG TO GET US TO A TOURNAMENT AND A POLICE  
13 CAR PULLED HIM OVER, AND HE TOLD THE POLICE OFFICER  
14 THAT HE DIDN'T HAVE TIME FOR A TICKET, AND THAT HE  
15 HAD TO GET TO THE TOURNAMENT, WE WERE LATE; AND IF  
16 THE POLICE OFFICER WANTED TO FOLLOW US TO THE  
17 TOURNAMENT, THAT'S FINE, BUT HE DID NOT HAVE TIME TO  
18 STAY HERE AND DEAL WITH GETTING A TICKET WHEN WE HAD  
19 SUCH AN IMPORTANT EVENT TO GO TO. AND THE POLICE  
20 OFFICER SORT OF SMILED AND GAVE HIM A TICKET AFTER  
21 ABOUT 15 MINUTES OF THE POLICE OFFICER SITTING IN  
22 THE CAR -- OF THE POLICE CAR, AND WHEN HE CAME BACK  
23 AND GAVE THE TICKET, I REMEMBER HE SIGNED IT AND  
24 THEN HE RIPPED IT UP AND HE THREW IN THE BACK SEAT  
25 WHERE I WAS; AND HE DROVE BETWEEN FIVE AND TEN MILES  
26 AN HOUR FOR ABOUT FIVE MILES THROUGH THE COUNTRY  
27 ROAD AS THE POLICE OFFICER WAS FOLLOWING BEHIND  
28 HIM. AND THAT'S WHAT HAPPENED.

1 Q DID THAT EVENT HAVE AN IMPACT ON YOU  
2 WITH RESPECT TO HOW YOU VIEWED YOUR FATHER WITH  
3 AUTHORITY FIGURES?

4 A I WAS SURPRISED AND AMAZED THAT THE  
5 POLICE OFFICER DIDN'T PULL HIM OVER AND GIVE HIM  
6 ANOTHER TICKET SEVERAL TIMES. I CAME TO UNDERSTAND  
7 IN MANY WAYS THAT SIMPLY WASN'T GOING TO HAPPEN WITH  
8 MY FATHER.

9 Q DID YOU EVER IN YOUR LIFE SEE ANYONE  
10 STAND UP TO YOUR FATHER?

11 A NEVER.

12 Q HAD YOUR FATHER DONE THINGS IN YOUR  
13 PRESENCE WITH RESPECT TO OTHER INCIDENTS WHERE YOU  
14 CAUSED -- OR AT LEAST THAT CAUSED YOU TO REALIZE  
15 THAT IT WOULDN'T DO MUCH GOOD TO TELL ANYONE ABOUT  
16 THE MOLESTATION?

17 A INDIRECTLY, I SUPPOSE.

18 Q WHAT ABOUT YOUR OTHER RELATIVES, OTHER  
19 THAN YOUR GRANDMOTHER? WHY DIDN'T YOU TELL AUNT  
20 MARTA? WHY DIDN'T YOU TELL TERRY BARALT, UNCLE  
21 CARLOS?

22 A SOMETIMES --

23 MR. CONN: OBJECTION. IRRELEVANT.

24 THE COURT: OVERRULED.

25 THE WITNESS: SOMETIMES WHEN I WAS OVER AT  
26 THEIR HOUSES FOR A GET-TOGETHER, A LOOK THAT THEY  
27 WOULD GIVE ME OR A WAY THAT THEY WOULD TREAT ME MADE

43350

1 GOING ON AND I FELT VERY EMBARRASSED BY THAT. SO I  
2 WASN'T SURE FOR A LONG TIME WHAT THEY KNEW AND WHAT  
3 THEY REALLY DIDN'T KNOW.

4 THE WAY THEY TREATED MY FATHER WAS VERY  
5 DIFFERENT FROM EVERY OTHER FAMILY MEMBER. MY FATHER  
6 IN -- THROUGHOUT MY RELATIVES WAS LOOKED AT AS AN  
7 IDOL FIGURE IN TERMS OF HE WAS THE MORE POWERFUL  
8 SUCCESSFUL MAN OF THAT GENERATION IN MY FAMILY'S --  
9 THROUGHOUT MY RELATIVES, AND HE WAS VIEWED UPON --  
10 HE WAS FEARED AND HE WAS IN A WAY WORSHIPPED, AND IT  
11 WOULD HAVE BEEN RIDICULOUS TO GO TO THEM FOR ANY  
12 REASON AND COMPLAIN ABOUT MY FATHER.

13 Q BY MR. LEVIN: WAS YOUR GRANDMOTHER  
14 CLOSE WITH YOUR FATHER?

15 A I THINK SO, YES.

16 Q WAS IT VERY CLEAR TO YOU THAT SHE LOVED  
17 HER SON, YOUR FATHER?

18 A YES.

19 Q DID IT CONCERN YOU AT ALL ABOUT WHAT  
20 TELLING HER MIGHT DO?

21 A YES.

22 Q WHAT WERE YOU FEELING?

23       A    I WASN'T SURE WHETHER SHE WOULD BELIEVE  
24 ME. I WASN'T SURE WHETHER SHE WOULD WANT TO HEAR IT  
25 OR WHETHER I WOULD WANT TO DO THAT TO HER AND MAKE  
26 HER HAVE TO DEAL WITH THE FACT THAT THIS WAS  
27 HAPPENING, AND HOW SHE CONFRONTS SOMEONE THAT SHE  
28 LOVES SO MUCH.

43351

1           I JUST WASN'T GOING TO DO THAT.

2       Q    YOU INDICATED BEFORE THAT ANDY CANO WAS  
3 THE ONLY PERSON THAT YOU TALKED ABOUT MOLESTATION  
4 TO; IS THAT CORRECT?

5       A    YES.

6       Q    AND YOU INDICATED THAT YOU HAD TOLD ANDY  
7 CANO SOME THINGS. DID ANDY CANO EVER SAY ANYTHING  
8 BACK TO YOU AFTER YOU TOLD HIM THE INFORMATION YOU  
9 TOLD THE JURY?

10      A    WHAT DO YOU MEAN BY BACK TO ME?

11      Q    WELL, DID HE SAY ANYTHING IN RETURN TO  
12 YOU LIKE WHAT YOU SHOULD DO?

13      A    HE WANTED ME TO TALK TO HIS MOTHER, MY  
14 AUNT MARTA, ABOUT THAT, AND I MADE HIM SWEAR NEVER  
15 TO TELL HER ABOUT THIS.

16           HE TOLD ME THAT HE WOULD TRY AND FIND  
17 OUT -- I BROUGHT IT UP WITH HIM ON SEVERAL DIFFERENT



18 OCCASIONS.

19 I REMEMBER ONE TIME WHEN HE WAS IN MY  
20 ROOM AND I REMEMBER WE WERE IN SLEEPING BAGS AND I  
21 WOULD TELL HIM A LITTLE BIT MORE OF THE INFORMATION  
22 AND WE WOULD TALK ABOUT IT AND -- BUT -- HE WAS TWO  
23 YEARS YOUNGER THAN ME, SO HE DIDN'T GIVE ME ANY  
24 EXTENSIVE ADVICE.

25 Q NOW, DURING THE CONVERSATIONS, VARIOUS  
26 CONVERSATIONS YOU HAD WITH ANDY CANO, DID YOU  
27 ACTUALLY TELL HIM YOUR DAD WAS TOUCHING YOU?

28 A MORE THAN THAT.

43352

1 Q WHAT DID YOU TELL HIM, MORE  
2 SPECIFICALLY?

3 A I TOLD HIM THAT MY DAD WOULD TOUCH MY  
4 GENITALS AND THAT I WOULD TOUCH HIS, AND WE WOULD  
5 MESSAGE EACH OTHER.

6 I REMEMBER WHEN I WAS IN MY ROOM ONE  
7 TIME HE WANTED TO KNOW MORE ABOUT WHETHER IT HURT OR  
8 NOT, AND I TOLD HIM THAT IT HURT, AND HE ASKED  
9 WHERE, AND I TOLD HIM IN MY BUTT; AND WE TALKED  
10 ABOUT WHAT THAT MEANT, AND I TRIED TO AVOID WHAT  
11 THAT MEANT. AND JUST DIFFERENT THINGS LIKE THAT.

12 Q DID YOU ASK ANDY CANO OR MAKE HIM

13 PROMISE ANYTHING ABOUT TELLING WHAT YOU TOLD HIM?

14 A WELL, I MADE HIM PROMISE NEVER TO TELL  
15 HIS MOTHER AND HIS BROTHER OR IN ANY WAY THAT COULD  
16 GET BACK TO MY MOTHER.

17 Q NOW, WHERE IS ANDY CANO TODAY?

18 A HE LIVES WITH MY -- NO. I GUESS HE  
19 DOESN'T. HE'S GOING TO SCHOOL IN FLORIDA.

20 Q YOU INDICATED BEFORE THAT WHEN YOU WERE  
21 LEFT ALONE YOU CALLED YOUR GRANDMOTHER AND THAT  
22 CAUSED A PROBLEM WITH YOUR MOTHER.

23 DID YOUR MOTHER LEAVE YOU ALONE  
24 FREQUENTLY DURING THIS PERIOD OF TIME?

25 MR. CONN: OBJECTION. IRRELEVANT.

26 THE COURT: SUSTAINED.

27 Q BY MR. LEVIN: DID YOU EVER FEEL THAT  
28 THERE WAS ANY PERSON THAT YOU COULD TELL THAT YOU

43353

1 FELT CLOSE ENOUGH TO, THAT YOU COULD TELL ABOUT THE  
2 MOLESTATION?

3 A BESIDES ANDY?

4 Q BESIDES ANDY.

5 A NO.

6 Q WHY COULDN'T YOU TELL A TEACHER AT  
7 SCHOOL?

8       A   MY TEACHERS AT SCHOOL, IN GENERAL, WERE  
9   VERY AFRAID OF MY PARENTS.

10      Q   AND WAS THIS -- WAS IT AN ISOLATED  
11 INCIDENT OF A TEACHER, ONE TEACHER THROUGHOUT YOUR  
12 LIFETIME THAT WAS, IN YOUR OPINION, AFRAID OF YOUR  
13 FATHER, OR WAS THIS A REGULAR OCCURRENCE WHERE  
14 CONSISTENTLY AND ON MANY OCCASIONS TEACHERS WERE  
15 AFRAID OF YOUR PARENTS?

16      A   CONSISTENTLY. IN TERMS OF NOT WANTING  
17 TO SHOW -- NOT WANTING MY PARENTS TO SHOW UP FOR  
18 TEACHER CONFERENCES; OR I REMEMBER MY DAD COMING  
19 HOME AND LAUGHING ABOUT BASICALLY PUSHING AND  
20 ASSAULTING ONE OF MY BROTHER'S FEMALE TEACHERS.

21           A TIME WHEN ONE OF MY BROTHER'S TEACHERS  
22 WAS SUPPOSED TO CALL MY DAD ABOUT A GRADE CHANGE AND  
23 WAS TOO AFRAID TO CALL MY DAD --

24      MR. CONN: I WOULD OBJECT AS SPECULATIVE,  
25 HEARSAY, NO PERSONAL KNOWLEDGE.

26      THE COURT: THIS LAST REMARK?

27      MR. CONN: YES, YOUR HONOR.

28      THE COURT: OBJECTION SUSTAINED AS TO

43354

1   REFERENCE TO THIS INCIDENT INVOLVING A TEACHER AND  
2   CHANGE OF A GRADE, THAT PORTION OF THE ANSWER'S

3 STRICKEN.

4 Q BY MR. LEVIN: DID ANY TEACHER EVER  
5 INDICATE TO YOU, MR. MENENDEZ, THAT THEY -- THAT THAT  
6 TEACHER WAS AFRAID OF YOUR FATHER AND MOTHER THAT  
7 BEARED UPON YOUR DECISION NOT TO TELL TEACHERS THAT  
8 YOU HAD BEEN MOLESTED OR WERE BEING MOLESTED BY YOUR  
9 FATHER?

10 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

11 THE COURT: ALL RIGHT. IS IT BEING OFFERED  
12 FOR THE TRUTH OF THE MATTER ASSERTED OR ONLY TO  
13 REFLECT THIS WITNESS' STATE OF MIND?

14 MR. LEVIN: THE LATTER, YOUR HONOR.

15 THE COURT: ALL RIGHT. IT WILL BE RECEIVED  
16 FOR THAT LIMITED PURPOSE; NOT TO BE CONSIDERED FOR  
17 THE TRUTH OF WHATEVER THESE INDIVIDUALS ARE REPORTED  
18 TO HAVE SAID.

19 OKAY.

20 THE WITNESS: YES.

21 Q BY MR. LEVIN: AND DOES A SPECIFIC  
22 INCIDENT COME TO YOUR MIND?

23 A MANY INCIDENTS COME TO MY MIND.

24 Q LET'S TALK ABOUT THE FIRST ONE THAT YOU  
25 CAN THINK OF.

26 CAN YOU TELL THE JURY OF AN INCIDENT  
27 WHERE A TEACHER INDICATED TO YOU THAT THEY WERE  
28 AFRAID OR INTIMIDATED BY YOUR FATHER.

1 A DO YOU WANT ME TO TELL YOU THE  
2 INCIDENT?

3 Q YES.

4 A ONE OF MY TEACHERS TOLD ME ABOUT MY  
5 PARENTS -- SHE WAS MY COUNSELOR AND ALSO MY TEACHER --  
6 AND ABOUT THIS GENERAL FEELING IN THE SCHOOL ABOUT  
7 MY PARENTS AND ABOUT HOW SHE DIDN'T WANT TO TELL MY  
8 PARENTS SOME OF THE BAD GRADES I WAS GETTING AND SHE  
9 DIDN'T WANT ME TO GET SOME OF THE BAD GRADES I WAS  
10 GETTING, BECAUSE SHE WAS AFRAID FOR ME. AND WE HAD  
11 MANY TALKS WITH MANY OF MY TEACHERS ABOUT HOW I  
12 COULD IMPROVE MY GRADES BY THEM GIVING ME EASIER  
13 TESTS, OR I HAD A LOT OF HEARING AND AUDITORY  
14 DISABILITIES THAT THEY KNEW ABOUT; AND SO, THEY  
15 THOUGHT ABOUT AND DID GIVE ME ORAL TESTS INSTEAD OF  
16 WRITTEN TESTS, ASIDE FROM THE CLASS SOMETIMES.

17 MR. CONN: ONCE AGAIN, I WOULD OBJECT TO  
18 STATEMENTS CONCERNING ADDITIONAL CONVERSATIONS WITH  
19 TEACHERS AS CALLING FOR HEARSAY.

20 THE COURT: THESE LAST SEVERAL SENTENCES ARE  
21 NONRESPONSIVE TO THE QUESTION. ANYTHING REFERRING  
22 TO TESTS, SPECIAL TESTS, AND THINGS OF THAT NATURE,  
23 ARE STRICKEN AS NONRESPONSIVE.

24 Q BY MR. LEVIN: DO YOU REMEMBER THE  
25 QUESTION?

26 THE COURT: WHY DON'T YOU ASK IT.  
27 MR. LEVIN: ALL RIGHT.  
28 Q WHAT DID YOU BELIEVE OR WHAT WAS YOUR

43356

1 REASON THAT YOU FELT THAT YOU COULD NOT TELL ANY  
2 TEACHER THAT YOU WERE BEING MOLESTED BY YOUR FATHER?

3 A I JUST DIDN'T BELIEVE THAT THEY WOULD --  
4 THAT THEY WOULD HELP ME.

5 Q WAS THAT BASED ON INCIDENTS THAT HAD  
6 OCCURRED WHEREIN YOUR TEACHERS HAD INDICATED CERTAIN  
7 INFORMATION ABOUT YOUR FATHER AND MOTHER?

8 A EITHER INCIDENTS THAT THEY TOLD ME ABOUT  
9 OR INSTANCES THAT MY FATHER WOULD COME HOME AND TELL  
10 MY BROTHER AND I AND MY MOTHER ABOUT FROM SCHOOL.

11 Q OKAY. COULD YOU RELATE TO THE JURY AN  
12 INCIDENT THAT TYPICALLY REPRESENTS A REASON WHY YOU  
13 FELT YOU COULDN'T TO GO YOUR TEACHERS.

14 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

15 MR. LEVIN: NOT TO PROVE THE TRUTH OF THE  
16 MATTER ASSERTED, YOUR HONOR.

17 THE COURT: ALL RIGHT. WELL, HE'S ALREADY  
18 ANSWERED THIS IN VARIOUS WAYS, AND UNDER 352 OF THE  
19 EVIDENCE CODE, THE OBJECTION IS SUSTAINED.

20 Q BY MR. LEVIN: DID YOU EVER FEEL THAT

21 YOU COULD RUN AWAY OR GET AWAY FROM YOUR MOTHER AND  
22 YOUR FATHER?  
23 A NO.  
24 Q WHY NOT?  
25 A IT WAS JUST A FEELING, A FEELING I HAD  
26 THAT I COULDN'T. IT JUST DEVELOPED IN ME, ALMOST  
27 LIKE A SECOND INSTINCT, THAT THERE WAS NOWHERE THAT  
28 I WAS GOING TO GO. THERE WAS NOWHERE I COULD GO

43357

1 TO. THERE WAS NOWHERE THEY WOULDN'T FIND ME AND  
2 IT'S -- I CAN'T EVEN EXPLAIN WHY. I DON'T EVEN  
3 REALLY KNOW WHY.  
4 Q DID IT EVER OCCUR TO YOU TO RUN AWAY?  
5 MR. CONN: OBJECTION. VAGUE AS TO TIME.  
6 THE COURT: WELL, THE QUESTION ASKS FOR HIM  
7 TO SPECIFY A TIME.  
8 SO OBJECTION OVERRULED.  
9 MR. LEVIN: I'M TALKING -- MY QUESTION REALLY  
10 GOES TO LATER IN LIFE AT ABOUT 18 YEARS OLD.  
11 Q DID IT EVER OCCUR TO YOU TO JUST RUN  
12 AWAY?  
13 A NO.  
14 Q AT SOME POINT IN TIME YOU LEFT THE EAST  
15 COAST, DID YOU NOT, AND MOVED TO CALIFORNIA?

16 A YES.

17 Q AND IS THAT APPROXIMATELY IN 1986, IN

18 AUGUST OF '86?

19 A RIGHT.

20 Q HOW OLD ARE YOU THEN?

21 A FIFTEEN.

22 Q WHERE DID THE FAMILY MOVE?

23 A WE MOVED FROM PRINCETON. WE LIVED IN

24 PRINCETON FOR ABOUT SIX MONTHS, AND WE MOVED TO

25 CALIFORNIA. WE LIVED IN THE OAKWOOD APARTMENTS FOR

26 A SMALL PERIOD OF TIME.

27 Q WHEN YOU CAME TO CALIFORNIA, YOU ARRIVED

28 HERE, DID YOU FEAR YOUR PARENTS THEN TOO?

43358

1 A IN WHAT WAY?

2 Q WELL, WAS THE MOLESTATION -- DID THE

3 MOLESTATION CONTINUE UP UNTIL THE TIME YOU MOVED TO

4 CALIFORNIA?

5 A NO. IT HAD STOPPED BEFORE THEN.

6 Q WHEN DID IT STOP?

7 A I DON'T KNOW. I DON'T HAVE A VERY GOOD

8 RECOLLECTION OF THE TIMES IN PRINCETON. I KNOW THAT

9 IT HAPPENED IN PRINCETON BECAUSE I HAVE FLASHES IN

10 MY MIND OF KNEELING ON THE WOODEN FLOOR, BUT THERE I



11 KNOW IT ENDED SOMETIME IN THERE. I JUST DON'T KNOW

12 WHEN, BUT SOMETIME.

13 Q YOU'RE TALKING ABOUT THAT PRINCETON

14 ESTATE HOME?

15 A YES.

16 Q NOW, YOU DIDN'T LIVE THERE VERY LONG

17 BEFORE YOU CAME TO CALIFORNIA, DID YOU?

18 A ABOUT SIX MONTHS.

19 Q AND WHEN YOU LIVED THERE OR WHEN YOU

20 LEFT THERE AND CAME TO CALIFORNIA, DID LYLE MENENDEZ

21 STAY BEHIND IN THAT ESTATE HOME?

22 A YES.

23 Q IS THAT WHEN LYLE MENENDEZ WAS GOING TO

24 PRINCETON OR NO?

25 A I THINK THAT LYLE -- MY DAD HAD WORKED

26 OUT AN ARRANGEMENT --

27 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

28 THE COURT: WELL, IT'S ALSO NONRESPONSIVE.

43359

1 THE WITNESS: I THINK NO.

2 Q BY MR. LEVIN: NOW, WHEN YOU CAME TO

3 CALIFORNIA DID LYLE MENENDEZ COME TOO?

4 A NO.

5 Q DID THE -- DO YOU THINK THAT AFTER YOU

6 HAD MOVED TO CALIFORNIA, THAT THE MOLESTATION WAS  
7 GOING TO STOP?

8 A YES.

9 Q WHY DID YOU FEEL THAT IT WAS GOING TO  
10 STOP?

11 A IT HADN'T HAPPENED IN SEVERAL MONTHS. I  
12 DON'T KNOW. I WAS -- I MOVED TO CALIFORNIA, AND I  
13 JUST HAD AN IMAGE OF CALIFORNIA AND A HAPPIER  
14 ATTITUDE ABOUT LIFE AND WAS THRILLED TO BE MOVING.  
15 FOR SOME REASON, IN MY MIND, I JUST CONNECTED IT  
16 THAT IT WOULD END.

17 Q DID THE RELATIONSHIP OR DID -- WAS THERE  
18 A SIGNIFICANT CHANGE IN THE RELATIONSHIP BETWEEN  
19 YOUR MOTHER AND FATHER THAT OCCURRED THAT YOU  
20 OBSERVED FOLLOWING THE MOVE TO CALIFORNIA?

21 A YES.

22 Q WHAT DID IT CHANGE FROM?

23 A WELL, THERE WAS A PERIOD OF TIME WHEN MY  
24 MOTHER DISCOVERED THAT MY FATHER HAD BEEN HAVING AN  
25 EIGHT-YEAR AFFAIR, AND THE ENTIRE RELATIONSHIP WAS  
26 SORT OF IN THE PROCESS OF SETTLING FROM THAT  
27 BLOW-OUT AND CHANGING.

28 Q DID YOUR MOTHER EVER COMMUNICATE IN ANY

1 FASHION TO YOU THAT SHE WAS AWARE THAT YOUR FATHER  
2 -- OR SHE KNEW YOUR FATHER HAD AN EIGHT-YEAR  
3 AFFAIR?

4 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

5 THE COURT: SUSTAINED.

6 Q BY MR. LEVIN: DID YOUR MOTHER GO  
7 THROUGH A SIGNIFICANT PERIOD OF DEPRESSION?

8 A YES.

9 Q AND WAS THE DEPRESSION ASSOCIATED TO  
10 ANYTHING THAT YOU FELT, THAT SHE TOLD YOU?

11 A NOT SO MUCH SHE TOLD ME. I HEARD THEM  
12 TALKING. THE OAKWOOD APARTMENTS IS A SMALL -- IT WAS  
13 A SMALL PLACE AND THE WALLS WERE THIN. I HEARD THEM  
14 TALKING IN THE CAR. MY MOTHER WOULD FREQUENTLY  
15 EXPLODE IN ANGER AT SOMETHING MY FATHER DID OR --

16 MR. CONN: I WOULD OBJECT AT THIS POINT. NO  
17 QUESTION PENDING.

18 THE COURT: SUSTAINED.

19 YOUR NEXT QUESTION, PLEASE.

20 Q BY MR. LEVIN: DID YOU NOTICE A  
21 DIFFERENCE BETWEEN THE WAY YOUR MOTHER AND FATHER  
22 TREATED YOU FOLLOWING THE MOVE TO CALIFORNIA?

23 A YES.

24 Q AND DID THEY APPEAR TO BE HAVING A  
25 CERTAIN DEGREE OF PROBLEMS?

26 A IN THEIR MARRIAGE, YES.

27 Q AND DID THAT AFFECT YOU IN ANY WAY?

28 A OH, YES.

1 Q HOW DID IT AFFECT YOU?

2 A I WAS -- I WAS HOPING THAT THERE WAS  
3 GOING TO BE A DIVORCE AND THAT MY MOTHER WOULD MOVE  
4 BACK TO PRINCETON AND I WOULD BE MOVING BACK WITH  
5 HER.

6 Q DID YOU EVER DISCUSS THIS WITH YOUR  
7 MOTHER?

8 A MY BROTHER DID; I DID NOT.

9 Q WHAT WAS YOUR MOTHER'S DEMEANOR IN  
10 CALIFORNIA DURING THE TIME THAT YOU WERE STAYING AT  
11 THE OAKWOOD APARTMENTS?

12 A SHE DRANK A LOT MORE, SHE CRIED A LOT  
13 MORE, SHE STAYED IN HER BEDROOM A LOT MORE, SHE  
14 TENDED TO BE A LITTLE BIT MORE SLOPPY IN HER DRESS,  
15 OR EVEN GETTING DRESSED. IT WAS -- IT WAS A VERY  
16 GLOOMY, ANGRY, SAD TIME.

17 Q DID YOU TRY TO COMFORT HER?

18 A ONCE.

19 Q HOW?

20 A I WOULD HEAR THE CRYING FROM HER  
21 BEDROOM, AND I WENT TO HER ONCE, AND SHE TOLD ME TO  
22 GET OUT OF THE ROOM, THAT IT WASN'T MY BUSINESS, AND  
23 IT WAS DIFFICULT TO COMMUNICATE WITH HER. WE DIDN'T  
24 HAVE -- I NEVER -- WE DIDN'T HAVE THAT RELATIONSHIP

25 IN WHICH WE COULD COMMUNICATE. SO IT WAS VERY  
26 DIFFICULT.

27 Q NOW, HOW DID SHE REACT TO YOU ATTEMPTING  
28 TO COMFORT HER?

43362

1 A SHE SCREAMED AND I MADE THE MISTAKE --  
2 SHE WAS DRUNK AT THE TIME, AND I DIDN'T KNOW THAT.  
3 I JUST HEARD HER CRYING, AND SHE EXPLODED AND TOLD  
4 ME TO GET OUT OF HER ROOM.

5 Q DID YOU EVER AGAIN TRY TO COMMUNICATE  
6 WITH HER DURING THIS PERIOD OF TIME ABOUT HER  
7 PROBLEMS?

8 A NOT DIRECTLY.

9 Q DID SHE CONTINUE TO DRINK ALCOHOL?

10 A YES.

11 Q DID SHE TAKE MEDICATION, DRUGS?

12 A SHE TOOK A LOT OF MEDICATION.

13 Q WAS SHE PRETTY MUCH OUT OF IT MOST OF  
14 THE TIME?

15 A A LOT OF THE TIME.

16 Q DID ANYTHING CHANGE WITH RESPECT TO YOUR  
17 MOTHER AND FATHER'S RELATIONSHIP AFTER SHE FOUND OUT  
18 ABOUT THE AFFAIR AND THEY WERE TALKING ABOUT  
19 DIVORCE?

20 MR. CONN: OBJECTION. ASSUMES FACTS NOT IN

21 EVIDENCE.

22 THE COURT: SUSTAINED.

23 Q BY MR. LEVIN: DID YOU HEAR YOUR PARENTS

24 TALKING ABOUT DIVORCE?

25 A YES.

26 Q DID THEY GET A DIVORCE?

27 A NO.

28 Q DID THE FACT THAT THEY DID NOT GET A

43363

1 DIVORCE, AND FROM ANYTHING YOU SAW BETWEEN THE TWO

2 OF THEM, BEAR UPON YOUR STATE OF MIND WITH RESPECT

3 TO THE EVENTS THAT OCCURRED ON AUGUST THE 20TH,

4 1989?

5 A I GUESS SO.

6 Q DID YOU FEEL THAT THEY WERE CLOSER

7 TOGETHER IN ANY PARTICULAR WAY?

8 A THEY HAD -- THEY HAD FORMED A NEW

9 TOGETHERSHIP, PARTNERSHIP, A BOND, A UNITY, THAT

10 THEY HAD BEFORE IN PUBLIC IN TERMS OF THEIR

11 PERCEPTION, BUT NOT IN REALITY, THAT WAS STRONGER

12 THAN IT WAS IN PRINCETON FOR DIFFERENT REASONS.

13 Q NOW, BEFORE THIS NEW TOGETHERNESS

14 DEVELOPED WAS YOUR MOM SUICIDAL?

15 MR. CONN: OBJECTION. CALLS FOR SPECULATION.  
16 THE COURT: SUSTAINED.  
17 Q BY MR. LEVIN: DID YOU EVER COME ACROSS  
18 ANY LETTER OR DOCUMENT WRITTEN BY YOUR MOTHER THAT  
19 CAUSED YOU GREAT CONCERN?  
20 A YES.  
21 Q AND FROM THE READING OF THAT DOCUMENT,  
22 WHAT WAS THE CONCERN THAT YOU HAD?  
23 A FROM READING IT AT FIRST I JUST THOUGHT  
24 SHE WAS GOING TO LEAVE ME AND NEVER SEE ME AGAIN,  
25 AND I GOT A GREAT CONCERN. I WAS VERY WORRIED ABOUT  
26 THAT AND SO I CALLED LYLE ON THE PHONE.  
27 Q WHAT DID, BASICALLY, THIS DOCUMENT SAY?  
28 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

43364

1 MR. LEVIN: I'M NOT OFFERING IT TO PROVE THE  
2 TRUTH OF THE MATTER, JUST MR. MENENDEZ' STATE OF  
3 MIND.  
4 THE COURT: IS THAT A DOCUMENT THAT'S  
5 REFERRED TO IN OTHER EXHIBITS?  
6 MR. LEVIN: JUST A MOMENT, YOUR HONOR.  
7 (ATTORNEYS ABRAMSON AND LEVIN  
8 CONFER SOTTO VOCE.)  
9

10 MR. LEVIN: YES, YOUR HONOR. IT'S --

11 THE COURT: IT'S AN EXHIBIT THAT'S ALREADY  
12 BEEN RECEIVED IN EVIDENCE?

13 MR. LEVIN: THE 12/11 TAPE IS WHAT I'M  
14 REFERRING TO.

15 THE COURT: ALL RIGHT. GO AHEAD. ASK THE  
16 QUESTION.

17 MR. LEVIN: ALL RIGHT.

18 Q WAS THIS DOCUMENT A LETTER?

19 A YES.

20 Q AND WHO WAS IT WRITTEN BY?

21 A MY MOTHER.

22 Q WHAT DID THE DOCUMENT ESSENTIALLY SAY,  
23 OR HOW DID YOU INTERPRET IT?

24 A MY INTERPRETATION CHANGED WITHIN AN HOUR  
25 OF READING IT. AT FIRST, WHEN I FIRST READ IT?

26 Q YES.

27 A IT SAID THAT MY MOTHER WAS GOING TO BE  
28 LEAVING MY BROTHER AND I AND THAT MY FATHER WOULD BE

43365

1 TAKING CARE OF US, AND THAT ESSENTIALLY SHE WOULD  
2 NEVER SEE US AGAIN.

3 Q AND WHAT DID THAT MEAN TO YOU AT THE  
4 TIME, BEFORE YOU CHANGED YOUR MIND?



5       A    THAT SHE WOULD BE LEAVING MY FATHER AND  
6 MY BROTHER AND I AND THAT I WOULD NEVER SEE HER  
7 AGAIN.

8       Q    UPON READING THIS LETTER, WHAT DID YOU  
9 DO?

10      A    I CALLED MY BROTHER.

11      Q    AND WHERE WAS HE?

12      A    IN PRINCETON.

13      Q    AND DID YOU DISCUSS IT WITH HIM?

14      A    I READ IT TO HIM OVER THE PHONE.

15      Q    WHAT DID LYLE MENENDEZ SAY?

16      MR. CONN: OBJECTION. HEARSAY.

17      THE COURT: SUSTAINED.

18      Q    BY MR. LEVIN: DID WHAT LYLE MENENDEZ  
19 SAY TO YOU CAUSE YOU TO FEEL THAT THE LETTER MEANT  
20 SOMETHING DIFFERENT?

21      A    YES.

22      Q    AND WHAT DID YOU, FOLLOWING THE  
23 DISCUSSION WITH LYLE MENENDEZ, FEEL THAT YOUR MOTHER  
24 NOW MEANT BY THIS LETTER?

25      A    I REALIZED THAT IT WAS A SUICIDE LETTER.

26      Q    DID THAT CONCERN YOU?

27      A    YES.

28      Q    DID YOU DO ANYTHING WITH RESPECT TO

1 RECEIVING THIS PARTICULAR INFORMATION?

2 A I STARTED TO CRY. I PUT IT BACK WHERE I  
3 FOUND IT; AND MY BROTHER -- AT THAT POINT IT WAS  
4 DECIDED THAT MY BROTHER WOULD HAVE A CONVERSATION  
5 WITH MY MOTHER.

6 Q AND, TO YOUR KNOWLEDGE, DID HE?

7 A YES.

8 Q NOW, LATER, WHEN THIS TOGETHERNESS  
9 OCCURRED BETWEEN YOUR MOTHER AND YOUR FATHER, DID  
10 YOU FEEL THAT YOUR MOTHER WAS SUICIDAL AT THAT TIME?

11 A SHE WAS SUICIDAL FOR ABOUT A YEAR.

12 Q TILL ABOUT 1988 OR '87?

13 A MIDDLE OF '87.

14 Q WHEN DID YOU FIND THE LETTER?

15 A RIGHT AFTER I MOVED TO CALIFORNIA.

16 Q YOU MOVED TO CALIFORNIA, I THINK I SAID  
17 IN A QUESTION, IN AUGUST OF '86; IS THAT CORRECT?

18 A YES.

19 Q NOW, DESCRIBE THAT NEW TOGETHERNESS THAT  
20 YOU WITNESSED BETWEEN YOUR MOTHER AND FATHER.

21 A THEY WERE MORE OF A TEAM IN THE  
22 DECISIONS. IT HAD BEEN DECIDED THAT THERE WOULD BE  
23 NO DIVORCE; AND SO MY FATHER WAS MUCH GENTLER TO MY  
24 MOTHER; AND SPECIFICALLY IN PUBLIC, WAS MUCH NICER  
25 TO HER WHEN SHE WOULD EXPLODE IN A RAGE; AND THE  
26 RELATIONSHIP DRAMATICALLY CHANGED IN TERMS OF MY  
27 MOTHER'S STRENGTH OR POWER WHEN IT CONCERNED MY

43367

1 AN AIRPORT -- AND MY FATHER STOOD THERE WHILE MY  
2 MOTHER WAS SCREAMING ABOUT THE FACT THAT LOUISE, HIS  
3 GIRLFRIEND, WAS GOING TO BE IN --

4 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

5 THE COURT: SUSTAINED. THE ENTIRE ANSWER'S  
6 STRICKEN AS NONRESPONSIVE.

7 Q BY MR. LEVIN: HAD YOU EVER SEEN YOUR  
8 MOTHER STAND UP TO OR YELL AT YOUR FATHER BEFORE  
9 THIS NEW TOGETHERNESS?

10 A YES.

11 Q AND WHAT WOULD USUALLY HAPPEN?

12 A MY FATHER WOULD SLAP HER OR HIT HER.  
13 SHE WOULD END UP CRYING AND BLEEDING.

14 Q WHEN YOU SAY SHE WOULD BE BLEEDING, DID  
15 YOU EVER HAPPEN TO SEE ANY BLOOD WITH RESPECT TO AN  
16 ATTACK OR BEATING BY YOUR FATHER TO YOUR MOTHER?

17 A THE NEXT MORNING THERE WOULD BE BLOOD ON  
18 THE BED OR DIFFERENT PLACES IN THE HOUSE.

19 Q WHERE WOULD THE BLOOD ON THE BED BE?

20 A ON THE SHEETS.

21 Q NOW, AFTER THIS NEW RELATIONSHIP, DID  
22 YOUR FATHER HIT YOUR MOTHER AGAIN IN YOUR PRESENCE?

23 A NO.

24 Q DID YOU EVER HEAR YOUR FATHER HITTING  
25 YOUR MOTHER AFTER THIS NEW BOND FORMED?

26 A NEVER.

27 Q DID YOU EVER SEE YOUR FATHER BACK DOWN  
28 FROM YOUR MOTHER?

43368

1 A YES.

2 Q DID YOU -- DID THE MOLESTATION END AFTER  
3 YOU MOVED TO CALIFORNIA?

4 A FOR A PERIOD OF TIME.

5 Q DID IT BEGIN AGAIN?

6 A YES.

7 Q WHEN DID IT BEGIN AGAIN?

8 A IN NOVEMBER, BEFORE MY BIRTHDAY.

9 Q NOVEMBER OF WHAT YEAR?

10 A THAT YEAR WE MOVED OUT.

11 Q NOVEMBER OF '86?

12 A YES.

13 Q IT WOULD HAVE BEEN YOUR -- NOVEMBER  
14 27TH, '86 WOULD HAVE BEEN YOUR 16TH BIRTHDAY?

15 A YES.

16 Q AND WHERE DID YOU LIVE AT THAT  
17 PARTICULAR TIME?

18 A I WAS LIVING IN CALABASAS.

19 Q SO YOU HAD MOVED FROM THE OAKWOOD  
20 APARTMENTS TO A HOUSE IN CALABASAS?

21 A YES.

22 Q AND WHAT DID YOUR FATHER DO WITH RESPECT  
23 TO MOLESTING YOU AT YOUR -- AT APPROXIMATELY 16  
24 YEARS OLD? WHAT KIND OF SEX DID YOU HAVE WITH HIM?

25 A "KNEES."

26 Q HOW DID THAT MAKE YOU FEEL?

27 A PRETTY HOLLOW. SHATTERED FOR A PERIOD  
28 OF TIME TILL I REBOUNDED FROM THE FACT THAT IT WAS

43369

1 OBVIOUSLY CONTINUING.

2 Q NOW, WHEN YOU MOVED TO CALIFORNIA, DID  
3 YOUR MOTHER PLACE ANY DEMANDS ON YOU WITH RESPECT TO  
4 GIRLFRIENDS?

5 A YES.

6 Q HAD YOU HAD A GIRLFRIEND BEFORE THAT?

7 A IN THE FORMAL SENSE, YES.

8 Q AND WHERE DID YOU HAVE YOUR FIRST  
9 GIRLFRIEND THAT YOU REMEMBER?

10 A IN PRINCETON DAY SCHOOL.

11 Q DID YOU EVER HAVE A LONG RELATIONSHIP  
12 WITH A GIRL UP UNTIL THE TIME YOU MOVED TO

13 CALIFORNIA?

14 A NO.

15 Q WHY IS THAT?

16 A I WAS VERY AFRAID TO TOUCH A GIRL. I

17 WAS VERY SCARED THAT I WOULD KNOW SOMETHING I

18 SHOULDN'T. SHE WOULD TELL SOMETHING DIFFERENT ABOUT

19 ME; THAT I WOULD BE DIFFERENT FROM ANY OTHER GUY

20 THAT SHE HAD TOUCHED, AND SO I REFUSED TO HOLD THEIR

21 HANDS OR DO ANYTHING OF THAT SORT.

22 Q WHEN YOU MOVED TO CALIFORNIA WHAT DID

23 YOUR MOTHER TELL YOU ABOUT GIRLFRIENDS?

24 A THAT I WAS TO GET A GIRLFRIEND WITHIN

25 SIX MONTHS.

26 Q WHAT DID YOU UNDERSTAND THAT TO MEAN?

27 WHY YOU WOULD HAVE SIX MONTHS TO GET A GIRLFRIEND?

28 A I DIDN'T KNOW.

43370

1 Q DID YOU THINK IT HAD SOMETHING TO DO

2 WITH THE FAMILY IMAGE?

3 A YES.

4 Q DID YOU SEEK OUT A GIRLFRIEND TO COMPLY

5 WITH YOUR MOTHER'S DEMANDS?

6 A I DIDN'T QUITE MAKE THE SIX-MONTH

7 DEADLINE, BUT A GIRL CAME INTO MY LIFE THROUGH

8 TENNIS THAT I GREW VERY FOND OF.

9 Q WHAT WAS HER NAME?

10 A KIRSTEN.

11 Q AND HOW DID THIS RELATIONSHIP MAKE YOU

12 FEEL WITH KIRSTEN?

13 A CHANGED MY LIFE.

14 Q IN WHAT WAY?

15 A KIRSTEN WAS HAPPY ALL THE TIME. SHE WAS

16 A SUNSHINE. SHE WAS FUN TO BE WITH AND ALWAYS

17 EXCITED, ALWAYS HAPPY TO BE WITH ME. MADE ME FEEL

18 VERY SPECIAL, HAPPY TO BE ALIVE WITH HER. IN A

19 SENSE, GOOD ABOUT MYSELF AND BAD ABOUT MYSELF.

20 Q WHEN YOU SAY BAD ABOUT YOURSELF,

21 MR. MENENDEZ, WHAT DO YOU MEAN?

22 A I MEANT THAT IT DROVE THE NEED TO END

23 WHAT WAS HAPPENING BETWEEN MY FATHER AND I TO A NEW

24 LEVEL.

25 Q WHAT LEVEL WAS THAT?

26 A NO LEVEL IN PARTICULAR, JUST A GREATER

27 NEED.

28 Q DID YOU AT SOME POINT IN TIME BREAK OFF

43371

1 THE RELATIONSHIP OR TRY TO BREAK OFF THE

2 RELATIONSHIP WITH KIRSTEN?

3       A   ABOUT A MONTH INTO THE RELATIONSHIP MY  
4 FATHER CAME INTO MY ROOM AND HAD ME GET DOWN ON MY  
5 KNEES, AND I JUST -- I COULDN'T GO OUT WITH HER THAT  
6 NIGHT, AND I CALLED HER UP ON THE PHONE FROM A PAY  
7 PHONE AND I WAS CRYING, AND I TOLD HER THAT I WANTED  
8 TO END THE RELATIONSHIP AND SHE -- SHE WOULDN'T LET  
9 ME. I WOULDN'T TELL HER WHY, AND IT WAS -- SHE WAS  
10 CRYING AND SHE WOULDN'T LET ME. AND I TRIED TWO OR  
11 THREE DIFFERENT TIMES.

12       Q   DID YOU CONTINUE A RELATIONSHIP WITH  
13 KIRSTEN?

14       A   I ENDED IT IN SEPTEMBER OF THAT YEAR.

15       Q   WHY?

16       A   BECAUSE I COULD NO LONGER HANDLE WHAT  
17 WAS HAPPENING BETWEEN MY FATHER AND I AND HER.

18       Q   AND HOW DID YOUR MOTHER REACT TO THE  
19 RELATIONSHIP ENDING BETWEEN YOU AND KIRSTEN?

20       A   MOM GREW VERY ANGRY. SHE ASKED ME IF I  
21 WASN'T MAN ENOUGH TO BE WITH A GIRL. SHE SCREAMED  
22 AT ME, TOLD ME SHE WANTED ME TO GET BACK TOGETHER  
23 WITH KIRSTEN. I DID. IT LASTED FOR ABOUT 20 DAYS,  
24 AND THEN SHE TOLD ME THAT I WAS TO GET A NEW  
25 GIRLFRIEND.

26       Q   AND THIS HAPPENED ALL WHEN YOU WERE  
27 ABOUT 16, ALMOST 17?

28       A   YES.



1 Q DID YOU BEGIN TO CHANGE SOMEWHAT  
2 EMOTIONALLY WITH RESPECT TO YOUR DESIRE TO RESIST  
3 YOUR FATHER MOLESTING YOU AT THIS TIME?

4 A YES.

5 Q DID THINGS START TO COME INTO YOUR MIND  
6 THAT CAUSED YOU TO REEVALUATE YOUR POSITION WITH  
7 RESPECT TO YOUR FATHER'S DESIRES WITH YOU?

8 A I DON'T UNDERSTAND WHAT YOU MEAN.

9 Q DID YOU AT ANY TIME TRY TO RESIST YOUR  
10 FATHER WHEN YOU LIVED IN CALIFORNIA?

11 A ONE TIME.

12 Q AND BEFORE YOU RESISTED, HAD YOU THOUGHT  
13 ABOUT IT?

14 A YES.

15 Q WHAT DID YOU THINK ABOUT?

16 A THOUGHT ABOUT HITTING DAD, PUSHING HIM,  
17 SAYING NO, SCREAMING AT HIM, FIGHTING HIM, HITTING  
18 HIM WITH SOMETHING, ANY WAY TO STOP IT. AND EVERY  
19 TIME HE CAME INTO MY ROOM I WOULD GET SCARED AND  
20 COWARDICE AND FREEZE AND IT WOULDN'T HAPPEN.

21 Q HAD YOU THOUGHT THESE THOUGHTS BEFORE  
22 ABOUT RESISTING YOUR FATHER?

23 A YES.

24 Q AND DID IT EVER GET BEYOND THOUGHTS?

25 A ONCE.

26 Q BEFORE IT GOT BEYOND THOUGHTS, DID YOU

27 JUST DECIDE THAT YOU WEREN'T GOING TO DO IT OR

28 COULDN'T DO IT?

43373

1 A YOU MEAN GIVE UP THINKING ABOUT IT?

2 Q NOT GIVE UP THINKING ABOUT IT, BUT NOT

3 TAKE THE THOUGHT ANY FURTHER AND ACTUALLY PUTTING

4 THE THOUGHT OF RESISTING YOUR FATHER INTO MOTION,

5 INTO ACTION.

6 A I DID THAT ONE TIME.

7 Q AND WHEN DID THIS OCCUR?

8 A IN 1988.

9 Q YOU WERE LIVING IN CALABASAS AT THE

10 HOUSE AT THE TIME?

11 A YES.

12 Q HOW OLD WERE YOU?

13 A I WAS 17 YEARS OLD.

14 Q AND HAD YOU DECIDED AT ANY PARTICULAR

15 TIME BEFORE YOU RESISTED THAT YOU WERE GOING TO

16 RESIST YOUR FATHER NEXT TIME HE CAME TO YOUR

17 BEDROOM?

18 A I HAD RENEWED MY RELATIONSHIP WITH

19 KIRSTEN A SHORT TIME BEFORE, AND I JUST HAD THAT

20 URGE TO -- IT WAS BUILDING IN ME TO END IT, AND I

21 GUESS THAT'S MY ANSWER.

22 Q DID YOU HAVE A PLAN AS TO HOW YOU WERE

23 GOING TO RESIST?

24 A NO.

25 Q WAS THERE A SPECIFIC INCIDENT THAT

26 OCCURRED WHERE YOU RESISTED YOUR FATHER?

27 A YES.

28 Q AND DID THIS OCCUR IN THE MORNING OR IN

43374

1 THE NIGHT, OR DURING THE DAY?

2 A IT WAS DURING THE DAY.

3 Q WAS IT ON A WEEKDAY OR WEEKEND? DO YOU

4 REMEMBER?

5 A NO.

6 Q WHAT HAPPENED IN THAT PARTICULAR TIME?

7 A IT WAS ON A WEEKEND.

8 Q OKAY. WHAT HAPPENED?

9 A MY FATHER CAME INTO MY ROOM AND TOLD ME

10 TO GET DOWN ON MY KNEES, AND I STOOD UP FROM MY BED

11 AND I SAID NO. AND MY FATHER GRABBED ME, HIT ME,

12 AND THREW ME ON MY BED. I HIT MY HEAD AGAINST THE

13 WOOD OF THE BED. HE CAME ONTO THE BED AND HE

14 GRABBED ME AND THEN SAID HE'D BE RIGHT BACK.

15 Q DID YOU FIGHT HIM BACK AT THAT TIME?

16 A AFTER SAYING NO?

17 Q YES.

18 A NO.

19 Q DID YOU STAY IN YOUR BED WHEN HE LEFT  
20 AND SAID I'LL BE RIGHT BACK?

21 A I DIDN'T MOVE.

22 Q DID HE RETURN?

23 A YES.

24 Q DID HE RETURN WITH SOMETHING IN HIS  
25 HANDS?

26 A YES.

27 MR. LEVIN: YOUR HONOR, MAY I HAVE THE  
28 BAILIFF OBTAIN THE EXHIBIT?

43375

1 THE COURT: YES.

2 MR. LEVIN: YOUR HONOR, I HAVE A KNIFE INSIDE  
3 A SHEATH.

4 THE COURT: OKAY. WHY DON'T YOU TAKE IT OVER  
5 TO THE PODIUM. THE BAILIFF WILL GO WITH YOU, AS I  
6 INDICATED.

7 THAT WILL BE MARKED AS EXHIBIT 362. IT  
8 WILL BE MARKED 362.

9 Q BY MR. LEVIN: WHAT WAS IT THAT HE  
10 RETURNED WITH, MR. MENENDEZ?

11 A THAT KNIFE.

12 Q I'D LIKE YOU TO TAKE A LOOK AT IT. IF  
13 THE BAILIFF WOULD PERHAPS DEMONSTRATE IT OR TAKE IT  
14 OUT FOR YOU?

15 THE COURT: STAY RIGHT HERE AND OPEN IT UP.

16 THE BAILIFF: I WON'T GO ANYWHERE.

17 Q BY MR. LEVIN: IS THAT THE KNIFE THAT  
18 YOUR FATHER RETURNED WITH?

19 A YES.

20 Q AND DID YOUR FATHER HAVE THAT KNIFE IN A  
21 PARTICULAR --

22 MS. ABRAMSON: YOU'RE STANDING IN FRONT OF  
23 THE JURY. WE WANT TO SHOW THEM THE EXHIBIT.

24 MR. LEVIN: SORRY.

25 Q DO YOU KNOW WHERE YOUR FATHER GOT THAT  
26 KNIFE?

27 A FROM HIS COMPANY.

28 Q COMPANY NAMED?

43376

1 A I.V.E., WHICH WAS OWNED BY ^ CAROLCO.

2 Q WHAT DID THE KNIFE HAVE TO DO, FROM YOUR  
3 UNDERSTANDING, WITH THE COMPANY?

4 MR. CONN: OBJECTION. IRRELEVANT.

5 THE COURT: OVERRULED.

6 THE WITNESS: IT WAS A KNIFE USED IN A

7 SYLVESTER STALLONE FILM, "RAMBO."

8 Q BY MR. LEVIN: WAS THE KNIFE IN THE  
9 SHEATH WHEN YOUR FATHER RETURNED WITH IT?

10 A NO.

11 Q HOW DID HE HOLD THE KNIFE?

12 A IN ITS GRIP.

13 Q WHAT DID HE DO?

14 A HE CAME OVER TO THE BED, THE SIDE OF THE  
15 BED NEAR THE WINDOW WHERE MY HEAD WAS ON THE WOOD  
16 AND PUT HIS HANDS DOWN ON MY FOREHEAD, AND HE PUT  
17 THE KNIFE AT MY THROAT AND TOLD ME THAT HE SHOULD  
18 KILL ME. THE NEXT TIME HE WOULD.

19 Q THEN WHAT DID HE DO?

20 A HE TOLD ME TO TAKE OFF MY CLOTHES, TOLD  
21 ME TO KNEEL ON THE WOOD; HAD ME BEND OVER SO THAT MY  
22 HANDS WERE ON MY BED, AND HAD SEX.

23 Q THEN HE LEFT?

24 A YES.

25 Q HOW DID YOU FEEL?

26 A I WANTED TO DIE.

27 Q DID YOU FEEL THAT YOU WANTED TO TAKE  
28 YOUR OWN LIFE?

43377

1 A YES.

2 MR. CONN: OBJECTION. LEADING.

3 THE COURT: OVERRULED. THE ANSWER WILL  
4 STAND.

5 Q BY MR. LEVIN: YOU INDICATED BEFORE THAT  
6 YOUR FATHER HAD USED VASELINE ON AN OCCASION WITH  
7 YOU.

8 WAS THERE ANYTHING SIGNIFICANT ABOUT  
9 VASELINE OR KEEPING VASELINE IN YOUR ROOM?

10 A YES.

11 Q AND WHAT WAS SIGNIFICANT ABOUT VASELINE  
12 IN YOUR ROOM?

13 A HE BROUGHT IT IN WHEN I WAS 12 YEARS OLD  
14 AND I WAS TOLD NOT TO REMOVE IT FROM MY ROOM.

15 Q DID YOU EVER REMOVE IT FROM YOUR ROOM?

16 A NO.

17 Q DID YOU KEEP IT IN YOUR ROOM?

18 A IT REMAINED IN MY ROOM.

19 MR. LEVIN: YOUR HONOR, I HAVE TWO  
20 PHOTOGRAPHS, ONE PREVIOUSLY MARKED -- OH, IT IS  
21 EXHIBIT 63. IT WAS PREVIOUSLY MARKED 269.

22 AND THE OTHER IS MARKED 359, BOTH  
23 PHOTOGRAPHS. ONE IS -- I DON'T KNOW WHY IT'S GREEN.

24 THE COURT: ONE IS EXHIBIT 63 AND WAS IN THE  
25 PREVIOUS TRIAL 269. AND THE OTHER ONE WAS MARKED  
26 TODAY AS EXHIBIT 359. OKAY.

27 Q BY MR. LEVIN: MR. MENENDEZ, I'M SHOWING  
28 YOU, FIRST OF ALL, WHAT'S BEEN USED EARLIER IN THIS

1 TRIAL, EXHIBIT 63.

2 DO YOU RECOGNIZE THAT PHOTOGRAPH?

3 A IT'S A PICTURE OF MY ROOM.

4 Q AND DO YOU UNDERSTAND THAT THAT WAS YOUR  
5 ROOM AND A PHOTOGRAPH WAS TAKEN DURING THE FOLLOWING  
6 AUGUST THE 20TH, 1989?

7 A YES.

8 Q THAT'S YOUR ROOM IN BEVERLY HILLS?

9 A YES.

10 Q I'M SHOWING YOU WHAT LOOKS LIKE A PHOTO  
11 OR A BLOW-UP OF AN AREA MARKED 359.

12 DO YOU RECOGNIZE THE CUPBOARD OR THE  
13 AREA, THE DRESSER NEXT TO THE BED?

14 A YES.

15 Q WAS THAT A BLOW-UP OF THE SAME AREA  
16 THAT'S DEPICTED IN EXHIBIT NO. 63 TO A SPECIFIC ITEM  
17 THAT'S CONTAINED ON A DRESSER ON YOUR BED?

18 A YES.

19 Q WHAT IS THE ITEM THAT YOU SEE IN THE  
20 DRESSER?

21 A THE JAR OF VASOLINE THAT MY FATHER PUT  
22 IN MY ROOM IN BEVERLY HILLS.

23 MR. LEVIN: YOUR HONOR, THIS WOULD BE A VERY  
24 GOOD TIME TO TAKE OUR RECESS, AS I AM GOING INTO A  
25 NEW AREA.



26 THE COURT: OKAY. WE'LL BE IN RECESS THEN  
27 UNTIL MONDAY AT 8:30.  
28 DON'T DISCUSS THIS CASE WITH ANYONE.

43379

1 DON'T FORM ANY FINAL OPINIONS IT. DON'T LOOK AT ANY  
2 OF THE NEWS COVERAGE OR ANYTHING WRITTEN ABOUT IT OR  
3 SHOWN ON ANY OF THE TELEVISION OR ON ANY RADIO OR  
4 ANY CONVERSATIONS. JUST DISREGARD ANY SUCH  
5 INFORMATION ABOUT THE CASE. AND DO EVERYTHING YOU  
6 CAN TO AVOID IT. AND WE'LL SEE YOU ALL BACK HERE  
7 MONDAY AT 8:30.

8 (THE JURY EXITED THE COURTROOM AND  
9 THE FOLLOWING PROCEEDINGS WERE HELD:)

10

11 THE COURT: ALL RIGHT. WE'LL BE IN RECESS  
12 UNTIL MONDAY AT 8:30.

13 (AT 4:25 P.M. PROCEEDINGS WERE  
14 ADJOURNED UNTIL 8:30 A.M.  
15 MONDAY, DECEMBER 11, 1995.)

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES  
3 DEPARTMENT NW "N" HON. STANLEY M. WEISBERG JUDGE

4 THE PEOPLE OF THE STATE OF )  
5 CALIFORNIA, )  
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PLAINTIFFS, )  
VS. ) NO. BA 068880

ERIK GALEN MENENDEZ, AND )  
JOSEPH LYLE MENENDEZ, )  
DEFENDANTS. )

REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

FRIDAY, DECEMBER 8, 1995

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APPEARANCES:  
(SEE APPEARANCE PAGE)

1 APPEARANCES:

2

3 FOR THE PEOPLE: GIL GARCETTI  
4 DISTRICT ATTORNEY  
5 BY: DAVID CONN, DEPUTY  
6 AND  
7 CAROL NAJERA, DEPUTY  
8 18000 CRIMINAL COURTS BLDG.  
9 210 WEST TEMPLE STREET  
10 LOS ANGELES, CA 90012

7

8

9 FOR THE DEFENDANT  
10 JOSEPH LYLE MENENDEZ: MICHAEL P. JUDGE,  
11 PUBLIC DEFENDER  
12 BY: CHARLES GESSLER, DEPUTY  
13 AND  
14 TERRI TOWERY, DEPUTY  
15 210 WEST TEMPLE  
16 LOS ANGELES, CA 90012

13

14

15 FOR THE DEFENDANT  
16 ERIK GALEN MENENDEZ: LESLIE ABRAMSON  
17 ATTORNEY AT LAW  
18 4929 WILSHIRE BOULEVARD  
19 SUITE 940  
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22 BARRY LEVIN, ESQ.  
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20

21

22 ANNAMARIE PAPA  
23 CSR NO. 8608  
24 MARILYN FADALE,  
25 CSR NO. 4547  
OFFICIAL REPORTERS

24

25

26

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ERIK GALEN

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16

17

18

19

20

21

22

23 LEGEND:

A = MS. ABRAMSON      C = MR. CONN

24 G = MR. GESSLER      L = MR. LEVIN

N = MS. NAJERA      T = MS. TOWERY

25

26

27

28

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