

1 VAN NUYS, CALIFORNIA; MONDAY, DECEMBER 11, 1995

2 9:25 A.M.

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

4 (APPEARANCES AS HERETOFORE NOTED.)

5

6 THE COURT: IN THE TRIAL, ALL THE

7 PARTICIPANTS ARE PRESENT.

8 READY TO PROCEED?

9 MR. LEVIN: YES, YOUR HONOR.

10 THE COURT: LET'S GET THE JURY OUT, PLEASE.

11 (THE JURY ENTERED THE COURTROOM

12 AND THE FOLLOWING PROCEEDINGS

13 WERE HELD:)

14

15 THE COURT: THE JURY IS IN THE JURY BOX.

16 GOOD MORNING, LADIES AND GENTLEMEN.

17 WE'RE NOW READY TO RESUME WITH THE TRIAL.

18 THE DEFENDANT, ERIK MENENDEZ, IS STILL

19 ON THE WITNESS STAND.

20 YOU MAY CONTINUE YOUR DIRECT

21 EXAMINATION.

22 MR. LEVIN: THANK YOU, YOUR HONOR.

23

24 ERIK GALEN MENENDEZ,

25 THE WITNESS AT THE TIME OF ADJOURNMENT, RESUMED THE

26 STAND, AND TESTIFIED AS FOLLOWS:

27 ///

28 ///

1 DIRECT EXAMINATION (CONTINUED)

2 BY MR. LEVIN:

3 Q MR. MENENDEZ, DIRECTING YOUR ATTENTION
4 TO THE SUMMER OF 1989, DID YOU PARTICIPATE IN TENNIS
5 TOURNAMENTS DURING THAT TIME OF THE YEAR?

6 A YES.

7 Q AND WHAT KIND OF TENNIS TOURNAMENTS
8 TYPICALLY DID YOU PARTICIPATE IN IN THE SUMMER OF
9 '89?

10 A THE NATIONALS, SERIES OF THREE
11 TOURNAMENTS THAT YOU QUALIFIED TO GET INTO.

12 Q IS IT A KIND OF TOURNAMENT WHERE YOU
13 HAVE TO DO WELL IN THE FIRST ONE TO ADVANCE TO THE
14 SECOND ONE TO ADVANCE TO THE THIRD ONE?

15 A NO. IT'S A GROUP OF TOURNAMENTS WHERE
16 EACH STATE SENDS A CERTAIN AMOUNT OF PLAYERS;
17 DEPENDING ON HOW TOUGH THE STATE IS, DEPENDS ON HOW
18 MANY PLAYERS THEY SEND.

19 SO I WAS REPRESENTING CALIFORNIA, AND
20 THERE WERE DIFFERENT KIDS FROM EVERY DIFFERENT
21 NATION -- I MEAN, STATE, PLAYING THESE TOURNAMENTS.

22 Q APPROXIMATELY HOW MANY PEOPLE WERE SENT
23 IN YOUR GROUP TO PARTICIPATE IN THIS TOURNAMENT?

24 A SEVEN KIDS.

25 Q AND HOW OLD WERE YOU AT THE TIME?

26 A I WAS 18.

27 Q NOW, THE FINAL TOURNAMENT, WAS THAT IN

28 KALAMAZOO, MICHIGAN?

43382

1 A YES.

2 Q AND IS THERE SOMETHING RATHER

3 SIGNIFICANT WITH RESPECT TO TENNIS CONCERNING THAT

4 PARTICULAR MATCH OR TOURNAMENT?

5 A YES.

6 Q AND WHAT IS THAT?

7 A KALAMAZOO IS CALLED THE NATIONALS. IT'S

8 WHERE YOU HAVE TO BE A MEMBER OF THE UNITED STATES

9 TO GET INTO IT. THE OTHER TWO TOURNAMENTS YOU COULD

10 BE FROM THE BAHAMAS. SOME KIDS WERE FROM CANADA

11 ACTUALLY. THE NATIONALS REPRESENTED THE BEST IN THE

12 NATION AND THE WINNER AT KALAMAZOO GOT AN AUTOMATIC

13 BERTH IN THE U.S. OPEN. MICHAEL CHANG IS ONE OF THE

14 DIFFERENT PLAYERS THAT WON KALAMAZOO.

15 Q THE U.S. OPEN, IS THAT THE PREMIERE

16 PROFESSIONAL TENNIS TOURNAMENT THAT'S CONDUCTED

17 EVERY YEAR?

18 A FOR THE UNITED STATES, IT'S ONE OF THE

19 TOP TWO.

20 Q SO THEN IF YOU WIN IN YOUR CLASS IN

21 KALAMAZOO YOU GET A BERTH AT THE U.S. OPEN?

22 A YES. AT THE U.S. OPEN THERE'S

23 PREQUALIFIERS AND QUALIFIERS. IF YOU WIN YOU GET AN

24 AUTOMATIC BERTH INTO THE MAIN DRAW OF THE U.S. OPEN,

25 WHICH WAS PRETTY EXTRAORDINARY.

26 Q AND WHEN YOU REPRESENTED CALIFORNIA IN

27 PARTICIPATING IN THE SUMMER OF '89 TOURNAMENTS, DID

28 YOU HAVE SOME KIND OF A NATIONAL UNITED STATES

43383

1 RANKING?

2 A I SUPPOSE I DID. I DIDN'T KNOW WHAT IT

3 WAS AT THE TIME. I KNEW IT WAS GOING TO BE

4 SOMEWHERE IN THE TOP HUNDRED OF THE COUNTRY, BUT I

5 DIDN'T KNOW BETWEEN -- I CERTAINLY WASN'T IN THE TOP

6 20. ANYWHERE FROM 20 TO 100. I DIDN'T KNOW WHERE I

7 WAS GOING TO BE. AT THE END OF THE YEAR THE RANKING

8 CAME OUT OF HOW IT ALL FOLDED OUT, INTO WHO WAS

9 RANKED WHERE.

10 Q WHERE WERE YOU RANKED?

11 A I WAS RANKED 44.

12 Q FORTY-FOURTH IN THE COUNTRY IN YOUR AGE

13 GROUP?

14 A YES.

15 Q NOW, BEFORE YOU WENT TO KALAMAZOO, WHERE
16 DID YOU PLAY THAT SUMMER?

17 A I PLAYED UP IN BURLINGAME, IN NORTHERN
18 CALIFORNIA, CALLED "THE HARD COURTS." THE
19 TOURNAMENT WAS PLAYED ON RED HARD COURTS. AND I
20 ALSO PLAYED IN LOUISVILLE, KENTUCKY, I BELIEVE WAS
21 THE NAME AT THE CLAY COURTS, WHICH ALL THE COURTS
22 WERE ON GREEN CLAY.

23 Q YOU SAID BURLINGAME. IS THAT THE
24 BURLINGAME OR THE SAME NAME THAT WAS USED ON THAT
25 SHOTGUN PURCHASE FORM BY YOU?

26 A IN SAN DIEGO?

27 Q YES.

28 A YES.

43384

1 Q IS THAT WHERE YOU GOT THE NAME, THINKING
2 BACK?

3 A FROM NORTHERN CALIFORNIA WHEN I PLAYED
4 TENNIS, YES.

5 Q NOW, HAD YOU TRAINED HARD FOR THESE
6 TOURNAMENTS?

7 A YES.

8 Q AND HOW WELL DID YOU DO BEFORE YOU GOT

9 TO KALAMAZOO?

10 A I WAS DOING BETTER THAN I HAD HOPED. I
11 DID FAIRLY WELL IN THE HARD COURTS, GOOD ENOUGH TO
12 BRING ME TO THE TOP 50 IN THE COUNTRY. AND AT THE
13 CLAY COURTS I PLACED IN THE TOP EIGHT; AND SO THAT
14 BROUGHT MY RANKING, I WAS THINKING, UP INTO THE
15 TWENTIES, MAYBE LOW THIRTIES. I WON LIKE EIGHT
16 MATCHES AT THE CLAY COURTS.

17 Q WAS YOUR MOTHER AND FATHER PRESENT WITH
18 YOU DURING THESE TOURNAMENTS?

19 A YES.

20 Q AND HOW LONG DID THE TOURNAMENT LAST,
21 THE FIRST ONE OF THE THREE? HOW LONG OF A PERIOD OF
22 TIME?

23 A EACH TOURNAMENT LASTS A WEEK.

24 Q AND DURING THIS WEEK BOTH YOUR MOTHER
25 AND YOUR FATHER WERE WITH YOU?

26 A DURING THE WEEK OF THE HARD COURTS THEY
27 WERE. DURING THE WEEK OF THE CLAY COURTS THEY WERE
28 AND IN KALAMAZOO THEY WERE.

43385

1 Q AND AT SOME POINT IN TIME YOU MET THEM
2 IN KALAMAZOO?

3 A YES.

4 Q DID YOUR FATHER EXPRESS TO YOU AT
5 KALAMAZOO ANY PARTICULAR EXPECTATIONS THAT HE HAD
6 WITH RESPECT TO YOUR PERFORMANCE DURING THE
7 KALAMAZOO TOURNAMENTS?

8 A YES.

9 Q AND WHAT WAS IT THAT HE STATED TO YOU OR
10 WHAT WAS IT THAT HE FELT?

11 A HE FELT THAT AFTER MY PERFORMANCE AT THE
12 CLAY COURTS, I BEAT SOME OF THE TOP KIDS IN THE
13 NATION, AND HE FELT THAT I COULD AND SHOULD WIN
14 KALAMAZOO, AND HE WANTED ME TO GET THE BERTH INTO
15 THE U.S. OPEN.

16 Q NOW, DID YOU FEEL THAT THAT WAS A
17 REASONABLE ACHIEVEMENT THAT YOU COULD ATTAIN, GIVEN
18 YOUR LEVEL OF PERFORMANCE, TO WIN THE KALAMAZOO
19 TOURNAMENT AND TO GO TO THE U.S. OPEN?

20 A NO. NO. ESPECIALLY NOT BEING THAT IT
21 WAS AT THE END OF THE SUMMER AND I WASN'T IN AS GOOD
22 A SHAPE AS SOME OF THE OTHER KIDS, HAVING PLAYED SO
23 MANY MATCHES AT THE CLAY COURTS.

24 Q AND WERE THERE A LOT OF KIDS THAT HAD
25 ALSO QUALIFIED FOR KALAMAZOO THAT YOU KNEW YOU JUST
26 COULDN'T BEAT?

27 A YES. SOME OF THE KIDS WERE DEFINITELY
28 BETTER THAN ME.

1 Q DID YOU FEEL THAT YOUR FATHER HAD
2 SOMEWHAT OF AN UNREASONABLE EXPECTATION FOR YOU?

3 A WELL, I MEAN, I HAD NEVER WON A NATIONAL
4 TOURNAMENT BEFORE OR GOTTEN TO THE QUARTER FINALS.
5 I HAD NEVER GOTTEN TO THE THIRD ROUND OF A NATIONAL
6 TOURNAMENT.

7 SO I DIDN'T THINK I'D BE ABLE TO WIN IT,
8 BUT I KNEW HE WANTED ME TO WIN IT.

9 Q DID YOU BELIEVE, MR. MENENDEZ, THAT IT
10 WAS IMPORTANT FOR YOUR FATHER, OR TO YOUR FATHER,
11 THAT YOU WIN IN KALAMAZOO?

12 A HE TOLD ME THAT HE WANTED ME TO WIN IT.

13 Q AND WAS YOUR FATHER AWARE, IN YOUR
14 OPINION, OF THE LEVEL OF PERFORMANCE THAT YOU HAD
15 ACHIEVED AS A TENNIS PLAYER? DID HE KNOW HOW GOOD
16 YOU WERE?

17 A HE KNEW HOW GOOD I WAS.

18 Q AND DID HE PARTICIPATE IN TRAINING YOU
19 THROUGHOUT YOUR LIFETIME DURING TENNIS?

20 A YES.

21 Q DID HE ACTIVELY PARTICIPATE,
22 NOTWITHSTANDING THE FACT THAT YOU HAD COACHES?

23 A YES.

24 Q HOW DID YOUR FATHER TYPICALLY INVOLVE
25 HIMSELF IN YOUR TENNIS TRAINING?

26 MR. CONN: OBJECTION. IRRELEVANT.

27 THE COURT: SUSTAINED.

28 Q BY MR. LEVIN: DID YOUR FATHER EVER

43387

1 CONDONE YOU CHEATING IN TENNIS?

2 MR. CONN: OBJECTION. IRRELEVANT.

3 THE COURT: SUSTAINED.

4 Q BY MR. LEVIN: CAN SOMEONE CHEAT IN
5 TENNIS?

6 MR. CONN: OBJECTION. IRRELEVANT.

7 THE COURT: SUSTAINED.

8 Q BY MR. LEVIN: DID YOU EVER CHEAT IN
9 TENNIS?

10 MR. CONN: OBJECTION. IRRELEVANT.

11 THE COURT: IT IS IRRELEVANT. LET'S MOVE ON
12 TO SOMETHING ELSE.

13 Q BY MR. LEVIN: DID YOUR FATHER HAVE A
14 METHOD OF COMMUNICATING WITH YOU BY HAND SIGNALS?

15 A YES.

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: SUSTAINED. THE ANSWER'S
18 STRICKEN. IT'S VAGUE AS TO WHAT YOU'RE REFERRING
19 TO.

20 Q BY MR. LEVIN: THROUGHOUT YOUR LIFETIME,
21 WITH RESPECT TO THE WAY IN WHICH YOUR FATHER
22 COMMUNICATED TO YOU IN GENERAL, DID HE HAVE OR DID

23 IT OCCUR TO YOU THAT THERE WERE CERTAIN HAND SIGNALS
24 THAT HE WOULD USE THAT YOU UNDERSTOOD TO MEAN
25 CERTAIN THINGS?

26 MR. CONN: OBJECTION. IRRELEVANT.

27 THE COURT: SUSTAINED.

28 Q BY MR. LEVIN: HOW WELL DID YOU DO IN

43388

1 KALAMAZOO?

2 A I LOST IN THE SECOND ROUND.

3 Q AND IS THAT CONSIDERED POOR PERFORMANCE
4 OR AVERAGE PERFORMANCE OR GOOD PERFORMANCE FOR YOU?

5 A IT GOT ME TO THE ROUND OF 64 PLAYERS AND
6 IT WAS BELOW WHERE I HAVE RANKED GOING INTO THE
7 TOURNAMENT AND MOVED BACK MY RANKING SOME AFTER THE
8 TOURNAMENT.

9 Q BY YOUR STANDARDS, EVEN IN KALAMAZOO YOU
10 PERFORMED POORLY?

11 A YES, I PERFORMED POORLY.

12 Q WAS YOUR FATHER PRESENT WHEN YOU LOST
13 THE KALAMAZOO TOURNAMENT?

14 A WELL, THERE'S A BACK DRAW AS WELL. YOU
15 LOSE IN THE MAIN DRAW, AND THEN YOU GET FLIPPED TO
16 THE BACK DRAW; AND IF YOU WIN THE BACK DRAW, WHERE
17 EVERYONE FILTERS DOWN INTO EXCEPT FOR THE TOP FOUR

18 PLAYERS THAT EVENTUALLY MAKE IT TO THE SEMI-FINALS,
19 IF YOU WIN THE BACK DRAW, YOU CAN PLACE FIFTH IN THE
20 TOURNAMENT. I LOST IN THE SECOND ROUND OF THE MAIN
21 DRAW AND IN THE FIRST ROUND OF THE BACK DRAW.

22 Q DID YOUR FATHER HAVE ANY REACTION WITH
23 RESPECT TO YOUR PERFORMANCE AT KALAMAZOO?

24 A HE GOT EXTREMELY ANGRY, MORE ANGRY THAN
25 I HAD EVER SEEN HIM OVER A TENNIS MATCH.

26 Q HAD YOU SEEN HIM ANGRY AT YOU BEFORE
27 DURING A TENNIS MATCH?

28 A CERTAINLY.

43389

1 Q WERE THERE ANY CERTAIN THINGS THAT WOULD
2 ANGER HIM?

3 MR. CONN: OBJECTION. IRRELEVANT.

4 THE COURT: SUSTAINED.

5 Q BY MR. LEVIN: DID YOUR FATHER SAY
6 ANYTHING TO YOU WITH RESPECT TO YOUR PERFORMANCE AT
7 KALAMAZOO?

8 A YES.

9 Q AND WHAT DID HE SAY TO YOU?

10 A HE TOLD ME THAT ALL OF MY TRAINING AND
11 ALL OF THE MATCHES THAT I HAD PLAYED AS A JUNIOR
12 CAME DOWN TO THIS ONE TOURNAMENT AND THAT I HAD

13 FAILED AND I HAD LOST IT, AND MY TENNIS WAS
14 MEANINGLESS NOW. AND WE WERE DRIVING AWAY FROM THE
15 TENNIS COURTS, AND HE WAS YELLING AT THE TOP OF HIS
16 LUNGS AND HIS VEINS WERE BULGING IN HIS NECK, AND HE
17 EVENTUALLY JUST GOT SPEECHLESS AND HE COULDN'T SPEAK
18 ANYMORE.

19 Q HOW DID YOU INTERPRET THIS REACTION FROM
20 YOUR FATHER?

21 A I DON'T KNOW. WHAT DO YOU MEAN?

22 Q ALL RIGHT. WELL, YOU SAID THAT HE HAD
23 NEVER BEEN THAT ANGRY WITH YOU BEFORE. DID YOU FEEL
24 THAT FROM HIS REACTION THAT THINGS WERE GOING TO BE
25 DIFFERENT WITH RESPECT TO YOUR FUTURE TENNIS?

26 A I DIDN'T KNOW WHAT WAS GOING TO HAPPEN
27 WITH MY FUTURE TENNIS. HE WAS TALKING ABOUT HOW ALL
28 OF THE TENNIS I HAD EVER PLAYED WAS NOW MEANINGLESS

43390

1 AND WASN'T IMPORTANT, AND IT CAME DOWN TO THIS ONE
2 TOURNAMENT WHICH I BLEW. AND I KNEW THAT I WAS
3 SUPPOSED TO BE PLAYING IN THE U.C.L.A. TEAM. I
4 DIDN'T KNOW WHAT WAS GOING TO HAPPEN WITH THAT. I
5 REALLY WAS UNSURE. I HADN'T REALLY EVER SEEN HIM
6 SAY THE THINGS HE HAD SAID AND ACT IN THE WAY HE
7 ACTED OVER A MATCH LIKE THAT.

8 NORMALLY HE WOULD GET -- HE WOULD YELL OR
9 GET VIOLENT OR SOMETHING WOULD HAPPEN. HE JUST GOT
10 SPEECHLESS. HE COULDN'T TALK ANYMORE. SO I WASN'T
11 SURE WHAT WAS GOING TO HAPPEN.

12 Q WAS KALAMAZOO -- ACTUALLY, WAS KALAMAZOO
13 THE LAST TOURNAMENT THAT YOU WOULD EVER QUALIFY TO
14 PLAY BECAUSE OF YOUR AGE?

15 A ONE OF THE LAST.

16 Q SO THIS WAS RATHER SIGNIFICANT IN YOUR
17 PROGRESSION AS A TENNIS PLAYER?

18 A IT WAS THE LAST BIG TOURNAMENT.

19 Q BUT ONCE YOU WENT OFF TO COLLEGE, IF YOU
20 PLAYED U.C.L.A., WOULD YOU THEN BE ABLE TO COME BACK
21 AND PLAY IN THE SAME JUNIOR NATIONAL TOURNAMENT THE
22 NEXT YEAR?

23 A NO.

24 Q WHY NOT?

25 A WELL, THERE WERE JUNIOR NATIONAL
26 TOURNAMENTS IN WHICH YOU WERE -- ONCE YOU MOVED PAST
27 THE AGE OF 18, YOU COULD NO LONGER QUALIFY FOR. BUT
28 THERE WERE AMATEUR TOURNAMENTS OR PROFESSIONAL

43391

1 TOURNAMENTS, CERTAINLY, IN SOUTHERN CALIFORNIA EVERY
2 YEAR, MULTIPLE TIMES A YEAR, WHICH YOU CAN PLAY AS A

3 COLLEGE PLAYER AND ALSO COLLEGE TOURNAMENTS WHICH
4 YOU PLAY IN.

5 Q BUT THIS WAS THE LAST JUNIOR NATIONAL
6 TOURNAMENT THAT ERIK MENENDEZ COULD QUALIFY TO PLAY
7 IN BECAUSE OF YOUR AGE?

8 A THE LAST NATIONAL TOURNAMENT. IT ENDS
9 AT THE END OF AUGUST. SO THERE MAY BE A SMALL
10 TOURNAMENT IN SOUTHERN CALIFORNIA. BUT IN TERMS OF
11 PLAYING AGAINST OTHER RANKED NATIONAL KIDS, THIS WAS
12 THE LAST ONE, THE LAST IMPORTANT ONE.

13 Q DID YOU INTEND TO CONTINUE PLAYING
14 TENNIS AFTER KALAMAZOO?

15 A YES.

16 Q AND DID YOU FEEL THAT YOU COULD PLAY
17 TENNIS AFTER KALAMAZOO WITHOUT YOUR FATHER'S
18 APPROVAL AND CONSENT?

19 A NO.

20 Q SO, WHAT WOULD HAPPEN, MR. MENENDEZ, IF
21 YOUR FATHER SAID YOU'RE DONE PLAYING TENNIS AFTER
22 KALAMAZOO?

23 A THEN I WAS DONE PLAYING TENNIS.

24 Q WAS THERE SOME CONCERN REGARDING YOUR
25 FUTURE PLAYING TENNIS AFTER THIS CONVERSATION WITH
26 YOUR FATHER?

27 THE COURT: PERHAPS YOU CAN REPHRASE THAT.

28 MR. LEVIN: I'M SORRY.

1 Q WAS THERE A PLAN AFTER KALAMAZOO FOR THE
2 MENENDEZ FAMILY TO GO SOMEWHERE?

3 A YES.

4 Q AND WHERE WAS THE FAMILY GOING TO GO?

5 A I DON'T KNOW -- I DON'T THINK THE TRIP
6 HAD ACTUALLY BEEN SET AND SCHEDULED, BECAUSE WHEN
7 EXACTLY I WOULD LOSE IN KALAMAZOO WAS UP IN THE
8 AIR. IF IT LASTED FOR A WEEK YOU COULD LOSE ON THE
9 SECOND DAY. BUT THE FAMILY -- WELL, AT LEAST MY
10 FATHER AND MY MOTHER AND I WERE TENTATIVELY GOING TO
11 GO UP TO CANADA BECAUSE MY MOTHER'S FATHER HAD
12 CANCER AND WAS ILL. HE HAD HAD CANCER FOR A FEW
13 YEARS.

14 Q SO THIS WAS A TRIP THAT WOULD OCCUR
15 DIRECTLY FOLLOWING WHATEVER OCCURRED IN MICHIGAN?

16 A YEAH. WE WERE ALREADY UP IN MICHIGAN,
17 AND IT WAS JUST A HOP OVER THE BORDER TO GET TO
18 CANADA. SO WE WERE GOING TO GO DIRECTLY FROM
19 TOURNAMENT AFTER I LOST.

20 Q HAD THAT TRIP BEEN PREPLANNED?

21 A IN AS MUCH AS IT COULD BE PREPLANNED
22 WITHOUT ACTUALLY MAKING THE PLANS, I GUESS SO.

23 Q AND YOU INTENDED TO GO TO CANADA
24 FOLLOWING KALAMAZOO?

25 A YES.

26 Q DID YOUR MOTHER?
27 A YES.
28 Q DID YOU GO TO CANADA FOLLOWING

43393

1 KALAMAZOO?

2 A NO.

3 Q WHY NOT?

4 A BECAUSE MY FATHER SAID THAT I WASN'T
5 GOING TO BE SPENDING TIME IN CANADA, THAT I WAS
6 GOING TO BE GOING DIRECTLY BACK TO LOS ANGELES WITH
7 HIM. HE WAS TOO ANGRY, UPSET, AND DIDN'T WANT TO GO
8 OVER TO CANADA; AND, BASICALLY, WHAT HE CONSIDERED
9 DO NOTHING FOR FOUR OR FIVE DAYS OR A WEEK IN THE
10 MOUNTAIN CABINS; AND THAT HE WAS GOING BACK,
11 DIRECTLY BACK TO L.A., AND I WAS GOING BACK WITH
12 HIM.

13 Q DID YOUR MOTHER WANT TO GO TO CANADA?

14 A YES. STILL HAD THE OPTION TO GO.

15 Q AND WHO GAVE HER THAT OPTION?

16 A MY FATHER.

17 Q DID SHE GO?

18 A NO.

19 Q I TAKE IT YOU RETURNED TO CALIFORNIA
20 DIRECTLY FROM MICHIGAN?

21 A THERE MAY HAVE BEEN A LAYOVER IN CHICAGO
22 AT MY UNCLE BRIAN'S.
23 Q BUT THEN YOU CAME BACK TO CALIFORNIA?
24 A YES.
25 Q NOW, DID YOU, UPON YOUR RETURN TO
26 CALIFORNIA, HAVE A CONVERSATION WITH YOUR FATHER
27 CONCERNING YOUR FUTURE?
28 A YES.

43394

1 Q DO YOU REMEMBER APPROXIMATELY WHEN THAT
2 WAS, WHEN THAT OCCURRED, FOLLOWING YOUR RETURN?
3 A WITHIN A FEW DAYS.
4 Q DID IT OCCUR AT A LOCATION?
5 A YES.
6 Q WHERE?
7 A A RESTAURANT ON, I BELIEVE IT WAS
8 SUNSET, A BREAKFAST-TYPE OF PLACE. IT STARTED WITH
9 AN "H." I'M NOT SURE WHAT THE NAME OF IT WAS
10 ANYMORE.
11 Q AND WAS THIS BREAKFAST WITH YOUR FATHER
12 PREPLANNED AT SOME POINT IN TIME?
13 A PROBABLY. IF I WAS HAVING BREAKFAST
14 WITH HIM, IT WAS PREPLANNED AT SOME POINT, BUT I
15 DON'T REMEMBER WHEN IT WAS -- HOW MANY DAYS OR

16 WHETHER IT WAS PLANNED THE NIGHT BEFORE. I DON'T
17 REMEMBER.

18 Q DID YOU KNOW WHEN YOU WENT TO BREAKFAST
19 WITH YOUR FATHER THAT YOU WERE GOING TO HAVE A
20 DISCUSSION?

21 A NO.

22 Q DID ANYONE ELSE GO ALONG WITH YOU AND
23 YOUR FATHER?

24 A NO.

25 Q WHAT DID YOUR FATHER TELL YOU DURING
26 THAT BREAKFAST DISCUSSION?

27 A HE TOLD ME ABOUT WHAT HE WANTED ME TO DO
28 IN U.C.L.A. AND WHAT MY -- ESSENTIALLY, HOW MY LIFE

43395

1 WAS GOING TO UNFOLD AFTER U.C.L.A.

2 Q WHAT DID HE TELL YOU ABOUT YOUR COLLEGE
3 PLANS AT U.C.L.A.?

4 A HE TOLD ME THAT HE WAS UNSURE WHETHER HE
5 WANTED ME TO PLAY TENNIS ON THE TEAM AT U.C.L.A.,
6 AND THAT HE WASN'T SURE OF WHETHER OR NOT I WAS
7 GOING TO TRY OUT BECAUSE HE WANTED ME TO CONCENTRATE
8 ON MY GRADES AT U.C.L.A. HE TOLD ME THAT HE WANTED
9 ME TO MAJOR IN ECONOMICS OR BUSINESS, SOMETHING THAT
10 WASN'T LIBERAL ARTS, WHICH IS WHAT I WANTED TO

11 TAKE.

12 AND HE TOLD ME THAT HE WANTED ME TO
13 CONCENTRATE MORE ON MY GRADES, SO I MIGHT NOT BE
14 PLAYING TENNIS. AND HE TALKED TO ME ABOUT U.C.L.A.
15 BUSINESS LAW SCHOOL PROGRAM. IT'S A COMBINED
16 PROGRAM THAT THEY HAVE AFTER U.C.L.A. AND THAT HE
17 WANTED ME TO GO TO THAT SCHOOL AS A GRADUATE SCHOOL;
18 AND THEN ABOUT SOME OF THE PLANS ABOUT MOVING TO
19 FLORIDA AFTER THAT AND LIVING ON A COMPOUND. I
20 BELIEVE IT WAS THEN HE TALKED ABOUT THAT, LIVING ON
21 A COMPOUND IN FLORIDA.

22 Q WAS ECONOMICS AND BUSINESS SOMETHING
23 THAT YOU WANTED TO DO IN COLLEGE?

24 A NO, I DIDN'T.

25 Q WHAT DID YOU WANT TO DO IN COLLEGE?

26 A I WANTED TO TAKE HISTORY, PHILOSOPHY,
27 THEATRE, MORE THE LIBERAL ARTS COURSES THAT I ENJOY.

28 Q DID YOU TELL YOUR FATHER THAT YOU

43396

1 PREFERRED TO TAKE THE COURSES THAT YOU JUST STATED?

2 A NO.

3 Q WHY NOT?

4 A I JUST KNEW THAT IT WASN'T GOING TO
5 HAPPEN. MY FATHER WAS A BUSINESSMAN AND HE WAS A

6 C.P.A., AND HE WAS GOING TO HAVE ME TAKE ECONOMICS

7 AND MATH COURSES AND BUSINESS-FOCUSED ORIENTED

8 COURSES IN COLLEGE.

9 Q DID YOU FEEL THAT YOU HAD ANY CHOICE IN

10 THE MATTER WITH RESPECT TO THE CURRICULUM YOU WOULD

11 FOLLOW AT SCHOOL?

12 A NO.

13 Q DID YOU FEEL YOU HAD ANY CHOICE IN THE

14 MATTER WITH RESPECT TO WHAT SCHOOL YOU WENT TO?

15 A NO. IT WAS SET AT THAT POINT THAT I WAS

16 GOING TO BE GOING TO U.C.L.A.

17 Q DID YOU HAVE ANY CHOICE IN THE MATTER

18 WHETHER YOU PARTICIPATED IN EXTRACURRICULAR

19 ACTIVITIES SUCH AS TENNIS AT SCHOOL?

20 A IF HE TOLD ME I WAS GOING TO PLAY

21 TENNIS, THEN I WAS GOING TO PLAY TENNIS; IF HE TOLD

22 ME THAT I WASN'T, THEN I WASN'T.

23 Q NOW, HE ALSO MENTIONED TO YOU SOMETHING

24 ABOUT A COMPOUND IN FLORIDA. WHAT WAS HE PLANNING

25 WITH RESPECT TO A COMPOUND IN FLORIDA AS IT RELATED

26 TO YOUR FUTURE?

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

28 THE COURT: OVERRULED.

1 THE WITNESS: DURING THIS CONVERSATION -- I'M
2 SURE IT WAS DURING THIS CONVERSATION -- HE TALKED
3 ABOUT A PROPERTY, A SEVEN-MILLION DOLLAR ISLAND IN
4 FLORIDA IN WHICH THERE WAS A MAJOR HOUSE, AND I
5 BELIEVE THERE WAS A SMALLER HOUSE. AND HE WANTED MY
6 BROTHER AND I TO LIVE THERE ON THE COMPOUND WITH MY
7 MOM AND HIM.

8 HE TALKED ABOUT -- WELL, I KNEW THERE WAS
9 A POTENTIAL OF HIM GOING INTO POLITICS AND RUNNING
10 FOR THE SENATE IN FLORIDA. AND I KNEW THAT -- I HAD
11 ALREADY KNOWN PREVIOUSLY THAT HE INTENDED TO GO INTO
12 BUSINESS WITH LYLE. AND HE TALKED ABOUT GOING INTO
13 A SEPARATE BUSINESS WITH ME, SORT OF AS A
14 TEACHER-PARTNERSHIP IN FLORIDA.

15 Q BY MR. LEVIN: DID YOU UNDERSTAND THAT
16 YOUR FATHER HAD A LIFE PLAN FOR YOU?

17 A YES.

18 Q PLANNED YOUR LIFE ESSENTIALLY?

19 A YES.

20 Q WHAT WAS YOUR REACTION, MR. MENENDEZ,
21 WITH RESPECT TO THE CONVERSATION THAT YOU JUST
22 RELATED TO THE JURY THAT YOU HAD WITH YOUR FATHER?

23 A IN SOME WAYS DISAPPOINTMENT, IN SOME
24 WAYS SIMPLY EXPECTATION. I EXPECTED IT. IN SOME
25 WAYS RELIEF.

26 Q WHAT WAY WAS IT A RELIEF?

27 A WELL, THE U.C.L.A. TEAM WAS THE NUMBER
28 ONE TEAM -- THAT ONE OR TWO IN THE NATION. IT WAS

1 ONE OF THE TOP COLLEGES IN THE N.C.A.A., AND SO IT
2 WAS A VERY DIFFICULT TEAM TO GET ON. SEVERAL KIDS
3 THAT HAD BEEN IN THE TOP 20 OF THE NATION WERE
4 TRYING TO GET ON THAT TEAM, AND I WAS GOING TO
5 PROBABLY HAVE TO BEAT SOME OF THEM OUT; AND SO THERE
6 WAS A LOT OF PRESSURE TO GET ON THE TEAM, AND I
7 WASN'T SURE THAT I WAS GOING TO BE ABLE TO BE GOOD
8 ENOUGH TO GET ON THE TEAM. AND U.C.L.A. DIDN'T HAVE
9 A JUNIOR VARSITY TEAM. YOU EITHER MAKE THE VARSITY
10 OR YOU DON'T, AND MY FATHER ABSOLUTELY EXPECTED THAT
11 IF I WAS GOING TO TRY OUT FOR THE TEAM, THAT I WAS
12 GOING TO MAKE IT.

13 SO I WAS A LITTLE CONCERNED ABOUT
14 WHETHER OR NOT I WAS GOING TO BE ABLE TO MAKE IT ON
15 THE TEAM AND THEN STAY ON THE TEAM, WIN ENOUGH
16 MATCHES THAT YOU'RE NOT BENCHED.

17 AND SO IN SOME WAYS IT WAS A RELIEF
18 BECAUSE TENNIS WAS A LOT OF WORK.

19 Q DO YOU RECALL APPROXIMATELY WHEN IT WAS
20 THAT AN APPLICATION BEARING THE NAME OF ERIK
21 MENENDEZ HAD BEEN SENT TO U.C.L.A.?

22 A IN THE FALL WITH ALL MY OTHER
23 APPLICATIONS.

24 Q WHO FILLED OUT YOUR COLLEGE

25 APPLICATIONS?

26 A MY MOTHER.

27 Q AND HOW MANY APPLICATIONS DID YOUR

28 MOTHER FILL OUT, TO YOUR KNOWLEDGE?

43399

1 A THIRTEEN, FOURTEEN, FIFTEEN.

2 Q IN SOME CASES DID THESE APPLICATIONS

3 REQUIRE AN ESSAY TO BE ACCOMPANIED ALONG WITH THE

4 APPLICATION?

5 A I THINK IT WAS ALL, MOST OF THE

6 APPLICATIONS, I THINK THERE WAS A SPECIFIC ESSAY

7 THAT YOU HAVE TO WRITE. FOR THE U.C. SCHOOLS ALL

8 YOU HAVE TO DO IS WRITE ONE AND YOU CAN CHECK OFF

9 THE BOXES OF WHERE YOU WANTED TO APPLY. FOR EMORY

10 OR BROWN, MANY OF THE SCHOOLS BACK EAST, BRYCE, YOU

11 HAVE TO FILL OUT INDIVIDUAL APPLICATIONS.

12 Q AND WHAT KIND OF THINGS DID THE SCHOOL

13 WANT YOU TO PUT IN THE ESSAYS, TYPICALLY?

14 A I THINK IT WAS BACKGROUND STUFF. I'M

15 NOT REALLY SURE.

16 Q WHY YOU WANTED TO GO TO THE SCHOOL,

17 THINGS LIKE THAT?

18 A YES. I THINK SO. IT'S HARD TO REMEMBER

19 SO LONG AGO, AND I DIDN'T WRITE A LOT OF THEM. I

20 THINK ONE OF THEM I WROTE ABOUT MY GRANDFATHER. IT
21 WAS A COLLABORATION. I NO LONGER REMEMBER, BUT I
22 BELIEVE IT WAS BACKGROUND OR WHAT YOUR GOALS WERE,
23 WHAT TYPE OF A PERSON YOU WERE.

24 Q DID YOUR MOTHER WRITE MANY OF THESE
25 ESSAYS?

26 A ALMOST ALL OF THEM.

27 Q WAS THIS UNUSUAL WITH RESPECT TO YOUR
28 MOTHER WRITING ESSAYS FOR YOU OR SCHOOLWORK OR

43400

1 HOMEWORK?

2 A NO.

3 Q THROUGHOUT YOUR LIFE HAD YOUR MOTHER
4 DONE YOUR HOMEWORK?

5 A A LOT OF IT.

6 Q WAS THIS AT YOUR REQUEST?

7 A IT WAS MORE SHE WANTED ME TO GET A'S AND
8 TO KEEP MY GRADES UP IN CLASS. I WAS STRUGGLING.
9 SO OUT OF CLASS SHE WOULD PRIVATELY WORK WITH ME AND
10 TUTOR ME AND TRAIN ME IN DIFFERENT SUBJECTS, AND
11 DOING MY HOMEWORK WAS PART OF THAT.

12 Q YOU HAD MENTIONED BEFORE THAT GETTING
13 AWAY TO SCHOOL WAS IMPORTANT TO YOU AT THIS TIME,
14 CORRECT?

15 A IT WAS THE MOST IMPORTANT THING IN MY
16 LIFE.

17 Q AND AS A CONTINUATION OF THE
18 CONVERSATION THAT YOU HAD WITH YOUR FATHER AT THIS
19 RESTAURANT, WAS THERE ANOTHER CONVERSATION THAT
20 OCCURRED?

21 A I DON'T KNOW IF I'D CALL IT A
22 CONTINUATION. IT HAPPENED A DAY OR TWO LATER. I
23 THINK THE CONVERSATION WITH MY FATHER TOOK PLACE ON
24 A THURSDAY OR A FRIDAY, AND THEN I HAD ANOTHER
25 CONVERSATION WITH MY FATHER ON SUNDAY, I THINK.

26 Q THAT WOULD BE SUNDAY, AUGUST THE 13TH,
27 1989, THE WEEK PRECEDING THE DEATH OF YOUR PARENTS.

28 A YES.

43401

1 Q AND WHAT WAS THE SUBSTANCE OF THAT
2 CONVERSATION?

3 A THE CONVERSATION TOOK PLACE IN THE
4 STUDY. I REMEMBER --

5 Q CAN I STOP YOU THERE? YOU INDICATED THE
6 STUDY. IS THAT THE STUDY OF THE BEVERLY HILLS
7 HOUSE?

8 A YES.

9 Q OKAY. JUST SO WE CAN ORIENT YOURSELF

10 AND THE JURY, I HAVE ON THE BOARD EXHIBIT 1.

11 IS THIS AN AERIAL -- OR ARE THESE FOUR

12 PHOTOGRAPHS, A, B, C, AND D, AN AERIAL SHOT OF YOUR

13 BEVERLY HILLS HOUSE?

14 A YES.

15 Q AND IN A, I'M POINTING TO A HOUSE. IS

16 THAT THE MAIN HOUSE?

17 A YES.

18 Q AND THE TENNIS COURT BEHIND IT, IS THAT

19 THE TENNIS COURT THAT BELONGS TO THIS HOUSE?

20 A YES.

21 Q YOUR TENNIS COURT?

22 A YES.

23 Q AND THIS HOUSE ON THE CORNER OF "A," IS

24 THAT A GUESTHOUSE?

25 A YES.

26 Q AND IS THAT THE GUESTHOUSE THAT LYLE

27 MENENDEZ, WHEN HE RESIDED AT BEVERLY HILLS, STAYED

28 IN?

43402

1 A YES.

2 THE COURT: IS THAT EXHIBIT MARKED YET?

3 MR. LEVIN: YES. IT'S EXHIBIT 1, YOUR HONOR,

4 IN THIS TRIAL.

5 Q SHOWING YOU WHAT'S BEEN PREVIOUSLY
6 MARKED AS EXHIBIT 2, IS THAT A DIAGRAM, WITH SOME
7 DEGREE OF ACCURACY, OF THE POSITIONING OF THE ROOMS
8 ON THE LOWER LEVEL OF THE BEVERLY HILLS LOCATION?

9 A YES.

10 Q I'D LIKE TO DIRECT YOUR ATTENTION TO
11 EXHIBIT NO. 5. IS THAT A REPRESENTATION TO SOME
12 DEGREE OF ACCURACY OF THE FIRST FLOOR OF THE
13 MENENDEZ HOME?

14 A YES.

15 Q AND WHEN YOU SAY STUDY, WHICH ROOM ARE
16 YOU REFERRING TO?

17 A THE ROOM WITH THE RED FIREPLACE IN IT.

18 Q UP HERE, WHERE I'M POINTING, WHERE IT
19 SAYS "STUDY"?

20 A YEAH. THAT'S WHAT IT SAYS.

21 Q OKAY. WAS THERE ANY SIGNIFICANCE TO
22 GOING INTO THE STUDY WITH YOUR FATHER FOR YOU?

23 A IT'S GENERALLY ALMOST ALWAYS WHERE WE
24 HAD IMPORTANT CONVERSATIONS.

25 Q WHEN YOU SAY "WE," WHO ARE YOU REFERRING
26 TO?

27 A EITHER MY FATHER HAD WITH MY BROTHER OR
28 WITH MYSELF, IT'S GENERALLY WHERE THEY TOOK PLACE.

1 Q NOW, WAS THERE A STUDY IN THE PREVIOUS
2 HOME THAT YOU LIVED IN BACK EAST BEFORE YOU MOVED TO
3 CALIFORNIA?

4 A IN PENNINGTON YOU MEAN?

5 Q YES.

6 A YES. YES, THERE WAS A STUDY.

7 Q AND HAD YOU EVER BEEN OR HAD YOU EVER
8 BEEN TAKEN TO THE STUDY IN PENNINGTON TO DISCUSS
9 THINGS WITH YOUR FATHER?

10 A YES.

11 Q HAD YOU EVER SEEN YOUR BROTHER LYLE
12 MENENDEZ TAKEN INTO THE STUDY BY YOUR FATHER TO
13 DISCUSS THINGS?

14 A EITHER THE STUDY OR GENERALLY HE WAS
15 TAKEN INTO THE BASEMENT TO DISCUSS THINGS.

16 Q NOW, ON THIS PARTICULAR OCCASION YOUR
17 FATHER HAD PREVIOUSLY DISCUSSED YOUR LIFE PLAN, AND
18 NOW HE DISCUSSES WITH YOU WHAT'S GOING TO HAPPEN
19 WITH RESPECT TO U.C.L.A. IN THE UPCOMING SEMESTER?

20 A IN THE CONVERSATION THAT TOOK PLACE IN
21 THE STUDY?

22 Q IN THE STUDY.

23 A YES.

24 Q WHAT IS IT THAT HE SAYS TO YOU?

25 A HE'S TALKING TO ME ABOUT THE DIFFERENT
26 SPECIFIC COURSES THAT HE WANTS ME TO TAKE. HE WAS
27 SITTING ON THE OPPOSITE SIDE OF A WOODEN CHEST THAT

43404

1 SCHOOLING OUT IN FRONT OF HIM THAT HE HAD CLEARLY
2 BEEN WORKING ON. AND HE WAS EXPLAINING TO ME WHICH
3 COURSES I WAS GOING TO TAKE, WHICH ELECTIVES I WAS
4 GOING TO TAKE; AND EXPLAINED TO ME WHAT EVERYTHING
5 WAS, HOW IT WORKED, AND WHICH ONES I WAS GOING TO
6 TAKE FOR MY MAJOR.

7 Q WERE YOU SITTING NEXT TO HIM AND HE WAS
8 SHOWING YOU WRITTEN MATERIALS OR WERE YOU --

9 A I WAS SITTING ACROSS FROM HIM.

10 Q AND WERE THE MATERIALS HE HAD FACING
11 HIM?

12 A YES.

13 Q DID YOU EVER SEE THOSE MATERIALS THAT HE
14 WAS REFERRING TO?

15 A I SAW THEM ON THE TABLE.

16 Q DID YOU READ THEM?

17 A I LOOKED AT WHAT HE WAS POINTING TO WHEN
18 HE WAS TALKING.

19 Q AND WAS IT A TYPICAL KIND OF A COURSE
20 CURRICULUM FROM A HANDBOOK THAT THE COLLEGE
21 PROVIDES?

22 A I WOULDN'T KNOW. I HAD NEVER DONE THIS

23 BEFORE. BUT IT LOOKED LIKE IT HAD A LOT OF SPACES
24 NEXT TO WORDS AND IT WAS ABOUT -- I THINK YOU HAD TO
25 CHECK OFF OR MARK IN SOME WAY WHAT COURSES YOU WERE
26 GOING TO TAKE.

27 Q DID YOUR FATHER SAY ANYTHING ABOUT WHAT
28 WOULD HAPPEN DURING REGISTRATION OF THESE CLASSES?

43405

1 A YES. HE TOLD ME THAT I WAS GOING TO
2 HAVE TO GO TO ORIENTATION. I HAD YET TO GO TO
3 ORIENTATION. AND THAT AT THE END OF ORIENTATION, ON
4 THE SAME DAY, AT THE END OF THE DAY ALL THE STUDENTS
5 HAD TO PICK OUT WHAT THEIR COURSES WERE GOING TO BE,
6 AND THAT THEY HAD A CERTAIN AMOUNT OF TIME TO DO
7 THAT; AND THAT THE PARENTS WOULD NOT BE ALLOWED TO
8 GO TO ORIENTATION, AND CERTAINLY NOT BE ALLOWED TO
9 GO TO WHERE YOU HAD TO PICK OUT YOUR COURSES.

10 SO MY FATHER WAS EXPLAINING TO ME WHICH
11 OF THE ALTERNATE COURSES, IF CERTAIN COURSES -- IF I
12 WAS UNABLE TO TAKE -- IF THERE WERE TOO MANY
13 STUDENTS IN THEM, WHICH COURSES HE WANTED ME TO
14 TAKE, DEPENDING ON WHICH COURSE WAS FULL OR NOT
15 FULL.

16 HE WANTED ME TO CALL HIM ON THE PAY
17 PHONE, THE TELEPHONE, SO WE COULD DISCUSS WHICH

18 COURSES WERE FULL AND HE COULD TELL ME WHICH
19 ALTERNATE COURSES THEN TO SIGN UP FOR.

20 Q DID HE INDICATE THE FACT THAT PARENTS
21 COULDN'T GO TO REGISTRATION WAS A PROBLEM?

22 A YEAH. HE BEGAN THE CONVERSATION WITH
23 SAYING "WE HAVE A PROBLEM."

24 Q AND DID HE GIVE YOU INSTRUCTIONS WITH
25 RESPECT TO WHAT COURSES -- STRIKE THAT.

26 DID HE GIVE YOU INSTRUCTIONS WITH
27 RESPECT TO THE ALTERNATIVE COURSES THAT HE WANTED
28 YOU TO TAKE IF A CLASS WAS FULL?

43406

1 A WELL, HE HAD ON A SHEET -- HE HAD ON A
2 SHEET -- HE WAS DISCUSSING WITH ME WHICH OF THE
3 ALTERNATE COURSES I COULD TAKE, BUT HE WANTED ME TO
4 CALL HIM ON THE PHONE SO THAT HE COULD TELL ME WHICH
5 SPECIFIC ONE TO TAKE AT ORIENTATION.

6 Q BEFORE THIS DISCUSSION DID YOU ASSUME
7 THAT YOU WOULD HAVE CERTAIN SLEEPING ARRANGEMENTS
8 WITH RESPECT TO YOUR ATTENDANCE AT U.C.L.A. IN THE
9 FALL?

10 A I WAS GOING TO BE LIVING IN A DORM ON
11 CAMPUS.

12 Q AND DID YOUR FATHER TALK TO YOU ABOUT

13 THAT?

14 A YES.

15 Q WHAT DID HE SAY?

16 A HE TOLD ME THAT MY BEDROOM WAS GOING TO

17 BE MAINTAINED AND THAT I WAS STILL GOING TO BE

18 LIVING IN MY BEDROOM; THAT I WOULD BE COMING HOME

19 SEVERAL NIGHTS A WEEK TO EAT DINNER SO THAT WE COULD

20 DISCUSS HOW SCHOOL WAS GOING, SO THAT HE COULD HELP

21 ME WITH MY WORK AND MAKE SURE THAT THE GRADES WERE

22 STAYING UP, THAT I WAS GOING TO BE SLEEPING AT MY

23 BEDROOM DURING THOSE NIGHTS.

24 Q WHAT WAS YOUR REACTION TO THAT?

25 A I WAS SHOCKED. I WAS -- I WAS COMPLETELY

26 SURPRISED AT THAT, AND , I MEAN, IT HAD ALWAYS BEEN

27 A DREAM AND A HOPE AND AN EXPECTATION TO -- THAT I

28 WOULD BE GOING AWAY AND NOT SLEEPING AT HOME, AND I

43407

1 WAS STUNNED.

2 Q DID WHAT YOUR FATHER TELL YOU HAVE ANY

3 PARTICULAR SIGNIFICANCE TO YOU?

4 A YES.

5 Q WHAT SIGNIFICANCE DID IT HAVE,

6 MR. MENENDEZ?

7 A THAT THE SEX WOULD CONTINUE.

8 Q HAD YOUR FATHER HAD SEX WITH YOU AT A
9 TIME CLOSE IN TIME TO THIS DISCUSSION?

10 A YES.

11 Q HOW LONG, APPROXIMATELY, BEFORE THIS
12 SUNDAY HAD YOUR FATHER LAST HAD SEX WITH YOU?

13 A WITHIN A DAY OR TWO AFTER WE GOT BACK
14 FROM KALAMAZOO.

15 Q AND APPROXIMATELY WHAT DAY OR -- DID YOU
16 GET BACK FROM KALAMAZOO?

17 A I THINK THE PLANE ARRIVED ON THE 9TH.

18 Q SO APPROXIMATELY THE 10TH OR THE 11TH
19 WAS THE LAST TIME YOUR FATHER HAD SEX WITH YOU?

20 A WASN'T ACTUAL SEX. IT WAS KNEES.

21 Q AND THIS WAS DONE ON THE 10TH OR THE
22 11TH?

23 A I BELIEVE SO.

24 Q THIS CONVERSATION WAS ON THE 13TH?

25 A YES.

26 Q HOW WERE YOU FEELING AT THIS TIME WHEN
27 YOUR FATHER RELATED THE CONVERSATIONS TO YOU, AND
28 YOU INTERPRETED IT IN THE MANNER THAT YOU DID? HOW

43408

1 DID IT MAKE YOU FEEL?

2 A I JUST FELT VERY LOST. I WAS IN

3 COMPLETE SHOCK. I MEAN, IT WAS AS IF -- I JUST FELT
4 SHATTERED. A LOT OF MY DREAMS, ALL OF MY HOPES. I
5 DIDN'T KNOW WHAT TO SAY. I DIDN'T KNOW HOW TO
6 RESPOND. I JUST KEPT ASKING WHAT DO YOU MEAN? WHAT
7 DO YOU MEAN? HE KEPT EXPLAINING FURTHER AND I WOULD
8 SAY WHAT DO YOU MEAN? MY WORLD WAS FALLING AWAY AND
9 CRUMBLING AT THAT POINT, AND I DIDN'T WANT TO BE IN
10 THE ROOM WITH HIM ANYMORE.

11 I DIDN'T CRY AND I DIDN'T GET UP, BUT HE
12 FINISHED AND I WENT TO MY BEDROOM.

13 Q DID YOU WORK HARD AT TRYING NOT TO
14 EXPRESS EMOTION IN FRONT OF YOUR FATHER BY THIS
15 TIME?

16 A YES.

17 Q WHERE DID YOU GO WHEN YOU LEFT THE
18 STUDY?

19 A TO MY BEDROOM.

20 Q AND WHAT DID YOU DO THERE?

21 A I CURLED UP IN MY BED AND CRIED.

22 Q DID ANY THOUGHTS COME TO YOUR MIND ABOUT
23 ENDING YOUR OWN LIFE?

24 A YES. I JUST FELT LIKE I WAS DYING. I
25 JUST -- I DIDN'T -- THERE WAS NO POINT IN GOING ON TO
26 COLLEGE AND I DIDN'T WANT TO LIVE. I DIDN'T SEE ANY
27 POINT. THERE WAS NO WAY I WAS GOING TO SURVIVE.
28 THERE WAS NO WAY THAT I COULD LIVE WITH IT

1 CONTINUING, AND I JUST THOUGHT OF DIFFERENT WAYS

2 THAT I COULD END IT AND GET IT OVER WITH EASY. I

3 JUST -- THERE WAS A LOT OF SELF-PITY AND JUST --

4 Q WHAT DID YOU THINK OF YOURSELF DURING

5 THIS TIME OF YOUR LIFE, WITH RESPECT TO THE SEX AND

6 DIFFERENT THINGS THAT YOUR FATHER HAD DONE WITH YOU?

7 A SOMETIMES I SAID -- I DIDN'T KNOW WHO I

8 WAS. I JUST FELT VERY LOST IN THE WORLD. I HAD -- I

9 EXPECTED TO GO AWAY TO COLLEGE, AND I HAD PUT ALL OF

10 MY DREAMS IN THAT BASKET, AND IT WAS AS THOUGH

11 NOTHING MATTERED ANYMORE. AT TIMES I HATED MYSELF.

12 AT TIMES I THOUGHT I WAS A COWARD FOR LETTING IT

13 CONTINUE. BUT I HAD THAT DREAM THAT IT WOULD END,

14 WHICH ENABLED ME TO LIVE WITH IT AND WITH MYSELF.

15 Q WHILE UP IN YOUR ROOM, DID YOU DECIDE TO

16 DO ANYTHING, GO ANYWHERE?

17 A FOR A LONG TIME I JUST CRIED AND THOUGHT

18 OF DIFFERENT WAYS -- RUNNING MY CAR OFF A CLIFF.

19 DIFFERENT WAYS TO JUST END IT. I DIDN'T WANT TO BE

20 IN THE HOUSE. I DIDN'T WANT TO -- I DIDN'T WANT TO

21 LIVE; AND SO I JUST SAID I'M LEAVING THE HOUSE, AND

22 I THREW OPEN ONE OF MY BAGS AND I STARTED PILING IN

23 CLOTHES. AND MY MOTHER CAME TO THE DOOR AND I LET

24 HER IN AND SHE SAW WHAT I WAS DOING, AND SHE SAID

25 WHERE ARE YOU GOING?

26 AND I SAID OVER TO MY FRIEND'S HOUSE FOR

27 A FEW DAYS.

28 AND SHE SAID NO, YOU'RE NOT. YOU'RE NOT

43410

1 GOING ANYWHERE. AND SHE JUST STARTED THROWING MY
2 CLOTHES OUT OF MY DUFFLE BAG.

3 Q DID YOU TELL YOUR MOTHER AT THAT TIME
4 WHAT WAS BOTHERING YOU?

5 A NO.

6 Q DID YOUR MOTHER THEN LEAVE THE ROOM?

7 A EVENTUALLY SHE LEFT THE ROOM, WITHIN A
8 MINUTE OR TWO OR THREE.

9 Q DID YOU SEE YOUR FATHER AGAIN THAT DAY?

10 A YEAH. HE CAME SOON AFTER THAT.

11 Q DID HE COME UP TO YOUR ROOM?

12 A HE CAME INTO MY ROOM SOON AFTER THAT.

13 Q DID HE SAY ANYTHING TO YOU?

14 A HE ASKED ME IF I HAD A PROBLEM. I SAID
15 NO.

16 HE ASKED ME IF I WAS GOING ANYWHERE,
17 PUSHED ME UP AGAINST THE GLASS, AND I SAID NO, I'M
18 NOT GOING ANYWHERE. I JUST SAID THAT -- HE SAID I
19 BETTER BE THERE WHEN HE GOT BACK FROM HIS TRIP.

20 Q AND WAS IT CLEAR TO YOU WHAT YOUR FATHER
21 MEANT WHEN HE CAME TO YOUR ROOM ABOUT YOU NOT GOING

22 ANYWHERE -- WAS IT CLEAR TO YOU WHAT WAS GOING TO
23 HAPPEN?
24 A YES. BUT AT THAT POINT I FELT VERY
25 DEFLATED. I MEAN, I FELT LIKE A DEAD PERSON. I WAS
26 CONCERNED ABOUT WHAT WAS GOING TO HAPPEN WHEN HE GOT
27 BACK. BUT I DIDN'T -- I GUESS YOU REACH A POINT
28 WHERE YOU JUST DON'T CARE ANYMORE AND YOU REACH A

43411

1 POINT WHERE NOTHING REALLY MATTERS; AND SO HE'S
2 GOING TO PUNISH ME ONE MORE TIME. IT DIDN'T AFFECT
3 ME AFTER WHAT HE HAD JUST TOLD ME. I WAS FEELING
4 EXTREMELY MISERABLE, AND I DIDN'T CARE IF HE
5 PUNISHED ME RIGHT THEN, REALLY. I JUST -- I JUST
6 DIDN'T WANT TO BE THERE.

7 Q YOUR FATHER TOLD YOU YOU HAD BETTER BE
8 THERE WHEN HE GOT BACK. DID YOU KNOW WHERE HE WAS
9 GOING AND FOR HOW LONG HE WAS GOING FOR?

10 A NO.

11 Q AND WHEN HE SAID TO YOU, YOU BETTER BE
12 THERE WHEN HE GETS BACK, HOW DID YOU INTERPRET THAT?

13 A HE SAID THAT HE WOULD DEAL WITH ME
14 THEN. THAT'S HOW I INTERPRETED IT.

15 Q NOW, DID AN INCIDENT OCCUR ON TUESDAY
16 WHICH WAS RATHER UNUSUAL WITH RESPECT TO YOUR LIFE?

17 A YES.

18 Q AND WHEN I SAY TUESDAY, I'M TALKING
19 ABOUT TUESDAY, AUGUST THE 15TH, 1989.

20 DID YOU EXPECT YOUR FATHER TO BE
21 RETURNING ON THAT DAY?

22 A NO.

23 Q DID YOU KNOW BY THEN WHEN YOUR FATHER
24 WAS EXPECTED TO RETURN?

25 A I KNEW HE WAS EXPECTED TO RETURN ON
26 THURSDAY. I'M NOT SURE IF HE LEFT ON MONDAY OR
27 TUESDAY MORNING.

28 Q DID YOU -- DO YOU RECALL WHAT YOU DID

43412

1 THAT MORNING? I'M TALKING ABOUT TUESDAY.

2 A NOT REALLY. I DON'T HAVE AN IMAGE OF
3 IT. I SUPPOSE I WAS OUT ON THE TENNIS COURT AT SOME
4 TIME. I DON'T KNOW WHAT I WAS DOING.

5 Q WHERE WAS LYLE DURING THIS SUMMER, THE
6 SUMMER OF 1989?

7 A DURING THE SUMMER HE WAS -- I KNOW HE WAS
8 HOME WHEN I GOT BACK ON AUGUST 9TH. HE WAS IN
9 FLORIDA WITH ME TRAINING FOR KALAMAZOO IN THE DAYS
10 PRIOR TO GOING TO KALAMAZOO.

11 Q AND WAS LYLE MENENDEZ ON A SUMMER BREAK

12 FROM PRINCETON?

13 A YES.

14 Q SO HE WAS AT HOME IN CALIFORNIA AT THAT
15 TIME?

16 A YES.

17 Q WAS HE GOING TO GO BACK TO PRINCETON?

18 A YES.

19 Q WAS YOUR MOTHER DOING ANYTHING WITH
20 RESPECT TO LYLE MENENDEZ AND HIS LIVING ARRANGEMENTS
21 IN PRINCETON?

22 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

23 THE COURT: PERHAPS YOU CAN LAY A FOUNDATION,
24 HIS BASIC KNOWLEDGE.

25 Q BY MR. LEVIN: WERE YOU AWARE WHERE YOUR
26 BROTHER LYLE MENENDEZ LIVED IN PRINCETON?

27 A HE WAS GOING TO THE UNIVERSITY THERE.

28 Q DID HE LIVE ON CAMPUS?

43413

1 A HE LIVED ON CAMPUS THE SEMESTER BEFORE.
2 MY PARENTS WERE IN THE PROCESS OF BUYING A
3 CONDOMINIUM INSIDE PRINCETON A FEW MILES OUTSIDE OF
4 THE UNIVERSITY.

5 Q DID YOU UNDERSTAND THAT CONDOMINIUM TO
6 BE A LOCATION WHERE LYLE MENENDEZ WOULD BE LIVING

7 WHILE HE ATTENDED PRINCETON?

8 A HE WAS GOING TO BE LIVING OFF CAMPUS ON
9 THE CONDOMINIUM, IN THE CONDOMINIUM.

10 Q WERE YOU AWARE THAT YOUR MOTHER PLANNED
11 TO GO TO PRINCETON FOR A PARTICULAR PURPOSE?

12 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

13 THE COURT: AGAIN, YOU STILL HAVEN'T GOTTEN
14 TO A FOUNDATION AS TO HOW HE WOULD KNOW.

15 Q BY MR. LEVIN: WAS THERE ANY
16 CONVERSATION THAT YOU WERE INVOLVED IN WHERE YOUR
17 MOTHER DISCUSSED WHAT SHE WOULD BE DOING AT
18 PRINCETON?

19 A I KNOW THAT SHE DISCUSSED IT WITH MY
20 BROTHER AT DIFFERENT TIMES. SHE TALKED ABOUT IT ON
21 THE PHONE WITH MY AUNT TERRY, PLANS TO GO BACK
22 THERE.

23 MR. CONN: OBJECTION. MOTION TO STRIKE.
24 CALLS FOR HEARSAY. NO PERSONAL KNOWLEDGE.

25 THE COURT: WELL, THE ANSWER'S NONRESPONSIVE
26 TO THE QUESTION. THE ANSWER IS STRICKEN.

27 MR. LEVIN: ALL RIGHT. LET'S RETURN TO
28 TUESDAY, THE 15TH OF AUGUST 1989.

1 Q DID YOU WITNESS ANY UNUSUAL EVENT

2 BETWEEN YOUR MOTHER AND LYLE MENENDEZ?

3 A YES.

4 Q WHERE DID THIS OCCUR?

5 A IN THE -- BETWEEN THE FOYER AND THE DEN,

6 COMING OUT OF THE DEN ON THE FIRST FLOOR.

7 Q BETWEEN -- AND I'M POINTING TO THE DEN --

8 IS THIS WHAT YOU'RE TALKING ABOUT?

9 A YES.

10 Q WHEN YOU SAY THE FOYER, WHERE ARE YOU

11 REFERRING TO?

12 A WHERE IT SAYS, "ENTRY."

13 Q ARE YOU TALKING ABOUT HERE IN THIS AREA?

14 A THAT AREA.

15 Q THIS AREA HERE IS THE FOYER AREA?

16 A YES.

17 Q WHERE WERE YOU?

18 A I WAS JUST COMING IN THE DOOR. MY

19 MOTHER WAS COMING OUT OF THE DEN, AND MY BROTHER WAS

20 FOLLOWING HER OUT OF THE DEN.

21 Q THEY WERE COMING OUT OF THE DEN INTO THE

22 ENTRYWAY (POINTING)?

23 A YES.

24 Q AND YOU WERE IN THIS AREA AS WELL?

25 A I BELIEVE OVER BY THE -- THERE'S A TABLE

26 BELOW WHERE YOUR POINTER IS, A LITTLE BIT LOWER

27 HERE.

28 Q IN THIS AREA HERE?

1 A YEAH. THERE'S A TABLE AGAINST THE
2 WALL. I WAS PUTTING MY STUFF DOWN ON THE TABLE.

3 Q AND DID YOU HEAR ANY CONVERSATION AT
4 THAT TIME BETWEEN LYLE MENENDEZ AND YOUR BROTHER --
5 AND YOUR MOTHER?

6 A I HEARD MY MOTHER SAYING: NO. YOU'RE
7 NOT HAVING IT. I DON'T CARE. YOU'RE NOT GOING TO
8 HAVE IT AND --

9 Q DID YOU HAVE ANY IDEA WHAT IT WAS YOUR
10 MOTHER WAS TALKING ABOUT?

11 A NO. I HAD NO IDEA.

12 Q DID YOU HEAR LYLE MENENDEZ SAY ANYTHING
13 IN RESPONSE TO YOUR MOTHER?

14 A YEAH. HE SAID -- HE WAS SAYING THAT IT'S
15 IMPORTANT, THAT I NEED IT. IT'S NOT A BIG DEAL, AND
16 SORT OF PLEADING WITH HER ABOUT SOMETHING.

17 AND SHE WAS SAYING, NO, YOU'RE NOT GOING
18 TO HAVE IT. I DON'T CARE.

19 AND HE JUST SAID IT WAS IMPORTANT.
20 WASN'T A BIG DEAL.

21 Q HOW WOULD YOU DESCRIBE YOUR MOTHER'S
22 DEMEANOR AT THIS TIME?

23 A SHE WAS IN A RAGE, SHE WAS UPSET, ANGRY,
24 VERY IRATE, STUBBORN.

25 Q HOW WOULD YOU DESCRIBE LYLE MENENDEZ'
26 Demeanor?
27 A WORRIED, ANXIOUS. IT WAS SORT OF -- I
28 DON'T KNOW HOW TO DESCRIBE HIS Demeanor. I CAN ONLY

43416

1 DESCRIBE HIS Demeanor FROM HIS WORDS. HE WANTED
2 SOMETHING AND SHE WAS SAYING NO.

3 Q WHAT WAS THE NEXT THING YOU SAW OR HEARD
4 THAT HAPPENED?

5 A SHE REACHED UP AND TORE OFF HIS HAIR,
6 HIS HAIRPIECE, AND SAID: SEE, YOU LOOK FINE WITHOUT
7 IT, AND THREW IT AT HIM.

8 Q DID YOU KNOW THAT LYLE MENENDEZ WORE A
9 HAIRPIECE WHEN YOU SAW YOUR MOTHER DO THAT?

10 A NO.

11 Q WHAT WAS YOUR REACTION?

12 A I WAS IN SHOCK. I THOUGHT THAT AT FIRST
13 THAT SHE RIPPED OFF HIS HAIR. I DIDN'T KNOW WHAT
14 HAD JUST HAPPENED. I JUST SAW SCALP AND I WAS -- I
15 WAS COMPLETELY STUNNED. I WAS TAKEN BACK AND I
16 DIDN'T SAY ANYTHING. MY MOTHER RAN UP THE STAIRS.
17 MY BROTHER WAS BEGINNING TO CRY, WENT OUT THE LIVING
18 ROOM TO THE GUESTHOUSE, AND I JUST SAT THERE IN THE
19 FOYER FOR A FEW SECONDS NOT KNOWING WHAT IN THE

20 WORLD JUST HAPPENED.

21 Q WAS YOUR BROTHER BALD?

22 A NO. NO. I KNEW HE HAD SOMETHING DONE

23 TO HIS HAIR. I DIDN'T KNOW WHAT. I DIDN'T KNOW

24 WHAT YOU COULD HAVE DONE TO YOUR HAIR. I HAD HEARD

25 SNIPPETS OF CONVERSATIONS ABOUT IT, BUT I HADN'T

26 EVEN KNOWN THAT HE WAS REALLY THINNING.

27 Q NOW, WHAT DID YOU DO -- STRIKE THAT.

28 WHAT WAS LYLE MENENDEZ' REACTION TO HIS

43417

1 MOTHER RIPPING OFF HIS HAIRPIECE AND THROWING IT AT
2 HIM?

3 A I DON'T REMEMBER HIM SAYING ANYTHING. I
4 REMEMBER TEARS WELLING IN HIS EYES. I REMEMBER HIM
5 LOOKING DOWN INSTEAD OF LOOKING AT ME; AND I
6 REMEMBER HIM GOING OUT THE LIVING ROOM TO THE FOYER
7 WITHOUT SAYING ANYTHING.

8 Q DID YOU SEE WHERE LYLE MENENDEZ WENT?

9 A I HAD ASSUMED HE WENT TO HIS GUESTHOUSE.

10 Q DID YOU GO TO THE GUESTHOUSE?

11 A SHORTLY AFTER I WENT TO THE GUESTHOUSE,
12 YES.

13 Q WHY DID YOU GO TO THE GUESTHOUSE?

14 A I WENT TO THE GUESTHOUSE BECAUSE I WAS

15 FEELING MISERABLE. I HAD A DEEP KNOT IN MY STOMACH
16 SINCE SUNDAY NIGHT, AND I WAS JUST GENERALLY VERY
17 GLOOMY, AND I JUST FELT SAD FOR HIM AND WANTED TO
18 COMMISERATE, I GUESS. I JUST STARTED TALKING WHEN I
19 GOT THERE. I DON'T KNOW THAT I WENT THERE FOR A
20 SPECIFIC PURPOSE.

21 Q DID YOU SEE LYLE MENENDEZ INSIDE THE
22 GUESTHOUSE?

23 A HE WAS IN THE BATHROOM FIXING HIS HAIR.

24 Q AND DID YOU TALK TO HIM AT THAT TIME?

25 A I TOLD HIM -- I WAS SITTING ON THE WHITE
26 COUCH, AND I TOLD HIM THAT, YOU KNOW, THAT I HAD
27 ALWAYS KNOWN THAT HE HAD HAD SOMETHING DONE TO HIS
28 HAIR, THAT I DIDN'T KNOW IT WAS THIS. BUT IT DIDN'T

43418

1 MATTER. I TOLD HIM THAT I WAS HIS BROTHER, AND I
2 LOVED HIM AND DON'T WORRY ABOUT IT. IT'S NOT A BIG
3 DEAL.

4 Q AND DID THE CONVERSATION BETWEEN YOU AND
5 LYLE MENENDEZ CONTINUE?

6 A IT WAS -- I DON'T REMEMBER LYLE SAYING
7 ANYTHING WHEN I WAS TALKING. HE WAS MORE IN THE
8 BATHROOM AND I WAS JUST TALKING. THE DOOR WAS OPEN,
9 AND THEN I WENT ON TO ASK HIM -- I ASKED HIM IF HE

10 REMEMBERED A CONVERSATION THAT HE HAD HAD WITH MY
11 FATHER WHEN I WAS A YOUNG BOY, AND HE WAS LIKE 13 OR
12 14, AND HE SAID NO, THAT --

13 Q WHAT WERE YOU REFERRING TO?

14 A I WAS REFERRING TO THE TIME WHEN MY
15 BROTHER HAD CONFRONTED MY FATHER, WHEN I WAS 11, AND
16 MY FATHER HAD SUBSEQUENTLY COME IN MY ROOM.

17 Q WERE YOU TRYING TO TELL LYLE MENENDEZ
18 SOMETHING?

19 A I WAS VERY EMOTIONAL AT THE TIME. I HAD
20 BEEN TALKING TO HIM ABOUT HOW HE WAS MY BROTHER AND
21 I LOVED HIM AND I HAD THOUGHT ABOUT TELLING LYLE
22 BEFORE. IT HAD FLASHED IN MY MIND AFTER SUNDAY
23 NIGHT. I NO LONGER -- I WAS IN A VERY GLOOMY STATE.
24 AND SO I JUST DECIDED ON THE SPUR OF THE MOMENT TO
25 TELL HIM, AND HE WASN'T GETTING IT AT FIRST.

26 Q WERE YOU CONCERNED ABOUT YOUR OWN
27 EMOTIONAL CONDITION AT THIS TIME?

28 A I REALLY NO LONGER CARED ABOUT LIFE AND

43419

1 I NO LONGER WANTED TO LIVE, AND I WENT TO HIM FOR
2 HELP, IS HOW I SEE IT.

3 Q WHAT DID YOU SAY TO HIM NEXT?

4 A WELL, I ASKED HIM IF HE REMEMBERED THE

5 CONVERSATION THAT HE HAD WITH MY FATHER, AND HE
6 ACTED LIKE HE DIDN'T REMEMBER IT AND SAID NO, AND I
7 ASKED HIM IF HE REMEMBERED THE TIMES WHEN HE WOULD
8 ASK ME IF ANYTHING WAS HAPPENING BETWEEN DAD AND I;
9 AND AGAIN, HE WOULD SAY NO. AND I ASKED HIM A FEW
10 MORE THINGS LIKE THAT, AND THEN I JUST FELT THAT HE
11 WAS BEING STUBBORN OR THAT HE HAD TO HAVE REMEMBERED
12 THIS, OBVIOUSLY; AND SO, I DIDN'T KNOW WHY HE WAS
13 SAYING NO.

14 SO I SAID IT'S STILL HAPPENING.

15 AND HE SAID WHAT DO YOU MEAN? WHAT'S
16 STILL HAPPENING?

17 AND I SAID, JUST SEXUAL THINGS.

18 Q WHAT WAS LYLE MENENDEZ' REACTION TO YOU
19 TELLING HIM THAT?

20 A HE GOT ANGRY, SLIGHTLY SURPRISED,
21 ANGRY. ASKED ME HOW I COULD LET THESE THINGS
22 HAPPEN. I GUESS HE ASKED ME A QUESTION WHAT DO I
23 MEAN, AND I TOLD HIM SEXUAL THINGS WITH DAD ARE
24 STILL HAPPENING. HE ASKED ME DID I ENJOY IT, DID I
25 WANT IT, WHY I HADN'T TOLD ANYONE. JUST A LOT OF
26 QUESTIONS THAT MADE THE SITUATION WORSE. AND I WAS
27 GETTING VERY EMOTIONAL AND I WAS SAYING NO, NO, NO,
28 NO, I DIDN'T ENJOY IT. I DIDN'T WANT IT TO

1 CONTINUE. AND SOON AFTER HE SWITCHED HIS TONE AND
2 GOT NICER, MORE RELAXED ABOUT IT.

3 Q DID HE ASK YOU IF ANYONE ELSE KNEW?

4 A HE ASKED ME WHO ELSE KNEW, AND I SAID
5 NOBODY KNOWS. HE ASKED ME WHY I NEVER WENT TO HIM,
6 WHY I NEVER TOLD ANYONE, WHY I WOULD LET DAD DO
7 THIS. AND HE ASKED ME IF MOM KNEW, AND I SAID NO.

8 Q DID YOU THINK YOUR MOTHER KNEW?

9 A NO. I THOUGHT THAT SHE DID NOT KNOW.

10 Q DID YOU THINK THAT YOUR MOTHER KNEW
11 OTHER THINGS ABOUT YOU?

12 A YES.

13 Q AND WHAT WOULD YOU SAY YOUR OVERALL
14 IMPRESSION OF YOUR MOTHER WAS WITH RESPECT TO THINGS
15 THAT SHE KNEW ABOUT YOU IN YOUR LIFE, MR. MENENDEZ?

16 A SHE HAD AN AMAZING ABILITY TO KNOW
17 THINGS THAT SHE SHOULD NOT KNOW IN MY LIFE. SHE
18 KNEW ABOUT A GIRL THAT I WAS THINKING ABOUT DATING
19 WHEN I HAD NEVER MENTIONED IT TO HER. SHE KNEW
20 ABOUT THINGS THAT I HAD NO IDEA HOW SHE KNEW, AND
21 MADE ME VERY SUSPICIOUS OF HOW SHE KNEW; AND OF HER
22 IN GENERAL, ABOUT HOW SHE WAS GETTING THIS
23 KNOWLEDGE.

24 Q I WANT TO JUST CONTINUE. WE'LL COME
25 BACK TO THAT. I WANT TO CONTINUE WITH THIS
26 CONVERSATION YOU HAD WITH LYLE MENENDEZ.

27 DID LYLE MENENDEZ SAY ANYTHING ELSE TO
28 YOU AFTER THE TONE SOMEWHAT CHANGED THAT YOU

1 PREVIOUSLY INDICATED?

2 A HE TOLD ME THAT HE THOUGHT MOM KNEW, AND
3 I SAID, NO, MOM DOES NOT KNOW. WE DIDN'T GET INTO
4 AN ARGUMENT. BUT HE WAS FIRM AND I WAS FIRM. AND
5 HE TOLD ME -- YOU KNOW, I SAID -- I THINK I TOLD HIM
6 THAT I THOUGHT IT WAS STILL GOING TO HAPPEN. HE'S
7 GOING AWAY TO COLLEGE, AND HE SAID IT'S NEVER GOING
8 TO HAPPEN AGAIN.

9 HE STARTED WALKING BACK AND FORTH ALONG
10 THE RUG SAYING DAD'S NEVER GOING TO TOUCH ME AGAIN.
11 HE'S GOING TO TALK TO DAD. I'M GOING TO GO TO
12 PRINCETON WITH HIM OR HE WOULD MOVE BACK TO
13 U.C.L.A., AND HE STARTED WORKING HIMSELF UP INTO A
14 SMALL FRENZY. TALK OF GETTING ANGRY AND THEN
15 CALMING ME, SAYING I NEEDN'T WORRY, AND THAT'S WHAT
16 HAPPENED NEXT.

17 Q DID YOU INTERPRET WHAT LYLE MENENDEZ
18 TOLD YOU TO BE SOME FORM OF ASSISTANCE WITH RESPECT
19 TO HIM GOING TO YOUR FATHER TO TALK TO HIM?

20 A I GUESS IT'S WHAT I HOPED HE WOULD DO AT
21 THE BEGINNING OF THE CONVERSATION, THAT HE WOULD
22 IMMEDIATELY WANT TO HELP ME. HE SEEMED VERY
23 OPTIMISTIC AND VERY SURE OF HIMSELF, THAT HE WOULD

24 BE ABLE TO TALK TO DAD AND THAT IT WOULD STOP. I
25 WASN'T SURE, AND I WAS NOT NEARLY AS OPTIMISTIC,
26 AND --

27 I DON'T REMEMBER WHAT THE QUESTION WAS.

28 Q YOUR STATE OF MIND AT THE TIME THAT LYLE

43422

1 MENENDEZ TOLD YOU THAT HE WAS GOING TO TALK TO YOUR
2 FATHER, DID YOU FEEL THAT THAT COULD POSSIBLY DO ANY
3 GOOD? DID YOU THINK THAT THERE WAS A POSSIBILITY
4 THAT LYLE MENENDEZ COULD ACTUALLY CONFRONT YOUR
5 FATHER IN THAT WAY AND COMMUNICATE WITH HIM?

6 A YES. I FELT THAT -- I WAS HOPING THAT
7 IT WAS AN ISSUE THAT HE FELT STRONGLY ENOUGH TO RISK
8 HIS RELATIONSHIP WITH DAD OVER AND HELP ME. I
9 THOUGHT THAT IT COULD DO THE ONLY GOOD THAT WAS
10 ACCEPTABLE, THAT I COULD LIVE WITH, WHICH IS THAT IT
11 WOULD STOP.

12 Q WHAT IT WAS THAT LYLE MENENDEZ WAS, IN A
13 SENSE, OFFERING TO DO WAS SOMETHING YOU COULDN'T DO
14 YOURSELF?

15 A RIGHT.

16 Q WHY NOT? WHY COULDN'T YOU GO TO YOUR
17 FATHER?

18 A I JUST COULDN'T. AND TALKING ABOUT WHAT

19 WAS HAPPENING BETWEEN US? NO. I COULDN'T. IT WAS

20 A --

21 Q HAD YOU SEEN LYLE MENENDEZ COMMUNICATE

22 WITH YOUR FATHER BEFORE?

23 A YES.

24 Q AND WAS THERE A DIFFERENCE IN THE WAY

25 YOUR FATHER RELATED TO LYLE MENENDEZ AND

26 COMMUNICATED WITH HIM THAN WITH YOU?

27 A HE TALKED TO LYLE A LOT MORE. HE SPENT

28 A LOT OF TIME IN LECTURES TOGETHER. HE WAS THE

43423

1 OLDER BROTHER, THE FIRST BORN. MY FATHER WAS VERY

2 BIG ON THE FIRST BORN IS THE HEIR AND THE SON, AND

3 THE SECOND BORN IS THERE FOR CONVENIENCE; AND THAT

4 LYLE WAS HIS PRIDE; AND IN MY EARLY CHILDHOOD AND

5 COMING UP, THAT'S THE MESSAGE WE GOT.

6 AND LYLE JUST HAD A LOT BETTER

7 COMMUNICATION WITH DAD, AND I KNEW THIS WAS

8 SOMETHING THAT LYLE FELT VERY STRONGLY ABOUT. HE

9 TALKED TO ME ABOUT IT EARLY IN LIFE.

10 Q HOW DID YOU FEEL YOUR FATHER WOULD

11 RESPOND TO LYLE MENENDEZ CONFRONTING HIM ABOUT THIS

12 TOPIC? DID YOU HAVE ANY IDEA WHAT MIGHT HAPPEN?

13 A WELL, I KNEW THAT DAD HAD THREATENED ME

14 OVER THE YEARS NEVER TO TELL LYLE -- NEVER TO TELL
15 ANYONE. BUT HE ALWAYS MENTIONED LYLE. I KNEW THAT
16 DAD WAS GOING TO BE MORE THAN FURIOUS. I WAS GOING
17 TO BREAK THE ONE RULE THAT HE HAD LAID OUT FOR ME.
18 LYLE SEEMED SURE THAT HE COULD TALK TO DAD, AND I
19 WAS JUST FALLING INTO THAT BUBBLE OF OPTIMISM AND
20 NOT WANTING TO SCARE LYLE OFF BY TELLING HIM ALL OF
21 THE DETAILS OF IT, WHAT WAS HAPPENING, AND WHAT
22 DAD'S THREATS WERE AND HOW DAD TALKED ABOUT LYLE IN
23 THE ROOM WITH ME.

24 Q WERE THERE TIMES DURING YOUR LIFE,
25 MR. MENENDEZ, THAT YOU HAD PERSONAL KNOWLEDGE OF
26 ERIK MENENDEZ -- I'M SORRY -- OF LYLE MENENDEZ
27 STANDING UP TO YOUR FATHER?

28 A YES.

43424

1 Q AND DO YOU HAVE ANY SPECIFIC INCIDENTS
2 IN MIND?

3 A YES.

4 Q RELATE IT TO THE JURY, PLEASE.

5 A IT'S WHEN MY BROTHER WAS OUT ON THE
6 TENNIS COURT WITH MY FATHER AND MY FATHER WAS
7 PICKING ON MY BROTHER AND SAYING DIFFERENT THINGS TO
8 MY BROTHER, RAZING HIM ABOUT HIS TENNIS, AND LYLE

9 STOPPED AND YELLED: WHY DON'T YOU JUST SHUT UP.
10 AND MY DAD GRABBED HIM AND TOOK HIM IN THE LIMOUSINE
11 AND TOLD HIM IF HE EVER EMBARRASSED HIM THAT WAY
12 AGAIN, EITHER HE'LL EITHER KILL HIM OR SEVERELY HURT
13 HIM, AND HE PUNCHED LYLE IN THE FACE. I REMEMBER
14 LYLE, HIS LIP WAS SLIT OPEN AT THE HOUSE, AND THAT
15 IT WAS -- IT WAS A LESSON IN LIFE.
16 Q NOTWITHSTANDING THIS OCCURRING, DID LYLE
17 MENENDEZ CONTINUE TO COMMUNICATE WITH YOUR FATHER IN
18 A WAY THAT CAUSED YOU TO FEEL THAT HE WOULD STAND UP
19 TO HIM OR TRY TO?
20 A YES. BUT THAT'S NOT THE ONLY REASON I
21 WENT TO HIM. LYLE HAD COME TO ME MANY TIMES WHEN I
22 WAS YOUNGER ABOUT THIS, SO I KNEW THAT IT WAS
23 SOMETHING THAT HE FELT STRONGLY ABOUT, AND I WAS
24 HOPING THAT HE STILL DID. HE WAS MY OLDER BROTHER,
25 AND HAD ALWAYS BEEN LIKE A GUARDIAN TO ME. AND SO
26 IT WAS THE LAST RESORT. I HADN'T PLANNED ON GOING
27 TO HIM. IT OCCURRED TO ME, BUT THERE WERE JUST A
28 WHOLE NUMBER OF REASONS WHY I DIDN'T.

43425

1 Q BY THIS TIME IN LIFE DID YOU HAVE SOME
2 SUSPICIONS IN YOUR MIND THAT LYLE MENENDEZ TOO HAD
3 BEEN MOLESTED BY YOUR FATHER?

4 A I HAD SUSPICIONS EARLY IN LIFE,
5 ESPECIALLY WHEN HE WOULD TALK TO ME IN MY BEDROOM --
6 ASK ME QUESTIONS.

7 Q AND HAD YOU ALSO REMEMBERED TIMES WHEN
8 YOUR FATHER WAS ALONE IN THE ROOM WITH LYLE
9 MENENDEZ?

10 MR. CONN: OBJECTION. LEADING.

11 THE COURT: OVERRULED.

12 THE WITNESS: YES.

13 Q BY MR. LEVIN: YOU STATED THAT YOU DID
14 NOT TELL LYLE MENENDEZ MUCH ABOUT THE ACTS OF SEX
15 THAT YOUR FATHER HAD BEEN PERFORMING ON YOU; IS THAT
16 CORRECT?

17 A I DON'T KNOW IF I TOLD HIM ANY DETAILS.

18 Q DID YOU ALSO TELL HIM -- OR I THINK YOU
19 ALSO TESTIFIED THAT YOU DIDN'T TELL HIM ANYTHING
20 ABOUT THE THREATS THAT YOUR FATHER HAD MADE TOWARD
21 YOU; IS THAT CORRECT?

22 A THAT'S CORRECT.

23 Q WHY NOT?

24 A I DIDN'T WANT TO SCARE HIM OFF. FROM
25 EARLY ON I HAD TRIED TO TELL LYLE OVER AND OVER
26 NOTHING IS HAPPENING, AND NOT TELL LYLE WHAT WAS
27 HAPPENING. AND AT THIS TIME I WAS JUST AFRAID LYLE
28 WAS GOING TO GO OFF TO COLLEGE AND SAY, YOU KNOW,

1 WHAT? IT'S NOT WORTH IT OR SAY WOW, I DIDN'T

2 REALIZE DAD FELT THAT STRONG ABOUT IT.

3 I WASN'T SURE. I DIDN'T WANT TO TAKE A

4 CHANCE OF MAKING HIM -- HE WAS OPTIMISTIC. IT WAS

5 MAKING ME FEEL -- IT WAS GIVING ME SOME HOPE FOR THE

6 FIRST TIME IN TWO DAYS, AND MAYBE SOME OF IT WAS

7 THAT I DIDN'T WANT TO LOSE THAT HOPE BY HAVING LYLE

8 SAY: I DIDN'T REALIZE IT WAS THAT BAD. MAYBE IT'S

9 NOT GOING TO GO SO WELL. I JUST DIDN'T. I JUST

10 DIDN'T WANT TO.

11 Q DID YOU GIVE LYLE MENENDEZ ANY

12 INSTRUCTIONS AS TO WHAT HE SHOULD SAY TO YOUR

13 FATHER?

14 A NO.

15 Q AND DID HE GIVE YOU ANY DETAILS OF WHAT

16 IT WAS HE WAS GOING TO SAY TO YOUR FATHER?

17 A NO.

18 Q WHAT DID YOU UNDERSTAND THAT LYLE

19 MENENDEZ WAS GOING TO TELL YOUR FATHER?

20 A THAT IT WAS TO END AND THAT I BELIEVED

21 HE WAS TALKING ABOUT HOW HE WANTED ME TO MOVE TO

22 PRINCETON AND TRY TO GET INTO PRINCETON UNIVERSITY

23 OR HE MIGHT COME OUT TO U.C.L.A., AND THAT IT WAS TO

24 END.

25 Q FOLLOWING THIS CONVERSATION WITH LYLE

26 MENENDEZ, DID YOU, SOON AFTER THAT, TALK TO HIM

27 AGAIN ABOUT WHAT HE WOULD TALK TO YOUR FATHER ABOUT?

28 A WELL, I MEAN, I TALKED TO HIM THROUGHOUT

43427

1 THE DAY. I REMEMBER I SPENT THE NIGHT IN THE
2 GUESTHOUSE IN HIS ROOM. WE STAYED UP TALKING JUST
3 ABOUT THE FAMILY AND HOW IT SEEMED TO BE FALLING
4 APART, THE DIFFERENT CHANGES, AND I KNOW I TALKED TO
5 HIM AT THE OLIVE GARDEN IN WESTWOOD THE NEXT DAY
6 MORE ABOUT IT. HE TOLD ME ABOUT SOME OTHER
7 CONVERSATIONS WITH MY MOTHER THAT HE HAD HAD
8 EARLIER.

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43428

1 Q AND WHAT -- WHEN YOU SAID YOU TALKED TO
2 HIM AT THE OLIVE GARDEN THE NEXT DAY, WHAT WAS THE
3 TOPIC OF CONVERSATION THAT OCCURRED AT THE OLIVE
4 GARDEN? WHAT WERE YOU TALKING ABOUT?

5 A WE WERE JUST TALKING ABOUT -- IT WAS MORE
6 JUST LYLE WAS TALKING ABOUT DIFFERENT IDEAS HE HAD,
7 ME MOVING TO PRINCETON IN TERMS OF -- I GUESS THE
8 CONDOMINIUM HAD TWO BEDROOMS AND I COULD HAVE ONE OF
9 THE BEDROOMS THERE. MAYBE HE HAD THOUGHT ABOUT IT A
10 LITTLE BIT FURTHER AND WAS TELLING ME MORE OF THOSE
11 THOUGHTS OR ABOUT DIFFERENT WAYS HE COULD COME OUT
12 TO U.C.L.A. JUST EXCITED ABOUT THE PROSPECT, HE
13 WAS.

14 Q DID THE SUBJECT EVER COME UP ABOUT HOW
15 LYLE WAS GOING TO GET THE MESSAGE TO YOUR FATHER
16 THAT HE WANTED TO TALK TO HIM?

17 A YEAH. I -- HE SEEMED SO CONFIDENT THAT I
18 WANTED TO LET HIM KNOW AT LEAST A LITTLE BIT THAT
19 DAD WASN'T GOING TO BE VERY HAPPY IN THIS
20 CONVERSATION AND THAT DAD MIGHT NOT -- IT MIGHT NOT
21 GO AS WELL AS HE THOUGHT.

22 SO I REMEMBER I DID TELL HIM, I SAID,
23 YOU KNOW, LYLE, DAD'S NOT GOING TO BE SO HAPPY WHEN
24 YOU TELL HIM THIS.

25 AND HE SAID, NO, DON'T WORRY. I'M GOING
26 TO HANDLE IT. IT'LL STOP. I'LL TALK TO DAD. I'LL
27 HANDLE IT. IT'LL BE ALL RIGHT.

28 AND I SAID, WELL, YOU KNOW, DAD'S NOT

43429

1 GOING TO BE THAT THRILLED THAT I TOLD YOU AND IT'S
2 SORT OF GOING TO BE A PROBLEM THAT I TOLD YOU.

3 AND HE TOLD ME NOT TO WORRY ABOUT IT,
4 THAT -- HE WAS STILL OPTIMISTIC.

5 Q BY WEDNESDAY, MR. MENENDEZ, WAS YOUR
6 HOPE BUILDING POSITIVELY THAT SOMETHING GOOD WOULD
7 COME OUT OF THE CONVERSATION BETWEEN LYLE MENENDEZ
8 AND YOUR FATHER?

9 A YES.

10 Q AND BY WEDNESDAY DID LYLE MENENDEZ
11 INDICATE -- OR AT LEAST YOUR IMPRESSION OF LYLE

12 MENENDEZ WAS THAT HE WAS EVEN MORE CONFIDENT AND

13 OPTIMISTIC THAT HE COULD ASSIST YOU?

14 A I KNEW THAT HE WAS DEFINITELY PLANNING

15 ON ASSISTING ME. HE TOLD ME THAT HE HAD HAD A

16 CONVERSATION EARLIER IN THE DAY WITH MY MOTHER.

17 AND I SAID, YOU DIDN'T TELL HIM -- TELL

18 HER WHAT I TOLD YOU, DID YOU?

19 AND HE SAID NO, HE JUST TOLD HER THAT HE

20 WANTED TO TALK TO DAD WHEN DAD GOT HOME, SOMETHING

21 TO DO WITH ME. AND HE SEEMED ADAMANT THAT IT WAS

22 GOING TO WORK AND THAT IT WAS GOING TO HAPPEN AND IT

23 WAS GOING TO GO THROUGH AND THAT I WAS -- THAT MADE

24 ME A LITTLE SCARED, A LITTLE NERVOUS.

25 MR. LEVIN: YOUR HONOR, WHAT TIME WOULD THE

26 COURT LIKE TO BREAK?

27 THE COURT: IS THIS A GOOD TIME FOR YOU?

28 MR. LEVIN: YES.

43430

1 THE COURT: OKAY. WE'LL TAKE A RECESS AND

2 WE'LL RESUME AT -- MAKE IT ELEVEN O'CLOCK.

3 DON'T DISCUSS THE MATTER WITH ANYONE.

4 DON'T FORM ANY FINAL OPINIONS ABOUT IT. WE'LL

5 RESUME AT ELEVEN O'CLOCK.

6 (A RECESS WAS TAKEN FROM

7 10:40 A.M. TO 11:03 A.M.)

8

9 (THE FOLLOWING PROCEEDINGS WERE

10 HELD IN OPEN COURT OUT OF THE

11 PRESENCE OF THE JURY:)

12

13 THE COURT: WITHOUT THE JURY IN THE

14 COURTROOM, IS THERE SOMETHING YOU WANTED TO

15 DISCUSS?

16 MS. NAJERA: YES, YOUR HONOR.

17 EARLY THIS MORNING WE WENT THROUGH ALL

18 OF THE EXHIBITS THAT COUNSEL STATED HE MIGHT BE

19 USING SOMETIME TODAY, AND THERE WAS ONE THAT WE HAD

20 AN OBJECTION TO. WE JUST WANTED TO PUT THAT ON THE

21 RECORD SOMETIME TODAY SO THAT IN CASE IT COMES UP,

22 WE CAN LITIGATE IT BEFORE IT IS USED.

23 THE COURT: ALL RIGHT. WHAT IS THAT?

24 MS. NAJERA: IT IS AN ESSAY CALLED "I'LL

25 CHANGE YOUR VERDICT."

26 THE COURT: DID YOU INTEND TO USE THAT THIS

27 MORNING?

28 MR. LEVIN: NO, YOUR HONOR. I DON'T INTEND

2 ESTABLISH A FOUNDATION FOR ITS INTRODUCTION.

3 HOWEVER, I'LL ATTEMPT TO ESTABLISH A FOUNDATION, BUT

4 I'M NOT GOING TO USE THE EXHIBIT.

5 THE COURT: NOT THIS MORNING?

6 MR. LEVIN: I'M NOT GOING TO USE THE EXHIBIT

7 THIS MORNING, BUT I AM GOING TO ATTEMPT TO ESTABLISH

8 THE FOUNDATION FOR ITS INTRODUCTION.

9 THE COURT: THIS MORNING?

10 MR. LEVIN: YES.

11 THE COURT: OKAY. AND DID YOU PROPOSE TO DO

12 THAT WITH THE JURY PRESENT OR WITHOUT THE JURY

13 PRESENT?

14 MR. LEVIN: WITH THE JURY PRESENT.

15 THE COURT: WHAT WOULD BE THE RELEVANCE OF

16 THE FOUNDATION IF THE -- IF IT'S NOT ADMITTED?

17 MR. LEVIN: YOUR HONOR, THIS DOCUMENT --

18 THE COURT: I WANT TO FIND OUT WHY WE WOULD

19 NEED THE JURY FOR THIS FOUNDATION.

20 MR. LEVIN: BECAUSE IT RELATES TO

21 CONVERSATIONS THAT TOOK PLACE BETWEEN -- I'M OFFERING

22 IT FOR SUBSTANTIVE EVIDENCE FOR THE INTRODUCTION OF

23 THIS DOCUMENT, NOT AS A FOUNDATION PRECISELY TO ITS

24 INTRODUCTION.

25 THE COURT: YOU THINK THIS EVIDENCE WOULD

26 COME IN REGARDLESS?

27 MR. LEVIN: YES.

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

1 (THE JURY ENTERED THE
2 COURTROOM AND THE FOLLOWING
3 PROCEEDINGS WERE HELD:)

4

5 THE COURT: THE JURY'S IN THE COURTROOM. YOU
6 MAY CONTINUE YOUR DIRECT EXAMINATION.

7 Q BY MR. LEVIN: MR. MENENDEZ, I JUST
8 WANTED TO CLEAR UP ONE DETAIL WITH RESPECT TO YOUR
9 TESTIMONY BEFORE WHEN YOU SAID YOU GOT ACCEPTED TO
10 U.C.L.A. IN THE FALL.

11 WHAT YEAR WERE YOU REFERRING TO?

12 A DID I SAY I WAS ACCEPTED OR I APPLIED?

13 Q I'M SORRY. WHEN YOU APPLIED TO
14 U.C.L.A. WHEN DID YOU APPLY?

15 A I APPLIED IN THE FALL OF 1988.

16 Q AND WHEN WERE YOU ACCEPTED?

17 A MARCH OR APRIL OF 1989. I THINK IT WAS
18 AROUND MARCH OR APRIL 1989.

19 Q WHEN -- JUST TO BACK UP JUST A MOMENT.

20 WHEN LYLE MENENDEZ HAD ASKED YOU WHEN
21 YOU WERE YOUNGER IF THINGS WERE STILL HAPPENING TO
22 YOU, DID YOU UNDERSTAND WHAT HE WAS REFERRING TO?

23 A WELL, HE MADE IT A LITTLE BIT MORE
24 SPECIFIC THAN THAT.

25 Q HOW SPECIFIC DID HE MAKE IT?

26 A HE ASKED ME IF THINGS WERE HAPPENING --
27 ANYTHING WAS HAPPENING BETWEEN DAD AND I IN THE
28 BEDROOM.

43433

1 Q WAS THIS BEFORE OR AFTER THE INCIDENT AT
2 11 YEARS OLD WHERE YOUR FATHER BEAT YOU UP FOR WHAT
3 HE BELIEVED TO BE THE CIRCUMSTANCE OF YOU TELLING
4 YOUR BROTHER?

5 A THIS WAS IN THE FOLLOWING YEAR, OVER THE
6 COURSE OF THE YEAR.

7 Q WHY DID YOU NOT THEN TELL LYLE MENENDEZ
8 THAT THINGS, IN FACT, WERE STILL HAPPENING TO YOU?

9 A WELL, I HAD PREVIOUSLY GOTTEN BEATEN UP
10 FOR WHAT MY DAD THOUGHT WAS TELLING LYLE WHEN I
11 ACTUALLY HADN'T, AND I DIDN'T WANT TO TELL LYLE.
12 AND THEN THERE WAS A CONVERSATION THAT LYLE HAD WITH
13 ME IN MY BEDROOM THAT MADE ME EVEN MORE CERTAIN THAT
14 I WASN'T GOING TO TELL LYLE.

15 Q WHEN DID THAT CONVERSATION TAKE PLACE?

16 A IN THE FALL OF MY 11TH, EARLY 12TH YEAR.

17 Q WHAT WAS THAT CONVERSATION CONCERNING?

18 A SAME ISSUE.

19 Q AND DID LYLE MENENDEZ SHOW YOU
20 ANYTHING?

21 A WELL, NOT AT FIRST.

22 Q AND DID HE EVENTUALLY SHOW YOU
23 SOMETHING?

24 A YES. HE -- IT WAS A CONVERSATION AND HE
25 SHOWED ME A PAPER THAT HE HAD WRITTEN.

26 Q DID YOU READ THAT PAPER?

27 A YES.

28 Q DID YOU UNDERSTAND WHAT IT WAS?

43434

1 A ONLY BY HIM TALKING TO ME FIRST.

2 Q WHAT WAS THE PAPER ABOUT?

3 MR. CONN: OBJECTION. IRRELEVANT.

4 THE COURT: SUSTAINED.

5 Q BY MR. LEVIN: WHAT DID LYLE MENENDEZ
6 SAY TO YOU?

7 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

8 THE COURT: SUSTAINED.

9 Q BY MR. LEVIN: DID THE SUBSTANCE OF THAT
10 CONVERSATION CAUSE YOU TO BELIEVE EVEN FURTHER THAT
11 LYLE MENENDEZ KNEW THAT YOU WERE BEING MOLESTED BY
12 YOUR FATHER?

13 MR. CONN: OBJECTION. LEADING.

14 THE COURT: OVERRULED.

15 THE WITNESS: IT -- IT MADE ME THINK THAT LYLE

16 MENENDEZ KNEW AND THAT LYLE MIGHT GO TO SERIOUS

17 MEASURES TO STOP DAD FROM DOING IT IF I TOLD HIM.

18 Q BY MR. LEVIN: AND WAS THAT ONE OF THE

19 REASONS WHY YOU DIDN'T TELL HIM AT THAT TIME?

20 A IT WAS THE PRIMARY REASON WHY I -- IT WAS

21 ONE OF THE PRIMARY REASONS WHY I NEVER TOLD HIM

22 THEREAFTER.

23 Q I WANT TO MOVE FORWARD NOW -- OH, ON

24 WEDNESDAY WHEN YOUR MOTHER -- SORRY -- AUGUST THE

25 16TH, WHEN LYLE MENENDEZ TOLD YOU THAT HE HAD

26 ALREADY TALKED TO YOUR MOTHER, DID THAT HAVE ANY

27 SIGNIFICANCE TO YOU?

28 A YES.

43435

1 Q AND WHAT SIGNIFICANCE DID IT HAVE?

2 A IT MADE ME -- I WASN'T SURE WHAT HE HAD

3 TOLD MY MOTHER. I THOUGHT MY MOTHER WOULD

4 EVENTUALLY TELL MY DAD. AND SO I -- IT JUST PUT THE

5 WHEELS IN MOTION. I GOT -- JUST MADE ME SCARED THAT

6 ACTUALLY LYLE WAS GOING TO HAVE THIS CONVERSATION

7 WITH DAD. IT MADE THINGS MORE REAL.

8 Q DID YOU BEGIN TO HAVE CERTAIN FEARS AT

9 THAT TIME?

10 A FEARS THAT SOMETHING MIGHT -- BAD MIGHT

11 COME OUT OF THE CONVERSATION WITH DAD AND LYLE.

12 Q DID YOU AT THAT TIME TELL LYLE ANY MORE
13 SPECIFICS WITH RESPECT TO THREATS YOUR FATHER HAD
14 MADE TO YOU?

15 A NO.

16 Q NOW, ON THURSDAY, AUGUST THE 17TH, JUST
17 THREE DAYS BEFORE THE DEATH OF YOUR PARENTS, WERE
18 YOU EXPECTING YOUR FATHER TO COME HOME ON THAT DAY?

19 A YES.

20 Q AND WAS THAT THE DAY THAT YOU EXPECTED
21 LYLE MENENDEZ TO TALK TO YOUR FATHER?

22 A YES.

23 Q DOES THAT DAY, BECAUSE OF ITS
24 SIGNIFICANCE TO YOU, STAND OUT IN YOUR MIND AT THIS
25 TIME? DO YOU HAVE GOOD RECOLLECTION OF THE DETAILS
26 OF WHAT OCCURRED ON THAT DAY?

27 A NOT ALL OF THEM, NO.

28 Q WAS THE DAY IMPORTANT TO YOU BECAUSE OF

43436

1 WHAT YOU KNEW MIGHT HAPPEN LATER IN THE DAY?

2 A OF COURSE.

3 Q AND DURING THE COURSE OF THE DAY WERE
4 YOU CONSTANTLY THINKING OF WHAT WAS GOING TO HAPPEN
5 BETWEEN LYLE AND YOUR FATHER?

6 A I WAS THINKING THAT EVER SINCE MY

7 CONVERSATION ON TUESDAY.

8 Q DO YOU REMEMBER WHAT YOU DID, THE FIRST

9 THING YOU DID ON THURSDAY?

10 A I'M NOT SURE WHAT TIME I WOKE UP. I

11 BELIEVE I HAD A TENNIS LESSON WITH MY COACH, MARK,

12 ON THURSDAY.

13 Q MARK HEFFERNAN?

14 A YES.

15 Q AND DO YOU RECALL WHEN IT WAS YOU

16 EXPECTED YOUR FATHER TO COME HOME?

17 A AT SOME POINT I KNEW HE WAS COMING HOME

18 IN THE LATE AFTERNOON, LIKE AROUND SIX.

19 Q WAS IT YOUR INTENTION TO BE -- DID YOU

20 UNDERSTAND THAT THE CONVERSATION BETWEEN LYLE

21 MENENDEZ AND YOUR FATHER, IF IT WAS TO TAKE PLACE,

22 WOULD TAKE PLACE AT THE FAMILY HOME?

23 A YES.

24 Q IS THAT THE WAY IT USUALLY WORKED WITH

25 RESPECT TO CONVERSATIONS AND DISCUSSIONS WITH YOUR

26 FATHER?

27 A YES.

28 Q WERE THEY RATHER FORMAL IN NATURE IN ALL

1 CASES?

2 A EITHER AT THE DINNER TABLE OR IN THE
3 STUDY.

4 Q AND YOU UNDERSTOOD THAT YOUR FATHER WAS
5 ALREADY AWARE THAT LYLE MENENDEZ WANTED TO TALK TO
6 HIM?

7 A APPARENTLY MY MOM HAD BEEN CALLING HIM
8 ON WEDNESDAY NIGHT.

9 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

10 THE COURT: SUSTAINED. THE ANSWER IS
11 STRICKEN. IT'S ALSO NONRESPONSIVE.

12 Q BY MR. LEVIN: DID YOUR MOTHER AND
13 FATHER COMMUNICATE OFTEN WHEN YOUR FATHER WAS OUT OF
14 TOWN?

15 A YES.

16 Q HOW OFTEN WOULD YOU SAY YOUR PARENTS
17 WOULD COMMUNICATE WHEN YOUR FATHER WAS OUT OF TOWN?

18 A MY FATHER WOULD GENERALLY CALL INTO THE
19 HOUSE TO KNOW THE SPECIFICS OF WHAT WAS HAPPENING IN
20 MY BROTHER OR MY DAY.

21 Q WAS THAT A CUSTOM AND PRACTICE IN THE
22 MENENDEZ HOUSEHOLD, WHEN JOSE MENENDEZ WAS OUT ON
23 BUSINESS, THAT HE WOULD CALL HOME TO FIND OUT THESE
24 THINGS ON A DAILY BASIS?

25 A YES.

26 Q THAT OCCURRED THROUGHOUT YOUR LIFETIME?

27 A YES.

28 Q BECAUSE OF THAT, DID YOU ASSUME OR

1 BELIEVE THAT YOUR FATHER KNEW THAT THERE WOULD BE A
2 CONVERSATION WITH LYLE MENENDEZ BEFORE YOUR FATHER
3 GOT HOME?

4 A IT WAS ACTUALLY BECAUSE I JUST ASSUMED
5 THAT MY MOTHER WOULD BE CALLING MY DAD ABOUT IT.

6 Q NOW, DO YOU REMEMBER WHAT YOU DID THAT
7 DAY, SPECIFICALLY, AFTER YOU PLAYED TENNIS WITH MARK
8 HEFFERNAN?

9 A I KNOW THAT I WAS IN AND OUT OF THE
10 HOUSE ALL DAY, JUST TRYING TO EAT UP TIME FOR THE
11 CONVERSATION -- BETWEEN THE CONVERSATION MY BROTHER
12 WAS GOING TO HAVE WITH MY DAD IN THE MORNING. I
13 BELIEVE I WENT INTO BEVERLY HILLS OR INTO WESTWOOD.
14 I ATE SOMETHING. I WAS JUST IN AND OUT OF THE
15 HOUSE.

16 Q DID YOU CALL BACK TO YOUR HOUSE?

17 A LATER IN THE LATE AFTERNOON, BUT I DON'T
18 BELIEVE I -- I DON'T REMEMBER DOING SO EARLIER.

19 Q DID YOU HAVE YOUR OWN TELEPHONE LINE IN
20 THE HOME IN BEVERLY HILLS?

21 A YES.

22 Q AND WAS THAT A SEPARATE NUMBER
23 DESIGNATED FOR YOU?

24 A YES.

25 Q DID LYLE MENENDEZ HAVE HIS OWN TELEPHONE
26 IN THE GUESTHOUSE?

27 A YES.

28 Q AND I TAKE IT THE FAMILY THEN HAD

43439

1 SEPARATE NUMBERS, TELEPHONES POSITIONED
2 PERIODICALLY -- OR POSITIONED PLACES THROUGHOUT THE
3 HOUSE.

4 YOUR FAMILY HAD THEIR OWN NUMBERS AS
5 WELL, TELEPHONE NUMBERS?

6 A MY FAMILY MEANING --

7 Q YOUR MOTHER AND YOUR FATHER.

8 A -- MY PARENTS?

9 YES.

10 Q NOW, WERE ALL THE TELEPHONE LINES ON A
11 SYSTEM OF SOME SORT WHERE SOMEONE COULD TELL WHO WAS
12 ON WHATEVER LINE WAS BEING USED?

13 A THERE WERE BLACK CONFERENCE PHONES THAT
14 HAD ALL THREE NUMBERS, AND WHEN ONE WAS BEING USED
15 THERE WAS A RED LIGHT THAT WOULD BE ON. WHEN YOU
16 WOULD CALL INTO THE HOUSE, LET'S SAY ON MY NUMBER,
17 IT WOULD RING ON ALL OF THE CONFERENCE BOXES
18 THROUGHOUT THE HOUSE. EVEN THOUGH IT WAS DESIGNATED

19 FOR MY ROOM, MY LINE, MY BROTHER'S LINE AND THE MAIN
20 LINE ALL CONNECTED AT DIFFERENT POINTS IN THE HOUSE
21 AT DIFFERENT BOXES.
22 Q SO ESSENTIALLY YOUR HOUSE HAD A
23 TELEPHONE INSTRUMENT WHICH CONTAINED ALL THREE LINES
24 COMING INTO THE SAME INSTRUMENT?
25 A YES.
26 Q AND YOUR LINE HAPPENED TO BE DESIGNATED
27 BY ONE OR THE OTHER NUMBERS? YOUR NUMBER WAS ON
28 THAT LINE? YOUR NUMBER WAS ON THAT TELEPHONE THAT

43440

1 HAD ALL THE LINES ON IT?
2 A YES.
3 Q AND SO WAS LYLE MENENDEZ'?
4 A YES.
5 Q NOW, WHEN LYLE MENENDEZ' PHONE WOULD
6 RING, WOULD IT RING THROUGHOUT THE HOUSE AS WELL AS
7 IN THE GUEST HOUSE?
8 A YES.
9 Q AND WHEN YOUR LINE WOULD RING, WOULD IT
10 RING THROUGHOUT THE HOUSE AND THE GUESTHOUSE AS
11 WELL?
12 A I DON'T KNOW IF IT RANG IN THE
13 GUESTHOUSE.

14 Q WHEN YOUR PARENTS' PHONE LINE WOULD
15 RING, WOULD IT RING IN ALL THE PHONES THROUGHOUT THE
16 HOUSE?

17 A THROUGHOUT THE -- NO, NO. I'M SORRY. I
18 DON'T MEAN TO BE STATING THAT IT RANG ON EVERY
19 SINGLE LINE. THERE WERE MANY PHONES. I THINK THERE
20 WAS A PHONE IN EVERY ROOM. AND I HAD A PHONE IN MY
21 ROOM. BUT IF SOMEONE CALLED IN ON MY PARENTS' LINE,
22 IT WOULDN'T RING IN MY ROOM. BUT THERE WERE CERTAIN
23 BLACK BOXES. THERE WAS ONE IN THE KITCHEN, ONE IN
24 MY PARENTS'S BEDROOM. THERE WAS ONE IN THE SERVICE
25 ROOM. THERE WAS ONE IN THE DEN THAT -- WHERE ALL THE
26 LINES -- WHERE YOU COULD PICK UP ON ANY LINE FROM
27 THAT PHONE. AND THEN THERE WERE OTHER PHONES THAT
28 WERE ONLY CONNECTED TO ONE LINE.

43441

1 Q DID YOU HAVE YOUR OWN PHONE IN YOUR
2 ROOM?

3 A YES.

4 Q IF YOU WERE TALKING ON YOUR OWN PHONE IN
5 YOUR OWN ROOM, COULD SOMEONE OUTSIDE YOUR ROOM PICK
6 UP THAT LINE?

7 A YES.

8 Q AND WOULD THAT BE ON ANY OTHER PHONE

9 THAT WAS LOCATED IN THE HOUSE?

10 A NO.

11 Q WHERE WOULD IT BE LOCATED?

12 A ON ONE OF THE BLACK CONFERENCE PHONES

13 IN -- I GUESS THERE WERE ABOUT FIVE OR FOUR DIFFERENT

14 LOCATIONS IN THE HOUSE WHERE YOU COULD PICK IT UP.

15 Q DID YOU EVER LEARN AT A LATER TIME

16 FOLLOWING THE DEATH OF YOUR PARENTS THAT SOMETHING

17 HAD BEEN DONE TO YOUR TELEPHONE?

18 A YES.

19 Q WHAT DID YOU LEARN HAD BEEN DONE?

20 A THAT A TAPE-RECORDING HAD BEEN PUT ON MY

21 PHONE --

22 MR. CONN: OBJECTION. CALLS FOR

23 SPECULATION. NO FOUNDATION.

24 THE COURT: SUSTAINED. THE ANSWER IS

25 STRICKEN.

26 Q BY MR. LEVIN: DID YOU AT ANY TIME FIND

27 TAPE-RECORDINGS OF CONVERSATIONS THAT YOU HAD HAD?

28 A ON MY LINE?

43442

1 Q YES.

2 A YES.

3 Q AND WHEN DID YOU FIND THOSE

4 TAPE-RECORDINGS?

5 A I THINK IT WAS THE DAY AFTER MY PARENTS
6 DIED.

7 Q DID YOU LISTEN TO THOSE RECORDINGS?

8 A SOME OF THEM.

9 Q AND DID THEY CONTAIN CONVERSATIONS WHERE
10 YOU RECOGNIZED YOUR VOICE?

11 A CONVERSATIONS OF MYSELF ON THE
12 TELEPHONE.

13 Q TALKING TO WHOM?

14 A MY FRIENDS, MY BROTHER.

15 Q WHERE DID YOU --

16 A MY RELATIVES.

17 Q WHERE DID YOU FIND THE TAPES?

18 A IN MY MOTHER'S BATHROOM.

19 Q DID YOU PLAY THOSE TYPES TO ANYONE?

20 A AT SOME POINT I PLAYED SOME OF THE
21 TAPES -- I DIDN'T -- I DON'T BELIEVE I ACTUALLY PLAYED
22 SOME OF THE TAPES, BUT ONE OF MY FRIENDS HEARD ONE
23 OF THE TAPES.

24 Q AND WHO'S THAT?

25 A DANNY ROBERTS.

26 Q WHERE'S DANNY ROBERTS TODAY? IS HE
27 AROUND?

28 A I HAVE NO IDEA WHERE HE IS.

1 Q ALL RIGHT. DID THE DISCOVERY OF --
2 STRIKE THAT. WE'LL COME BACK TO THAT. I WANT TO
3 CONTINUE WITH THURSDAY.

4 IF YOU CALLED YOUR BROTHER'S TELEPHONE
5 LINE, WOULD THAT AS WELL RING ON THE MAIN LINE
6 PHONE?

7 A IF I CALLED MY BROTHER'S TELEPHONE?

8 Q TELEPHONE NUMBER.

9 A WOULD THAT RING ON THE MAIN CONFERENCE
10 BOX PHONES? YES.

11 Q WOULD IT LIGHT UP AS WELL?

12 A I THINK SO, YES.

13 Q WERE YOU CONCERNED ABOUT THAT ON
14 THURSDAY, IF YOU CALLED HOME?

15 A LATE AT NIGHT WHEN I WAS CALLING IN -- I
16 THINK IT WAS AFTER SIX ON THURSDAY TO FIND OUT WHEN
17 MY FATHER WAS GETTING HOME -- TO MY BROTHER, I WOULD
18 CALL ON MY BROTHER'S LINE AND I WAS -- I WAS -- I WAS
19 CONCERNED THAT MY MOTHER MIGHT PICK UP THE PHONE.
20 ONE TIME SHE DID PICK UP THE PHONE. I THINK I WAS
21 CALLING ON MY BROTHER'S LINE. I MAY HAVE CALLED ON
22 THE MAIN LINE AT ONE TIME, AND -- AND SO I WAS
23 BASICALLY -- YES, I WAS CONCERNED.

24 Q WERE YOU IN AND OUT MOST OF THURSDAY?

25 A YES.

26 Q WHEN -- DID YOU LEARN AT SOME POINT IN
27 TIME THAT YOUR FATHER WAS GOING TO BE LATE COMING

43444

1 A MY BROTHER TOLD ME.

2 Q AND WHEN DID YOUR BROTHER TELL YOU?

3 A WHEN I CALLED IN -- I BELIEVE IT WAS ON
4 THE PHONE WHEN I CALLED IN AFTER SIX O'CLOCK, BUT I
5 DON'T REMEMBER. I KNOW I FOUND OUT AT SOME POINT.

6 Q WHY DID YOU CALL AT SIX O'CLOCK?

7 A THAT WAS WHAT TIME MY RECOLLECTION IS
8 THAT MY DAD WAS GOING TO BE COMING HOME.

9 Q WHAT WAS THE PURPOSE OF CALLING BACK TO
10 YOUR HOUSE?

11 A TO FIND OUT HOW THE CONVERSATION WITH MY
12 BROTHER WENT.

13 Q AND DID LYLE MENENDEZ AT THAT TIME TELL
14 YOU TO DO ANYTHING SPECIAL, BE HOME AT A CERTAIN
15 TIME OR GO ANYWHERE OR DO ANYTHING?

16 A NO. I DON'T REMEMBER HIM TELLING ME TO
17 DO ANYTHING. I HAD TOLD HIM EARLIER THAT I DIDN'T
18 WANT TO BE AT HOME WHEN HE HAD THIS CONVERSATION
19 WITH DAD.

20 Q DID YOU AT SOME POINT IN TIME RETURN TO
21 THE BEVERLY HILLS HOUSE ON THURSDAY, AUGUST 17TH,
22 1989?

23 A YES.

24 Q ABOUT WHAT TIME WAS IT YOU GOT BACK

25 HOME?

26 A CLOSE TO MIDNIGHT.

27 Q AND DO YOU -- WHEN YOU CAME HOME, DID YOU

28 KNOW AT THAT TIME, CLOSE TO MIDNIGHT, WHETHER OR NOT

43445

1 LYLE MENENDEZ HAD, IN FACT, TALKED TO YOUR FATHER?

2 A WELL, I KNEW FROM PREVIOUS CONVERSATIONS

3 THAT MY DAD'S FLIGHT HAD BEEN DELAYED UNTIL LATE

4 THAT NIGHT AND THAT HE WOULD BE ARRIVING BACK AT THE

5 HOUSE SOMETIME AROUND ELEVEN. AND SO, I CAME HOME

6 CLOSE TO MIDNIGHT.

7 Q WHEN YOU CAME HOME, COULD YOU TELL

8 WHETHER OR NOT YOUR FATHER HAD BEEN HOME OR WAS HOME

9 BEFORE YOU? DID YOU EXPECT YOUR FATHER TO BE HOME

10 WHEN YOU GOT HOME AT MIDNIGHT?

11 A I EXPECTED HIM TO BE HOME. I GUESS I

12 NEVER THOUGHT ABOUT IT. I DON'T KNOW. I JUST

13 ASSUMED THAT HE WOULD BE HOME. IT WAS DEFINITELY

14 SET THAT HE WOULD BE ARRIVING, I BELIEVE IT WAS

15 AROUND ELEVEN. SO I JUST ASSUMED THAT MY BROTHER

16 HAD HAD THE CONVERSATION WITH MY DAD. I -- THERE

17 WERE NO INDICATIONS THAT I KNEW OF THAT HE HAD

18 ACTUALLY ARRIVED HOME, NO.

19 Q WHAT WAS YOUR STATE OF MIND WHEN YOU DID
20 GET FINALLY HOME AT MIDNIGHT?

21 A THAT MY BROTHER HAD HAD A CONVERSATION
22 WITH MY DAD.

23 Q AND WHAT WAS IT, IF ANYTHING, THAT YOU
24 WANTED TO DO UPON YOUR ARRIVAL HOME?

25 A TALK TO MY BROTHER.

26 Q SO WHAT DID YOU DO WHEN YOU FIRST GOT
27 HOME?

28 A I WENT AROUND THE SIDE OF THE HOUSE AND

43446

1 LOOKED UP AT THE GUESTHOUSE. I SAW THAT HIS LIGHTS
2 WERE OFF. I HAD SEEN THAT THE STUDY LIGHTS WERE ON
3 BUT THAT NO ONE WAS IN THE ROOM, AND MY BROTHER'S
4 GUESTHOUSE LIGHTS WERE OFF, SO I THOUGHT HE MIGHT BE
5 INSIDE THE HOUSE OR IN MY BEDROOM OR MAY HAVE LEFT
6 ME A MESSAGE ON MY PHONE OR A NOTE.

7 Q ALL RIGHT. INDICATING ON EXHIBIT 1 THE
8 OVERHEAD OF YOUR HOUSE.

9 WHEN YOU SAID YOU WENT AROUND THE SIDE
10 OF THE HOUSE, WHICH SIDE OF THE HOUSE IS THAT? IS
11 THAT OVER HERE ON THE SOUTH SIDE?

12 A YES. EXACTLY.

13 Q AND WHEN YOU SAID YOU WENT UP THE SIDE,
14 YOU WENT UP THE SIDE BY THE TENNIS COURT?

15 A YES.

16 Q AND WHEN YOU LOOKED, WHAT DID YOU SEE
17 WITH RESPECT TO THE CONDITION OF THE GUESTHOUSE?
18 DID IT LOOK LIKE SOMEONE WAS HOME OR NO ONE WAS
19 HOME?

20 A I'M NOT SURE. I DON'T THINK I WENT ALL
21 THE WAY UP TO THE TENNIS COURT AT THAT TIME. I WENT
22 AROUND THE SIDE TO SEE IF THE LIGHTS WERE ON IN THE
23 GUESTHOUSE AND THEY WERE OFF, SO I CAME BACK AROUND
24 AND WENT IN THE FRONT DOOR TO MY ROOM.

25 Q THE FRONT DOOR WHERE I'M POINTING HERE?

26 A YES.

27 Q DO YOU KNOW WHERE YOU PARKED YOUR CAR?

28 A IN THE FRONT OF THE HOUSE.

43447

1 Q COULD YOU TELL FROM LOOKING AT THE
2 CONDITION OF THE LIGHTING INSIDE THE HOUSE WHETHER
3 OR NOT ANYONE WAS HOME OR ANYTHING HAD HAPPENED?

4 A WHAT DO YOU MEAN BY ANYTHING HAD
5 HAPPENED?

6 Q IN YOUR HOUSE, CERTAIN LIGHTS -- DO ANY
7 LIGHTS HAVE CERTAIN SIGNIFICANCE, LIKE LEAVE THE

8 HALL LIGHT ON, WE'RE HOME BUT WE'RE SLEEPING, OR

9 ANYTHING LIKE THAT, LIKE SOME PEOPLE MIGHT DO?

10 A NO, NOT THAT I KNOW OF. I KNOW THE

11 STUDY LIGHT WAS ON, BUT THAT NO ONE WAS IN THERE.

12 Q NOW, HOW IS IT THAT YOU REMEMBER THE

13 STUDY LIGHT WAS ON?

14 A BECAUSE I REMEMBER THAT THE STUDY LIGHT

15 WAS ON. I REMEMBER LOOKING INTO THE STUDY WINDOW

16 KNOWING THAT MY BROTHER WOULD BE HAVING THE

17 CONVERSATION WITH MY FATHER INSIDE THE STUDY.

18 Q BECAUSE THE STUDY LIGHT WAS ON AND

19 THAT'S WHERE CONVERSATIONS TAKE PLACE BETWEEN YOUR

20 BROTHER AND YOUR FATHER, DID YOU THINK THAT THEY

21 WERE INSIDE THERE WHEN YOU GOT HOME?

22 A NO. I COULD SEE INTO THE STUDY FROM THE

23 OUTSIDE, SO I KNEW THAT NO ONE WAS INSIDE THE STUDY

24 WHEN I GOT HOME.

25 Q AND THEN WHAT DID YOU DO?

26 A I WENT UP TO MY BEDROOM.

27 Q WHAT DID YOU DO WHEN YOU GOT UP TO YOUR

28 BEDROOM?

43448

1 A I LOOKED AROUND MY DESK FOR ANY

2 MESSAGES. I THINK THAT I PLAYED MY ANSWERING

3 MACHINE TO SEE IF LYLE HAD LEFT ME A MESSAGE. I -- I
4 REMEMBER LOOKING OUT TOWARD THE GUESTHOUSE ON THE
5 SECOND FLOOR SEEING THAT HIS BATHROOM LIGHT AND HIS
6 BEDROOM LIGHT WERE ON AND THAT HE MIGHT HAVE
7 ACTUALLY BEEN IN THE BEDROOM.

8 Q DO YOU REMEMBER, MR. MENENDEZ, IF YOUR
9 FRONT DOOR WAS LOCKED OR UNLOCKED WHEN YOU CAME
10 HOME?

11 A I BELIEVE IT WAS UNLOCKED.

12 Q AND WHY IS IT THAT YOU BELIEVE IT WAS
13 UNLOCKED?

14 A BECAUSE I DIDN'T HAVE A KEY AND I
15 REMEMBER GOING THROUGH THE FRONT DOOR.

16 Q DID YOU HAVE A KEY TO YOUR HOUSE
17 ANYWHERE?

18 A KEYS WERE KEPT INSIDE THE FOYER.

19 Q WAS THERE A RULE WITH RESPECT TO TAKING
20 HOUSE KEYS OUTSIDE?

21 A YES.

22 Q WHAT WAS THE RULE?

23 A THAT I WAS NOT PERMITTED TO HAVE ONE ON
24 MY CAR KEY CHAIN. NEITHER WAS MY BROTHER.

25 Q WHY WAS THAT?

26 A NOR ANYONE THAT WAS AT THE HOUSE.

27 Q WHY WAS THAT, AT LEAST WHY WAS IT STATED
28 TO YOU THAT YOU COULDN'T HAVE A HOUSE KEY TO YOUR

1 OWN HOUSE?

2 A MY MOTHER THOUGHT THAT I WAS GOING TO
3 LOSE THE KEY, SO SHE HAD ONE. AND SOMETIMES THINGS
4 WEREN'T STATED, THEY JUST WERE THE WAY THEY WERE.
5 IT HAD ALWAYS BEEN THAT WAY SINCE BEFORE IN
6 CALABASAS. SO...

7 Q HAD YOU EVER HAD A KEY TO ANY HOUSE THAT
8 YOU LIVED IN?

9 A NO.

10 Q HAD THAT ALWAYS BEEN THE SITUATION WITH
11 RESPECT TO HOUSE KEYS?

12 A YES.

13 Q WHAT WOULD HAPPEN IF YOU WOULD COME HOME
14 AND THE DOOR WOULD BE LOCKED?

15 A I WOULD RING THE DOORBELL, KNOCK ON THE
16 DOOR. I GENERALLY TRIED TO KEEP THE STUDY -- IT'S A
17 WINDOW DOOR THAT OPENS. I'D KEEP THAT OPEN SO THAT
18 I COULD USE THAT AS AN ENTRYWAY SO I WOULDN'T HAVE
19 TO RING THE DOOR BELL; OR I GUESS SOMETIMES I WOULD
20 EVEN GO AROUND THE SIDE OF THE HOUSE TO THE BACK,
21 SEE IF ANY OF THE BACK DOORS WERE OPEN.

22 Q NOW, WHEN YOU WENT TO YOUR BEDROOM AND
23 WERE DOING THE THINGS THAT YOU STATED, DID YOU CLOSE
24 YOUR DOOR?

25 A YES.

26 Q DID YOUR BEDROOM DOOR HAVE A LOCK ON IT?

27 A IT HAD A LATCH.

28 Q DID YOU LATCH THE DOOR?

43450

1 A YES.

2 Q DID YOU HEAR ANY PARTICULAR NOISES THAT
3 CAUSED YOU CONCERN AFTER YOU LATCHED YOUR DOOR?

4 A SOMEONE APPROACHING MY DOOR.

5 Q DID YOU KNOW WHO IT WAS?

6 A NO.

7 Q WHEN YOU SAID SOMEONE WAS APPROACHING
8 YOUR DOOR, HOW DO YOU KNOW THEY WERE APPROACHING
9 YOUR DOOR?

10 A THE WAY THAT THE HOUSE WAS CONFIGURED,
11 THERE WERE ONLY -- HAD TO WALK ACROSS THE BALCONY TO
12 GET TO MY ROOM AND THERE WERE ONLY TWO ROOMS, AND I
13 WAS THE ONLY ONE LIVING IN ONE OF THE TWO ROOMS.

14 Q SHOWING YOU WHAT'S BEEN MARKED AS
15 EXHIBIT 6, DOES THAT IN SOME WAY REPRESENT THE
16 SECOND STORY OF YOUR HOUSE?

17 A BASICALLY.

18 Q AND WHEN YOU SAY BASICALLY, ARE THERE
19 ANY MISTAKES ON THIS DIAGRAM?

20 A YES.

21 Q WHAT MISTAKES ARE ON THERE?
22 A MY MOTHER AND MY FATHER'S ENTIRE
23 BATHROOM AREA IS INCORRECT. AND I'M NOT SURE IF
24 THERE'S A CLOSET IN BEDROOM NO. 5 THAT OPENS THE
25 DOOR THERE. IT MAY BE. BUT MY BEDROOM AND BEDROOM
26 NO. 3 ARE CORRECT.
27 Q OKAY. NOW, WHICH BEDROOM IS YOURS?
28 A BEDROOM NO. 4.

43451

1 Q BEDROOM NO. 4 HERE AND --
2 THE COURT: MR. LEVIN, YOU HAVE TO MOVE A
3 LITTLE BIT SO THE JURORS CAN SEE.
4 MR. LEVIN: I'M SORRY.
5 Q BEDROOM NO. 4.
6 NOW, WHERE ARE THE WINDOWS IN BEDROOM
7 NO. 4, YOUR BEDROOM?
8 A WHERE THERE'S -- THERE'S A LITTLE KNOOK
9 AT THE BOTTOM.
10 Q RIGHT HERE?
11 A YES. THERE'S WINDOWS THERE, EXCEPT I
12 HAD MY BED UP AGAINST THAT SO YOU COULDN'T SEE OUT
13 THOSE WINDOWS. AND THERE'S A LITTLE -- THE LITTLE
14 BLUE MARKERS, I GUESS, REPRESENT WINDOWS.
15 Q OVER HERE AND OVER HERE?

16 A YES. AND ONE IN THE BEDROOM AREA.
17 Q OVER HERE?
18 A YEAH.
19 Q NOW, WHERE IS THE GUESTHOUSE IN
20 RELATIONSHIP TO YOUR BEDROOM?
21 A THE GUESTHOUSE WOULD BE OVER HERE.
22 Q DOWN HERE?
23 A YEAH.
24 Q WHEN YOU SAID YOU LOOKED OUT YOUR WINDOW
25 TOWARD THE GUESTHOUSE, DID YOU LOOK OUT THROUGH ONE
26 OF THESE WINDOWS?
27 A THAT ONE RIGHT THERE IN THE MIDDLE.
28 Q THIS ONE?

43452

1 A YES.
2 Q NOW, WHEN YOU HEARD FOOTSTEPS COMING TO
3 YOUR DOOR, IS THIS YOUR DOOR RIGHT HERE?
4 A YES. AND THAT'S -- THE DOTTED LINE IS A
5 RAILING OF THE BALCONY.
6 Q THESE DOTTED LINES HERE?
7 A YES.
8 Q AND, OF COURSE, THIS IS THE MASTER
9 BEDROOM?
10 A YES.

11 Q YOU WERE ALONE IN YOUR BEDROOM?
12 A YES.
13 Q DID YOU HEAR ANY NOISE AT YOUR DOOR?
14 A I HEARD MY FATHER POUNDING ON MY DOOR
15 TELLING ME TO OPEN THE DOOR.
16 Q WHAT WAS HE SAYING?
17 A OPEN THE GOD DAMN DOOR.
18 Q WHEN YOU FIRST HEARD YOUR FATHER AT THE
19 DOOR, POUNDING ON THE DOOR, WHAT DID YOU THINK?
20 A I JUST FROZE UP.
21 Q DID YOU OPEN THE DOOR?
22 A I DIDN'T OPEN THE DOOR. I WENT AND
23 UNLATCHED THE LOCK AND MOVED TO THE BACK OF MY
24 BEDROOM.
25 Q WHEN YOU SAID YOU MOVED TO THE BACK OF
26 YOUR BEDROOM, WHERE IN YOUR BEDROOM DID YOU MOVE?
27 A THERE'S AN AREA BESIDE MY BED ON THE
28 SIDE OF MY DESK IN THE BACK CORNER WHERE I MOVED

43453

1 TO.

2 Q AND HAD YOU -- DOES THAT PARTICULAR AREA
3 HAVE ANY SIGNIFICANCE TO YOU?

4 A OTHER THAN IT'S THE MOST PROTECTED AREA
5 OF MY BEDROOM, NO.

6 Q AND IS THAT WHY YOU MOVED THERE, BECAUSE
7 IT WAS THE MOST PROTECTED AREA OF YOUR BEDROOM?

8 A YES. IT WAS JUST INSTINCTUAL. I JUST
9 MOVED BACK THERE INTO THE CORNER.

10 Q IS THAT DIRECTLY AFTER YOU UNLATCHED THE
11 DOOR?

12 A YES.

13 Q DID YOUR FATHER ENTER?

14 A HE WAS TRYING THE HANDLE AND SO HE TRIED
15 THE HANDLE AGAIN AND THE DOOR SWUNG OPEN AND MY
16 FATHER RACED IN.

17 Q WHEN HE RACED IN, MR. MENENDEZ, WHAT, IF
18 ANYTHING, DID HE DO?

19 A HE WAS YELLING AT THAT POINT AND
20 SPEAKING VERY LOUDLY.

21 Q WHAT WAS HE SAYING?

22 A HE WAS SAYING: I WARNED YOU NEVER TO
23 TELL LYLE. I TOLD YOU NEVER TO TELL LYLE. IT'S ALL
24 YOUR FAULT. NOW LYLE'S GOING TO TELL EVERYONE AND
25 I'M NOT GOING TO LET THAT HAPPEN. I CAN'T BELIEVE
26 YOU DID THIS. AND HE WAS GOING ON.

27 AND I WAS SAYING: DON'T WORRY. LYLE'S
28 NOT GOING TO TELL ANYONE.

1 AND HE SAID: SHUT UP. AND HE RACED
2 TOWARD ME.

3 Q WHAT WAS YOUR UNDERSTANDING, FROM THE
4 WAY YOUR DAD WAS COMMUNICATING TO YOU, THAT YOUR
5 FATHER FELT?

6 A THAT LYLE WAS GOING TO TELL PEOPLE AND
7 THAT HE WASN'T GOING TO LET THAT HAPPEN.

8 Q HAD LYLE MENENDEZ EVER INDICATED TO YOU
9 THAT HE WAS GOING TO TELL ANYONE?

10 A AT THAT POINT, NO, HE NEVER DID.

11 Q THAT WASN'T PART OF ANY CONVERSATION YOU
12 HAD WITH LYLE MENENDEZ WHERE HE INDICATED TO YOU
13 THAT HE WOULD TELL YOUR FATHER THAT HE WOULD TELL
14 PEOPLE?

15 A NO. HE DIDN'T -- HE DIDN'T TELL ME WHAT
16 HE WAS GOING TO TELL MY FATHER. HE TOLD ME THAT HE
17 WOULD HANDLE IT; THAT HE WOULD TAKE CARE OF IT. AND
18 HE DIDN'T GO INTO THE DETAILS OF HIS THINKING FOR
19 THE CONVERSATION.

20 Q DID YOU TRY TO EXPLAIN OR TELL YOUR
21 FATHER ANYTHING AFTER HE EXPRESSED HIS REACTION TO
22 LYLE MENENDEZ?

23 A I JUST TOLD MY DAD THAT LYLE WASN'T
24 GOING TO TELL ANYONE.

25 AND HE SAID SHUT UP AND HE CAME TOWARD
26 ME.

27 Q WHAT DID HE DO WHEN HE CAME TOWARDS
28 YOU?

1 A WELL, I TRIED TO GET OVER MY DESK AND HE
2 TOOK ME OFF AND HE THREW ME ON THE BED AND HE WAS
3 COMING OVER THE BED AND I WAS TRYING TO GET HIM OFF
4 AND WE STRUGGLED FOR A MOMENT. HE LOST HIS BALANCE,
5 I GUESS, AND I RAN OUT THE DOOR.

6 Q DID HE ISSUE OR SAY -- COMMUNICATE ANY
7 THREATS TO YOU AT THAT TIME?

8 A NO.

9 Q DID YOU FEEL YOU KNEW WHAT YOUR FATHER
10 WAS THINKING?

11 A YES.

12 Q WHAT DID YOU FEEL YOUR FATHER WAS
13 THINKING?

14 A THAT I HAD LYLE, NOW LYLE WAS GOING TO
15 TELL EVERYONE AND HE WAS GOING TO STOP THAT FROM
16 HAPPENING.

17 Q WHAT WAS THE NEXT THING THAT YOU DID
18 AFTER YOUR FATHER LEFT YOUR ROOM?

19 A I RAN ACROSS THE BALCONY AND DOWN THE
20 STAIRS AND INTO THE DEN.

21 Q ON THE FIRST FLOOR?

22 A YES.

23 Q WHERE WERE YOU GOING?

24 A TO THE GUESTHOUSE.

25 Q WHY?

26 A BECAUSE I THOUGHT THAT LYLE WAS OVER

27 THERE IN THE BACK.

28 Q AND WHEN YOU GOT DOWNSTAIRS, YOU SAID

43456

1 YOU RAN INTO THE DEN?

2 A YES.

3 Q WHY DID YOU GO INTO THE DEN?

4 A GENERALLY, ONE OF THE WAYS WE WENT

5 OUTSIDE. I KNOW I HEARD THE TELEVISION ON. I'M NOT

6 SURE ANYMORE. I JUST RAN IN THERE.

7 Q DID YOU SEE ANYONE IN THE DEN?

8 A MY MOTHER WAS IN THE DEN.

9 Q AND WHAT WAS YOUR DEMEANOR AT THE TIME

10 YOU ENTERED THE DEN?

11 A I WAS CRYING.

12 Q DID YOUR MOTHER SAY ANYTHING TO YOU?

13 A YES.

14 Q WHAT DID SHE SAY?

15 A WHAT'S THE MATTER WITH YOU?

16 Q DID YOU RESPOND?

17 A I SAID: NOTHING, NOTHING. YOU WOULDN'T

18 UNDERSTAND.

19 AND SHE SAID: OH, I UNDERSTAND. I

20 UNDERSTAND A LOT MORE THAN YOU THINK.

21 I STOPPED OR HESITATED AND SAID: WHAT

22 DO YOU UNDERSTAND? WHAT DO YOU KNOW?

23 AND SHE SAYS: OH, I KNOW. I'VE ALWAYS

24 KNOWN. WHAT DO YOU THINK, I'M STUPID?

25 AND I -- I JUST STOPPED. I STOPPED RIGHT

26 WHERE I WAS.

27 Q DID -- WAS YOUR MOTHER IN ANY PARTICULAR

28 CONDITION AT THIS TIME?

43457

1 A YES.

2 Q AND WHAT CONDITION WAS SHE IN?

3 A SHE WAS EITHER MEDICATED OR DRUNK IN

4 SOME FASHION.

5 Q WHAT WAS IT THAT YOU BELIEVED YOUR

6 MOTHER HAD JUST COMMUNICATED TO YOU?

7 A THAT SHE KNEW WHAT WAS HAPPENING BETWEEN

8 MY FATHER AND I.

9 Q AND DID THAT CAUSE YOU TO REACT IN ANY

10 PARTICULAR WAY?

11 A WHOLE FLOOD OF EMOTIONS SWARMED THROUGH

12 ME. I COULDN'T EVEN SORT THEM OUT AND I DIDN'T EVEN

13 KNOW HOW I WAS THINKING. AND THE ONLY THING I SAID

14 WAS: I HATE YOU. I HATE YOU. AND I WAS THINKING

15 TOO MANY THINGS, FEELING TOO MANY EMOTIONS.

16 Q WHY'D YOU TELL YOUR MOTHER YOU HATED
17 HER?

18 A BECAUSE I WAS -- I JUST FELT -- I DON'T
19 KNOW THE WORDS TO DESCRIBE IT. I FELT BETRAYED IN A
20 SENSE. I FELT LIKE SHE HAD ALWAYS -- I HAD ALWAYS
21 THOUGHT THAT SHE WAS ON MY SIDE ON -- AT LEAST IN MY
22 MIND ON THIS, AND THAT I WAS HELPING HER BY NOT
23 TELLING HER AND PROTECTING HER BY NOT TELLING HER;
24 AND NOW SHE WAS SAYING SHE KNEW AND MY LIFE -- OR AT
25 LEAST SHE KNEW WHAT WAS GOING ON AND I JUST FELT
26 THIS SENSE OF ANGUISH AND RAGE AND SHOCK, HATE.

27 Q WHAT DID YOU DO NEXT?

28 A I RAN OUT THE DOOR.

43458

1 Q WHERE DID YOU GO?

2 A MY MOTHER BEGAN CHASING ME. SHE GRABBED
3 AT ME AS I WAS GOING AROUND THE COUCH, BEGAN CHASING
4 ME BESIDE THE POOL AND PAST THE TENNIS COURT INTO
5 THE GUESTHOUSE.

6 Q WHICH DOOR DID YOU EXIT?

7 A THE FRENCH DOORS.

8 Q THE FRENCH DOORS MEANING THE -- ARE THESE
9 FRENCH DOORS HERE?

10 A RIGHT. THERE, I GUESS, WHERE -- THE
11 BLACK LINES.
12 Q THOSE ARE THE FRENCH DOORS THAT THE JURY
13 HAS SEEN PICTURES OF BEFORE BEHIND THE COUCH?
14 A RIGHT.
15 Q YOU WENT OUT THOSE DOORS?
16 A YES.
17 Q AND THEN YOU WENT BACK TO THE
18 GUESTHOUSE?
19 A YES.
20 Q YOUR MOTHER BEHIND YOU?
21 A YES.
22 Q WAS SHE SAYING ANYTHING?
23 A YES.
24 Q WHAT WAS SHE SAYING TO YOU?
25 A SHE WAS YELLING: GET BACK HERE, YOU
26 BASTARD. DON'T TALK THAT WAY TO ME. GET BACK
27 HERE. JUST YELLING THINGS LIKE THAT. AND I KEPT
28 RUNNING AND SHE KEPT CHASING ME.

43459

1 Q DID YOU RUN DIRECTLY TO THE GUESTHOUSE?
2 A YES.
3 Q DID YOU ENTER THE GUESTHOUSE?
4 A YES.

5 Q DID YOU SEE LYLE MENENDEZ INSIDE THE
6 GUESTHOUSE?

7 A THE GUESTHOUSE HAS A BOTTOM FLOOR AND I
8 RAN UP THE STAIRS TO THE TOP FLOOR, AND LYLE WAS
9 BASICALLY IN THE DOORWAY, AND I SAID SHE KNOWS, SHE
10 KNOWS, SHE KNOWS EVERYTHING, AND I JUST RAN BEHIND
11 LYLE.

12 Q NOW, UP TO THIS POINT, MR. MENENDEZ, DID
13 YOU -- OR LET ME ASK YOU THIS: WHEN WAS THE LAST
14 TIME YOU HAD SPOKEN TO LYLE MENENDEZ BEFORE THIS
15 MOMENT WHERE YOU ENTERED THE GUESTHOUSE?

16 A AN HOUR AND A HALF BEFORE ON THE PHONE,
17 MAYBE TWO HOURS BEFORE.

18 Q AND WAS THAT -- DID LYLE MENENDEZ
19 INDICATE TO YOU IN THAT TELEPHONE CONVERSATION THAT
20 HE HAD SPOKEN TO YOUR FATHER?

21 A NO. HE SAID THAT MY FATHER WOULD BE
22 COMING HOME AND THAT HE WOULD BE SPEAKING WITH HIM.

23 Q SO FOLLOWING THAT TELEPHONE
24 CONVERSATION, YOU HAD NO IDEA WHAT, IF ANYTHING,
25 HAPPENED WITH LYLE MENENDEZ AND YOUR FATHER?

26 A FOLLOWING THE CONVERSATION I ASSUMED
27 THAT HE HAD HAD THE CONVERSATION WITH MY DAD. AFTER
28 MY DAD BURST INTO MY ROOM, OBVIOUSLY, IT WAS QUITE

1 CLEAR. AND SO WHEN I RAN UP TO THE GUESTHOUSE, I
2 KNEW THAT HE HAD HAD SOME SORT OF AT LEAST
3 CONFRONTATION WITH MY DAD.

4 Q BUT YOU DIDN'T KNOW WHAT IT WAS?

5 A I KNEW THE GENERAL NATURE OF IT WAS
6 ABOUT ME.

7 Q BUT YOU DIDN'T KNOW THE SPECIFICS OF
8 THEIR CONVERSATION, I TAKE IT?

9 A NO.

10 Q NOW, WHAT HAPPENED WHEN YOU SAW LYLE
11 MENENDEZ AND YOU SAID TO HIM, MOM, KNOWS, MOM
12 KNOWS? WHAT WAS LYLE MENENDEZ' REACTION, IF
13 ANYTHING?

14 A I DON'T THINK HE HAD TIME TO REACT. MY
15 MOTHER WAS COMING UP THE STAIRS AND I WAS STILL
16 SCREAMING FOR ME TO GET BACK THERE.

17 AND HE SAID TO HER, HE SAID: YOU KNOW?
18 HOW CAN YOU KNOW? WHY HAVEN'T YOU DONE ANYTHING?

19 AND SHE SAID -- SHE WAS IN A RAGE AT THAT
20 POINT AND -- I DON'T REMEMBER THE FIRST WORDS. I
21 KNOW SHE SAID: NO ONE'S EVER HELPED ME. WHY SHOULD
22 I HELP YOU? SHE SAID: I HATE YOU. I HATE YOU. I
23 WISH YOU WERE NEVER BORN. YOU WERE THE CAUSE OF ALL
24 MY MISERIES. AND SHE WENT INTO THE SAME TYPES OF
25 THINGS THAT SHE WOULD SAY GENERALLY WHEN SHE WAS
26 LIKE THAT. AND SHE LEFT SOON AFTER.

27 Q WHY DID YOU RUN BEHIND LYLE MENENDEZ?

43461

1 Q FOR WHAT PURPOSE?

2 A HE WAS STRONGER THAN I WAS, MAYBE BRAVER
3 THAN I WAS. JUST FROM THE TIME I WAS A LITTLE BOY
4 WHEN WE WOULD ASK OUR PARENTS SOMETHING OR WHEN WE
5 WOULD BE IN TROUBLE ABOUT SOMETHING, I WOULD STAND
6 BEHIND MY BROTHER AND MY BROTHER WOULD STAND IN
7 FRONT OF ME IN CASE ANYONE STARTED -- HE GOT HIT OR
8 SOMETHING; AND IT'S JUST THE POSITION I NATURALLY
9 TOOK.

10 Q WHILE YOU WERE BEHIND LYLE MENENDEZ, WAS
11 HE CONFRONTING YOUR MOTHER?

12 A YES.

13 Q WHERE WAS YOUR FATHER?

14 A I DON'T KNOW.

15 Q WHAT DID YOUR MOTHER SAY, IF ANYTHING,
16 AFTER LYLE MENENDEZ COMMUNICATED TO HER THE
17 INFORMATION YOU JUST TOLD THE JURY? WHAT'D YOUR
18 MOTHER SAY, IF ANYTHING?

19 A WHICH --

20 Q WAS THERE ANY MORE OF THAT PARTICULAR
21 CONVERSATION BETWEEN YOUR MOTHER AND LYLE MENENDEZ?

22 A SHE LEFT. RIGHT AFTER SHE FINISHED

23 SCREAMING, SHE RAN OUT OF THE HOUSE GUESTHOUSE.

24 Q LEAVING YOU AND LYLE MENENDEZ ALONE IN
25 THE GUESTHOUSE?

26 A YES.

27 Q AND WHAT DO YOU REMEMBER THE NEXT THING
28 HAPPENING?

43462

1 A ME TURNING TO LYLE AND SAYING: WHAT
2 HAPPENED IN YOUR CONVERSATION WITH DAD? I WAS -- I
3 WAS OUT OF BREATH AND I WAS IN SHOCK AND I WAS JUST
4 SAYING, YOU KNOW: WHAT IN THE WORLD HAPPENED WITH
5 YOU AND DAD?

6 AND HE SAID: CALM DOWN, CALM DOWN.
7 TELL ME WHAT HAPPENED WITH -- TELL ME WHAT'S GOING
8 ON. WHY IS MOM SCREAMING AND WHAT JUST HAPPENED?

9 SO I TOLD HIM ABOUT THE CONVERSATION
10 WITH DAD, AND I TOLD HIM HOW I MET MOM IN THE DEN,
11 AND I TOLD HIM WHAT BASICALLY HAD HAPPENED. AND I
12 WAS DEMANDING TO KNOW WHAT HAD HAPPENED WITH HIM AND
13 DAD AND WHY THINGS HAD TURNED OUT OBVIOUSLY SO
14 BADLY.

15 Q DID LYLE MENENDEZ TELL YOU OF THE
16 CONVERSATION HE HAD HAD EARLIER WITH YOUR FATHER?

17 A YES.

18 Q WHAT DID HE TELL YOU OCCURRED?
19 MR. CONN: OBJECTION. HEARSAY.
20 THE COURT: OVERRULED.
21 THE WITNESS: HE TOLD ME THAT HE WAS IN THE
22 STUDY WITH DAD AND THAT HE TOLD DAD THAT HE WANTED
23 THINGS TO STOP AND THAT IT WAS -- SEX WAS NEVER TO
24 CONTINUE WITH MY DAD AND I; WHATEVER WAS HAPPENING
25 WAS TO END.
26 HE TOLD ME THAT MY FATHER TOLD HIM AT
27 THAT POINT TO GO TO PRINCETON, FORGET THE
28 CONVERSATION EVER HAPPENED, AND JUST NOT RUIN HIS

43463

1 LIFE OVER THIS, DON'T GET INVOLVED OVER THIS.
2 AND THAT LYLE HAD SAID NO, IT'S GOING TO
3 STOP.
4 AND I GUESS HE CONFRONTED DAD OR
5 THREATENED TO TELL THE RELATIVES OR THE POLICE OR
6 WHOEVER IF IT DIDN'T, AND DIFFERENT THINGS LIKE
7 THAT.
8 MY DAD SAID TO HIM SOMETHING ALONG THE
9 LINES OF: YOU'VE MADE YOUR DECISION AND ERIK'S MADE
10 HIS AND NOW HE HAD TO MAKE HIS. AND MY DAD WAS AT
11 THE DOOR. HE WAS TELLING HIM HE WAS NOT GOING TO
12 TELL ANYONE. HE DIDN'T WANT TO TELL ANYONE. AND MY

13 DAD SAID SOMETHING ALONG THE LINES OF: YOU'RE GOING
14 TO TELL EVERYONE ANYWAY.
15 BASICALLY, WHAT I GOT OUT OF THE
16 CONVERSATION WAS THAT MY DAD THOUGHT THAT LYLE WAS
17 GOING TO TELL NO MATTER WHAT HAPPENED.

18 Q AND WAS THAT BASED ON LYLE MENENDEZ
19 TELLING YOUR FATHER THAT HE WAS GOING TO REVEAL THE
20 FACT THAT YOU WERE BEING MOLESTED?

21 A WELL, IN A WAY. I MEAN, I -- FROM WHAT I
22 GOT OF WHAT LYLE WAS TELLING ME, HE WAS TELLING MY
23 DAD THAT IF IT CONTINUES, HE'S GOING TO TELL
24 EVERYONE; AND IF IT DOESN'T, HE WON'T. AND MY DAD
25 THOUGHT HE WAS GOING TO TELL EVERYONE ANYWAY. AND
26 THAT'S WHAT I GOT OUT OF IT.

27 Q WHAT WAS YOUR REACTION TO -- WHAT WAS
28 YOUR REACTION UPON HEARING ABOUT THIS CONVERSATION?

43464

1 A I JUST STARTED YELLING AT HIM SAYING:
2 HOW CAN YOU THREATEN DAD LIKE THAT? I WAS ON THE
3 COUCH IN THE GUESTHOUSE STILL CRYING. MY HANDS IN
4 MY HEAD SAYING: WE'RE GOING TO DIE. HOW COULD YOU
5 THREATEN DAD? I THOUGHT IT WAS ONE OF THE STUPIDEST
6 THINGS IN THE WORLD.

7 Q WHAT WAS YOUR EMOTIONAL CONDITION AT

8 THIS TIME?

9 A EMOTIONAL.

10 Q WERE YOU SCARED?

11 A YES.

12 Q DID LYLE MENENDEZ AND YOURSELF THEN

13 DISCUSS WHAT TO DO?

14 A WELL, HE WAS TELLING ME TO CALM DOWN,

15 NOT TO GET SO EXCITED. SOMETIMES I HAD A TENDENCY

16 TO GET OVERLY EMOTIONAL, PANIC. SO HE WAS TELLING

17 ME TO CALM DOWN, TO RELAX. AND HE ASKED ME A FEW

18 MORE QUESTIONS ABOUT WHAT WAS DAD'S DEemeanor, WHAT

19 WAS DAD SAYING, HOW DID HE LOOK LIKE, THINGS HE WAS

20 SAYING. I COULD TELL THIS DISTURBED LYLE. HE SAID

21 THAT -- HE LOCKED THE TOP DOOR OF THE GUESTHOUSE. HE

22 STAYED AROUND THE BALCONY. I WAS STILL ON THE COUCH

23 OVERLOOKING THE MAIN HOUSE TO SEE IF MAYBE DAD WAS

24 COMING AGAIN. AND WE DISCUSSED IT, THE THINGS. HE

25 BASICALLY REBOUNDED THINGS OFF OF ME AT THAT POINT.

26 Q WHAT KINDS OF THINGS WERE YOU REBOUNDING

27 OFF EACH OTHER?

28 A HE WANTED TO LEAVE THE HOUSE RIGHT

43465

1 AWAY. HE WANTED TO GET THINGS TOGETHER AND GO.

2 AND I WAS SAYING WE CAN'T GO. WHERE ARE

3 WE GOING TO GO? WE'RE NOT LEAVING.

4 HE SAID NO, WE'VE GOT TO GET OUT OF HERE

5 NOW. HE DIDN'T KNOW WHAT WAS GOING TO HAPPEN, WHAT

6 DAD WAS GOING TO DO AT THAT POINT RIGHT THEN. AND

7 HE WANTED TO GET OUT OF THE HOUSE THAT INSTANT.

8 AND I WAS SAYING: I CAN'T GO. WHERE

9 ARE WE GOING TO GO? WHAT ARE YOU TALKING ABOUT?

10 AND I HAD HAD CONVERSATIONS WITH HIM ON

11 TUESDAY OR WEDNESDAY, YOU KNOW, TALKING ABOUT THE

12 FACT THAT, BASICALLY, IF HE LEFT ME, THAT I WOULD

13 KILL MYSELF, AND ASKING HIM NOT TO LEAVE ME, AND

14 THAT'S WHAT I WAS SAYING IN THIS CONVERSATION TO

15 HIM.

16 Q DID YOU GET THE FEELING FROM LYLE

17 MENENDEZ THAT HE, AT THAT POINT IN TIME, WAS GOING

18 TO ABANDON YOU AND JUST LEAVE?

19 A I WAS WORRIED THAT HE MIGHT. I KNEW

20 THAT LYLE HAD FELT ABOUT ME STRONGLY AND THAT HE

21 LOVED ME, AND THAT -- ESPECIALLY ABOUT THIS ISSUE.

22 IT WAS VERY SORE FOR HIM. AND -- SO I DIDN'T THINK

23 HE WOULD, NO. IT WAS A FEAR, BUT I DIDN'T REALLY

24 THINK HE WOULD AT THAT POINT ON THURSDAY NIGHT.

25 Q FROM YOUR PERSPECTIVE, HOW IMPORTANT

26 WOULD IT BE TO YOUR FATHER IF LYLE MENENDEZ DID, IN

27 FACT, TELL THE RELATIVES THE FACT THAT HE HAD

28 MOLESTED YOU?

1 A THE RELATIVES? I DON'T KNOW.

2 Q DID YOU EVER -- OR DID YOU FEEL THAT
3 THERE WAS NO WAY THAT YOUR FATHER WOULD TOLERATE
4 LYLE MENENDEZ TELLING ABOUT YOU AND HE?

5 MR. CONN: OBJECTION. LEADING.

6 THE COURT: SUSTAINED.

7 Q BY MR. LEVIN: WHAT WAS -- WAS THERE ANY
8 OTHER DISCUSSION WITH RESPECT TO YOURSELF AND LYLE
9 MENENDEZ ABOUT PROTECTING YOURSELF?

10 A WELL, AT FIRST WE DISCUSSED WHETHER OR
11 NOT WE COULD GO TO THE RELATIVES. THE POLICE WAS
12 BROUGHT UP. THOSE WERE DISMISSED. AND AT SOME
13 POINT WE TALKED ABOUT GETTING A KNIFE OR GETTING
14 SOME SORT OF A WEAPON, AND WE DISCUSSED GETTING A
15 GUN AND WE DECIDED ON THAT. IT WAS A -- IT WASN'T A
16 SHORT CONVERSATION. IT WAS -- AT TIMES WE WERE
17 YELLING, HIM SAYING I WANT TO LEAVE; ME SAYING WE
18 CAN'T; ME COMING UP WITH THIS AND JUST -- IT WAS AN
19 EMOTIONAL 20-MINUTE, 30-MINUTE CONVERSATION. MAYBE
20 LONGER.

21 Q WHY DID YOU FEEL, ULTIMATELY, THAT YOU
22 NEEDED -- OR, IF YOU DID, YOU NEEDED A GUN?

23 A BECAUSE I THOUGHT DAD MIGHT VERY WELL
24 KILL ME.

25 Q WHY DID YOU FEEL YOUR FATHER WOULD KILL
26 YOU?

27 A BECAUSE THERE WAS -- THIS INFORMATION
28 GETTING OUT WOULD BE THE END OF HIS LIFE, THE END OF

43467

1 HIS POLITICAL LIFE, THE END OF HIS PRIDE, ALL HONOR
2 IN THE FAMILY. THERE WAS NO WAY THAT MY FATHER WAS
3 GOING TO LET THIS GET OUT. HE HAD TOLD ME THAT OVER
4 MY LIFE VERY CLEARLY. AND IT JUST WASN'T GOING TO
5 HAPPEN. AND WHEN HE SAID THAT HE WAS GOING TO STOP
6 LYLE, THAT'S EXACTLY WHAT I THOUGHT HE MEANT.

7 Q DID YOU FEAR THAT YOUR MOTHER WOULD HAVE
8 ANYTHING TO DO WITH YOUR FATHER KILLING YOU?

9 A YES.

10 Q WHY AT THAT POINT DID YOU FEEL THAT YOUR
11 MOTHER WOULD ALSO KILL YOU?

12 A I THOUGHT THAT WHATEVER -- WHATEVER THEY
13 WERE GOING TO DO, THEY WERE GOING TO DO TOGETHER.
14 THEY HAD WORKED THAT WAY BEFORE, AND THAT'S JUST THE
15 WAY IT WAS.

16 Q THAT NIGHT, WHERE DID YOU SLEEP?

17 A IN THE GUESTHOUSE.

18 Q AND DID YOU SLEEP IN THE GUESTHOUSE
19 ALONG WITH LYLE MENENDEZ?

20 A YES.

21 Q DO YOU REMEMBER HOW WELL YOU SLEPT THAT

22 NIGHT OR HOW MUCH YOU SLEPT THAT NIGHT?

23 A I REMEMBER THE CONVERSATION WITH MY
24 BROTHER. WE TALKED ON ABOUT THE FAMILY AFTER THAT
25 OVERLOOKING THE PORCH; ENDED EARLY IN THE MORNING.
26 I STAYED UP AFTER LYLE WENT BACK TO HIS ROOM SORT OF
27 PACING AND SITTING THERE AND EVENTUALLY I FELL
28 ASLEEP EARLY IN THE MORNING ON FRIDAY MORNING.

43468

1 Q WHAT KINDS OF THINGS DID YOU TALK ABOUT
2 WITH LYLE MENENDEZ THAT NIGHT WHEN YOU SAID YOU
3 SPOKE OF THE FAMILY?

4 A WE SPOKE ABOUT MOM AND DAD AND US AND WE
5 JUST TALKED ABOUT THE FAMILY. I KNOW WE TALKED
6 ABOUT -- ONE OF THE THINGS WE TALKED ABOUT WAS, YOU
7 KNOW, HOW -- WHAT WAS IN DAD'S MIND, WHAT WAS IN
8 MOM'S MIND, IMAGE. I DON'T REMEMBER THE EXACT
9 DETAILS OF WHAT WE TALKED ABOUT, BUT I TOLD LYLE
10 THAT I HAD A FEELING DAD MIGHT REACT THIS WAY AND WE
11 JUST DISCUSSED DIFFERENT THINGS. I DON'T REMEMBER
12 THE EXACT DETAILS.

13 Q AT THAT POINT IN TIME, MR. MENENDEZ, DID
14 YOU FEAR FOR YOUR LIFE?

15 A YES.

16 Q WHY DIDN'T YOU JUST RUN AWAY?

17 A I DIDN'T FEEL THAT THAT WAS EVEN A

18 POSSIBILITY. I JUST DIDN'T.

19 Q WHY NOT?

20 A I FELT THAT MY DAD WOULD FIND ME, WOULD

21 KILL ME, THAT HE WOULD USE EVERY CENT THAT HE HAD TO

22 FIND ME, AND THAT HE WOULD DO SO. I JUST -- I DON'T

23 KNOW. BY THE TIME I WAS 18 IT WAS -- IT WAS JUST A

24 PART OF MY BEING THAT I COULDN'T, AND AFTER I TRIED

25 TO WHEN I WAS 12, I JUST CAME TO UNDERSTAND THAT

26 THAT WOULD NEVER HAPPEN.

27 Q WAS THERE A CONCERN OR A HOPE THAT

28 THINGS MIGHT GET BETTER FOLLOWING THAT CONVERSATION

43469

1 WITH YOUR BROTHER?

2 A YES.

3 Q AND WHAT WAS YOUR HOPE WITH RESPECT TO

4 THINGS GETTING BETTER?

5 A THAT SOMEHOW -- I WASN'T REALLY HIGH ON

6 THE IDEA THAT DAD MIGHT TALK TO ME ABOUT THIS, BUT

7 SOMEHOW DAD MIGHT COMMUNICATE WITH LYLE THAT SOME

8 RESOLUTION TO THE ISSUE THAT -- THAT THERE WERE GOING

9 TO BE FURTHER DISCUSSIONS AND THAT THINGS MIGHT

10 SETTLE DOWN, SOME AGREEMENT MIGHT BE MADE THAT I

11 MIGHT ACTUALLY BE ABLE TO GO OFF WITH LYLE TO

12 PRINCETON, OR THAT LYLE MIGHT BE ABLE TO COME BACK

13 TO U.C.L.A.

14 Q WERE THERE ANY WEAPONS IN YOUR HOUSE

15 THAT YOU WERE AWARE OF?

16 A YES.

17 Q WHAT KINDS OF WEAPONS WERE THERE?

18 A RIFLES.

19 Q AND WHOSE RIFLES WERE THEY?

20 A I KNOW ONE WAS MY MOTHER'S. ANOTHER ONE

21 WAS ALSO KEPT IN HER ROOM, IT WAS THE FAMILY RIFLE.

22 Q WERE THOSE THE TWO RIFLES THAT HAD BEEN

23 SHOWN TO THE JURY EARLIER IN THE TRIAL?

24 A RIGHT.

25 Q WERE YOU WITH YOUR MOTHER WHEN SHE

26 PURCHASED ONE OF THOSE RIFLES?

27 A YES.

28 Q AND DO YOU RECALL WHEN THAT TOOK PLACE?

43470

1 A SUMMER BEFORE.

2 (ATTORNEYS LEVIN AND ABRAMSON

3 CONFERRING SOTTO VOCE.)

4

5 Q BY MR. LEVIN: DID IT OCCUR TO YOU AT

6 THAT TIME THAT YOU MIGHT, INSTEAD OF RUNNING AWAY,

7 GO TO ONE OF YOUR RELATIVES FOR SOME HELP?

8 A WE TALKED ABOUT IT.

9 Q AND WHAT WAS THE NATURE OF THE
10 CONVERSATION YOU HAD WITH LYLE MENENDEZ REGARDING
11 THE RELATIVES?

12 A WHO WE COULD GO TO, WHO WE COULDN'T,
13 WHETHER THERE WAS ANYONE THAT WE COULD REALLY GO TO
14 THAT WOULD PROTECT US FROM DAD OR THAT WOULD STAND
15 UP TO MY FATHER.

16 Q WHO WERE THE RELATIVES THAT YOU
17 DISCUSSED WITH LYLE MENENDEZ THAT YOU FELT YOU COULD
18 GO TO, POSSIBLY?

19 A POSSIBLY? WE TALKED ABOUT MY AUNT
20 MARTA. JUST THE RELATIVES THAT WE WERE CLOSE WITH
21 IN TERMS OF OUR CHILDHOOD. MY AUNT TERRY.
22 DISMISSED THOSE.

23 WE TALKED ABOUT HOW WE WISHED PAPA WAS
24 ALIVE AND JUST DISCOUNTED THAT THERE WAS ANY
25 POSSIBILITY OF --

26 Q PAPA WAS JOSE MENENDEZ' FATHER?

27 A YES, MY GRANDMOTHER'S HUSBAND.

28 Q WHEN DID HE PASS?

43471

1 A FEBRUARY 12TH, 1987.

2 Q WHY DID YOU WISH THAT HE WERE STILL

3 ALIVE?

4 A PAPA WAS A STRONG PERSON THAT HAD SEEN

5 THINGS OVER HIS LIFE AND I'D SEEN HIM STAND UP TO

6 DAD WHEN IT CAME TO LYLE AND MYSELF IN TERMS OF

7 TREATMENT, AND I THOUGHT HE MIGHT BE SOMEONE, MAYBE

8 THE ONLY PERSON, THAT COULD STAND UP TO DAD.

9 Q WAS HE PARTICULARLY CLOSE WITH LYLE

10 MENENDEZ?

11 A HE WAS -- HE WAS LYLE'S BEST FRIEND.

12 Q WHY COULDN'T YOU GO TO MARTA?

13 A MARTA'S A STRONG WOMAN, BUT SHE IDOLIZED

14 MY FATHER AND MY FATHER WAS LOOKED UP TO IN THE

15 FAMILY. HE WAS THE MOST SUCCESSFUL, SELF-MADE

16 MILLIONAIRE. AND HE WAS STRONG. HIS AURA WAS

17 MIGHTY. AND I JUST -- I THOUGHT MARTA, SHE'S --

18 SHE'S VERY RELIGIOUS AND SHE'S VERY CARING AND SHE

19 WOULD WANT TO BOND US BACK TOGETHER AND TRY TO GET

20 THERAPY, AND NOT REALIZING THE EXTENT OF MY FATHER'S

21 ANGER AND WRATH, AND IT SIMPLY WASN'T GOING TO

22 HAPPEN. I DIDN'T THINK THAT SHE WOULD UNDERSTAND OR

23 COULD HELP US.

24 Q WHAT ABOUT AUNT TERRY OR UNCLE CARLOS?

25 A BASICALLY THE SAME. MY UNCLE CARLOS WAS

26 VERY CLOSE TO MY FATHER, HAD KNOWN MY FATHER FOR

27 MANY YEARS, AND I WASN'T SURE WHETHER HE'D BELIEVE

28 ME. I WASN'T SURE WHETHER HE'D WANT TO HELP ME. I

1 THOUGHT THAT HE WOULD PROBABLY WANT TO SIDE WITH MY
 2 FATHER. I JUST DIDN'T -- I DIDN'T KNOW. BUT THOSE
 3 POSSIBILITIES WEREN'T REAL. OVER MY LIFE I HAD
 4 SUSPECTED THEY MIGHT HAVE KNOWN SOMETHING AND I
 5 DISCOUNTED IT. I JUST DIDN'T THINK IT WAS A REAL
 6 POSSIBILITY.

7 Q AT THAT TIME COULD YOU THINK OF ANY
 8 PERSON THAT YOU COULD GO TO TO TALK TO IN YOUR
 9 FAMILY, A COACH, A NEIGHBOR, ANYONE, TO TALK TO
 10 ABOUT THIS THING?

11 A THERE WAS NO ONE.

12 MR. LEVIN: YOUR HONOR, THIS WOULD BE A GOOD
 13 TIME TO BREAK.

14 THE COURT: OKAY. WE'LL BE IN RECESS UNTIL
 15 1:30. DON'T DISCUSS THE MATTER WITH ANYONE. DON'T
 16 FORM ANY FINAL OPINIONS ABOUT IT, AND WE'LL RESUME
 17 AT 1:30.

18 (AT 12:00 P.M. THE NOON
 19 RECESS WAS TAKEN UNTIL
 20 1:30 P.M. OF THE SAME DAY.)

1 VAN NUYS, CALIFORNIA; MONDAY, DECEMBER 11, 1995

2 1:34 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: WE HAVE EVERYONE HERE WITHOUT THE
11 JURY.

12 SOMETHING YOU WANTED TO TALK ABOUT?

13 MR. LEVIN: YES, YOUR HONOR. WHAT I PROPOSE

14 TO OFFER AS EVIDENCE IN THIS CASE IS A DOCUMENT.

15 IT'S A THREE-PAGE ESSAY, WRITTEN BY THE HAND OF LYLE

16 MENENDEZ, AND IT'S DATED DECEMBER THE 10TH, 1982.

17 IT IS THE ESSAY THAT WE HAD PREVIOUS DISCUSSIONS ON

18 BY MR. GESSLER CONCERNING THE SUBPOENA OF AN

19 OUT-OF-STATE WITNESS BEING THE TEACHER AT LYLE

20 MENENDEZ SCHOOL THAT CAN -- THAT HAS WRITTEN CERTAIN

21 NOTES ON THIS PARTICULAR ESSAY.

22 ERIK MENENDEZ WISHES TO HAVE THIS

23 DOCUMENT AS EVIDENCE IN THIS TRIAL TO EXPLAIN HIS

24 STATE OF MIND AS IT EXISTED DURING THE LAST WEEK

25 PRIOR TO HIS PARENTS' DEATH.

26 AND THE BRIEF CHRONOLOGY OF WHAT HAD

27 OCCURRED WITH RESPECT TO THIS ESSAY WAS THAT LYLE

28 MENENDEZ HAD INDEED CONFRONTED JOSE MENENDEZ WHEN

1 ERIK MENENDEZ WAS APPROXIMATELY 11 YEARS OLD, WHICH
2 RESULTED IN JOSE MENENDEZ CONFRONTING ERIK MENENDEZ
3 AND ACCUSING HIM OF TELLING HIS BROTHER LYLE
4 MENENDEZ, WHICH ERIK MENENDEZ DID NOT.

5 FOLLOWING THIS PARTICULAR INCIDENT,
6 THROUGH VARIOUS TIMES, AS ERIK MENENDEZ HAS ALREADY
7 TESTIFIED, LYLE MENENDEZ WOULD, ON OCCASION, ASK HIM
8 IF THINGS WERE HAPPENING, IF THINGS WERE STILL
9 HAPPENING OF A SEXUAL NATURE BETWEEN HE AND HIS
10 FATHER.

11 DURING THIS PERIOD OF TIME LYLE MENENDEZ
12 HANDED ERIK MENENDEZ THIS DOCUMENT FOR ERIK MENENDEZ
13 TO READ. ERIK MENENDEZ READS THIS DOCUMENT AND
14 FORMS AN OPINION, ONE, THAT IT CONCERNS THE THEME OR
15 A THEME THAT IS CLEAR IN THIS DOCUMENT THAT LYLE
16 MENENDEZ IS AWARE THAT ERIK MENENDEZ IS BEING
17 SEXUALLY ABUSED, MOLESTED, AND TERRORIZED BY HIS
18 FATHER; AND THAT LYLE MENENDEZ, BY INFERENCE, IS IN
19 THIS PARTICULAR ESSAY, HAVING DONE SOMETHING EXTREME
20 WITH THE MOLESTER.

21 ERIK MENENDEZ FORMS THIS OPINION AND
22 FROM THIS OPINION, FROM READING THIS ESSAY -- AND WE
23 ONLY OFFER IT FOR ERIK MENENDEZ' STATE OF MIND TO
24 EXPLAIN WHY HE DID NOT TELL LYLE MENENDEZ EARLIER
25 THE FACT THAT HE HAD BEEN SEXUALLY ABUSED BY HIS
26 FATHER -- AND ONE OF THE REASONS WAS BASED DIRECTLY
27 ON THIS ESSAY WHEREIN ERIK MENENDEZ FEARED THAT LYLE
28 MENENDEZ WOULD DO THIS OR SOMETHING EXTREME.

1 THAT'S THE PURPOSE OF THE -- THAT'S THE
2 PROFFER.

3 THE COURT: AND HE WAS THINKING ABOUT THIS
4 PARTICULAR LETTER IN AUGUST OF 1989, OR THIS ESSAY
5 IN AUGUST 1989?

6 MR. LEVIN: YES.

7 THE COURT: AND WHAT IS THE PEOPLE'S
8 RESPONSE?

9 MR. CONN: I DON'T THINK THAT AN ADEQUATE
10 FOUNDATION CAN BE LAID FOR THE ADMISSION OF THIS. I
11 THINK THAT THE WITNESS ALREADY TESTIFIED THAT HE WAS
12 SHOWN SOMETHING BY LYLE MENENDEZ AND THAT IT CAUSED
13 HIM TO CONCLUDE FURTHER THAT -- I BELIEVE HE SAID
14 THAT HIS BROTHER LYLE MENENDEZ KNEW THAT HE WAS
15 BEING MOLESTED; THAT HE REACHED THAT CONCLUSION
16 AFTER LOOKING AT THIS PARTICULAR DOCUMENT.

17 I WOULD SUBMIT THAT THE SUBSTANCE OF THE
18 DOCUMENT IS IMMATERIAL. HE SIMPLY SAID THAT HE READ
19 A DOCUMENT AND THAT CAUSED HIM TO REACH THAT
20 CONCLUSION. THAT TESTIMONY IS IN. THAT TESTIMONY
21 STANDS ON ITS OWN AT THIS POINT. I DON'T THINK IT'S
22 NECESSARY TO INTRODUCE THE DOCUMENT, AND I WOULD
23 ASK, UNDER 352, THAT THE DOCUMENT BE EXCLUDED

24 BECAUSE IT IS MORE PREJUDICIAL THAN PROBATIVE,
25 BECAUSE IT CONFUSES THE ISSUES BEFORE THE JURY; AND
26 ALSO, BECAUSE THERE'S NO PROPER FOUNDATION THAT CAN
27 BE LAID FOR THE ADMISSION OF THE DOCUMENT.

28 THE COURT: WHEN YOU SAY NO FOUNDATION CAN BE

43476

1 ESTABLISHED, WHAT DO YOU MEAN?

2 MR. CONN: WELL, SIMPLY THAT THERE'S NO ONE
3 WHO CAN AUTHENTICATE THIS DOCUMENT. IT IS --

4 THE COURT: I THOUGHT THE OFFER OF PROOF WAS
5 THAT THIS WITNESS SAW IT IN 1982 AND HAD IT IN HIS
6 MIND ALL THE WAY UP THROUGH AUGUST THE 20TH, 1989,
7 FROM '82 TO '89.

8 SO DOESN'T THAT ESTABLISH A FOUNDATION
9 THAT HE SAW IT IN '82 AND RECOGNIZES THE
10 HANDWRITING?

11 MR. CONN: I WOULD SIMPLY OBJECT UNDER 352
12 GROUNDS IN THAT CASE.

13 THE COURT: WAS THIS REFERRED TO IN THE FIRST
14 TRIAL TESTIMONY, THIS ISSUE THAT WAS SO
15 SIGNIFICANT?

16 MR. LEVIN: YOUR HONOR, I MUST ADMIT, WITH
17 ALL CANDOR, ALTHOUGH I READ 30,000 PAGES OF THE
18 FIRST TRIAL, I CANNOT ANSWER THE COURT'S QUESTION.

19 PERHAPS MISS ABRAMSON CAN. SHE'S IN A BETTER
20 POSITION.

21 MS. ABRAMSON: IT WAS NOT REFERRED TO IN THE
22 FIRST TRIAL. THIS WAS A DOCUMENT AT THAT TIME IN
23 THE POSSESSION OF COUNSEL FOR LYLE MENENDEZ AND I
24 DID NOT SEE IT, AND I NEVER DISCUSSED IT WITH MY
25 CLIENT, BECAUSE I NEVER SAW IT.

26 THE COURT: BUT NOW THE OFFER IS THAT THIS
27 WITNESS WAS THINKING ABOUT IT AND THIS WAS OF
28 PARAMOUNT IMPORTANCE IN HIS THOUGHTS IN '89?

43477

1 MS. ABRAMSON: I DON'T KNOW THAT IT'S BEING
2 CHARACTERIZED THAT WAY. WHAT WE FOUND -- WHICH IS
3 NOT UNCOMMON WITH MY CLIENT IN PARTICULAR OVER THE
4 YEARS -- THAT WHEN WE TALKED ABOUT IT, IF HE WAS
5 SHOWN DOCUMENTS OR SHOWN PHOTOGRAPHS, THAT WOULD
6 TRIGGER CERTAIN MEMORIES. I DIDN'T HAVE THIS AND I
7 DIDN'T KNOW ABOUT THIS AND I NEVER DISCUSSED IT WITH
8 HIM. BUT HE HAD ALWAYS TALKED ABOUT THE PRIOR -- THE
9 FACT THAT HIS BROTHER HAD APPARENTLY INTERVENED ON
10 HIS BEHALF WITH HIS FATHER; THE FACT THAT HE HAD
11 LONG SUSPECTED THAT THERE WAS MOLESTATION GOING ON
12 BETWEEN HIS FATHER AND BROTHER. SO I DON'T FIND IT
13 NECESSARILY INCONSISTENT WHEN WE DIDN'T FOCUS ON

14 THIS PARTICULAR DOCUMENT BECAUSE I NEVER SAW IT.

15 THE COURT: OKAY. I'M STILL TRYING -- BEYOND
16 THAT, TRYING TO FOCUS ON WHAT IT WOULD PROVE. I
17 STILL DON'T SEE HOW IT PROVES ANYTHING.

18 MR. LEVIN: WELL, IT WOULD EXPLAIN ERIK
19 MENENDEZ' STATE OF MIND WITH RESPECT TO, ONE, ALWAYS
20 BELIEVING, FROM 1982 FORWARD, WHY, AT LEAST IN HIS
21 STATE OF MIND AS UNDERSTANDING THE FACTS, WHY HE
22 WOULD NOT TELL HIS BROTHER, AMONG OTHER REASONS.
23 BUT THIS IS OF CRITICAL IMPORTANCE TO EXPLAIN ERIK
24 MENENDEZ' STATE OF MIND.

25 THE COURT: A STATE OF MIND IS A STATE OF
26 MIND. HE SAYS WHAT HIS STATE OF MIND IS. THIS
27 DOESN'T PROVE HIS STATE OF MIND.

28 MR. LEVIN: IT CORROBORATES IT.

43478

1 THE COURT: IT DOESN'T PROVE ANYTHING. HE'S
2 SAYING WHAT HIS STATE OF MIND IS.

3 MR. LEVIN: IT'S CERTAINLY CORROBORATIVE OF
4 THE STATE OF MIND.

5 SECONDLY, IT GOES TO -- IT GOES TO --

6 THE COURT: WHAT DOES IT CORROBORATE?

7 MR. LEVIN: BECAUSE THE ESSAY CLEARLY,
8 CLEARLY IS A STORY OF MOLESTATION, OF DEATH, OF A

9 PERSON KILLING A MOLESTER, ABOUT A 12-YEAR-OLD.

10 THE COURT: WHOSE INTERPRETATION IS THAT?

11 MR. LEVIN: I THINK IT'S EVERYONE'S

12 INTERPRETATION WHO'S EVER SEEN THE DOCUMENT.

13 THE COURT: SORT OF LIKE READING A SCREENPLAY

14 AND TRYING TO FIGURE OUT WHAT IT MEANS?

15 MR. LEVIN: NO. IT'S ABOUT A MAN WHO WAITS

16 HIS TURN ON THE ELECTRIC CHAIR. IT GOES ON TO TALK

17 ABOUT THIS MAN IN THE ELECTRIC CHAIR IS THERE

18 BECAUSE HE HELPED HIS -- I DON'T NEED TO GO INTO THE

19 SPECIFIC DETAILS, BUT WHAT IT DISCUSSES IS A

20 12-YEAR-OLD OR 11-YEAR-OLD CHILD WHO'S BEING

21 MOLESTED AND WHAT HAPPENED TO THAT PARTICULAR

22 INDIVIDUAL. AND THE INDIVIDUAL THAT INTERVENES

23 ENDED UP RECEIVING THE DEATH PENALTY IN THE THESIS

24 OF THIS, "I WILL CHANGE YOUR VERDICT," BY EXPLAINING

25 TO YOU WHY THIS PERSON KILLED THE MOLESTER. AND IT

26 WAS VERY -- IT WAS VERY IMPORTANT TO ERIK MENENDEZ IN

27 UNDERSTANDING WHAT LYLE MENENDEZ WOULD DO IF HE TOLD

28 HIM THAT HE HAD BEEN MOLESTED. IT'S AN EXPLANATION

43479

1 AS TO WHY HE DIDN'T GO TO HIS BROTHER. IT'S NOT THE

2 ONLY REASON, BUT IT IS AN IMPORTANT REASON IN HIS

3 STATE OF MIND, WHY HE DIDN'T DO IT.

4 THE COURT: WHAT WOULD HE GET OUT OF THIS
5 LETTER THAT HE HASN'T ALREADY SAID THAT HE THOUGHT
6 HIS BROTHER WOULD DO? I DON'T UNDERSTAND. I REALLY
7 DON'T.

8 THE WITNESS: BARRY.

9 THE COURT: I JUST DON'T FOLLOW WHAT YOU'RE
10 SAYING.

11 MR. LEVIN: MAY I HAVE ONE MOMENT?

12 THE COURT: CERTAINLY.

13 (DEFENDANT ERIK MENENDEZ AND
14 MR. LEVIN CONFER SOTTO VOCE.)

15

16 MR. LEVIN: WELL, YOUR HONOR, THE ONLY THING
17 I CAN ADD IS THERE WERE PREVIOUS DISCUSSIONS THAT
18 ERIK MENENDEZ HAD WITH LYLE MENENDEZ CONCERNING THIS
19 ESSAY.

20 THE COURT: ARE YOU OFFERING THOSE AS WELL?

21 MR. LEVIN: YES.

22 THE COURT: WHAT ARE THEY?

23 MR. LEVIN: THAT LYLE MENENDEZ HANDED ERIK
24 MENENDEZ THE ESSAY AND HE EXPLAINED TO HIM THAT HE
25 WAS SORRY THAT THERE WASN'T MORE THAT HE COULD DO,
26 THAT HE COULDN'T HELP HIM; AND THAT FURTHER CAUSED
27 ERIK MENENDEZ TO REALIZE THAT LYLE MENENDEZ, IN
28 ESSENCE, KNEW THAT HIS FATHER HAD BEEN MOLESTING

1 HIM, OR AT LEAST FELT IT. BUT HE WANTED ERIK
2 MENENDEZ TO TELL HIM, WHICH ERIK MENENDEZ WOULD NOT
3 DO.

4 THE COURT: OKAY. THIS IS ALL BACK IN 1982?

5 MR. LEVIN: YES.

6 THE COURT: ALL RIGHT. ANYTHING FURTHER?

7 MR. LEVIN: NO.

8 THE COURT: ALL RIGHT. THE COURT FINDS THAT
9 THIS IS, NUMBER ONE, VERY REMOTE, 1982; NUMBER TWO,
10 IT'S, IN ESSENCE, HEARSAY AND STATEMENTS OF LYLE
11 MENENDEZ NOT OFFERED REALLY TO PROVE STATE OF MIND
12 OF ERIK MENENDEZ IN 1989, BUT THE STATE OF MIND
13 POSSIBLY OF LYLE MENENDEZ IN 1982, WHICH AT THIS
14 POINT IS NOT AN ISSUE BEFORE THE JURY AS FAR AS
15 ANYTHING OFFERED BY THIS WITNESS; AND THEREFORE, THE
16 PROBATIVE VALUE OF THIS EVIDENCE IS VERY WEAK, AND
17 THE POTENTIAL FOR CONFUSION OF ISSUES AND ALSO TO
18 INTRODUCE HEARSAY EVIDENCE IS GREAT, AND THE
19 OBJECTION ON THE GROUNDS OF HEARSAY AND UNDER
20 SECTION 352 OF THE EVIDENCE CODE IS SUSTAINED.

21 MR. LEVIN: YOUR HONOR, I WOULD LIKE TO HAVE
22 THE THREE-PAGE DOCUMENT, NONETHELESS, MARKED AS AN
23 EXHIBIT.

24 THE COURT: IT WILL BE 363.

25 MR. LEVIN: THANK YOU.

26 MR. GESSLER: I WOULD LIKE TO BE HEARD

27 BRIEFLY ON BEHALF OF LYLE MENENDEZ.

28 THE COURT: YES.

43481

1 MR. GESSLER: EVEN THOUGH THIS GOES TO ERIK'S
2 STATE OF MIND, AS WAS STATED BY MR. LEVIN, ERIK'S
3 STATE OF MIND IS ALSO VERY IMPORTANT TO LYLE'S
4 ACTIONS ON THE NIGHT OF AUGUST 20TH AND THE ACTIONS
5 WHICH HE TOOK RELATING FROM THOSE STATES OF MIND.

6 THEREFORE, WE'RE OFFERING THIS DOCUMENT
7 ALSO FOR THE SAME REASONS AS WAS STATED BY
8 MR. LEVIN, THAT IS, FOR ERIK'S STATE OF MIND.

9 BUT I WANT THE COURT TO BE AWARE THIS IS
10 A JOINT OFFER FOR THIS DOCUMENT.

11 THE COURT: I DON'T SEE HOW THIS DOCUMENT
12 ESTABLISHES THE STATE OF MIND OF ERIK MENENDEZ IN
13 ANY WAY, QUITE FRANKLY. IT DOESN'T MEET THE OFFER.
14 AND THE OBJECTION IS STILL SUSTAINED.

15 ALL RIGHT.

16 MR. LEVIN: I JUST WANT TO INFORM THE
17 DISTRICT ATTORNEY OF ONE OTHER ISSUE.

18 THE COURT: SURE.

19 (ATTORNEYS LEVIN AND CONN
20 CONFER SOTTO VOCE.)

21

22 THE COURT: OBVIOUSLY, THE ISSUES ARE
23 DIFFERENT IF AND WHEN LYLE MENENDEZ TESTIFIES. THEN
24 THE WHOLE ISSUE COULD BE REVISITED.

25 MR. LEVIN: ALL RIGHT. WE'RE READY, YOUR
26 HONOR.

27 THE COURT: OKAY. WE'LL HAVE THE JURY OUT,
28 PLEASE.

43482

1 (THE JURY ENTERED THE COURTROOM
2 AND THE FOLLOWING PROCEEDINGS
3 WERE HELD:)

4

5 THE COURT: THE JURY IS BACK AND WE'LL RESUME
6 WITH THE DIRECT EXAMINATION.

7

8 DIRECT EXAMINATION (CONTINUED)

9 BY MR. LEVIN:

10 Q MR. MENENDEZ, AS OF AUGUST 1989, HAD YOU
11 EVER WORKED REGULAR EMPLOYMENT ANYWHERE?

12 A NO.

13 Q HAD YOU EVER BEEN ALLOWED TO WORK
14 REGULAR EMPLOYMENT?

15 A NO.

16 Q AND WHO WAS IT THAT PREVENTED YOU FROM

17 WORKING?

18 A MY FATHER.

19 Q IN WHAT WAY DID HE COMMUNICATE TO YOU
20 THAT YOU WERE NOT TO WORK?

21 A TENNIS WAS MY WORK.

22 Q HAD YOU EVER LIVED AWAY FROM HOME
23 PRIOR -- WELL, AT ANY TIME IN YOUR LIFE?

24 A A WEEK OR TWO AT SUMMER CAMP.

25 Q HAD YOU EVER HAD YOUR OWN APARTMENT?

26 A NO.

27 Q WERE YOU EVER ALLOWED TO HAVE YOUR OWN
28 APARTMENT?

43483

1 A NO.

2 Q HAD YOU EVER BEEN -- HAD YOU EVER HAD A
3 CHECKING ACCOUNT?

4 A NO.

5 Q CREDIT CARDS?

6 A NO.

7 Q WAS THERE ANYTHING ABOUT YOUR LIFE, AS
8 IT EXISTED IN AUGUST OF 1989, THAT YOU BELIEVED
9 WOULD ALLOW YOU TO BE SELF-SUFFICIENT, THAT IS, TO
10 BE ABLE TO SURVIVE ON YOUR OWN?

11 A I DON'T UNDERSTAND WHAT YOU MEAN.

12 Q DID YOU FEEL THAT YOU, IN AUGUST OF
13 1989, IF YOU RAN AWAY, THAT YOU COULD SURVIVE ON
14 YOUR OWN?

15 A IF I RAN AWAY? YOU MEAN HIDING FROM MY
16 PARENTS?

17 Q YES.

18 A NO.

19 Q DID YOU HAVE SOME IDEA OF WHAT LIFE
20 ENTAILED AS OF AUGUST OF 1989?

21 MR. CONN: OBJECTION. VAGUE.

22 THE COURT: IT IS VAGUE. THAT'S A VERY
23 PHILOSOPHICAL QUESTION.

24 MR. LEVIN: THANK YOU, YOUR HONOR. I KNEW
25 THAT.

26 Q HOW DID YOU FEEL YOUR MOTHER WOULD REACT
27 TO HAVING A SCANDAL SUCH AS THIS RELEASED TO THE
28 FAMILY OR PUBLIC?

43484

1 A MY MOTHER WOULD DO ANYTHING TO KEEP
2 SECRETS LIKE THESE FROM BEING RELEASED. SHE HAD --
3 IT HAD COME UP BEFORE, AND SHE WOULD DO ANYTHING NOT
4 TO GET THESE SECRETS OUT OR -- I HAD GOTTEN LECTURES
5 FROM HER OVER MY LIFE, THROUGHOUT MY LIFE, ABOUT
6 THIS SORT OF THING.

7 Q WHAT KIND LECTURES DID YOU HAVE?

8 A WHERE SHE WOULD SIT ME DOWN AND TALK

9 ABOUT WHAT I SHOULD SAY TO AUNT TERRY, WHERE I PUT

10 MY BOOKS, WHAT I DISCUSSED ABOUT MY TENNIS, WHAT I

11 TALKED ABOUT IN TERMS OF TRAINING SHE GAVE ME IN

12 TENNIS.

13 I OVERHEARD MY MOM AND MY DAD YELLING

14 ONE TIME ABOUT THE TIME WHEN DAD PUNCHED LYLE IN THE

15 FACE, ABOUT MOM NOT WANTING TO TAKE LYLE TO THE

16 DOCTOR FOR STITCHES BECAUSE THERE WOULD BE TOO MANY

17 QUESTIONS ASKED.

18 MR. CONN: OBJECTION. I WOULD OBJECT AT THIS

19 POINT. CALLS FOR HEARSAY. NONRESPONSIVE.

20 THE COURT: SUSTAINED. THE ANSWER'S

21 STRICKEN.

22 WHY DON'T YOU START OVER AGAIN.

23 Q BY MR. LEVIN: MY QUESTION IS, MY

24 QUESTION WAS, HOW WOULD YOUR MOTHER REACT TO SUCH A

25 SCANDAL. AND YOU SAID YOU HAD CERTAIN BELIEFS. I

26 WANT TO KNOW WHAT THOSE BELIEFS WERE PREDICATED ON.

27 A MY LIFE WITH MY MOTHER, SEEING HER ACT

28 IN -- UNDER CERTAIN SITUATIONS THAT LIFE PRESENTED

2 INFORMATION THAT WOULD IN ANY WAY TARNISH THE NAME
3 OF THE FAMILY BE RELEASED; AND WE WERE TRAINED, AND
4 OUR COUSINS WHO LIVED AT MY HOUSE WERE TRAINED, THAT
5 WE WERE NOT SUPPOSED TO DO THIS.

6 THE INCIDENT WITH MY MOM ARGUING WITH MY
7 DAD ABOUT NOT TAKING MY BROTHER TO THE DOCTOR
8 BECAUSE THERE WOULD BE TOO MANY QUESTIONS ASKED.
9 NUMEROUS TIMES THINGS LIKE THIS CAME UP, IN WHICH,
10 FROM THE TIME I WAS A LITTLE CHILD, I KNEW.

11 WHEN I WAS LEFT HOME AND CALLED MY AUNT
12 TERRY AND SAID THAT I'M HOME ALONE, I'M SCARED, I
13 GOT PUNISHED FOR CALLING MY AUNT TERRY.

14 AND ANSWERING THE PHONE. AND I WAS TOLD
15 NOT TO ANSWER THE PHONE, NOT TO LET PEOPLE KNOW WHEN
16 I WAS HOME. JUST THROUGHOUT MY LIFE.

17 Q NOW, THE CONVERSATIONS THAT YOU HAD WITH
18 YOUR MOTHER REGARDING WHAT YOU SHOULD DO WITH
19 CERTAIN THINGS IN YOUR FAMILY, DID THAT CAUSE YOU TO
20 HAVE A CERTAIN STATE OF MIND ABOUT HOW YOUR MOTHER
21 WOULD REACT TO THE SCANDAL BEING RELEASED?

22 A YOU MEAN EVERYTHING THAT I'VE JUST
23 DESCRIBED? IN OTHER TIMES WHEN I SAW MY MOTHER
24 REACT, HOW -- DID IT AFFECT HOW I THOUGHT SHE WOULD
25 REACT?

26 Q I'M TALKING ABOUT LECTURES THAT YOU
27 WOULD HAVE WITH YOUR MOTHER.

28 A YES.

1 MR. LEVIN: YOUR HONOR, I'M NOT OFFERING THE
2 SUBSTANCE OF THOSE LECTURES TO PROVE THE TRUTH OF
3 THE MATTER ASSERTED, BUT JUST TO EXPLAIN
4 MR. MENENDEZ' STATE OF MIND.

5 THE COURT: WELL, THIS HAS TO DO WITH HOW HE
6 FELT HIS MOTHER WOULD REACT?

7 MR. LEVIN: YES.

8 THE COURT: HE'S ALREADY DESCRIBED HOW HE
9 THOUGHT SHE WOULD REACT. HE'S PRETTY MUCH GIVEN YOU
10 A RECITATION OF THE BASIS FOR THAT.

11 MR. LEVIN: VERY WELL.

12 Q DID YOU BELIEVE THAT YOUR MOTHER HAD ANY
13 SPECIAL ABILITIES WITH RESPECT TO KNOWING THINGS
14 ABOUT YOUR LIFE?

15 A YES.

16 Q AND HOW WOULD YOU DESCRIBE WHAT I HAVE
17 CHARACTERIZED AS SPECIAL ABILITIES?

18 A I THOUGHT THAT SHE HAD THIS
19 EXTRAORDINARY ABILITY TO KNOW THINGS. FOR A TIME I
20 FLIRTED WITH THE IDEA THAT SHE HAD SPECIAL POWERS,
21 SO TO SPEAK, TO PUT IT IN CHILDISH TERMS. SHE KNEW
22 THINGS THAT SHE COULD NOT KNOW AND I DIDN'T KNOW HOW
23 SHE KNEW THEM. I DIDN'T UNDERSTAND HOW IT WAS THAT
24 SHE KNEW THEM. SHE WAS A MYSTERIOUS PERSON IN
25 THINGS THAT SHE WOULD DO. SO I DIDN'T UNDERSTAND

26 HOW IT WAS. I THOUGHT MAYBE RELATIVES WERE FEEDING
27 HER INFORMATION. AND I DON'T KNOW HOW TO DESCRIBE
28 IT. IT WAS AN EERY FEELING THAT I CAME LATER TO

43487

1 UNDERSTAND.

2 Q NOW, WHEN YOU SAY, "TO PUT IT IN
3 CHILDISH TERMS," HOW OLD WERE YOU WHEN YOU FIRST
4 FORMED THE BELIEF THAT YOUR MOTHER HAD THESE SPECIAL
5 POWERS OR ABILITIES?

6 A SEVENTEEN. I WAS EIGHTEEN. SEVENTEEN,
7 EIGHTEEN.

8 Q AND WHAT KIND OF THINGS WAS IT THAT YOUR
9 MOTHER KNEW?

10 A SHE KNEW WHEN I DIDN'T GO TO SCHOOL ONE
11 DAY AND, INSTEAD, WENT TO TRAIN WITH SOMEONE WHO
12 PLAYED TENNIS.

13 SHE KNEW A GIRL THAT I LIKED THAT I
14 HADN'T STARTED DATING YET. SHE WOULD BRING UP THE
15 NAME AND SAY WHO'S SO AND SO? AND SHE WOULD HAVE
16 ABSOLUTELY NO WAY OF KNOWING THIS INFORMATION.

17 SHE KNEW THINGS ABOUT LYLE FROM WHEN HE
18 WAS AT PRINCETON THAT LYLE AND I HAD DISCUSSED ON
19 THE PHONE.

20 HOW I DID ON A CERTAIN TEST BEFORE I

21 TOLD HER. SHE WOULD -- BY BRINGING IT UP. JUST
22 THINGS THAT SHE COULD NOT KNOW THAT I THOUGHT MAYBE
23 THE RELATIVES WERE TELLING HER. I JUST -- I DIDN'T
24 KNOW. IT WAS VERY WEIRD.

25 Q WERE YOU TRYING TO, AT THIS STAGE IN
26 YOUR LIFE, AROUND 17 OR 18 YEARS OLD, TO KEEP
27 CERTAIN THINGS AWAY FROM YOUR PARENTS THAT WERE
28 GOING ON IN YOUR LIFE, CERTAIN DETAILS?

43488

1 A I WANTED MORE PRIVACY.

2 Q AND WERE YOU ALLOWED PRIVACY AS YOU
3 UNDERSTOOD YOUR LIFE AT 17, 18 YEARS OLD?

4 A NO.

5 Q AND WHAT WAYS WAS IT COMMUNICATED TO YOU
6 THAT YOU HAD NO PRIVACY?

7 A FROM THE CONVERSATIONS I HAD WITH MY DAD
8 IN WHICH MY DAD WOULD WANT TO KNOW EVERY DETAIL OF
9 MY DAY; AND HOW I WOULD HAVE TO WRITE IT OUT FOR
10 HIM. IN TERMS OF THINGS THAT I ATE. EVERY HOUR
11 THAT I SPENT AND WHAT WAS I DOING, ACCOUNTING FOR MY
12 TIME.

13 FROM THE WAY MY MOTHER WOULD -- I
14 REMEMBER SHE CAME INTO MY ROOM ONCE AND I WAS
15 PUTTING SOMETHING IN MY DRESSER, AND SHE REACHED TO

16 SEE WHAT IT WAS. IT WAS A LETTER, AND I WAS A
17 YOUNGER CHILD, AND SHE WRESTLED ME TO THE FLOOR AND
18 READ THE LETTER. JUST IN DIFFERENT WAYS.

19 Q AT THIS TIME IN YOUR LIFE, 17, 18, WERE
20 YOU ALLOWED FRIENDS?

21 A YES.

22 Q YESTERDAY WHEN YOU WERE DESCRIBING YOUR
23 SCHEDULE WITH RESPECT --

24 MS. ABRAMSON: NOT YESTERDAY.

25 MR. LEVIN: PARDON ME?

26 MS. ABRAMSON: YESTERDAY WAS SUNDAY.

27 MR. LEVIN: OH, OKAY.

28 MS. ABRAMSON: I BELIEVE.

43489

1 MR. LEVIN: I'LL FLASHBACK TO FRIDAY.

2 Q WHEN YOU WERE DESCRIBING AT YOUR LAST
3 DAY ON THE STAND YOUR SCHEDULE WITH RESPECT TO
4 TENNIS AND YOU TESTIFIED TO FRIENDS AND THINGS LIKE
5 THAT, WERE YOU TALKING ABOUT YOUR LIFE AS IT EXISTED
6 BACK IN NEW JERSEY?

7 A UP UNTIL I WAS 15 AND A HALF, ALMOST 16.

8 Q DID IT SOMEWHAT CHANGE WHEN YOU CAME TO
9 CALIFORNIA?

10 A OF COURSE.

11 Q NOW, GOING BACK FOR A MOMENT TO YOUR
12 MOTHER'S KNOWLEDGE OF CERTAIN THINGS YOU REMEMBER
13 THAT WERE PRIVATE TO YOU, DID YOU AT 17, 18 YEARS
14 OLD -- DID YOU KEEP DIARIES?

15 A I KEPT DIARIES.

16 Q WHAT KIND OF DIARIES DID YOU KEEP?
17 DAILY DIARIES?

18 A DAILY. SOMETIMES I WASN'T TOO GOOD AT
19 DAILIES SO -- MOMENTOUS OCCASIONS. WEEKLY,
20 CERTAINLY. HOW MY LIFE WAS -- I WAS GLOOMY AT ONE
21 POINT OR -- KEPT A DIARY BECAUSE I MOVED TO SO MANY
22 DIFFERENT SCHOOLS IT WAS LIKE MY FRIEND, MY DIARY
23 WAS, AND SO I TOLD IT A LOT OF THINGS.

24 Q NOW, WHEN YOU WROTE IN YOUR DIARY, WHERE
25 WOULD YOU MAINTAIN THIS DIARY AT?

26 A IN MY BEDROOM.

27 Q DID YOU EVER NOTICE THAT YOUR DIARIES
28 WOULD BE MISSING?

43490

1 A EVENTUALLY, EVERY ONE OF THEM SHOWED UP
2 MISSING.

3 Q AND WHAT WOULD YOU DO WHEN YOU
4 DISCOVERED YOU LOST YOUR DIARY OR YOUR DIARY WAS
5 MISSING?

6 A PANICKED FOR A FEW DAYS, COMPLETELY
7 SEARCH MY ROOM, THINK OF HOW I MUST HAVE TAKEN IT TO
8 SCHOOL; COME UP WITH DIFFERENT SCENARIOS OF HOW I
9 MUST HAVE LOST IT.

10 Q DID ANYTHING OCCUR WITH RESPECT TO THE
11 EVENTS THAT FOLLOWED YOUR PARENTS' DEATH THAT
12 EXPLAINED TO YOU HOW IT WAS YOUR MOTHER KNEW THOSE
13 THINGS ABOUT YOU?

14 A YES. SHE WAS -- MY PHONE LINE HAD A TAP
15 ON IT. AND I DISCOVERED A TAPE-RECORDER UNDER HER
16 NIGHT STAND THAT WAS PLUGGED INTO MY LINE.

17 MR. LEVIN: YOUR HONOR, I HAVE A PHOTOGRAPH.
18 I'D ASK THAT IT BE -- IT WAS MARKED EXHIBIT 259 IN
19 THE PREVIOUS TRIAL. I'D ASK THAT IT BE MARKED, I
20 THINK, 364?

21 THE COURT: YES. 364.

22 Q BY MR. LEVIN: MR. MENENDEZ, SHOWING YOU
23 WHAT'S JUST BEEN MARKED 364, DO YOU RECOGNIZE THAT?

24 A YES.

25 Q AND WHAT IS THAT A PHOTOGRAPH OF?

26 A IT'S PICTURE OF MY PARENTS' BEDROOM.

27 Q IN BEVERLY HILLS?

28 A YES.

1 Q AND IN THAT PHOTOGRAPH CAN YOU SEE
2 ANYTHING THAT YOU CAN IDENTIFY AS BEING THE TYPE OF
3 RECORDING DEVICE THAT YOU SAY YOU FOUND?

4 A I DIDN'T BRING UP MY GLASSES, BUT I CAN
5 RECOGNIZE THIS CORNER OF THE BOX. THAT'S THE BOX
6 I'M TALKING ABOUT.

7 Q WHEN YOU SAY "THE CORNER," WHERE ARE YOU
8 REFERRING?

9 A UNDER THE NIGHT STAND THERE'S A BLACK --
10 YOU CAN SEE A BLACK RECORDER.

11 Q WOULD YOU TAKE MY PEN AND PERHAPS CIRCLE
12 IT?

13 A (WITNESS COMPLIES.) I'LL CIRCLE IT
14 SMALL HERE. THERE'S ALREADY A LARGER CIRCLE THERE.

15 Q AND PUT YOUR INITIALS NEXT TO IT.

16 A (WITNESS COMPLIES.)

17 Q THANKS.

18 DID YOU ACTUALLY SEE THE RECORDING
19 DEVICE HOOKED UP?

20 A YES.

21 Q WHAT DID IT LOOK LIKE?

22 A IT WAS A TAPE-RECORDER WITH A PLAY/RECORD
23 BUTTON, A NORMAL-LOOKING TAPE-RECORDER WITH AN
24 ADAPTER ON IT THAT HAD A -- THAT PLUGGED INTO THE
25 TAPE-RECORDER WHICH HAD A PHONE LINE THAT PLUGGED
26 INTO A PHONE JACK; AND THEN THERE WERE MANY TAPES IN
27 HER DRESSER, OF MY CONVERSATIONS, AND IN HER
28 BATHROOM.

1 MR. LEVIN: YOUR HONOR, I HAVE AN ENVELOPE
2 AND ITS CONTENTS I'D ASK BE MARKED 365.

3 THE COURT: 365. WHAT'S INSIDE?

4 MR. LEVIN: I'M SORRY, YOUR HONOR?

5 THE COURT: WHAT'S INSIDE THE ENVELOPE?

6 MR. LEVIN: INSIDE THE ENVELOPE IS AN
7 ELECTRONIC DEVICE.

8 Q MR. MENENDEZ, WOULD YOU TAKE A LOOK AT
9 THE ENVELOPE, 365, REMOVE THE CONTENTS, AND LOOK AT
10 IT.

11 A (WITNESS COMPLIES.)

12 Q DO YOU RECOGNIZE THAT DEVICE?

13 A YES.

14 Q WHAT DO YOU RECOGNIZE IT TO BE?

15 A IT'S THE ADAPTER THAT WAS HOOKED UP ONTO
16 THE TAPE-RECORDER.

17 Q YOU SAID THAT THERE WERE TAPES NEAR THE
18 RECORDING DEVICE?

19 A NEAR THE RECORDING DEVICE, INSIDE THE
20 DRESSER, AND IN MY PARENTS' -- IN MY MOTHER'S
21 BATHROOM.

22 Q AND THE TAPES, WERE THEY PREVIOUSLY
23 DISCUSSED WITH THE JURY, THE TAPES THAT YOU LISTENED

24 TO, SOME OF THEM?

25 A YES.

26 Q PLAYED ONE FOR A FRIEND? IS THAT WHAT
27 YOU WERE REFERRING TO?

28 A YES.

43493

1 Q RIGHT BEFORE THE BREAK WE WERE
2 DISCUSSING A RIFLE, OR TWO RIFLES, THAT WERE IN THE
3 HOUSE; IS THAT CORRECT? THERE WERE TWO RIFLES?

4 A YES.

5 Q AND YOU TESTIFIED THAT YOU WERE WITH
6 YOUR MOTHER WHEN SHE PURCHASED ONE OF THEM?

7 A YES.

8 Q DO YOU RECALL APPROXIMATELY WHEN IT WAS
9 THAT YOUR MOTHER PURCHASED A RIFLE?

10 A IT WAS THE SUMMER BEFORE, IN 1988.

11 Q WERE YOU ACTUALLY WITH HER WHEN SHE
12 BOUGHT IT?

13 A YEAH. IT WAS A SPORTSMART ACROSS FROM
14 THE TOPANGA CANYON -- THE TOPANGA MALL, AND SHE WENT
15 TO THE SPORTING GOODS STORE TO PICK IT UP, I GUESS,
16 AND I WAS WALKING OUT OF THE STORE WITH HER WHEN SHE
17 HAD IT.

18 MR. LEVIN: YOUR HONOR, I HAVE WHAT LOOKS

19 LIKE A RECEIPT MOUNTED ON AN
20 EIGHT-AND-A-HALF-BY-ELEVEN PIECE OF PAPER. IT IS --
21 IT'S ALREADY MARKED EXHIBIT 61.

22 Q SHOWING YOU WHAT HAS BEEN PREVIOUSLY
23 MARKED AS 61, DO YOU RECOGNIZE WHAT THAT IS?

24 A I'VE SEEN IT BEFORE.

25 Q WHEN DID YOU SEE IT LAST?

26 A LAST TRIAL.

27 Q DO YOU IDENTIFY THAT AS THE RECEIPT FOR
28 THE PURCHASE OF THE GUN?

43494

1 A IT'S A DIFFERENT STORE THAN I REMEMBER
2 IT BEING, BUT IT IS THE RECEIPT FOR THE RIFLE.

3 Q AND DO YOU SEE A DATE ON THAT PARTICULAR
4 DOCUMENT? YOU DON'T HAVE YOUR GLASSES, DO YOU?
5 WOULD JUNE 29TH, 1988 BE -- I'M SORRY. JUNE 29TH
6 1988 BE CLOSE IN TIME TO THE TIME WHEN YOU WERE WITH
7 YOUR MOM AND SHE BOUGHT THE RIFLE?

8 A OH. THERE IT IS, YES, YES.

9 Q DID SHE TELL YOU WHY SHE WAS BUYING THE
10 RIFLE?

11 A YES.

12 Q WHY DID SHE TELL YOU -- WHAT DID SHE
13 TELL YOU SHE WAS BUYING THE RIFLE FOR?

14 A SHE TOLD ME SHE WAS GOING TO KILL

15 SOMEONE.

16 Q DID SHE TELL YOU WHO SHE WAS GOING TO

17 KILL?

18 A NO.

19 Q WAS THERE ANYTHING SIGNIFICANT GOING ON

20 AT THAT PARTICULAR TIME WHERE YOUR MOTHER WAS

21 EXTREMELY UPSET WITH ANY PARTICULAR PERSON OR

22 PERSONS?

23 A YES. I SUSPECTED IN MY OWN MIND WHAT

24 SHE WAS TALKING ABOUT.

25 Q WHO DO YOU THINK SHE WAS TALKING ABOUT?

26 A I --

27 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

28 MR. LEVIN: IT'S OFFERED FOR STATE OF MIND

43495

1 ONLY, YOUR HONOR.

2 THE COURT: IT WILL BE RECEIVED FOR THE

3 LIMITED PURPOSE OF REFLECTING THE STATE OF MIND OF

4 THIS WITNESS AND FOR THAT PURPOSE ONLY.

5 IS THAT WHAT YOU'RE OFFERING IT FOR?

6 MR. LEVIN: YES.

7 THE COURT: YOU MAY ANSWER THE QUESTION.

8 THE WITNESS: I DON'T REMEMBER THE QUESTION.

9 Q BY MR. LEVIN: I ASKED YOU IF ANYTHING
10 SIGNIFICANT WAS GOING ON THIS PARTICULAR TIME WHERE
11 YOUR MOTHER WAS ANGRY, EXTREMELY ANGRY AT ANY PERSON
12 OR PERSONS AND WANTED TO KNOW WHO IT WAS YOUR MOTHER
13 WAS ANGRY WITH.

14 A MY MOTHER WAS STILL VERY ANGRY WITH MY
15 FATHER, BUT ESPECIALLY WITH LOUISE, THE WOMAN WHO
16 SHE HAD -- HE'D HAD AN EIGHT-YEAR AFFAIR. IT WAS AT
17 A TIME WHEN SHE WAS NO LONGER SUICIDAL, BUT STILL
18 ANGRY AND SEETHING OVER IT. AND I THOUGHT THAT'S
19 WHO SHE WAS REFERRING TO. SHE DIDN'T DISCUSS IT
20 WITH ME. SHE JUST MADE THE COMMENT.

21 Q DID YOUR MOTHER, TO YOUR KNOWLEDGE, YOUR
22 PERSONAL KNOWLEDGE, KNOW HOW TO SHOOT A GUN?

23 A YES.

24 Q AND HAD YOU EVER SEEN HER SHOOT A GUN
25 BEFORE?

26 A YES.

27 Q WHEN DID YOU SEE HER SHOOT A GUN?

28 A IN PENNINGTON, SEVERAL TIMES WHEN I WAS

43496

1 IN PENNINGTON.

2 Q WHAT KIND OF GUN WAS SHE SHOOTING?

3 A I BELIEVE IT WAS THE OTHER RIFLE SHE HAD

4 IN HER CLOSET. I JUST REMEMBER HER STANDING ON THE
5 BALCONY. THERE WERE TWO BALCONIES IN THE PENNINGTON
6 HOME. THE TOP BALCONY WHERE HER MASTER BEDROOM WAS
7 AND THE LONGER PORCH OUTSIDE THE MIDDLE FLOOR. AND
8 I REMEMBER HER SHOOTING ABOVE THE HEADS OF -- THERE
9 WERE -- SOMETIMES THERE WERE VAGRANTS ON THE
10 OPPOSITE SIDE OF THE LAKE -- TO SCARE THEM OFF. AND
11 I REMEMBER HER SHOOTING AT STARLINGS, THE BIRDS THAT
12 WOULD COME, AND I THINK THEY WOULD HUNT THE OTHER
13 BIRDS. BUT SHE DIDN'T LIKE THE STARLINGS, SO SHE
14 WOULD SHOOT THEM.

15 Q THIS WOULD BE ON A ONE-TIME BASIS OR
16 MORE?

17 A NO. IT HAPPENED MANY TIMES.

18 Q ALL RIGHT. I'D ASKED YOU BEFORE THE
19 BREAK ABOUT WHY YOU DIDN'T TELL AUNT TERRY AND UNCLE
20 CARLOS, AND I DON'T THINK YOU COMPLETELY ANSWERED
21 THE QUESTION WITH RESPECT TO AUNT TERRY.

22 WHY DIDN'T YOU TELL AUNT TERRY WHAT WAS
23 GOING ON IN YOUR FAMILY IN AUGUST OF 1989?

24 A THERE WERE A SLEW OF REASONS. ONE OF
25 THEM WAS BECAUSE I THOUGHT SHE WAS TELLING THINGS TO
26 MY MOM AND I LATER LEARNED IT WAS FROM THE
27 RECORDER.

28 I JUST DIDN'T THINK THAT SHE WOULD -- I

1 DIDN'T THINK FOR A MOMENT THAT SHE WOULD BE ABLE TO
2 DO ANYTHING. I DIDN'T -- I HAD BEEN TOLD ALL MY LIFE
3 NOT TO TELL A THING, BUT I ALSO SUSPECTED IN MY LIFE
4 THAT SHE HAD KNOWN THINGS. I DIDN'T KNOW WHAT SHE
5 KNEW AND WHAT SHE DIDN'T KNOW. AUNT TERRY IS A
6 GREAT PERSON, BUT I DIDN'T KNOW WHAT -- I DIDN'T
7 BELIEVE THAT SHE -- I JUST DIDN'T BELIEVE THAT SHE
8 COULD HELP ME.

9 Q TERRY WAS ON YOUR FATHER'S SIDE, YOUR
10 FATHER'S SISTER, CORRECT?

11 A YES.

12 Q WHAT ABOUT ON YOUR MOTHER'S SIDE? DID
13 YOU FEEL THAT -- WELL, JOAN VANDERMOLEN IS IN COURT
14 TODAY, IS SHE NOT?

15 A YES.

16 Q SHE IS YOUR MOTHER'S -- KITTY MENENDEZ'
17 SISTER, CORRECT?

18 A THAT'S RIGHT.

19 Q WHY COULDN'T YOU TELL MRS. VANDERMOLEN?

20 A SAME REASONS. I JUST DID NOT BELIEVE
21 THAT THERE WAS GOING TO BE ANYONE IN MY FAMILY
22 BESIDES, PERHAPS, PAPA, THAT COULD EVER STAND UP TO
23 MY FATHER AND NOT -- AND HIDE US. IT WAS A
24 SITUATION WHERE IF WE TOLD SOMEONE THERE WAS NO
25 QUESTION THAT MY FATHER WOULD KILL ME. THAT HAD
26 BEEN FIRM THROUGHOUT MY LIFE. MY FATHER HAD
27 DESCRIBED DIFFERENT WAYS.

43498

1 JOAN OR AUNT TERRY OR MARTA, OR EVEN MY GRANDMOTHER,
2 WOULD PERMANENTLY HIDE US FROM MY FATHER AND MY
3 MOTHER AND NEVER TELL THEM WHERE WE WERE AND NOT TRY
4 TO RECONCILE THE SITUATION, WITH THEM NOT REALIZING
5 HOW SEVERE THE PROBLEM WAS AND IT JUST -- IT JUST WAS
6 A FANTASY TO THINK THAT THAT WOULD HAPPEN.

7 Q WAS THERE A TIME -- TALKING ABOUT THE
8 EVENTS OF THE LAST WEEK -- WHERE YOU AND LYLE
9 MENENDEZ DECIDED THAT YOU WOULD SEEK OUT AND
10 PURCHASE GUNS FOR PROTECTION?

11 A YES.

12 Q WHEN DID YOU COME TO THAT DECISION?

13 A ON THURSDAY NIGHT.

14 Q WHY DID YOU THINK THAT YOUR FATHER WOULD
15 KILL YOU?

16 A HE HAD TOLD ME ALL MY LIFE THAT IF I DID
17 THIS HE WOULD KILL ME. HE BEAT ME UP AND THREATENED
18 TO KILL ME HUNDREDS OF TIMES, MAYBE MORE. AND HE
19 WAS A MAN WHO HANDLED THINGS IN DRASTIC, SEVERE, AND
20 VIOLENT WAYS. I JUST FELT -- I KNEW THAT HE WOULD.

21 Q WHAT DO YOU MEAN HE WOULD HANDLE THINGS
22 IN DRASTIC VIOLENT WAYS?

23 A HE HAD HANDLED THINGS IN DRASTIC AND
24 SEVERE WAYS THROUGHOUT HIS LIFE.
25 I REMEMBER A TIME WHEN MY BROTHER
26 BROUGHT HOME A PET THAT HE DIDN'T WANT, A RABBIT,
27 AND MY DAD DIDN'T WANT THE RABBIT IN THE HOUSE. AND
28 HE TOLD MY BROTHER TO RETURN THE RABBIT, AND MY

43499

1 BROTHER BROUGHT THE RABBIT HOME FROM SCHOOL ON
2 SCHOOL BREAK AND WANTED THE RABBIT HOME. AND MY
3 BROTHER DIDN'T RETURN IT; AND SO TWO DAYS LATER MY
4 BROTHER CAME HOME AND THE RABBIT WAS MISSING, AND HE
5 WENT TO ASK MY MOM WHERE THE RABBIT WAS AND MY MOM
6 SAID ASK DAD.

7 MR. CONN: OBJECTION. HEARSAY.

8 MR. LEVIN: ONLY OFFERED FOR STATE OF MIND.

9 THE COURT: IT WILL BE RECEIVED JUST FOR THE
10 PURPOSE OF SHOWING THIS WITNESS' STATE OF MIND.

11 MR. LEVIN: CONTINUE.

12 THE WITNESS: HE ASKED MOM WHERE THE RABBIT
13 WAS AND SHE SAID ASK DAD, AND DAD WAS -- I THINK DAD
14 WAS IN THE GARAGE. I DON'T REMEMBER. AND DAD SAID
15 GO LOOK IN THE GARBAGE. AND THE RABBIT'S HEAD WAS
16 CRUSHED. HE HAD CRUSHED THE HEAD AND KILLED THE
17 RABBIT, AND WE BURIED THE RABBIT AND LYLE BROUGHT

18 ALL THE ANIMALS, AND WE BURIED THE RABBIT.
19 THERE WAS ANOTHER TIME WITH A BIRD WHEN
20 MY DAD DIDN'T WANT -- MY MOM WOULD SOMETIMES -- NOT
21 THE STARLINGS, BUT THE BIRDS THAT WOULD HIT THE
22 WINDOW, SHE WOULD CARE FOR AND TRY TO NURTURE THEM
23 BACK TO HEALTH. THIS ONE BIRD SHE HAD IN A CAGE AND
24 SHE HAD TO LEAVE THE LIGHTS ON FOR THE BIRD AND MY
25 DAD DIDN'T WANT THE LIGHTS TO STAY ON, THE
26 ELECTRICITY, ALL NIGHT; SO DURING THE NIGHT HE BROKE
27 THE BIRD'S NECK. AND THAT WAS JUST ONE OF THE
28 DRASTIC MEASURES THAT MY DAD DID OVER HIS LIFE WHEN

43500

1 HE WANTED A SITUATION SOLVED. THAT ONE GOT OUT AND
2 MY GRANDMOTHER FOUND OUT. THERE WAS A BIG FIASCO,
3 AND THERE WAS A SECRET GETTING OUT.

4 THERE WERE THINGS LIKE THAT THROUGHOUT
5 MY LIFE THAT WERE TAUGHT TO ME VERY CLEARLY THAT MY
6 DAD HANDLED THINGS THE WAY HE WANTED AND WITH JUST
7 OVERWHELMING FORCE.

8 Q BY MR. LEVIN: WHEN YOU WERE AT
9 CALABASAS HIGH SCHOOL DID YOU HAVE A PROBLEM WITH
10 GANG -- WITH A GANG AT ONE TIME?

11 A I WAS -- YEAH. I GOT INTO A FIGHT WITH
12 A GANG AT ONE POINT.

13 Q WHAT HAPPENED?

14 MR. CONN: OBJECTION. IRRELEVANT.

15 THE COURT: WHY IS IT BEING OFFERED?

16 Q BY MR. LEVIN: WAS YOUR FATHER INVOLVED
17 IN ANY WAY WITH RESPECT TO THIS PARTICULAR GANG
18 INCIDENT?

19 A YES.

20 Q AND DID YOU MAKE YOUR FATHER AWARE OF
21 WHAT HAD HAPPENED TO YOU WITH RESPECT TO THIS GANG
22 IN CALABASAS?

23 A YES.

24 Q AND WAS THIS ANOTHER EXAMPLE OF HOW YOUR
25 FATHER DEALT WITH SITUATIONS?

26 A YES.

27 Q WHAT HAPPENED WITH -- BRIEFLY, WHAT
28 HAPPENED WITH RESPECT TO THE GANG INCIDENT IN

43501

1 CALABASAS?

2 A A GANG HAD BEEN -- WAS COMING OVER, HAD
3 A PROBLEM WITH A KID IN MY HIGH SCHOOL, AND WAS
4 WALKING BY THE TENNIS COURTS, AND I WAS PLAYING
5 TENNIS ON THE TENNIS TEAM, AND THEY WERE BANGING ON
6 THE CAR DOORS, AND THERE WAS A VERBAL ALTERCATION.
7 I WAS TELLING THEM TO GET AWAY FROM THE CARS, AND

8 THEY WERE MAKING COMMENTS AND JOKES; AND EVENTUALLY
9 I WALKED OUTSIDE THE FENCE. THEY HAD SPIT ON A
10 FRIEND OF MINE NAMED CRAIG, AND I TOLD THEM TO
11 APOLOGIZE TO CRAIG, AND HE SAID, SAY IT TO MY FACE.
12 I MADE THE MISTAKE OF WALKING UP TO HIS FACE TO SAY
13 IT TO HIM AND HE HIT ME AND ALL THE GANG JUMPED IN.
14 BASICALLY, I GOT PRETTY BEAT UP. I
15 WANTED TO REPORT IT TO THE POLICE. I WAS TAKEN TO
16 THE HOSPITAL, AND MY DAD SAID DON'T REPORT IT TO THE
17 POLICE. AND I WANTED TO REPORT THE INCIDENT. AND
18 HE SAID, REAL MEN DON'T HANDLE THINGS THROUGH THE
19 POLICE. IF THE GANGS ARE A PROBLEM, I'LL TAKE CARE
20 OF THEM. THEY WILL NEVER CAUSE YOU A PROBLEM
21 AGAIN. I THOUGHT WHAT HE WAS SAYING IS HE WOULD
22 TAKE CARE OF THE GANG MEMBERS, EITHER KILL THEM OR
23 SEVERELY INJURE THEM TO WHERE THEY WOULD NEVER CAUSE
24 ANY PROBLEM AGAIN.
25 I REMEMBER HE HAD GOTTEN SECURITY FOR
26 THE HOUSE AT THAT POINT. JUST THE WAY MY DAD
27 HANDLED THINGS.

28 Q WHAT ABOUT WITH RESPECT TO YOU

43502

1 THROUGHOUT YOUR LIFE? MORE SPECIFICALLY OR MORE
2 DIRECTLY, WHAT DID YOUR DAD TELL YOU HE WOULD DO TO

3 YOU IF YOU TOLD ANYONE ABOUT THE FACT THAT HE WAS
4 MOLESTING YOU?

5 A TOLD ME HE WOULD KILL ME. UNDER NO
6 UNCERTAIN TERMS HE WOULD KILL ANYONE I TOLD. HE
7 THREATENED MY DOG VELVET A LOT. DESCRIBED DIFFERENT
8 WAYS IN WHICH HE'D DO IT. I LEARNED VERY CLEARLY
9 THAT THIS WAS A SECRET. HE WOULD KILL TO KEEP
10 SILENT.

11 Q AND HOW, MR. MENENDEZ, DID YOUR FATHER
12 TELL YOU HE WOULD KILL YOU?

13 A HE TOLD ME HE WOULD TIE ME TO A CHAIR.
14 TALKED ABOUT SMASHING MY SKULL. HE JUST -- IN
15 GRAPHIC WAYS.

16 Q WITH RESPECT TO THURSDAY, WHEN THE
17 DECISION HAD BEEN MADE TO PURCHASE GUNS, DID YOU
18 MAKE A SPECIFIC DECISION ABOUT WHERE YOU WOULD GO TO
19 BUY GUNS?

20 A NO.

21 Q DID YOU MAKE A DECISION WHAT KIND OF
22 GUNS YOU WOULD BUY?

23 A JUST A HANDGUN THAT WE COULD -- I COULD
24 KEEP ON ME.

25 Q HAD YOU DECIDED WHEN YOU WOULD GO BUY
26 GUNS?

27 A THE NEXT MORNING.

28 Q NOW, THAT NIGHT YOU SAID YOU SLEPT IN

1 THE GUESTHOUSE?

2 A YES.

3 Q DID YOU HAVE ANY NIGHTMARES?

4 A YES.

5 MR. CONN: OBJECTION. IRRELEVANT.

6 THE COURT: OVERRULED.

7 Q BY MR. LEVIN: DO YOU REMEMBER THE
8 NIGHTMARE THAT YOU HAD THAT THURSDAY?

9 A IT WAS ABOUT THE GREEN FACE AND DAD
10 ATTACKING ME. SAME NIGHTMARE. A DIFFERENT
11 VARIATION OF THE SAME NIGHTMARE THAT I HAD
12 GENERALLY.

13 Q WERE YOU AFRAID WHEN YOU WENT TO BED ON
14 THURSDAY?

15 A YES.

16 Q WERE YOU AFRAID WHEN YOU GOT UP FRIDAY
17 MORNING?

18 A NOT REALLY. NOT CONSCIOUSLY. I GOT UP
19 AND IT WAS A NEW DAY AND I SORT OF WANTED TO PRETEND
20 THAT WHAT HAD HAPPENED WAS PART OF MY BAD NIGHTMARE
21 AND -- NO, NOT AT FIRST.

22 Q WHAT DID YOU DO, OR WHAT DO YOU RECALL
23 DOING THE FIRST THING FRIDAY WHEN YOU WOKE UP?
24 WE'RE TALKING ABOUT AUGUST THE 18TH, 1989.

25 A YES. I PUT ON SOME SHORTS, WENT

26 OUTSIDE, AND BEGAN PRACTICING MY SERVE, PLAYING
27 TENNIS OUT ON THE TENNIS COURT. I REMEMBER THE
28 BIRDS WERE CHIRPING. IT WAS A SUNNY DAY, AND IT

43504

1 JUST -- EVERYTHING SEEMED LIKE A BAD NIGHTMARE. IT
2 WAS A NORMAL SUMMER DAY WITH THE BREEZE, AND I JUST
3 WANTED TO RELAX AND PLAY TENNIS.

4 Q DID YOU SEE EITHER YOUR MOTHER OR YOUR
5 FATHER THAT MORNING?

6 A NO.

7 Q DID YOU SEE YOUR BROTHER LYLE MENENDEZ
8 THAT MORNING?

9 A EVENTUALLY, HE CAME OUT OF THE
10 GUESTHOUSE AND CAME OVER TO THE TENNIS COURT.

11 Q DID YOU HAVE A CONVERSATION WITH LYLE
12 MENENDEZ AT THAT TIME?

13 A YEAH. I WALKED OVER TO THE SIDE OF THE
14 COURT WHERE LYLE WAS AND HE ASKED ME IF I WAS READY
15 TO GO AND I SAID NO. I DON'T HAVE TIME. I'VE GOT A
16 TOURNAMENT COMING UP I NEED TO PREPARE FOR AND
17 PRACTICE FOR; AND THAT I DIDN'T HAVE TIME TO GO.

18 Q WAS THERE A FURTHER DISCUSSION WITH LYLE
19 MENENDEZ AT THAT TIME?

20 A HE TOLD ME THAT, YOU KNOW, THAT HE

21 UNDERSTOOD THAT THIS WASN'T SOMETHING I WANTED TO
22 DEAL WITH, AND THAT IT WAS NICE TO PRETEND THAT IT
23 WAS SOMETHING THAT WOULD JUST GO AWAY, BUT THAT THIS
24 WAS A SERIOUS PROBLEM, AND THAT THERE WAS A LOT OF
25 DANGER AND THAT WE NEEDED TO GO, AND I AGREED AND WE
26 LEFT.

27 Q WHEN YOU SAID YOU AGREED AND YOU LEFT,
28 WHERE WAS IT THAT YOU INTENDED TO GO?

43505

1 A JUST TO A GUN STORE OR SPORTING GOODS
2 STORE. EVENTUALLY, WE WENT OVER TO SANTA MONICA, I
3 BELIEVE.

4 Q DID YOU EVENTUALLY GO TO A GUN STORE
5 SOMEWHERE IN SANTA MONICA?

6 A YEAH. I BELIEVE IT WAS THE BIG-5 WHERE
7 WE WENT.

8 Q DO YOU HAVE A CLEAR RECOLLECTION OF
9 EXACTLY WHAT STORE YOU WENT TO?

10 A I KNOW IT WAS A STORE ON SANTA MONICA
11 BOULEVARD WITHIN A BLOCK OF THE FREEWAY, AND I
12 REMEMBER THE GUNS IN THE CASE AND THE RIFLES AND SO
13 ON BEHIND IT.

14 Q DO YOU HAVE A SPECIFIC POSITIVE
15 RECOLLECTION THAT IT WAS A BIG-5 STORE?

16 A I THOUGHT I DID. I'VE ALWAYS THOUGHT
17 THAT IT WAS A BIG-5.
18 Q AND WHEN YOU ENTERED THIS STORE THAT YOU
19 THOUGHT WAS A BIG-5, DID YOU SEE WHAT YOU BELIEVED
20 TO BE WERE GUNS?
21 A YES.
22 Q DID YOU LOOK AT THEM?
23 A YES.
24 Q AND IN WHAT MANNER DID YOU LOOK AT THEM?
25 A THROUGH THE GLASS. THEY WERE ON THE TOP
26 IN THE GLASS CONTAINER.
27 Q COULD YOU DESCRIBE THE GLASS CONTAINER
28 THAT YOU SAW.

43506

1 A IT WAS A SEVERAL-TIER GLASS CONTAINER
2 WITH THE GUNS. THERE WAS AMMUNITION IN THE BACK. I
3 DON'T REMEMBER SEEING ANY REVOLVERS.
4 THERE WERE CROSS BOWS. THERE WERE
5 RIFLES AND SHOTGUNS.
6 Q DO YOU KNOW THE DIFFERENCE BETWEEN A
7 REVOLVER AND AN AUTOMATIC OR SEMI-AUTOMATIC?
8 A ONLY THAT ONE HAS A BARREL AND ONE
9 DOESN'T.
10 Q WHEN YOU SAY "BARREL," WHAT ARE YOU

11 REFERRING TO? WHAT ARE YOU THINKING ABOUT?

12 A YOU SEE THE OLD WESTERN FILMS WHERE

13 EVERYONE HAS A BARREL THAT ROLLS AROUND.

14 Q A CYLINDER?

15 A A CYLINDER.

16 Q WHEN YOU SAY THE OTHER ONE DOES NOT,

17 WHAT DO YOU MEAN?

18 A IT'S A HANDGUN THAT DOESN'T HAVE A

19 CYLINDER.

20 Q WHAT EXPERIENCE OR FAMILIARITY,

21 MR. MENENDEZ, HAD YOU HAD WITH ANY KIND OF GUN AS OF

22 THIS PARTICULAR DAY?

23 A NO EXPERIENCE.

24 Q HAD YOU EVER FIRED A REVOLVER BEFORE?

25 A NO.

26 Q HAD YOU EVER FIRED A SEMI-AUTOMATIC

27 HANDGUN BEFORE?

28 A NO.

43507

1 Q HAD YOU EVER FIRED A RIFLE BEFORE?

2 A NO.

3 Q HAD YOU EVER FIRED A SHOTGUN BEFORE?

4 A NO.

5 Q DO YOU REMEMBER HAVING A DISCUSSION WITH

6 AN EMPLOYEE AT THIS STORE THAT YOU THOUGHT WAS A
7 BIG-5?

8 A YES.

9 Q WHAT DISCUSSION DO YOU REMEMBER HAVING?

10 A I REMEMBER ASKING HIM IF ONE OF THE GUNS
11 IN THE CASE WAS A REAL GUN. HE TOLD ME THAT IT
12 WASN'T. AND I REMEMBER HAVING A DISCUSSION ABOUT
13 THE FACT THAT I NEEDED A HANDGUN THAT DAY. I
14 THOUGHT HE TOLD ME THAT THE OTHER GUNS WERE REAL OR
15 A RECOLLECTION THAT THE OTHER ONES WERE REAL; AND
16 GENERALLY DISCUSSING WITH HIM THAT YOU COULD NOT BUY
17 A HANDGUN IN A SINGLE DAY, THAT YOU NEEDED TO WAIT
18 TWO WEEKS TO PURCHASE ONE.

19 Q DO YOU REMEMBER SPECIFICALLY EVER
20 HANDLING ONE OF THOSE GUNS FROM THE CASE?

21 A NO. I NEVER HANDLED THEM.

22 Q DID YOU EVER HAVE A DISCUSSION WITH THIS
23 PERSON WHEREIN HE TOLD YOU EVERY GUN IN THE CASE
24 WASN'T REAL?

25 A NO.

26 Q DID YOU ASSUME THAT THEY WERE REAL?

27 MR. CONN: OBJECTION. LEADING.

28 THE COURT: SUSTAINED.

1 Q BY MR. LEVIN: WHAT WAS YOUR STATE OF
2 MIND WITH RESPECT TO THE GUNS THAT YOU SAW IN THE
3 CASE, MR. MENENDEZ?

4 A I THOUGHT THAT SOME WERE REAL AND SOME
5 WERE NOT REAL. I DON'T REMEMBER WHETHER HE TOLD ME
6 THEY WERE REAL OR WHETHER THEY WEREN'T. I HAD
7 THOUGHT THAT HE TOLD ME IN SOME MANNER I THOUGHT
8 THAT SOME WERE REAL AND SOME WEREN'T.

9 Q DID YOU HAVE A DISCUSSION, NONETHELESS,
10 WITH THIS PARTICULAR PERSON ABOUT YOUR ABILITY TO
11 IMMEDIATELY PURCHASE A HANDGUN?

12 A YES.

13 Q WHAT WAS THAT DISCUSSION, OR HOW DID IT
14 GO?

15 A IT WAS A DISCUSSION WHERE I SAID I
16 NEEDED A HANDGUN TODAY. WHEN I SAY I, I DON'T
17 REMEMBER WHETHER IT WAS LYLE OR MYSELF TALKING, BUT
18 THIS IS WHAT WE WERE SAYING. AND HE WAS SAYING THAT
19 YOU CAN'T PURCHASE A HANDGUN OVER THE COUNTER, THAT
20 YOU NEED -- THEY NEED TO DO A BACKGROUND CHECK ON
21 YOU, AND HE SAID THAT IT TAKES TWO WEEKS IN
22 CALIFORNIA.

23 Q HOW LONG -- DID YOU EVENTUALLY LEAVE THAT
24 STORE?

25 A HE ALSO TOLD ME THAT RIFLES AND SHOTGUNS
26 YOU COULD PURCHASE OVER THE COUNTER.

27 Q WHEN YOU SAID THAT YOU POINTED BEHIND
28 YOU. WHY DID YOU JUST DO THAT?

1 A I WAS -- I REMEMBER THE MAN SAYING THAT --
2 THE GUNS WERE BEHIND HIM, THE RIFLES AND THE
3 SHOTGUN. THE COUNTER WAS IN FRONT OF HIM.

4 Q THE RIFLES AND SHOTGUNS WERE IN RACKS
5 BEHIND HIM?

6 A YES.

7 Q AND HE POINTED TO THEM?

8 A YES.

9 Q HOW LONG WERE YOU IN THAT STORE?

10 A TEN MINUTES.

11 Q AND DID YOU LEAVE AFTER ABOUT 10
12 MINUTES?

13 A YES.

14 Q WHERE DID YOU GO?

15 A WE WEREN'T SURE WHAT TO DO. OUR IDEA OF
16 GETTING A HANDGUN HADN'T WORKED. SO I REMEMBER WE
17 WERE ON OCEAN BOULEVARD, OR OCEAN AVENUE, AT ONE
18 POINT IN SANTA MONICA; AND AT SOME POINT LYLE OR
19 MYSELF -- I THINK IT WAS LYLE -- SAID LET'S JUST DRIVE
20 DOWN TO SAN DIEGO, OR HE HAD BEEN DOWN THERE
21 BEFORE. AND WE HAD NOTHING TO DO THAT DAY AND WE
22 WANTED TO STAY AWAY.

23 Q DID YOU HAVE A SPECIFIC PURPOSE IN MIND
24 WITH RESPECT TO THE TRIP TO SAN DIEGO?

25 A NO.

26 Q AND WHY WAS IT AGAIN THAT YOU WANTED TO
27 GO OR WHY -- YOU DID GO TO SAN DIEGO, CORRECT?

28 A YES.

43510

1 Q WHY WAS IT THAT YOU WENT TO SAN DIEGO?

2 A NO REASON IN PARTICULAR. I HAD ONLY
3 BEEN DOWN THERE ONCE WHEN I WAS 12 PLAYING IN A
4 TOURNAMENT. LYLE HAD BEEN DOWN THERE BEFORE. WE
5 DECIDED TO DRIVE DOWN THERE. WE DIDN'T WANT TO GO
6 BACK TO THE HOUSE. I DIDN'T WANT TO STAY AT THE
7 HOUSE. MY DAD OFTEN DROPPED BY FROM WORK. I JUST --
8 WE JUST WANTED TO STAY OUT AND TALK ABOUT WHAT WE
9 WERE GOING TO DO.

10 Q WHAT TIME, APPROXIMATELY, WAS IT THAT
11 YOU DECIDED TO HEAD DOWN TO SAN DIEGO?

12 A I DON'T REMEMBER. IT WAS SOMETIME
13 WITHIN AN HOUR TO AN HOUR AND A HALF AFTER THE GUN
14 STORE, SOMETIME WITHIN THAT. I REMEMBER WE WENT
15 TOWARDS SANTA MONICA. I REMEMBER WE WERE ON OCEAN
16 BOULEVARD. I DON'T REMEMBER IF WE ACTUALLY DROVE ON
17 PACIFIC COAST HIGHWAY BY THE BEACH. BUT WE
18 CONTINUED DRIVING THAT WAY, AND AT SOME POINT WE
19 DECIDED TO HEAD DOWN.

20 Q HOW LONG WOULD YOU SAY THAT IT TOOK YOU

21 TO DRIVE FROM LOS ANGELES TO SAN DIEGO?

22 A I DON'T REMEMBER. TWO HOURS.

23 Q WHO DROVE?

24 A MY BROTHER.

25 Q AND WHAT CAR WERE YOU IN?

26 A MY FORD ESCORT.

27 Q DURING THE TRIP TO SAN DIEGO, DID YOU

28 AND YOUR BROTHER DISCUSS ANYTHING?

43511

1 A WE DISCUSSED A LOT OF THINGS.

2 Q AND WHAT SPECIFICALLY DID YOU TALK

3 ABOUT?

4 A LYLE WANTED TO KNOW MORE OF THE DETAILS

5 OF WHAT HAD HAPPENED WITH MY FATHER AND I. WE

6 DISCUSSED -- I TOLD HIM ABOUT SOME MORE THINGS THAT

7 MY FATHER HAD DONE, WHAT IT ACTUALLY INVOLVED,

8 LEAVING OUT CERTAIN PORTIONS THAT I DIDN'T WANT TO

9 TALK ABOUT. I TOLD HIM THAT IT WAS MOSTLY ORAL

10 SEX. I TOLD HIM ABOUT THE KNIFE INCIDENT. I TOLD

11 HIM ABOUT MANY OF THE THREATS AND WAS MORE CANDID

12 WITH HIM ABOUT -- AND TOLD HIM I DIDN'T REALLY WANT

13 TO TELL HIM THESE THINGS BEFORE.

14 I REMEMBER LYLE'S REACTION TO THAT. AND

15 GETTING ANGRY WITH ME ON THE WAY DOWN AND TELLING
16 ME, YOU KNOW, WHY HADN'T I TOLD THESE THINGS TO LYLE
17 BEFORE? WHY HADN'T I TOLD LYLE ABOUT THE EXTENT OF
18 DAD'S VIOLENCE IN TERMS OF TELLING LYLE?

19 I REMEMBER TELLING HIM THAT I WAS SORRY,
20 THAT I JUST DIDN'T WANT HIM TO ABANDON ME.

21 HE TOLD ME ABOUT -- IN VAGUE TERMS, SOME
22 OF THE THINGS THAT HAD HAPPENED TO HIM WITH DAD;
23 THAT IT HAD ALSO HAPPENED TO HIM FOR A PERIOD IN HIS
24 CHILDHOOD.

25 Q WHY DID YOU DECIDE AT THIS TIME DURING
26 YOUR TRIP TO SAN DIEGO TO NOW, FOR THE FIRST TIME,
27 TELL LYLE MENENDEZ THE SPECIFIC NATURE OF THE SEXUAL
28 ACTIVITY BETWEEN YOU AND YOUR FATHER?

43512

1 A IT WAS AFTER THE BLOW-UP ON THURSDAY,
2 AND HE WANTED TO KNOW MORE INFORMATION. HE WANTED
3 TO KNOW MORE TO GAUGE WHAT WAS HAPPENING. I MEAN, I
4 WAS SURE THAT MOM AND DAD WERE GOING TO DO
5 SOMETHING. IT WAS JUST A MATTER OF WHEN AND HOW,
6 AND HE WANTED TO KNOW MORE INFORMATION. AND I WAS
7 TELLING HIM -- I WAS CRYING AT POINTS, AND IT WAS A
8 VERY EMOTIONAL TALK, FOR ABOUT TWO HOURS ON THE WAY
9 DOWN THERE.

10 Q HOW WOULD YOU DESCRIBE --

11 A WHY, I DON'T KNOW.

12 Q I'M SORRY. HAVE YOU FINISHED?

13 A YES.

14 Q HOW WOULD YOU DESCRIBE YOUR EMOTIONAL

15 CONDITION DURING THIS TRIP TO SAN DIEGO?

16 A PAINFUL ISSUES, SO I WAS DISTRAUGHT

17 SEVERAL TIMES DOWN. LYLE GOT ANGRY ONCE. LYLE GOT

18 SCARED AT ONE POINT WHEN WE WERE ALMOST DOWN THERE.

19 EMOTIONS FLUCTUATED.

20 Q YOU SAID BEFORE THAT LYLE MENENDEZ

21 EXPRESSED A REACTION TO WHAT YOU TOLD HIM. WHAT WAS

22 THAT REACTION?

23 A MORE ANXIETY OR ANGER THAT I HADN'T BEEN

24 MORE FORTHRIGHT WITH HIM ABOUT -- IN JUST SAYING WHAT

25 I HAD TOLD HIM ON TUESDAY AND WEDNESDAY, THAT DAD IS

26 NOT GOING TO BE TOO HAPPY ABOUT THIS. I DIDN'T TELL

27 HIM, HEY, LYLE, DAD'S GOING TO KILL YOU.

28 HE THOUGHT I SHOULD HAVE TOLD HIM MORE,

43513

1 THAT I SHOULD HAVE TOLD HIM MORE OF DAD'S VIOLENCE,

2 AND MORE OF WHAT WAS HAPPENING TO GIVE HIM A

3 BETTER -- MAYBE HE WOULD HAVE APPROACHED THE

4 SITUATION DIFFERENTLY. SO HE WAS UPSET WITH ME

5 ABOUT THAT AND ALSO FRIGHTENED, THAT HE KEPT CALLING
6 THEM SICK SECRETS, AND I KEPT TELLING HIM THAT IT
7 WAS A PROBLEM, AND HE WAS SAYING THAT NOW YOU
8 UNDERSTAND MORE WHY DAD IS ACTING THE WAY HE DID.

9 Q IN YOUR OPINION, WAS LYLE MENENDEZ
10 AFRAID?

11 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

12 THE COURT: SUSTAINED.

13 Q BY MR. LEVIN: WAS THERE ANYTHING ABOUT
14 LYLE MENENDEZ' REACTION TO WHAT YOU WERE TELLING HIM
15 THAT CAUSED YOU TO BE MORE AFRAID?

16 A YES.

17 Q AND WHAT WAS THAT?

18 A HIS HYPER-ANXIETY IN TERMS OF -- HE
19 JUST -- HE GOT VERY -- I ALWAYS LOOKED TO LYLE IN
20 TERMS OF HE'S AFRAID AND HOW TO GAUGE THE SITUATION,
21 AND HE KNEW DAD BETTER, AND THE WAY HE WAS REACTING
22 AND HOW HE WAS EXPRESSING, YOU KNOW, HOW HE THOUGHT
23 THAT IT WAS -- I DON'T KNOW THE WORDS TO DESCRIBE
24 IT. HIS FACE WENT MORE PALE. HE GOT MORE ANGRY AT
25 ME. HE WAS SPEAKING A LOT QUICKER. HE WAS -- HE
26 JUST BECAME MORE SCARED OF DAD, WHAT DAD WOULD DO TO
27 KEEP THESE THINGS QUIET, AND THOUGHT SURELY THAT DAD
28 WOULD GO TO DRASTIC EXTENTS. AND IT SCARED ME THAT

1 BECAUSE I THOUGHT HE KNEW DAD BETTER THAN I DID --
2 ALTHOUGH I KNEW MY DAD BETTER ON THIS ISSUE -- HE
3 WAS CLOSER TO DAD AND UNDERSTOOD DAD MORE. AND IF
4 LYLE FELT THIS WAY, HE WAS RIGHT. JUST MADE THINGS
5 MORE REAL.

6 Q YOU HAD INDICATED BEFORE THAT YOU
7 BELIEVE THAT LYLE MENENDEZ HAD SOMEWHAT OF A
8 DIFFERENT RELATIONSHIP WITH JOSE MENENDEZ, YOUR
9 FATHER, THAN YOU DID.

10 A HE DID.

11 Q HOW ABOUT YOUR MOTHER? DID LYLE
12 MENENDEZ HAVE SOMEWHAT OF A DIFFERENT RELATIONSHIP
13 WITH YOUR MOTHER THAN YOU DID?

14 A YES.

15 Q AND HOW -- WHAT RELATIONSHIP DID THEY
16 HAVE?

17 A VERY STRANGE RELATIONSHIP.

18 Q WERE THERE THINGS THAT OCCURRED
19 THROUGHOUT YOUR LIFE TIME THAT CAUSED YOU TO COME TO
20 THAT CONCLUSION, THAT LYLE MENENDEZ AND YOUR MOTHER
21 HAD A VERY STRANGE RELATIONSHIP, DIFFERENT FROM
22 YOURS?

23 A YES.

24 Q CAN YOU RELATE ANY OF THOSE INCIDENTS TO
25 WHICH YOU HAVE PERSONAL KNOWLEDGE.

26 A YES. MY MOTHER HAD A TENDENCY TO
27 EXPLODE, GET DEPRESSED AND THEN EXPLODE. AND OFTEN

28 TIMES SHE WOULD -- USUALLY SHE WOULD EXPLODE AT LYLE.

43515

1 IF I HAD DONE SOMETHING WRONG SHE'D STILL OFTEN
2 EXPLODE AT LYLE. AND I REMEMBER ONE TIME WHEN THEY
3 WERE IN THE BEDROOM, I WAS IN THE DOORWAY, AND SHE
4 WOULD SAY TO LYLE: YOU DON'T UNDERSTAND, AND TOUCH
5 HIS FACE VERY GENTLY; AND THEN START SCREAMING AT
6 HIM.

7 I REMEMBER A TIME WHEN SHE WAS CUTTING
8 SOMETHING ON THE KITCHEN TABLE, AND LYLE CALLED TO
9 HER AND SHE CUT HERSELF, AND SHE STARTED CHASING
10 LYLE AROUND THE HOUSE, AND GOT HIM UP AGAINST THE
11 WINDOW PANE AND SMEARED BLOOD ON HIS FACE AND SAID
12 LOOK WHAT YOU DID TO ME.

13 AND THERE WERE TIMES WHEN SHE USED TO
14 WASH LYLE IN THE BATHROOM.

15 THE WAY SHE REACTED TO LYLE'S
16 GIRLFRIENDS WAS VERY DIFFERENT THAN MINE. SHE
17 DIDN'T WANT LYLE TO HAVE A GIRLFRIEND. SHE WAS
18 PUSHING GIRLFRIENDS ON ME.

19 SHE WAS AT TIMES MORE -- NOT MORE
20 LOVING, BUT I DON'T KNOW ANOTHER WORD FOR LOVING,
21 BUT -- NOT INTIMATE, BUT AT TIMES DIFFERENT, AND AT
22 TIMES MUCH MORE VENGEFUL OR SPITEFUL TOWARDS LYLE.

23 THE SPECTRUM WAS MUCH BROADER.

24 I REMEMBER WALKING INTO THE ROOM AND SHE
25 WAS YELLING AT HIM, AND I JUST HEARD THE SCREAMING,
26 AND LYLE WAS DOWN ON HIS KNEES, AND SHE WAS FLAILING
27 AT HIM, AND SHE WAS IN ONE OF HER RAGES, AND LYLE
28 WAS HURT AND SHE'D SUDDENLY STOP AND SAY, OH, I'VE

43516

1 HURT YOU, AND THEN LYLE -- I REMEMBER LYLE WAS
2 CRYING, AND THEN SHE'D START HITTING HIM AGAIN. AND
3 IT WAS JUST -- IT WAS A RELATIONSHIP I DID NOT
4 UNDERSTAND AND DIDN'T WANT TO GET INVOLVED WITH IN
5 TERMS OF INTERFERING.

6 Q NOW, ARE THESE TYPICAL EXAMPLES WHICH
7 ILLUSTRATE THE LIFE BETWEEN LYLE MENENDEZ AND YOUR
8 MOTHER AS YOU SAW IT?

9 A THOSE ARE TYPICAL EXAMPLES. I DON'T
10 KNOW IF THEY FULLY ILLUSTRATE THE LIFE BETWEEN MY
11 MOTHER AND MY BROTHER. IT WAS 18 YEARS LONG, AND
12 THESE ARE JUST A FEW EXAMPLES OF MANY THINGS THAT
13 HAPPENED LIKE THAT.

14 Q WAS LYLE MENENDEZ A BED-WETTER?

15 A YES.

16 Q HOW DID YOU KNOW THAT?

17 A BECAUSE I REMEMBER MY MOTHER PUTTING THE

18 SHEETS IN THE MIDDLE OF THE DINNER TABLE SO THAT
19 WHEN MY DAD GOT HOME SHE (SIC) WOULD SEE LYLE WET
20 HIS BED. SHE WOULD RUB THE SHEETS IN MY BROTHER'S
21 FACE AND SAY, YOU KNOW, YOU'RE WETTING YOUR BED.
22 YOU'RE NOT SUPPOSED TO WET YOUR BED. YOU'RE JUST A
23 SISSY. AND MY DAD WOULD EXPLODE AT HIM AND SAY,
24 YOU'RE JUST BEING LIKE ERIK; ALTHOUGH I DIDN'T WET
25 MY BED, LYLE DID.
26 SHE USED TO TALK ABOUT IT IN TERMS OF IF
27 ANYONE FOUND OUT, HOW EMBARRASSING IT WOULD BE AND
28 HOW SHAMEFUL IT WOULD BE THAT LYLE WET HIS BED.

43517

1 I REMEMBER ONE TIME --
2 MR. CONN: OBJECTION. CALLS FOR A
3 NARRATIVE. NO QUESTION PENDING.
4 THE COURT: YES, IT DOES. OBJECTION
5 SUSTAINED.
6 Q BY MR. LEVIN: HOW OLD WAS LYLE MENENDEZ
7 AS A BED-WETTER?
8 MR. CONN: OBJECTION. IRRELEVANT.
9 THE COURT: SUSTAINED.
10 Q BY MR. LEVIN: THESE -- STRIKE THAT.
11 DID YOUR MOTHER EVER INDICATE TO YOU IN
12 YOUR PRESENCE ANYTHING ABOUT HER WANTING CHILDREN,

13 YOU AND LYLE MENENDEZ?

14 MR. CONN: OBJECTION. IRRELEVANT. CALLS FOR
15 HEARSAY.

16 THE COURT: SUSTAINED.

17 MR. LEVIN: YOUR HONOR, I'M OFFERING IT FOR
18 STATE OF MIND ONLY.

19 THE COURT: WHAT STATE OF MIND IS THIS?

20 MR. LEVIN: CONCERNING HIS BELIEF WITH
21 RESPECT TO WHAT HIS PARENTS WOULD DO AND HOW THEY
22 FELT ABOUT HIM.

23 THE COURT: YOU'RE SAYING THIS IS REFLECTING
24 HIS STATE OF MIND IN AUGUST OF 1989?

25 MR. LEVIN: YES.

26 THE COURT: OVERRULED.

27 Q BY MR. LEVIN: HAD THERE BEEN THINGS
28 THAT YOUR MOTHER SAID TO YOU AND YOUR BROTHER LYLE

43518

1 MENENDEZ THROUGHOUT YOUR LIFE TIME THAT CAUSED YOU
2 TO FEAR HER WITH RESPECT TO HOW SHE VIEWED YOU AND
3 YOUR BROTHER LYLE MENENDEZ?

4 A YES.

5 Q WHAT KIND OF THINGS DID SHE SAY?

6 MR. CONN: AGAIN, I WOULD OBJECT ON THE
7 GROUNDS OF RELEVANCY, UNLESS IT'S LIMITED TO AUGUST

8 OF 1989.

9 THE COURT: WELL, THE STATE OF MIND YOU'RE
10 REFERRING TO IS IN 1989?

11 MR. LEVIN: YES.

12 THE COURT: OKAY. OBJECTION OVERRULED.

13 THE WITNESS: SHE WOULD, IN HER RAGES, EVEN
14 WHEN SHE WASN'T, SOMETIMES, ONE OF HER COMMON
15 SAYINGS, THINGS THAT SHE SAID A LOT: I HATE YOU. I
16 HATE YOU. I WISH YOU WERE NEVER BORN.

17 SHE TALKED ABOUT HOW MY DAD HAD GIVEN
18 HER AN ULTIMATUM; THAT SHE WANTED TO BE A HOSTESS
19 AND SHE HAD TO QUIT HER JOB AND ALL OF HER VISITS
20 WHEN LYLE (SIC) GOT PREGNANT. SHE SAID LYLE'S BIRTH
21 WAS A MISTAKE.

22 I REMEMBER HER TALKING TO DIANE, ONE OF
23 MY COUSINS, AND SHE SAID THAT -- SHE TOLD DIANE NOT
24 TO HAVE CHILDREN AND TO GET AN ABORTION WHEN
25 DIANE -- I GUESS DIANE WAS PREGNANT AT THE TIME.
26 SHE SAID CHILDREN DRIVE A WEDGE BETWEEN A HUSBAND
27 AND WIFE. SHE JUST WOULD EXPLODE WITH THESE
28 COMMENTS WHEN SHE WAS ANGRY -- GENERALLY AT LYLE --

43519

1 AND SAY THESE THINGS TOWARD LYLE.

2 AND LATER IN LIFE I FOUND OUT FROM

3 CONVERSATIONS WITH DAD AND SO ON THAT ULTIMATUM WAS

4 TRUE AND THE BIRTH WAS BY ACCIDENT AND --

5 Q BY MR. LEVIN: NOW, DURING THIS TRIP TO

6 SAN DIEGO YOU HAD INDICATED THAT LYLE MENENDEZ TOLD

7 YOU THINGS THAT HAD HAPPENED TO HIM.

8 A YES.

9 Q BY WHOM?

10 A BY MY FATHER.

11 Q WHAT THINGS DID HE TELL YOU?

12 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

13 352.

14 THE COURT: SUSTAINED.

15 MR. LEVIN: YOUR HONOR, I'M OFFERING IT ONLY

16 FOR STATE OF MIND.

17 THE COURT: WHAT STATE OF MIND IS AT ISSUE AT

18 THIS POINT?

19 MR. LEVIN: THE STATE OF MIND -- LET ME MOVE

20 ON, YOUR HONOR, AND I'LL GO TO A DIFFERENT AREA.

21 Q DO YOU RECALL APPROXIMATELY WHAT TIME IT

22 WAS THAT YOU GOT TO SAN DIEGO, IF YOU RECALL,

23 GENERALLY? WAS IT AFTERNOON, EVENING?

24 A IT WAS IN -- IT WAS DAYLIGHT. IT WAS IN

25 THE EARLY AFTERNOON.

26 Q HAD YOU HAD LUNCH YET?

27 A NO.

28 Q DID YOU GO SOMEWHERE WHEN YOU FIRST

1 ARRIVED IN SAN DIEGO?

2 A YES.

3 Q AND WHERE DID YOU GO?

4 A WE WENT TO A GUN STORE. AT THAT POINT,
5 AFTER I FINISHED TELLING LYLE ABOUT THINGS THAT WERE
6 HAPPENING WITH DAD AND LYLE, AND LYLE UNDERSTOOD THE
7 THREATS THAT DAD HAD LAID, HE DECIDED HE WANTED TO
8 CHECK OUT OTHER GUNS, OTHER POSSIBILITIES FOR GUNS,
9 AND WE CHECKED AND CHECKED TO SEE ABOUT THE RIFLES
10 AND THE SHOTGUNS. AND WE GOT OFF THE FREEWAY, AND I
11 DON'T REMEMBER WHAT TOWN WE GOT OFF THE FREEWAY IN.
12 I DON'T EVEN REMEMBER HOW WE SPECIFICALLY GOT TO THE
13 GUN STORE, IF WE LOOKED IT UP OR WHETHER WE JUST SAW
14 IT ON A SIDE STREET. BUT WE EVENTUALLY SENT TO A
15 GUN STORE IN SAN DIEGO.

16 Q DO YOU HAVE A SPECIFIC RECOLLECTION OF
17 WHAT TOWN YOU WERE IN WHEN YOU WENT TO THIS GUN
18 STORE?

19 A IT WAS NEAR THE STORE WHERE WE
20 EVENTUALLY BOUGHT THE GUNS, BUT I DON'T KNOW WHAT
21 TOWN THAT WAS IN.

22 Q BUT IT WAS A DIFFERENT STORE AND A
23 DIFFERENT TOWN?

24 A NO. I THINK IT WAS -- WELL, IT WAS A
25 DIFFERENT STORE, BUT I DON'T THINK IT WAS FAR FROM --
26 I DON'T THINK IT WAS A DIFFERENT TOWN. I DON'T KNOW

27 WHAT YOU MEAN BY TOWN OR CITY.

28 Q HOW FAMILIAR WERE YOU WITH THE ENVIRONS

43521

1 OF SAN DIEGO?

2 A I'M NOT FAMILIAR.

3 Q DID YOU ENTER THIS STORE?

4 A YES.

5 Q AND WHAT DID YOU DO WHEN YOU WENT

6 INSIDE?

7 A TALKED TO THE MAN. THERE WAS A MAN

8 BEHIND THE COUNTER, AND IT WAS A WOODEN STORE, WOOD

9 LIKE THIS, EXCEPT FOR SMALLER BOARDS; AND WE

10 DISCUSSED OPTIONS FOR GUNS.

11 Q DID YOU SEE GUNS INSIDE THE STORE?

12 A THERE WERE GUNS EVERYWHERE. THERE WERE

13 RIFLES AND SHOTGUNS AND EVERY DIFFERENT TYPE OF

14 HANDGUNS YOU COULD IMAGINE, AND HE WAS JUST TALKING

15 IN GENERAL. WE TOLD HIM WHAT WE NEEDED IT FOR AND

16 SO ON.

17 Q DID YOU TALK ABOUT HANDGUNS AT ALL IN

18 THAT STORE?

19 A TALKED ABOUT HANDGUNS AGAIN, AND HE SAID

20 THAT YOU DID NEED A TWO-WEEK WAITING PERIOD, AND HE

21 SHOWED US SHOTGUNS AND TOOK IT APART AND EXPLAINED

22 IT TO US IN SOME DETAIL, AND SAID THAT WE COULD GET

23 THOSE OR THE RIFLES OVER THE COUNTER.

24 Q DID YOU TELL THIS PERSON FOR WHAT

25 PURPOSE YOU WANTED A GUN?

26 A YES.

27 Q AND WHAT DID YOU TELL HIM?

28 A JUST FOR HOME PROTECTION, BURGLARS,

43522

1 THINGS OF THAT SORT.

2 Q AND DID HE TELL -- SHOW YOU OR RECOMMEND

3 A SPECIFIC WEAPON TO YOU?

4 A YES.

5 Q WHAT WAS THAT?

6 A IT WAS A SHOTGUN.

7 Q DO YOU KNOW WHAT TYPE IT WAS?

8 A NO IDEA.

9 Q DID YOU PURCHASE THAT SHOTGUN?

10 A NO, WE DIDN'T.

11 Q WHY NOT?

12 A HE -- WE ASKED HIM FOR A SMALLER TYPE OF

13 GUN. I REMEMBER WHEN WE WERE IN THE STORE IN

14 LOS ANGELES, YOU KNOW, WE DIDN'T EVEN SERIOUSLY

15 ENTERTAIN THE POSSIBILITY OF GETTING A RIFLE OR A

16 SHOTGUN BECAUSE --

17 Q WHY NOT?

18 A BECAUSE THIS WAS SOMETHING THAT WE
19 WANTED TO HAVE IN AN IMMEDIATE SENSE, IF THERE WAS
20 DANGER IN THE HOUSE; AND I MEAN, I WASN'T GOING TO
21 BE WALKING AROUND IN A TRENCH COAT. AND I
22 COULDN'T -- THERE WASN'T MUCH I COULD DO WITH A GUN
23 IN MY MIND. I REALLY THOUGHT LEAVING THE STORE IN
24 LOS ANGELES THAT THERE WASN'T GOING TO BE AN
25 ALTERNATIVE. THERE WAS NO SENSE OF HAVING A KNIFE,
26 AND THE CROSS BOWS WERE THERE.

27 SO DOWN IN SAN DIEGO WE ASKED HIM FOR A
28 SMALLER TYPE, SOMETHING SMALLER, AND HE SAID THERE

43523

1 WASN'T SOMETHING SMALLER. SO EVENTUALLY WE SAID WE
2 WOULD TAKE IT.

3 Q YOU WOULD TAKE WHAT?

4 A WE WOULD BUY THE GUN.

5 Q AND DID YOU BUY IT?

6 A NO.

7 Q WHY NOT?

8 A HE TOLD ME THAT HE NEEDED TO SEE A
9 CALIFORNIA IDENTIFICATION OR DRIVER'S LICENSE, AND I
10 LOOKED AT LYLE, HE LOOKED AT ME, AND WE WENT AWAY
11 FROM THE COUNTER. I TOLD HIM THAT, YOU KNOW, I

12 DIDN'T HAVE A LICENSE, AND HIS LICENSE WAS
13 SUSPENDED. TOLD HIM I HAD DONOVAN'S LICENSE, AND
14 THAT I CAN USE THAT. BUT WE THOUGHT IT WAS A LITTLE
15 BIT SUSPICIOUS THAT RIGHT AS HE SAID: I NEED
16 IDENTIFICATION, WE SORT OF WENT AWAY FROM THE
17 COUNTER AND TALKED TO EACH OTHER QUIETLY. SO WE
18 DECIDED TO LEAVE THE STORE BECAUSE IT WASN'T MY
19 IDENTIFICATION, AND IF HE STARTED QUESTIONING ME ON
20 IT I WOULDN'T BE ABLE ANSWER THE QUESTIONS.

21 Q WHY, ON AUGUST THE 18TH, 1989 DIDN'T YOU
22 HAVE A VALID DRIVER'S LICENSE, MR. MENENDEZ?

23 A I HAD LOST MY WALLET EARLIER IN THE
24 SPRING AND LOST MY DRIVER'S LICENSE WITH IT.

25 Q DID YOU HAVE A VALID DRIVER'S LICENSE
26 FROM THE STATE OF CALIFORNIA, IN ANY EVENT, IN
27 AUGUST OF '89?

28 A IN TERMS OF ON PAPER?

43524

1 Q YES.

2 A YES.

3 Q YOU SAID THAT YOU HAD THE IDENTIFICATION
4 OF DONOVAN GOODREAU.

5 A YES.

6 Q AND HOW WAS IT THAT YOU CAME TO OBTAIN

7 THE IDENTIFICATION OF DONOVAN GOODREAU?

8 A LYLE OR MY AUNT TERRY GAVE ME -- IT MAY
9 HAVE BEEN LYLE, IT MIGHT HAVE BEEN TERRY -- GAVE IT
10 TO ME IN MAY OF 1989 IN PRINCETON WHEN I WAS OUT
11 THERE.

12 Q JUST TO BACK UP A SECOND, HAD YOU -- WHEN
13 WAS IT THAT YOU LOST YOUR DRIVER'S LICENSE?

14 A I DON'T KNOW. I THINK IT WAS APRIL. IT
15 MIGHT HAVE BEEN MARCH. COULD HAVE BEEN MAY.

16 Q OF WHAT YEAR?

17 A OF 1989.

18 Q NOW, WITH RESPECT TO DONOVAN GOODREAU,
19 HAD HE GIVEN YOU PERMISSION TO USE HIS DRIVER'S
20 LICENSE?

21 A I HAD USED IT BEFORE TO GET INTO A NIGHT
22 CLUB, AND HE HAD GIVEN IT TO ME TO USE BEFORE.

23 Q WHY -- OR DID YOU USE DONOVAN GOODREAU --
24 OR WHY DIDN'T YOU USE DONOVAN GOODREAU'S DRIVER'S
25 LICENSE AT THE FIRST STORE?

26 A I'M SORRY. I DIDN'T UNDERSTAND THE
27 QUESTION.

28 Q WHY DIDN'T YOU USE IT?

43525

1 A AT THE FIRST STORE?

2 Q YES.

3 A BECAUSE WE HAD WENT AWAY FROM THE
4 COUNTER AND WE JUST THOUGHT IT LOOKED A LITTLE ODD
5 THAT HE ASKED US FOR IDENTIFICATION, AND WE HAD TO
6 WALK AWAY FROM THE COUNTER TO DISCUSS IT, AND THEN
7 WALK BACK UP. AND SINCE THE PICTURE WASN'T ACTUALLY
8 ME, AND IF HE LOOKED AT IT CLOSE ENOUGH HE WOULD
9 PROBABLY BE ABLE TO TELL THAT, I'M SURE, AND I
10 WASN'T PREPARED TO ANSWER THE QUESTIONS ON THE
11 DRIVER'S LICENSE EVEN; THAT WE MIGHT AS WELL JUST GO
12 TO A DIFFERENT STORE.

13 Q DID LYLE MENENDEZ HAVE A VALID
14 CALIFORNIA DRIVER'S LICENSE AT THAT TIME?

15 A HIS LICENSE WAS SUSPENDED IN CALIFORNIA.

16 Q SO HE DID NOT?

17 A HE HAD A NEW JERSEY LICENSE.

18 Q AND WAS IT MADE CLEAR TO YOU THAT YOU
19 HAD TO HAVE A CALIFORNIA DRIVER'S LICENSE TO
20 PURCHASE A WEAPON OF THIS TYPE IN CALIFORNIA?

21 A HOW IT WAS MADE CLEAR? I MAY HAVE ASKED
22 IF YOU COULD USE A NEW JERSEY DRIVER'S LICENSE. I
23 DON'T REMEMBER. BUT SOMEHOW I KNEW THAT -- SOMEHOW
24 HE EXPRESSED TO ME, AND I KNEW, THAT WE NEEDED A
25 CALIFORNIA DRIVER'S LICENSE.

26

27

28

1 Q HOW LONG DID YOU REMAIN IN THIS GUN
2 STORE?

3 A I NO LONGER REMEMBER. LONG ENOUGH TO
4 HAVE A CONVERSATION WITH THE MAN AND LONG ENOUGH TO
5 TALK WITH MY BROTHER AND DECIDE WE WERE LEAVING.
6 I'M SURE IT WASN'T MORE THAN 20 MINUTES.

7 Q WHERE DID YOU GO AFTER YOU LEFT?

8 A WE WENT TO HAVE LUNCH AT BOB'S BIG BOY.

9 Q IN SAN DIEGO?

10 A IT WAS NEAR THE OTHER STORE, YES.

11 Q AND DID YOU EAT AT BOB'S BIG BOY? DO
12 YOU REMEMBER WHAT YOU DID?

13 A I DON'T SPECIFICALLY REMEMBER EATING,
14 BUT I KNOW I WENT THERE TO HAVE LUNCH, AND I
15 REMEMBER PRACTICING DONOVAN GOODREAU'S SIGNATURE ON
16 THE DRIVER'S LICENSE, LOOKING UP A LOCAL ADDRESS
17 THAT I COULD GIVE OR PUT DOWN WHEN THEY ASKED ME,
18 AND REVIEWING SOME OF THE DESCRIPTION THINGS ON THE
19 DRIVER'S LICENSE, LIKE HIS AGE AND SO ON.

20 Q WHY DID YOU PRACTICE WRITING THE NAME OF
21 DONOVAN GOODREAU AND LOOK UP AN ADDRESS IN SAN DIEGO?

22 A DONOVAN HAD A VERY STRANGE SIGNATURE AND
23 IT WAS NOT EASY TO JUST DUPLICATE BY SIGHT, SO I
24 PRACTICED IT A COUPLE OF TIMES. I DON'T REMEMBER

25 WHY I LOOKED UP A LOCAL ADDRESS ANYMORE. THE MAN AT
26 THE STORE MIGHT HAVE TOLD ME THAT OR I MIGHT HAVE
27 JUST SUSPECTED THAT I NEEDED A LOCAL ADDRESS. I'M
28 NOT SURE.

43527

1 Q BUT FOR WHAT PURPOSE WERE YOU DOING IT?

2 A SO THAT I COULD GIVE -- WHEN THEY ASKED
3 FOR INFORMATION.

4 Q DID YOU INTEND TO DO SOMETHING WITH
5 RESPECT TO THE SIGNATURE OF DONOVAN GOODREAU? WERE
6 YOU GOING TO SIGN HIS NAME ON ANYTHING?

7 A YES.

8 Q WHAT WERE YOU GOING TO SIGN HIS NAME
9 ON?

10 A WHEN I BOUGHT THE GUNS.

11 Q HAD YOU DECIDED THAT YOU WOULD BUY GUNS
12 WHEN YOU WERE INSIDE BOB'S BIG BOY -- I'M SORRY --
13 WHEN YOU WERE INSIDE THE RESTAURANT?

14 A I THINK WE HAD DECIDED BEFORE THEN.

15 Q NOW, DID YOU EVENTUALLY GO TO ANOTHER
16 GUN STORE IN SAN DIEGO?

17 A YES.

18 Q AND WHERE OR WHAT TYPE OF GUN STORE WAS
19 THAT?

20 A IT WAS BIG-5 IN SAN DIEGO.

21 Q YOU RECOGNIZED THE WITNESS THAT

22 TESTIFIED IN THIS CASE AS THE SALES CLERK THAT YOU

23 SPOKE WITH IN THAT GUN STORE?

24 A I KNOW IT WAS A FEMALE, BUT I DON'T

25 SPECIFICALLY REMEMBER HER.

26 Q SHE TALKED -- OR YOU HEARD HER TESTIFY

27 THAT SHE THOUGHT IT WAS ABOUT 8:00 OR SO AT NIGHT

28 THAT SHE MADE THIS SALE?

43528

1 A YES.

2 Q WAS IT ABOUT 8:00?

3 A NO.

4 Q ABOUT WHAT TIME WAS IT?

5 A THREE, FOUR, FIVE. SOMETIME IN THE

6 EARLY AFTERNOON.

7 Q DID LYLE MENENDEZ ENTER THE STORE WITH

8 YOU?

9 A YES.

10 Q AND TELL THE JURY WHAT HAPPENED, WHAT

11 YOUR RECOLLECTION IS, FROM THE TIME YOU ENTERED THIS

12 BIG-5.

13 A THE -- THERE'S A PARKING LOT IN FRONT OF

14 THE STORE AND THERE'S DOORS IN FRONT OF THE -- THE

15 FRONT OF THE STORE. THE GUN RACK WAS OVER TO THE
16 RIGHT. WE WENT OVER TO THE RIGHT. AND THE LADY
17 CAME OUT AND STARTED TALKING TO US ABOUT GUNS. WE,
18 AGAIN, TOLD HER WE NEEDED IT FOR HOME PROTECTION,
19 FOR BURGLARS AND SO ON. AND SHE SUGGESTED ONE OF
20 THE MODELS BEHIND HER. SHE WENT AND GOT A BOX. IT
21 WAS A BIG WHITE BOX. AND SHE OPENED IT UP AND
22 TALKED TO US ABOUT A PLUG THAT WAS IN THE GUN OR WAS
23 SUPPOSED TO BE IN THE GUN; TALKED -- SHOWED US HOW TO
24 LOAD IT AND EVERYTHING ABOUT THE GUN. AND WE SAID
25 WE'LL BUY IT.

26 Q NOW, DID YOU SUGGEST TO HER WHICH MODEL
27 AND TYPE SHOTGUN YOU WANTED OR DID SHE SUGGEST IT TO
28 YOU?

43529

1 A I DIDN'T KNOW ANYTHING ABOUT GUNS, SO I
2 JUST -- I ASKED HER AND SHE TOLD ME THE ONE THAT'S
3 MOST COMMON FOR -- THAT PEOPLE HAVE AT HOME.

4 Q DID SHE DEMONSTRATE TO YOU HOW THAT
5 WEAPON OPERATED?

6 A YES.

7 Q DID SHE REMOVE THE PLUG?

8 A YES.

9 Q AND ESSENTIALLY -- STRIKE THAT.

10 DID YOU HAVE TO FILL OUT ANY FORMS WITH
11 RESPECT TO THE PURCHASE OF THE SHOTGUNS?
12 A YES.
13 Q HOW MANY DID YOU ASK HER FOR? HOW MANY
14 SHOTGUNS?
15 A TWO.
16 Q BOTH THE SAME?
17 A YES.
18 Q WHEN YOU FILLED OUT THE FORMS, DID YOU
19 USE ANY PARTICULAR NAME FOR THIS PURCHASE?
20 A DONOVAN'S NAME.
21 Q AND DID YOU SIGN DONOVAN GOODREAU'S
22 NAME?
23 A YES.
24 Q DID YOU USE AN ADDRESS ON THIS FORM?
25 A YES.
26 Q WHAT ADDRESS DID YOU USE?
27 A I DON'T REMEMBER THE PARTICULAR -- THE
28 ADDRESS. I KNOW IT WAS AUGUST STREET. I HAD

43530

1 FORGOTTEN THE ADDRESS THAT I WAS SUPPOSED TO
2 REMEMBER AND SO I JUST, ON THE SPUR OF THE MOMENT,
3 USED THE NAME OF THE MONTH THAT WAS IN, THAT WAS
4 AUGUST.

5 Q WHERE DID YOU SAY YOU WERE FROM?

6 A BURLINGAME.

7 Q IS THAT RELATED BACK TO THE TOURNAMENT
8 YOU PLAYED EARLIER IN THE YEAR?

9 A YEAH, UP IN BURLINGAME.

10 Q HOW DID YOU PAY FOR THE SHOTGUNS?

11 A WITH MONEY THAT WE HAD.

12 Q DO YOU REMEMBER PAYING CASH?

13 A YES. I REMEMBER BEING AT THE REGISTER.

14 I DON'T SPECIFICALLY REMEMBER PULLING OUT THE CASH,
15 BUT I KNOW WE PAID WITH CASH.

16 Q DID YOU BUY AMMUNITION?

17 A YES.

18 Q WHAT KIND OF AMMUNITION DID YOU BUY?

19 A DOVE -- THEY REFERRED TO IT AS BIRD LOAD,
20 DOVE, DOVE SHOT. IT WAS STACKED UP IN -- AWAY FROM
21 THE COUNTER IN A STACK. SO WE TOOK ONE OF THE
22 BOXES.

23 Q DID YOU ASK THE LADY WHAT TYPE OF
24 AMMUNITION YOU SHOULD USE?

25 A NO.

26 Q DID YOU -- WHEN YOU PURCHASED THE BOX OF
27 AMMUNITION, DID YOU EVEN KNOW WHAT YOU WERE BUYING?

28 A IT SAID AMMUNITION FOR SHOTGUNS, BUT

1 OTHER THAN THAT, I DIDN'T KNOW.

2 Q HOW FAMILIAR ARE YOU WITH THE DIFFERENT
3 TYPES OF SHOTGUN ROUNDS, OF SHOTGUN LOADS, THAT
4 EXIST?

5 A I'M MORE FAMILIAR NOW. I DIDN'T KNOW
6 ANYTHING ABOUT IT AT THE TIME.

7 Q WAS THAT AFTER LISTENING TO THE
8 TESTIMONY OF THE VARIOUS WITNESSES IN THIS CASE
9 ABOUT --

10 A YEAH.

11 Q -- THE TYPE?

12 HOW LONG WOULD YOU SAY YOU WERE INSIDE
13 THE STORE?

14 A HALF HOUR. I DON'T REMEMBER. IT WAS
15 LONG ENOUGH TO -- HER TO EXPLAIN THE GUN AND LONG
16 ENOUGH TO PURCHASE IT.

17 Q DO YOU REMEMBER HOW IT WAS YOU CARRIED
18 THE GUNS OUT OF THE STORE? DID THEY COME IN BOXES?

19 A YES. I THINK THAT WE CARRIED THEM OUT
20 IN BOXES.

21 Q DO YOU HAVE A SPECIFIC RECOLLECTION OF
22 CARRYING THEM OUT IN BOXES?

23 A NO, NOT ANYMORE.

24 Q DID YOU CARRY BOTH OR DID YOU JUST CARRY
25 YOURS; DO YOU REMEMBER?

26 A I THINK THEY GAVE US A BIG BAG AND YOU
27 CARRIED THEM OUT. I DON'T THINK YOU WERE ALLOWED TO
28 LEAVE THE STORE WITHOUT THEM INSIDE OF A BOX. SO I

1 THINK THAT I HAD TO HAVE CARRIED THEM OUT IN A BOX.

2 Q DID YOU PUT THE SHOTGUNS IN ANY

3 PARTICULAR PLACE IN YOUR CAR?

4 A IN THE BACK.

5 Q HOW WOULD YOU DESCRIBE THE BACK OF YOUR

6 CAR.

7 A IT WAS A HATCHBACK. IT WAS A TWO-DOOR

8 AND THEN THERE WAS A HATCHBACK. MY SEAT FOLDED

9 OVER, BUT IT WASN'T FOLDED. I BELIEVE I PUT THEM IN

10 THE BACK ON THE DRIVE. I KNOW I WAS REACHING OVER

11 AND AT ONE POINT IT WAS IN THE BACK SEAT. BUT -- AND

12 YOU CLOSED THE BACK.

13 Q WHAT WAS THE CONDITION OF THE INSIDE OF

14 YOUR CAR? DESCRIBE IT.

15 A IT WAS A LITTLE MESSY. THERE WERE A LOT

16 OF TENNIS CLOTHES THAT HAD BEEN PILED UP OVER TIME

17 AND A LOT OF DIFFERENT CLOTHES THAT YOU CHANGE IN ON

18 THE WAY TO TENNIS EITHER PRACTICE OR AT TENNIS

19 PRACTICE AND JUST THREW THEM IN THE BACK OF THE

20 CAR. SO IT WAS PRETTY FULL.

21 Q WHAT KINDS OF THINGS DID YOU HAVE IN THE

22 BACK OF YOUR FORD ESCORT, OTHER THAN CLOTHES?

23 A TENNIS RACKETS. TENNIS BALLS. TENNIS

24 BAGS. TENNIS STRING. TAPE FOR -- HAND TAPE FOR
25 FINGERS AND BLISTERS. I'M SURE I HAD SOME MUSIC
26 TAPES. I DON'T REMEMBER. AN ASSORTED NUMBER OF
27 THINGS. MAYBE EVEN LEFT-OVER SCHOOLBOOKS. I DON'T
28 REMEMBER.

43533

1 Q WHERE DID YOU GO WHEN YOU LEFT THE
2 STORE?

3 A WE WENT BACK TO LOS ANGELES.

4 Q AND DO YOU KNOW ABOUT WHAT TIME IT WAS
5 WHEN YOU ARRIVED BACK IN LOS ANGELES?

6 A NO, I DON'T.

7 Q DID YOU HAVE A DISCUSSION OR DISCUSSIONS
8 WITH YOUR BROTHER LYLE MENENDEZ ON THE WAY BACK FROM
9 SAN DIEGO?

10 A YES.

11 Q WHAT DID YOU TALK ABOUT?

12 A TALKED MORE ABOUT WHAT WE HAD TALKED
13 ABOUT BEFORE, WHAT WAS HAPPENING IN THE FAMILY, WHAT
14 MOM AND DAD MIGHT BE THINKING. AND LYLE THOUGHT
15 THAT THEY -- THEY WOULD PROBABLY BE PANICKING AT THIS
16 POINT AND THAT JUST -- WE WANTED TO RELAX SO NOTHING
17 WOULD HAPPEN THAT DAY. WE TALKED -- TALKED ABOUT A
18 LOT OF EVENTS LONG BEFORE, TIMES WHEN HE WOULD COME

19 AND TALK TO ME ABOUT DIFFERENT THINGS ABOUT WHAT WAS
20 HAPPENING WITH DAD. JUST A WHOLE NUMBER OF THINGS.
21 IT WAS A TWO-HOUR DRIVE AND I CAN'T REMEMBER ALL OF
22 THE THINGS THAT WE TALKED ABOUT.

23 Q WHAT PURPOSE DID YOU BUY THOSE SHOTGUNS
24 FOR, MR. MENENDEZ?

25 A TO PROTECT OURSELVES.

26 Q DID YOU DO ANYTHING WITH RESPECT TO ONE
27 OF THE SHOTGUNS ON THE WAY BACK TO LOS ANGELES?

28 A YES.

43534

1 Q WHAT, IF ANYTHING, DID YOU DO TO IT?

2 A I LOADED TWO ROUNDS INTO THE GUN. I
3 TOOK APART THE BOX WITH THE GUN IN IT AND THE SHELLS
4 AND I LOADED TWO ROUNDS IN.

5 Q WHY DID YOU LOAD TWO ROUNDS IN IT?

6 A SEEMED LIKE A LOT.

7 Q A LOT FOR WHAT?

8 A A LOT TO HAVE IF SOMEONE CAME AT YOU.
9 IT SEEMED LIKE A LOT.

10 MY IMAGE OF SHOTGUNS WERE, YOU KNOW,
11 FROM JUST MOVIES AND SO ON, SO I DIDN'T REALLY
12 UNDERSTAND ALL THE MECHANISMS AND SO ON. IT SEEMED
13 LIKE A LOT TO ME.

14 Q FROM WHAT THE LADY TOLD YOU AT THE
15 BIG-5, DID YOU KNOW THAT THAT SHOTGUN HELD MORE THAN
16 TWO ROUNDS OR WAS CAPABLE OF HOLDING MORE THAN TWO
17 ROUNDS?

18 A OH, I KNEW THAT. I THOUGHT THAT IT WAS
19 CAPABLE OF HOLDING SEVEN OR EIGHT. IN THE TRIAL I
20 LEARNED THAT IT HOLDS ONLY SIX, BUT I KNEW THAT IT
21 HELD A LOT MORE THAN TWO.

22 Q HOW MANY ROUNDS OF AMMUNITION WERE IN
23 THE BOX?

24 A MANY. TEN, MAYBE MORE. I DON'T
25 REMEMBER. A LOT MORE THAN TWO.

26 Q HOW MANY SHOTGUNS DID YOU LOAD ON THE
27 WAY BACK FROM SAN DIEGO?

28 A JUST ONE.

43535

1 Q DID LYLE -- DID LYLE MENENDEZ ASK YOU TO
2 LOAD HIS?

3 A NO.

4 Q AND THE SHOTGUN THAT YOU LOADED, WAS
5 THAT GOING TO BE YOUR SHOTGUN?

6 A I SUPPOSE SO.

7 Q WHAT DID YOU DO WHEN YOU RETURNED TO
8 LOS ANGELES?

9 A WE WENT HOME AND THE DOOR WAS LOCKED,
10 RANG THE DOORBELL.

11 Q WAS LYLE MENENDEZ WITH YOU?

12 A YES.

13 Q DID YOU HAVE ANY PLANS FOR SATURDAY THAT
14 YOU KNEW OF AT THAT TIME?

15 A AT THAT TIME THAT I KNEW OF, I SUPPOSE
16 SO. I DIDN'T REALLY REMEMBER THAT WE HAD SOME UNTIL
17 MY MOM REMINDED ME OF THEM. BUT I KNEW FROM EARLIER
18 IN THE WEEK THAT MY PARENTS HAD PLANNED TO GO OUT ON
19 A SHARK-FISHING EXPEDITION OR TRIP ON SATURDAY.

20 Q WHAT TIME WERE YOU TOLD THAT THE SHARK
21 FISHING TRIP WOULD TAKE PLACE?

22 A AT ELEVEN IN THE MORNING.

23 Q WERE YOU AND LYLE MENENDEZ TO GO ON THAT
24 TRIP?

25 A WE HADN'T DISCUSSED IT FOR MANY DAYS. I
26 DIDN'T SERIOUSLY THINK THAT WE WERE STILL GOING ON
27 THE TRIP. I -- I KIND OF THOUGHT THAT THERE WERE
28 GOING TO BE A LOT OF DISCUSSIONS, AT LEAST I WAS

43536

1 HOPING THAT THERE WOULD BE. AND -- BUT THE -- AS FAR
2 AS I KNEW, THE TRIP HADN'T BEEN CANCELED.

3 Q DID YOU GET INTO YOUR HOUSE?

4 A RANG THE DOORBELL AND MY MOTHER CAME
5 DOWN FROM THE BEDROOM AND LET US OUT -- LET US IN.

6 Q WHERE WERE THE SHOTGUNS WHEN YOU WENT TO
7 THE DOOR?

8 A IN MY CAR.

9 Q AND IN WHAT MANNER DID YOU STORE THEM IN
10 YOUR CAR?

11 A JUST PILED ALL KINDS OF CLOTHES ON TOP
12 OF THEM TO HIDE THEM.

13 Q WHERE WAS THE CAR PARKED?

14 A WE HAD A SALLY PORT AREA, CARPORT AREA
15 THAT YOU DROVE INTO, AND I PARKED MY CAR ON THE
16 PURPLE TILE.

17 Q DID YOUR MOTHER OPEN THE DOOR?

18 A YES.

19 Q AND WAS THERE A DISCUSSION WHEN YOUR
20 MOTHER OPENED THE DOOR?

21 A YES.

22 Q WHAT WAS IT THAT YOUR MOTHER SAID?

23 A SHE TOLD US THAT THE SHARK FISHING
24 TRIP -- WE WERE GOING TO BE GOING ON THE SHARK
25 FISHING TRIP TOMORROW. SHE REMINDED US OF IT, AND
26 TOLD US THAT IT HAD BEEN CHANGED FROM 11:00 TO THE
27 AFTERNOON.

28 Q DID THIS CONCERN YOU?

1 A YES.

2 Q DID IT CAUSE YOU TO FEEL ANY PARTICULAR
3 EMOTION?

4 A IT JUST FRIGHTENED ME. I HAD -- I
5 COULDN'T BELIEVE THAT WE WERE STILL GOING ON IT AND
6 THE FACT THAT THE TRIP HAD BEEN CHANGED CONCERNED
7 ME. AND I REMEMBER HER SAYING IT, THAT IT WAS DARK,
8 AND AFTER SHE DID, MY BROTHER AND I WENT BACK
9 OUTSIDE BECAUSE THIS WAS A NEW TURN OF EVENTS. I
10 WANTED TO TALK TO LYLE ABOUT.

11 Q WHY WERE YOU WORRIED AND FEARFUL ABOUT
12 THE SHARK-FISHING TRIP?

13 A I DIDN'T LIKE THE FACT THAT WE WERE
14 STILL GOING ON IT. I DIDN'T KNOW WHAT THAT MEANT.
15 BUT THE IDEA THAT IT HAD BEEN CHANGED FROM --
16 SUDDENLY FROM ELEVEN TO THREE OR FOUR, WHENEVER IT
17 WAS SCHEDULED FOR IN THE AFTERNOON, SEEMED VERY ODD
18 TO ME. I ALWAYS THOUGHT -- IT JUST SEEMED ODD.

19 Q WHY'D IT SEEM ODD TO YOU?

20 A WE USED TO FISH IN NEW JERSEY AND YOU
21 JUST FIGURED THAT FISH BITE AT A CERTAIN TIME, AND
22 SUDDENLY ON FRIDAY MY PARENTS HAD CHANGED THE TIME
23 FROM ELEVEN TO FOUR AND IT SEEMED MORE LIKELY THAT
24 IF THE TRIP HAD BEEN SCHEDULED FOR ELEVEN THAT
25 THAT'S WHAT TIME THE SHARKS BITE. AND SUDDENLY IT'D
26 BEEN CHANGED TO FOUR AND IT SEEMED VERY STRANGE THAT

27 IT WOULD SUDDENLY CHANGE RIGHT AFTER WE HAD THIS BIG
28 ARGUMENT. AND THAT CONCERNED ME. I DIDN'T KNOW

43538

1 WHAT WAS GOING TO HAPPEN. I DIDN'T KNOW WHAT WAS --
2 WHAT WAS PLANNED. BUT I THOUGHT IT VERY STRANGE
3 THAT IT WOULD SUDDENLY BE CHANGED. AND I FIGURED
4 THAT -- I DON'T KNOW.

5 Q WHAT WAS YOUR MOTHER'S DEMEANOR,
6 MR. MENENDEZ, WHEN YOU CAME HOME?

7 A JUST VERY FIRM.

8 Q WAS SHE FRIENDLY?

9 A NO, NOT PARTICULARLY FRIENDLY.

10 Q WHAT DID YOU DO AFTER YOUR MOTHER TOLD
11 YOU ABOUT THE CHANGE IN THE SHARK-FISHING TRIP? BY
12 THE WAY, WAS THERE ANY OTHER DISCUSSION ABOUT ANY
13 OTHER TOPIC AT THAT TIME WITH YOUR MOTHER?

14 A NOT THAT I REMEMBER.

15 Q AND WHAT DID YOU DO NEXT?

16 A I WENT BACK OUTSIDE AND DISCUSSED THIS
17 WITH MY BROTHER AND MY BROTHER FELT THAT IT WAS VERY
18 STRANGE AS WELL, PROBABLY SOMETHING WEIRD WAS GOING
19 ON. I TOLD HIM THAT I DIDN'T WANT TO SLEEP IN THE
20 MAIN HOUSE; THAT I WANTED TO SLEEP IN THE GUESTHOUSE
21 AGAIN. AND HE TOLD ME THAT, NO, I'D SLEEP IN THE

22 MAIN HOUSE. IT WOULD LOOK UNUSUAL IF I SLEPT IN THE
23 GUESTHOUSE. AND IT LOOKED -- IT WOULD LOOK LIKE WE
24 THOUGHT SOMETHING WAS GOING ON. AND SO HE TOLD ME
25 THAT I WOULD BE ALL RIGHT; THAT -- JUST TO LOCK MY
26 BEDROOM AND TO STAY IN THE HOUSE.

27 Q WHY DID YOU UNDERSTAND YOUR BROTHER TO
28 SUGGEST THAT YOU SEPARATE, WHERE YOU WOULD STAY IN

43539

1 THE HOUSE AND HE WOULD STAY IN THE GUESTHOUSE?

2 A HE WANTED -- HE JUST WANTED TO GIVE THE
3 APPEARANCE THAT EVERYTHING NORMAL WAS STILL
4 HAPPENING AFTER THIS BIG FIGHT SO THAT MY PARENTS
5 WOULD FEEL AT EASE, ABLE TO TALK WITH US, AND
6 WOULDN'T HAVE TO THINK THAT WE WERE NOW SUDDENLY
7 VERY AFRAID OF THEM AND MIGHT DO SOMETHING LIKE GO
8 TO THE POLICE OR TELL PEOPLE OR RUN AWAY.

9 Q DID YOU STILL HAVE HOPES THAT THINGS
10 WOULD WORK OUT?

11 A I HAD GREAT HOPES THAT THINGS WOULD WORK
12 OUT. I THOUGHT THAT THEY MIGHT AFTER THIS -- I
13 THOUGHT THAT THEY MORE LIKELY WOULD THAN I DID AFTER
14 I HEARD WHAT MY MOM SAID IN THE FOYER ABOUT THE
15 FISHING TRIP BEING CHANGED. BUT YES.

16 Q DID YOU DO ANYTHING WITH YOUR SHOTGUN AT

17 THAT TIME?

18 A I BROUGHT IT UP TO MY BEDROOM.

19 Q AND HOW DID YOU TRANSPORT IT FROM YOUR
20 CAR TO YOUR BEDROOM?

21 A IN A TENNIS BAG THAT I HAD IN THE BACK.

22 Q WHAT KIND OF TENNIS BAG?

23 A IT WAS A PUMA. I BELIEVE IT WAS A
24 PUMA. I HAD SO MANY TENNIS BAGS. IT WAS ONE OF THE
25 TENNIS BAGS. IT WAS A GRAY TENNIS BAG.

26 Q WHAT DID YOU DO WITH THE SHOTGUN WHEN
27 YOU BROUGHT IT UP TO YOUR ROOM?

28 A PUT IT BESIDE MY BED.

43540

1 Q AND DID LYLE MENENDEZ TAKE HIS SHOTGUN
2 ANYWHERE?

3 A HONESTLY, I DON'T REMEMBER HIM TAKING
4 THE GUN FROM THE BACK OF MY CAR. I KNOW THAT HE
5 DID.

6 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

7 THE COURT: SUSTAINED. THAT PORTION OF THE
8 ANSWER, I KNOW THAT HE DID, IS STRICKEN.

9 Q BY MR. LEVIN: TO YOUR KNOWLEDGE, DID
10 THE OTHER SHOTGUN REMAIN IN YOUR CAR?

11 MR. CONN: OBJECTION. CALLS FOR

12 SPECULATION. NO FOUNDATION.

13 THE COURT: WHY DON'T YOU ESTABLISH IT SOME
14 OTHER WAY SUCH AS WHERE'D HE NEXT SEE IT OR
15 SOMETHING LIKE THAT.

16 Q BY MR. LEVIN: WHERE DID YOU NEXT SEE
17 THE SHOTGUN?

18 A MY BROTHER'S?

19 Q YES.

20 A I DON'T REMEMBER SEEING IT ON FRIDAY. I
21 DON'T REMEMBER SEEING IT ON SATURDAY.

22 Q HAD YOU BEEN TO YOUR CAR ON SATURDAY?

23 A YES, AND IT WASN'T IN THERE ON SATURDAY
24 MORNING, SO I GUESS THAT'S HOW I KNOW. I DIDN'T SEE
25 HIS GUN AGAIN UNTIL SUNDAY, BUT IT WASN'T THERE ON
26 SATURDAY MORNING, THAT'S TRUE. SO...

27 Q WHAT ABOUT THE BOX OF AMMUNITION? WHERE
28 WAS THAT?

43541

1 A I KNOW THAT THE BOX WAS STILL IN THE
2 CAR. I DON'T KNOW IF LYLE TOOK ANY OF THE SHELLS
3 WITH HIM.

4 MR. LEVIN: YOUR HONOR, WHAT TIME WOULD THE
5 COURT LIKE TO BREAK?

6 THE COURT: IF THIS IS GOOD FOR YOU.

7 MR. LEVIN: THIS IS A GOOD PLACE.

8 THE COURT: OKAY. WE'LL RESUME AT 20 MINUTES

9 TO THE HOUR. DON'T DISCUSS THE MATTER WITH ANYONE.

10 DON'T FORM ANY FINAL OPINIONS ABOUT IT. WE'LL

11 RESUME IN 20 MINUTES.

12 (A RECESS WAS TAKEN FROM

13 3:20 P.M. TO 3:55 P.M.)

14

15 THE COURT: OKAY. ARE WE READY TO RESUME?

16 MR. LEVIN: YES, YOUR HONOR. I WOULD ASK THE

17 COURT ONE THING.

18 WITH RESPECT TO TAKING JUDICIAL NOTICE

19 THAT 12951(A) OF THE VEHICLE CODE IS A SECTION THAT

20 PERTAINS TO DRIVING WITHOUT YOUR CALIFORNIA DRIVER'S

21 LICENSE. THIS IS WITH RESPECT TO ERIK MENENDEZ' DMV

22 RECORD SHOWING THAT HE RECEIVED A CITATION ON JULY

23 THE 7TH, 1989, FOR 12951(A), AMONG OTHER THINGS.

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

25 MR. CONN: I THINK THAT NOTICE TO THE COURT

26 IS REQUIRED. I'M GOING TO ASK THAT PROPER NOTICE BE

27 GIVEN TO THE COURT SO THAT WE CAN HAVE AN

28 OPPORTUNITY TO REVIEW COUNSEL'S MOTION.

43542

1 THE COURT: I DIDN'T REALLY HEAR WHAT YOU

2 SAID. YOU SORT OF MUMBLED IT.

3 MR. CONN: I THINK THAT IN ORDER FOR THE
4 COURT TO TAKE JUDICIAL NOTICE, PROPER NOTICE MUST BE
5 GIVEN TO THE COURT WITH AN OPPORTUNITY FOR THE OTHER
6 SIDE TO RESPOND. I THINK IF COUNSEL MAKES THAT
7 MOTION, THEN WE WOULD RESPOND. I DON'T THINK IT
8 SHOULD BE DONE OFF THE CUFF LIKE THAT.

9 THE COURT: ALL RIGHT. AT THIS POINT YOU'RE
10 ASKING ME TO TAKE NOTICE OF A VEHICLE CODE SECTION,
11 OR ARE YOU ASKING ME TO TAKE NOTICE OF A PARTICULAR
12 INCIDENT REFLECTED IN SOME RECORDS OF THE DEPARTMENT
13 OF MOTOR VEHICLES?

14 MR. LEVIN: NO, YOUR HONOR. NO. THE FORMER;
15 THAT IS, TO TAKE JUDICIAL NOTICE THAT IN THE STATE
16 OF CALIFORNIA 12951(A) OF THE CALIFORNIA VEHICLE
17 CODE IS DRIVING WITHOUT A LICENSE.

18 THE COURT: IF YOU'RE ASKING ME IF THAT'S
19 WHAT THE CODE SECTION IS, IT'S MY RECOLLECTION IT
20 IS. BUT IT'S BEEN QUITE A WHILE SINCE I'VE DEALT
21 WITH IT.

22 MR. LEVIN: IT IS, YOUR HONOR, TRUST ME. I'M
23 A LAWYER. I WOULDN'T LEAD YOU ASTRAY.

24 MS. ABRAMSON: AND A FORMER POLICE OFFICER,
25 GAVE MANY SUCH TICKETS.

26 THE COURT: WHAT IS THE DISPUTE HERE? WHY DO
27 WE HAVE TO DELAY IT?

28 MR. CONN: I THINK I'D LIKE TO READ THE

1 SECTION AND TAKE A LOOK AT THE EXACT WORDS THAT
2 COUNSEL IS PROPOSING, AND I THINK THAT THAT'S WHY
3 THE EVIDENCE CODE REQUIRES THAT SOME NOTICE BE GIVEN
4 TO THE COURT WITH AN OPPORTUNITY FOR THE OTHER SIDE
5 TO RESPOND SO WE CAN WORK OUT THE LANGUAGE. COUNSEL
6 IS SUGGESTING THE LANGUAGE AND I MAY OR MAY NOT
7 AGREE WITH THAT SPECIFIC WORDING ONCE WE HAD AN
8 OPPORTUNITY TO REVIEW IT. I THINK WE NEED THAT
9 OPPORTUNITY.

10 THE COURT: ALL RIGHT. WELL, I DON'T THINK
11 IT'S AN ISSUE OF URGENCY, SO I'LL LET THE PROSECUTOR
12 REVIEW IT AND WE'LL GET BACK TO IT.

13 MR. LEVIN: VERY WELL.

14 THE COURT: IF YOU WANT TO JUST GIVE ME THE
15 CODE SECTION, IF THERE'S SOME REMAINING DISPUTE,
16 WE'LL DEAL WITH IT THAT WAY.

17 OKAY. HE WANTS TO REVIEW IT AND YOU CAN
18 WORK OUT THE LANGUAGE OF WHAT IT IS THAT THE COURT
19 WOULD BE TAKING NOTICE OF.

20 ALL RIGHT. LET'S HAVE THE JURY OUT.

21 (THE JURY ENTERED THE
22 COURTROOM AND THE FOLLOWING
23 PROCEEDINGS WERE HELD:)

24

25 THE COURT: THE JURY'S IN THE BOX.

26 YOU MAY CONTINUE YOUR DIRECT

27 EXAMINATION.

28 MR. LEVIN: THANK YOU.

43544

1 Q MR. MENENDEZ, YOU TESTIFIED EARLIER
2 TODAY THAT YOUR LICENSE HAD BEEN SUSPENDED BY THE
3 STATE OF CALIFORNIA AT SOME TIME?

4 A LYLE'S LICENSE HAD BEEN SUSPENDED TO
5 WHERE HE HAD TO TURN HIS LICENSE IN TO THE
6 DEPARTMENT.

7 Q I'M SORRY. YOU INDICATED THAT YOU HAD
8 LOST YOUR DRIVER'S LICENSE?

9 A YES.

10 Q NOW, HAD YOU, AT ANY TIME PRIOR, BEFORE
11 AUGUST OF 1989, BEEN STOPPED BY LAW ENFORCEMENT IN
12 THE STATE OF CALIFORNIA?

13 A YES.

14 Q AND HAD YOU BEEN STOPPED FOR WHAT WAS
15 BELIEVED TO BE YOU COMMITTING A TRAFFIC VIOLATION?

16 A I DID COMMIT ONE.

17 Q AND DID YOU -- WERE YOU ASKED BY THE
18 OFFICER TO PRODUCE YOUR CALIFORNIA DRIVER'S
19 LICENSE?

20 A YES.

21 Q WERE YOU ABLE TO DO SO?
22 A I HAD LOST MY LICENSE.
23 Q DID YOU INFORM THE OFFICER THAT YOU HAD
24 LOST YOUR LICENSE?
25 A YES.
26 Q WERE YOU CITED BY THE OFFICER FOR NOT
27 HAVING A CALIFORNIA DRIVER'S LICENSE IN YOUR
28 POSSESSION?

43545

1 A YES.
2 MR. LEVIN: YOUR HONOR, I HAVE A TWO-PAGE
3 DOCUMENT. IT WAS PREVIOUSLY MARKED IN THE PRIOR
4 TRIAL AS 268. I BELIEVE WE'RE AT 365.
5 THE COURT: 366.
6 Q BY MR. LEVIN: MR. MENENDEZ, WOULD YOU
7 TAKE A LOOK AT EXHIBIT 366.
8 HAD YOU SEEN THAT DOCUMENT BEFORE?
9 A YES. I SAW IT AT THE FIRST TRIAL.
10 Q DOES IT HAVE YOUR NAME ON IT?
11 A YES. YES, IT DOES.
12 Q AND IS THAT A PRINTOUT OF YOUR
13 DEPARTMENT OF MOTOR VEHICLES RECORD OF DRIVING
14 INFRACTIONS?
15 MR. CONN: OBJECTION. HEARSAY. NO

16 FOUNDATION.

17 THE COURT: SUSTAINED.

18 Q BY MR. LEVIN: DID YOU RECEIVE A

19 CITATION OR THE CITATION YOU JUST TESTIFIED TO, SOON

20 IN TIME BEFORE AUGUST, 1989?

21 A JULY 7TH.

22 Q AND HOW IS IT THAT YOU REMEMBER THAT

23 DATE?

24 A IT SAYS SO RIGHT HERE.

25 Q WOULD THE --

26 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

27 MS. ABRAMSON: EXCUSE ME FOR A MOMENT.

28 THE COURT: THE OBJECTION IS SUSTAINED. THE

43546

1 ANSWER IS STRICKEN.

2 (ATTORNEYS ABRAMSON AND LEVIN

3 CONFERRING SOTTO VOCE.)

4

5 Q BY MR. LEVIN: DO YOU KNOW WHERE EXHIBIT

6 366 CAME FROM?

7 MR. CONN: OBJECTION. IRRELEVANT.

8 THE COURT: IT WOULD CALL FOR HEARSAY, I

9 WOULD THINK. SUSTAINED.

10 MR. LEVIN: YOUR HONOR, I DON'T BELIEVE IT'S

11 A VALID OBJECTION WITH RESPECT TO A DMV RECORD.

12 THE COURT: WELL, WE CAN DISCUSS THAT AT A
13 BREAK HERE. WE DON'T HAVE TO DO IT RIGHT NOW. THE
14 WITNESS CLEARLY CAN'T AUTHENTICATE ANY DOCUMENT SUCH
15 AS THAT.

16 Q BY MR. LEVIN: WHERE DID YOU FIRST SEE
17 EXHIBIT 366?

18 MR. CONN: OBJECTION. IRRELEVANT.

19 THE COURT: OVERRULED.

20 YOU CAN ANSWER THE QUESTION.

21 THE WITNESS: MY RECOLLECTION IS THAT I FIRST
22 SAW IT IN THE FIRST TRIAL.

23 Q BY MR. LEVIN: DO YOU HAVE A MEMORY OF
24 BEING STOPPED BY THE POLICE IN JULY OF 1989 AND
25 RECEIVING A TRAFFIC TICKET FOR HAVING NO CALIFORNIA
26 DRIVER'S LICENSE IN YOUR POSSESSION?

27 A YES.

28 Q MR. MENENDEZ, DID YOU EVER FEEL,

43547

1 FOLLOWING THE PURCHASE OF THOSE SHOTGUNS, THAT YOU
2 WOULD EVER BE ABLE TO USE THE SHOTGUN ON YOUR
3 FATHER?

4 A I WASN'T SURE. I DEFINITELY HAD IT IN
5 MY MIND THAT I WOULD TRY IF HE CAME INTO MY ROOM.

6 Q HAD YOU MADE SOME DECISION WITH RESPECT
7 TO YOUR FATHER COMING INTO YOUR ROOM THAT WEEK?

8 A YES.

9 Q WHAT DECISION HAD YOU MADE?

10 A THAT I WOULD NEVER LET HIM COME INTO MY
11 ROOM AND ATTEMPT ANY TYPE OF SEX WITH ME AGAIN.

12 Q DID YOU FEEL THAT YOU COULD USE THE
13 SHOTGUN THAT YOU HAD PURCHASED ON YOUR MOTHER?

14 A I WASN'T SURE. MY BROTHER HAD ASKED ME
15 THAT ON FRIDAY COMING BACK FROM THE STORE, WHETHER
16 I'D BE ABLE TO. AND HE SAID THAT -- IT WAS ANOTHER
17 WAY OF HIM SAYING, LET'S GET AWAY. THESE ARE USED
18 FOR, YOU KNOW, PROTECTION. IF YOU DON'T THINK YOU
19 CAN USE THIS, THEN WE BETTER GET AWAY. AND I SAID I
20 WASN'T SURE AND HE TOLD ME TO THINK ABOUT THAT
21 BECAUSE HE WANTED TO LEAVE.

22 I WASN'T SURE AND I DIDN'T REALLY WANT
23 TO THINK ABOUT THAT. I WAS HOPING I WOULD NEVER
24 HAVE TO BE FACED WITH THAT AND HAVE TO THINK ABOUT
25 THAT SERIOUSLY.

26 Q YOU INDICATED BEFORE THAT LYLE MENENDEZ
27 HAD A DIFFERENT TYPE OF RELATIONSHIP WITH YOUR
28 MOTHER THAN YOU HAD.

1 DO YOU RECALL THAT TESTIMONY?

2 A YES.

3 Q WHAT KIND OF RELATIONSHIP DID YOU HAVE
4 WITH YOUR MOTHER?

5 A I HAD A RELATIONSHIP WHERE I -- IT'S HARD
6 TO DESCRIBE. I JUST REMEMBER THAT SHE HAD A VERY
7 MISERABLE LIFE AND --

8 MR. CONN: OBJECTION. NONRESPONSIVE. MOTION
9 TO STRIKE.

10 THE COURT: SUSTAINED. THE ANSWER IS
11 STRICKEN.

12 WHY DON'T YOU REPHRASE THE QUESTION.

13 Q BY MR. LEVIN: DID YOU THINK THAT YOUR
14 MOTHER PREFERRED YOU OVER YOUR BROTHER LYLE
15 MENENDEZ?

16 A YES. SHE TOLD ME THAT SHE DID.

17 Q HOW WOULD YOU CHARACTERIZE YOUR MOTHER'S
18 BEHAVIOR WITH RESPECT TO YOURSELF?

19 A IT WAS SIMILAR TO MY BROTHER'S IN TERMS
20 OF HER GETTING ANGRY AND SO ON. SHE WOULDN'T -- THE
21 STRANGE THINGS THAT SHE WOULD DO WITH LYLE DIDN'T
22 HAPPEN WITH ME. SHE WOULD STILL GET ANGRY. I WOULD
23 DO A LOT OF THINGS, BECAUSE THE NICEST THING ABOUT
24 MY MOTHER, WHAT MADE HER BEAUTIFUL, WAS HER SMILE,
25 AND SHE DIDN'T SMILE A LOT. AND SO I TRIED TO GET
26 HER TO SMILE A LOT AND DID THINGS AND SOMETIMES SHE
27 WOULD -- SHE WOULD SMILE AND SHE WOULD BE HAPPY.
28 OTHER TIMES SHE WOULD BE ANGRY AND I WOULD JUST HEAR

1 HER SMASHING DISHES OR CUPS OVER AND OVER AND OVER
2 AGAIN INTO THE DISHWASHER UNTIL THEY WERE FULL OF
3 BROKEN STUFF, AND SHE WAS ANGRY. AND THOSE TIMES I
4 WOULDN'T GO NEAR HER. IT WAS -- IT WAS ONE WHERE I
5 WAS -- YOU WERE CAREFUL AROUND HER, BUT WE LOVED EACH
6 OTHER.

7 Q TO YOU WAS YOUR MOTHER'S BEHAVIOR
8 PREDICTABLE?

9 A IT WAS VERY UNPREDICTABLE. VERY
10 RANDOM. I REMEMBER THE ONE YEAR I WAS TAKING THE
11 BUS HOME HALF THE YEAR AND WHEN I WOULD GET HOME I
12 WOULD -- IT WAS THE FIRST THING I WOULD WATCH FOR, TO
13 SEE WHAT TYPE OF A MOOD MOM WOULD BE IN, BECAUSE IT
14 SWITCHED FROM DAY TO DAY OR FROM HOUR TO HOUR, THE
15 UNPREDICTABLENESS OF HER MOOD SWINGS.

16 Q DO YOU RECALL ANY PARTICULAR INCIDENT
17 WHERE YOU TRIED TO DO SOMETHING NICE FOR YOUR MOTHER
18 AND SHE RESPONDED VERY UNPREDICTABLY?

19 A YES. I REMEMBER --

20 MR. CONN: OBJECTION. IRRELEVANT. MOVE TO
21 EXCLUDE UNDER 352.

22 THE COURT: HE'S ANSWERED THE QUESTION YES.
23 SO THAT WAS THE ANSWER TO THE QUESTION.

24 Q BY MR. LEVIN: ON THIS OCCASION DID SHE
25 DO SOMETHING THAT FRIGHTENED YOU?
26 A YES.
27 Q WHAT DID SHE DO?
28 A I HAD BEEN MAKING A -- BAKING A CAKE FOR

43550

1 HER AND SHE WAS OUT WITH LYLE AND I WANTED HER TO BE
2 HAPPY WHEN SHE GOT THE CAKE. AND WHILE SHE WAS GONE
3 WITH LYLE, THE CAKE -- I GUESS I DIDN'T DO THE
4 DIRECTIONS RIGHT AND THE CAKE SORT OF GOT ALL OVER
5 THE OVEN, AND I CHECKED IT JUST BEFORE SHE HAD
6 PULLED UP, AND SO I WAS TRYING TO CLEAN IT UP WHEN I
7 REALIZED WHAT A MESS I HAD MADE. AND WHEN SHE GOT
8 HOME, SHE SAW WHAT I HAD DONE AND SHE GRABBED THE
9 CAKE AND STARTED THROWING IT AT ME AND YELLING AND
10 IT WAS -- IT WAS THE RISKS OF LIFE, AND I WAS WILLING
11 TO TAKE THEM BECAUSE IT WAS WORTH IT WHEN SHE
12 SMILED. AND SOMETIMES --

13 MR. CONN: I WOULD OBJECT AT THIS POINT.
14 CALLS FOR A NARRATIVE. NONRESPONSIVE.

15 THE COURT: SUSTAINED.

16 YOUR NEXT QUESTION, PLEASE.

17 Q BY MR. LEVIN: HAD YOUR BELIEFS WITH
18 RESPECT TO YOUR MOTHER, HOW SHE VIEWED YOU, ERIK

19 MENENDEZ, SOMEWHAT -- OR STRIKE THE WORD SOMEWHAT --
20 DID IT, IN FACT, CHANGE AFTER SHE TOLD YOU SHE KNEW
21 THAT YOU HAD BEEN MOLESTED BY YOUR FATHER?

22 A IT CHANGED DRAMATICALLY. I WASN'T SURE
23 WHO SHE WAS. I DIDN'T KNOW HOW MUCH OF WHAT I KNEW
24 ABOUT HER WAS TRUE ANYMORE. I MEAN, I FELT A GREAT
25 SENSE OF ANGER, BETRAYAL, AND FOLLOWING THAT HOUR,
26 LATER INTO THAT NIGHT ON THURSDAY, I THOUGHT ABOUT
27 THE TIMES THAT MY MOTHER AND I HAD SHARED TOGETHER
28 AND ALL THE TIMES THAT I HAD NOT TOLD HER BECAUSE I

43551

1 DIDN'T WANT TO HURT HER. AND I JUST WASN'T SURE WHO
2 SHE WAS ANYMORE IN TERMS OF HER LOVE FOR DAD VERSUS
3 HER LOVE FOR ME. I REALIZED THAT SHE WAS TOO
4 WRAPPED UP IN MY FATHER'S WORLD.

5 Q I WANT TO PICK UP FROM FRIDAY EVENING
6 AND INTO SATURDAY, AUGUST THE 19TH, 1989.

7 PRECEDING YOU -- BEFORE YOU WOKE UP ON
8 SATURDAY, DID YOU GET A GOOD NIGHT'S SLEEP FROM
9 FRIDAY WHEN YOU SLEPT IN THE HOUSE AND LYLE MENENDEZ
10 WAS IN THE GUESTHOUSE?

11 A I DIDN'T GET A GOOD NIGHT'S SLEEP FOR
12 ABOUT TWO WEEKS.

13 Q WHEN YOU SAY YOU DIDN'T GET A GOOD

14 NIGHT'S SLEEP FOR ABOUT TWO WEEKS, CAN YOU GIVE THE
15 JURY SOME INDICATION ABOUT HOW MUCH YOU SLEPT ON AN
16 AVERAGE EACH NIGHT.

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

18 MR. LEVIN: DURING THAT TWO-WEEK PERIOD.

19 THE COURT: WHICH TWO-WEEK PERIOD?

20 MR. LEVIN: THE TWO-WEEK PERIOD PRECEDING --

21 THE COURT: HE'LL HAVE TO DEFINE THE TWO-WEEK
22 PERIOD.

23 MR. LEVIN: OH, I'M SORRY.

24 Q WHAT TWO-WEEK PERIOD ARE YOU REFERRING
25 TO?

26 A TUESDAY WHEN I -- TUESDAY TO -- TUESDAY
27 WHEN I TOLD LYLE, TILL I SAW THE DOCTOR ON
28 SEPTEMBER -- IN MID SEPTEMBER. I GUESS IT WAS

43552

1 LONGER, THREE WEEKS. NIGHTMARES, FLASHBACKS.

2 THE COURT: OKAY. LET'S CONFINE OURSELVES
3 HERE TO THE TIME FRAME THAT YOU'RE NOW DISCUSSING.

4 Q BY MR. LEVIN: DID YOU HAVE NIGHTMARES
5 ON A REGULAR BASIS DURING THIS PERIOD?

6 THE COURT: WHICH PERIOD?

7 MR. CONN: OBJECTION.

8 THE COURT: WHICH PERIOD?

9 MR. LEVIN: TWO WEEKS.

10 THE COURT: HE'S DEFINED THAT STARTING ON
11 TUESDAY. IT'S NOT TWO WEEKS FROM THE TIME OF THE
12 KILLING OF THE PARENTS.

13 WHICH TWO WEEKS ARE YOU TALKING ABOUT?

14 MR. LEVIN: ALL RIGHT.

15 Q I WANT TO REFER SPECIFICALLY TO THE WEEK
16 PRECEDING THE DEATH OF YOUR PARENTS.

17 NOW, DURING THAT PERIOD OF TIME OR SOON
18 BEFORE THAT, DID YOU SEE A DOCTOR?

19 A NO. I SAW A DOCTOR MID SEPTEMBER AFTER
20 MY PARENTS DIED.

21 Q BEFORE THAT HAD YOU SEEN A DOCTOR? IS
22 THAT THE DOCTOR YOU'RE REFERRING TO BEFORE WHEN YOU
23 JUST SAID --

24 A YES.

25 Q OKAY. NOW, FOR THE WEEK PRECEDING
26 AUGUST THE 20TH, 1989, I WANT YOU TO DESCRIBE WHAT
27 YOUR SLEEPING WAS LIKE. WHAT KIND OF SLEEPING
28 PATTERNS DID YOU HAVE? WERE YOU ABLE TO SLEEP?

43553

1 A I WASN'T ABLE TO SLEEP THE NIGHT
2 THROUGH. AT TIMES I DIDN'T GET TO BED TILL THREE OR
3 FOUR IN THE MORNING AND I'D WAKE UP AT EIGHT OR

4 NINE. GENERALLY, I WAS GETTING ABOUT FOUR OR FIVE
5 HOURS A NIGHT OF SLEEP OR I'D WAKE UP OUT OF A
6 NIGHTMARE SUDDENLY AND THEN I'D LIKE AWAKE AND TRY
7 TO FALL BACK ASLEEP. SOMETIMES I WAS ABLE TO.
8 SOMETIMES I WASN'T. ON THURSDAY NIGHT I WASN'T
9 REALLY ABLE TO SLEEP VERY MUCH. BUT MY ANXIETY KEPT
10 ME UP AND I WAS TIRED. I WANTED TO SLEEP. I JUST
11 COULDN'T.

12 Q WHAT WERE YOU AFRAID OF?

13 A I WAS AFRAID OF MY PARENTS. I WAS
14 AFRAID OF MY DAD COMING INTO MY ROOM AGAIN. I WAS
15 AFRAID THAT THINGS WOULDN'T WORK OUT. I WAS -- I WAS
16 MISERABLE AT THE TIME, JUST IN GENERAL.

17 Q DO YOU REMEMBER WHAT TIME YOU WOKE UP ON
18 SATURDAY, AUGUST THE 19TH, 1989?

19 A SOMETIME AROUND 9:00, 9:30.

20 Q DO YOU HAVE A RECOLLECTION OF WHAT YOU
21 DID ON THAT DAY?

22 A SOMEWHAT.

23 Q WHAT DID YOU DO IN THE MORNING?

24 A I REMEMBER THE FIRST THING I DID WAS GO
25 OVER TO MY BROTHER'S GUESTHOUSE.

26 Q FOR WHAT PURPOSE DID YOU GO TO YOUR
27 BROTHER'S GUESTHOUSE?

28 A WE WERE -- I DON'T REMEMBER WHEN WE

1 DISCUSSED IT, BUT EITHER THEN OR THE NIGHT BEFORE WE
2 HAD DISCUSSED THAT WE WOULD BE LEAVING THE NEXT
3 MORNING. WE DIDN'T WANT TO -- WE WANTED TO SHOW UP
4 LATE FOR THE FISHING TRIP AND TRY TO MISS IT, AVOID
5 IT.

6 Q NOW, DID YOU HAVE A MAID?

7 A YES.

8 Q AND WHERE DID THE MAID STAY?

9 A INSIDE THE MAIN HOUSE IN THE -- SHE HAD A
10 BEDROOM IN THE FAR -- THE FIRST FLOOR IN THE BACK
11 NEAR THE SERVICE AREA.

12 Q DID THE MAID HAVE A SCHEDULE WITH
13 RESPECT TO STAYING AT YOUR HOUSE?

14 A YES.

15 Q AND WHAT WAS THAT SCHEDULE?

16 A SHE WORKED THERE FROM NINE IN THE
17 MORNING OR EARLY IN THE MORNING ON MONDAY. SHE LEFT
18 SOMETIME IN THE AFTERNOON ON FRIDAY.

19 Q DO YOU KNOW WHAT TIME SHE NORMALLY
20 LEAVES ON FRIDAY?

21 A I KNOW IT'S SOMETIME BETWEEN THREE AND
22 FIVE OR 5:30, BUT I'D BE GUESSING. ANY TIME AFTER
23 THAT.

24 Q ON FRIDAY NIGHT WAS THE MAID AT YOUR
25 HOUSE?

26 A NO.

27 Q WAS ANYONE AT THE HOUSE BESIDES

43555

1 FATHER?

2 A NO.

3 Q DID YOU HAVE TWO SHOTGUNS AND AMMUNITION
4 IN YOUR POSSESSION ON FRIDAY NIGHT?

5 A YES.

6 Q WAS YOUR SHOTGUN IN THE HOUSE?

7 A I CARRIED IT TO MY ROOM.

8 Q WHERE WERE YOUR PARENTS ON SATURDAY
9 NIGHT -- I'M SORRY -- FRIDAY NIGHT? DID THEY SLEEP AT
10 THE HOUSE?

11 A YES.

12 Q IN THEIR BEDROOM?

13 A I THINK -- YES.

14 Q DID YOU EVER, MR. MENENDEZ, TAKE YOUR
15 SHOTGUN AND GO ANYWHERE NEAR THEIR ROOM ON FRIDAY
16 NIGHT?

17 A NO.

18 Q DID YOU TOUCH THAT SHOTGUN AFTER YOU
19 BROUGHT IT TO YOUR ROOM FROM YOUR CAR?

20 A NO.

21 Q WHERE DID YOU LEAVE THE SHOTGUN?

22 A NEXT TO MY BED. THERE WAS A NOOK.

23 Q NOW, WHAT DID YOU DO SATURDAY?

24 A MY BROTHER AND I LEFT THE HOUSE IN THE
25 MORNING AND WE WENT TO THE VALLEY, WENT -- EVENTUALLY
26 ENDED UP GOING TO THE TOPANGA MALL.

27 Q WHEN YOU LEFT THE HOUSE, WHERE WAS YOUR
28 MOTHER?

43556

1 A I BELIEVE AT THE HOUSE.

2 Q WHERE WAS YOUR FATHER?

3 A DIDN'T KNOW.

4 Q DID YOU THINK HE WAS HOME?

5 A YES.

6 Q DID YOU THINK HE WAS ASLEEP?

7 A I DIDN'T KNOW.

8 Q DID YOU LOOK FOR YOUR FATHER ON SATURDAY
9 MORNING?

10 A NO.

11 Q DID YOU LOOK FOR YOUR MOTHER ON SATURDAY
12 MORNING?

13 A NO.

14 Q WHY DID YOU GO TO THE TOPANGA MALL?

15 A WE JUST WANTED TO GET OUT OF THE HOUSE
16 AND TRY TO BE LATE FOR THE FISHING TRIP; AND WE ATE
17 THERE AND WE JUST WERE TRYING TO USE UP TIME. WE

18 DIDN'T GO DIRECTLY THERE, I DON'T THINK. BUT I

19 REMEMBER BEING THERE AT ONE POINT.

20 Q WHAT WAS YOUR UNDERSTANDING THAT THE NEW
21 TIME OF THE FISHING TRIP WOULD BE?

22 A THREE, 3:00, SOMETIME IN THE AFTERNOON.

23 Q WHY DID YOU WANT TO MISS THE FISHING
24 TRIP?

25 A BECAUSE IT SEEMED -- I DIDN'T WANT TO GO
26 ON THE FISHING TRIP. I WAS AFRAID TO GO ON THE
27 FISHING TRIP. IT SEEMED VERY STRANGE THAT THE
28 FISHING TRIP WAS SUDDENLY CHANGED AFTER THIS

43557

1 ARGUMENT THE DAY BEFORE, AND LYLE AND I JUST WANTED
2 TO AVOID GOING ON THE FISHING TRIP.

3 Q DID YOU TAKE YOUR SHOTGUN ANYWHERE ON
4 SATURDAY?

5 A YES.

6 Q WHERE DID YOU TAKE IT?

7 A I PUT IT IN MY CAR.

8 Q HOW DID YOU GET IT TO YOUR CAR?

9 A I CARRIED IT TO MY CAR IN MY TENNIS BAG.

10 Q WHY DID YOU TAKE YOUR SHOTGUN AND PUT IT
11 IN YOUR CAR?

12 A BECAUSE IN MY MIND I WANTED TO KNOW MORE

13 ABOUT IT. I HAD -- I WAS UP LATE THAT NIGHT AND I
14 JUST DECIDED I WANTED TO KNOW MORE. I'D NEVER FIRED
15 IT BEFORE AND I DIDN'T KNOW WHAT WAS GOING TO HAPPEN
16 ON THE FISHING TRIP AND I JUST WAS TAKING THE GUN
17 WITH ME.

18 Q WELL, WHAT DO YOU MEAN WHEN YOU SAY YOU
19 WANTED TO KNOW MORE?

20 A I'D NEVER FIRED A GUN. AT SOME POINT --
21 I DON'T REMEMBER IF IT WAS FRIDAY NIGHT OR SATURDAY
22 MORNING -- LYLE WASN'T SURE IF THESE SHELLS WERE
23 ACTUALLY SUPPOSED TO BE USED IN THIS GUN. HE WANTED
24 TO CHECK THAT OUT. AND -- AND AT SOME POINT I -- I
25 WANTED TO SEE IF THERE WAS A FIRING RANGE WHERE I
26 COULD SEE IF -- HOW YOU FIRE THIS GUN.

27 Q DID YOU DO ANYTHING WITH RESPECT TO
28 ATTEMPTING TO FIND A FIRING RANGE?

43558

1 A YES.

2 Q WHAT DID YOU DO?

3 A I LOOKED UP A STORE IN THE PHONE BOOK
4 THAT WAS IN THE VALLEY THAT HAD A FIRING RANGE WITH
5 A STORE COMPONENT TO IT AND I FOUND ONE.

6 Q WHERE?

7 A IN VAN NUYS.

8 Q IN VAN NUYS, THE TOWN WHERE WE'RE IN?

9 A RIGHT.

10 Q DID YOU EVENTUALLY GO TO THIS GUN
11 STORE?

12 A YES.

13 Q WHAT TIME DID YOU GET THERE?

14 A ONE, TWO IN THE AFTERNOON.

15 Q AND WHAT HAD YOU DONE BEFORE YOU'D WENT
16 TO THE GUN STORE?

17 A I DON'T REALLY REMEMBER. I KNOW WE WERE
18 JUST TRYING TO USE UP TIME. I REMEMBER BEING AT
19 TOPANGA. I THINK WE PROBABLY JUST WALKED AROUND,
20 TALKED.

21 Q DID YOU BRING YOUR SHOTGUN INSIDE THE
22 STORE?

23 A NO.

24 Q DID YOU ENTER THE STORE?

25 A YES.

26 Q DID LYLE MENENDEZ BRING HIS SHOTGUN?

27 A I DON'T BELIEVE HE BROUGHT HIS GUN THAT
28 DAY.

43559

1 Q DID LYLE MENENDEZ SAY ANYTHING WHEN YOU
2 WENT INSIDE THE STORE?

3 A WE TALKED TO THE STORE CLERK OR MANAGER
4 ABOUT SHELLS FOR SHOTGUNS AND HE TOLD US ABOUT
5 THEM.

6 Q WHAT INFORMATION DID YOU LEARN THAT YOU
7 DIDN'T KNOW BEFORE FROM THIS PERSON AT THE VAN NUYS
8 GUN STORE?

9 A WELL, ONE THING I LEARNED WAS THAT THE
10 FIRING RANGE ACROSS THE STREET YOU COULDN'T USE FOR
11 SHOTGUNS, AND SO WE COULDN'T FIRE THE GUNS NOW.

12 I ALSO LEARNED THAT THE SHELLS THAT WE
13 HAD HE SAID WERE USED FOR BIRDS, BASICALLY, AND THAT
14 IF ANYONE CAME INTO YOUR HOUSE IT'D BE THE WRONG
15 AMMUNITION TO USE AND SHOWED US WHAT TYPE OF
16 AMMUNITION TO USE, AND HE JUST TOLD US MORE ABOUT
17 AMMUNITION. I DON'T REMEMBER WHAT HE SAID. I
18 DIDN'T ABSORB ALL OF IT. IT WAS COMPLICATED. I
19 JUST GOT THE BASICS OF WHAT HE SAID AND FOLLOWED
20 WHAT HE SAID.

21 Q HOW DID YOU COMMUNICATE TO THIS PERSON
22 AT THE GUN STORE OUT HERE IN VAN NUYS THE TYPE OF
23 AMMUNITION THAT YOU HAD?

24 A I DON'T REMEMBER BRINGING THE SHELLS
25 INTO THE STORE, SO I MUST HAVE READ THE BOX AND SAID
26 THAT THEY WERE BIRD SHELLS OR DOVE SHELLS.

27 Q AND DID THIS -- DID YOU RECEIVE ANY MORE
28 INFORMATION FROM THIS PERSON? WHAT WAS IT HE

1 ESSENTIALLY -- OR WHAT IT IS YOU DID, IF ANYTHING,
2 INSIDE THAT STORE?

3 A BOUGHT THE AMMUNITION HE SAID TO BUY.

4 Q WHAT KIND OF AMMUNITION DID HE SAY TO
5 BUY?

6 A HE SAID TO BUY BUCKSHOT; THAT ANYTHING
7 LESS WAS ESSENTIALLY USELESS, FROM WHAT HE WAS
8 SAYING. AND I REMEMBER BUYING BUCKSHOT. I DON'T
9 KNOW IF I BOUGHT ANYTHING ELSE.

10 Q I'M SORRY?

11 A I SAID I REMEMBER BUYING BUCKSHOT. I
12 DON'T KNOW IF I BOUGHT ANYTHING ELSE.

13 Q DO YOU REMEMBER WHO PAID?

14 A EITHER LYLE OR I PAID.

15 Q WHAT DID YOU DO WHEN YOU LEFT THE
16 STORE?

17 A I DON'T REMEMBER. I REMEMBER GETTING
18 BACK TO THE HOUSE AROUND 4:00 IN THE AFTERNOON AND
19 BEING SURPRISED THAT MOM AND DAD WERE STILL THERE.

20 Q WAS IT YOUR INTENTION TO COME BACK TO
21 THE HOUSE AT A CERTAIN TIME?

22 A YES.

23 Q AND WHAT TIME WAS IT THAT YOU INTENDED
24 TO RETURN?

25 A FROM WHAT I REMEMBER, I WANTED TO SHOW

26 UP ABOUT AN HOUR LATE. SOMETIME SIGNIFICANTLY LATE
27 WHERE WE WOULD MISS THE TRIP, BUT NOT TOO LATE TO
28 WHERE IF THEY WERE STILL THERE IT WOULD LOOK OBVIOUS

43561

1 AS IF WE WERE TRYING TO MISS THE TRIP.

2 Q WHERE DID YOU FIRST SEE YOUR MOTHER WHEN
3 YOU RETURNED HOME?

4 A SHE WAS WALKING OUT OF THE DOORWAY INTO
5 THE CARPORT.

6 Q WAS THERE A CONVERSATION AT THAT TIME?

7 A SHE JUST SAID, NOW THAT YOU'RE HERE,
8 LET'S GO. WE'RE LATE. GET IN THE CAR. WE'RE
9 LEAVING.

10 Q WHAT DID YOU DO?

11 A GOT IN THE CAR AND WE LEFT.

12 Q YOU LEFT DIRECTLY FROM THE CARPORT
13 AREA?

14 A YES.

15 Q WHERE WAS YOUR SHOTGUN?

16 A IN MY CAR.

17 Q AND WHERE IN YOUR CAR WAS IT?

18 A IN THE BACK UNDER THE CLOTHES.

19 Q WAS IT STILL IN THE PUMA BAG?

20 A I DON'T REMEMBER.

21 Q AND DID YOU GET IN YOUR PARENTS'

22 VEHICLE?

23 A YES.

24 Q WHERE DID YOU GO?

25 A WE DROVE TO THE MARINA WHERE THE BOAT

26 WAS SUPPOSED TO BE.

27 Q WAS THERE ANY DISCUSSION BETWEEN

28 YOURSELF, LYLE MENENDEZ, YOUR MOTHER AND YOUR

43562

1 FATHER, ON THE WAY TO THE MARINA?

2 A THERE WAS NO DISCUSSION.

3 Q DID THAT CONCERN YOU?

4 A YES.

5 Q WHY?

6 A BECAUSE THERE WAS JUST SILENCE, AND I

7 WAS LOOKING FOR SIGNS OF WHAT THEY WERE THINKING, OF

8 WHAT WAS GOING ON. I WAS -- I WAS VERY ALERT IN

9 TERMS OF WHAT WAS HAPPENING. I WAS VERY WEARY OF

10 GOING ON THIS TRIP, AND I WAS LOOKING AROUND

11 EVERYWHERE ON THE WAY TO THE TRIP. AND I WANTED TO

12 TALK, I WANTED SOME DISCUSSION, AND THERE WAS

13 NOTHING.

14 Q DID YOU EVENTUALLY GET ON A BOAT?

15 A YES.

16 Q BEFORE YOU GOT ON THE BOAT, DID YOU MEET

17 ANYONE?

18 A WE ARRIVED AT THE MARINA AND WE MET THE

19 BOAT PEOPLE.

20 Q DID YOU HEAR YOUR MOTHER SAY ANYTHING TO

21 A PERSON AT THE MARINA THAT CAUSED YOU SOME

22 CONCERN?

23 A YES.

24 Q WHAT DID YOU HEAR YOUR MOTHER SAY?

25 A I HEARD HER SAY TO -- I BELIEVE IT WAS

26 THE CAPTAIN, THAT WHY WERE THE OTHER PEOPLE THERE,

27 WHY WERE THERE OTHER PEOPLE THERE; THAT SHE HAD ONLY

28 EXPECTED HIM TO BE ON THE BOAT.

43563

1 Q AND DID SHE SAY ANYTHING ABOUT THE BOAT

2 ITSELF?

3 A YEAH. SHE TALKED ABOUT HOW SHE HAD

4 EXPECTED A MUCH LARGER BOAT AND THAT THIS WAS A

5 SMALL BOAT FROM WHAT SHE HAD EXPECTED.

6 Q HEARING THIS CONVERSATION, MR. MENENDEZ,

7 DID IT CAUSE YOU ANY CONCERN?

8 A YES AND NO. ACTUALLY, JUST THE OPPOSITE

9 A LITTLE. IT EASED THE TENSION SOME IN TERMS OF HER

10 BEING CAUGHT OFF GUARD. I THOUGHT THAT THAT WAS A

11 GOOD SIGN. AND I DIDN'T LIKE THE FACT THAT SHE WAS
12 SO SURPRISED OR UPSET THAT THERE WERE MORE PEOPLE
13 THAN SHE HAD EXPECTED OR THAT THE BOAT WAS SMALLER.
14 BUT IN TERMS OF THE BOAT BEING SMALLER THAN WHAT SHE
15 EXPECTED AND OTHER PEOPLE BEING THERE, WHICH SHE
16 HADN'T EXPECTED, YES, I THOUGHT -- I LIKED THAT.

17 Q COULD YOU THINK OF ANY REASON THAT YOU
18 KNOW WHY YOUR MOTHER WOULD ASK THE BOAT CAPTAIN
19 ABOUT THE PRESENCE OF OTHER PEOPLE?

20 MR. CONN: OBJECTION. CALLS FOR
21 SPECULATION.

22 THE COURT: YOU'RE ASKING NOW OR AT THE
23 TIME?

24 MR. LEVIN: AT THE TIME.

25 THE COURT: YOU'RE ASKING HIS STATE OF MIND
26 AT THAT POINT?

27 MR. LEVIN: YES.

28 THE COURT: OKAY.

43564

1 THE WITNESS: JUST IF SOMETHING WAS PLANNED.
2 IN MY MIND I WAS THINKING OF EVERY DIFFERENT
3 POSSIBLE SCENARIO AS WE WERE GOING, AS WE WERE
4 DRIVING, AS WE WERE COMING TOWARDS THE CAR, ON THE
5 BOAT, WHAT WAS GOING TO HAPPEN ON THE BOAT. WE

6 WEREN'T ABLE TO TAKE THE GUNS WITH US. WE DIDN'T
7 HAVE ANYTHING TO TAKE THEM IN. AND SO HER ASKING
8 AND HER BEING SURPRISED THAT THERE WERE OTHER PEOPLE
9 THAN JUST THE BOAT CAPTAIN, I LIKED IN TERMS OF A
10 RELIEF. BUT HER ASKING ABOUT IT, HER BEING
11 SURPRISED, JUST FIT INTO THE WAY I WAS THINKING
12 ABOUT MAYBE THAT SOMETHING WAS PLANNED FOR THE TRIP,
13 BUT NOW MAYBE NOTHING WAS GOING TO HAPPEN ON THE
14 TRIP.

15 Q BY MR. LEVIN: WHEN YOU SAY SOMETHING
16 PLANNED ON THE TRIP, WHAT ARE YOU REFERRING TO?
17 WHAT WAS YOUR STATE OF MIND?

18 A I FELT THAT MY BROTHER AND I MIGHT DIE.
19 WE MIGHT NEVER COME BACK FROM THIS TRIP. AND I WAS
20 VERY PARANOID AND I WAS VERY ANXIOUS, AND WE WERE
21 SCARED, AND SO HER BEING CAUGHT OFF GUARD WAS A
22 RELIEF.

23 Q COULD YOU THINK -- STRIKE THAT.
24 WAS ANYTHING SAID OR ANYTHING DONE BY
25 YOUR MOTHER OR YOUR FATHER THAT WOULD EXPLAIN TO YOU
26 WHY YOUR MOTHER DIDN'T THINK THAT OTHER PEOPLE WOULD
27 BE ON THE BOAT?

28 A NO.

1 Q NOW, TAKE A LOOK AT EXHIBIT 347 -- STRIKE
2 THAT. LET ME JUST GET A BETTER ONE. 348 FIRST.

3 IS 348 THE BOAT?

4 A THAT IS THE BOAT.

5 Q AND YOU HEARD MR. ANDERSON TESTIFY?

6 A YES.

7 Q EXHIBIT 347, DO YOU SEE DETECTIVE
8 ZOELLER STANDING ON WHAT LOOKS LIKE THE BOW OF THE
9 BOAT?

10 A I THINK HE'S STANDING ON THE SIDE OF THE
11 BOAT.

12 Q ON THE -- LIKE A GANGWAY THERE?

13 A I THINK SO.

14 Q IT DOESN'T MATTER.

15 DO YOU RECOGNIZE THE AREA THAT'S
16 DIRECTLY IN FRONT OF DETECTIVE ZOELLER?

17 A YES. THAT'S THE FRONT OF THE BOAT. I
18 THINK YOU CALL IT THE BOW. IT'S THE FRONT OF THE
19 BOAT WHERE I SPENT MOST OF MY TIME ON THE BOAT.

20 Q WHY DID YOU SPEND MOST OF YOUR TIME AT
21 THE BOW OF THE BOAT?

22 A IT WAS THE FURTHEST POINT FROM THE BACK
23 OF THE BOAT WHERE MY DAD WAS, AND SO I WANTED TO
24 STAY AS FAR AWAY AS POSSIBLE.

25 Q HOW WERE YOU DRESSED THAT PARTICULAR
26 DAY? DO YOU REMEMBER?

27 A I WAS WEARING SHORTS. DIDN'T HAVE A
28 JACKET ON AT FIRST.

1 Q HOW WAS LYLE MENENDEZ DRESSED THAT DAY?

2 A HE WAS WEARING SIMILAR CLOTHING.

3 Q WHEN, IN RELATIONSHIP TO THE TIME THAT
4 THE BOAT LEFT THE DOCK, DID YOU GO UP TO THE FRONT
5 WHERE DETECTIVE ZOELLER IS?

6 A AS SOON AS THE BOAT STARTED PULLING AWAY
7 FROM THE DOCK AND GOING BY THE BOATS. I DON'T
8 REMEMBER WHOSE SUGGESTION IT WAS TO GO UP TO THE
9 FRONT OF THE BOAT, BUT ONE OF US DID, AND WE WENT UP
10 THERE IMMEDIATELY AND SAT DOWN WITH OUR LEGS ON THE
11 FLOOR.

12 Q AT SOME POINT IN TIME DID YOU GET WET?

13 A YES.

14 Q HOW DID YOU GET WET?

15 A A WAVE CRASHED OVER THE FRONT OF THE
16 BOAT AND WASHED OVER US AND SOAKED US.

17 Q HOW WET DID YOU GET?

18 A MY HAIR WAS COMING DOWN MY HEAD. I
19 WAS -- MY SHIRT WAS WET. MY LEGS WERE VERY COLD. IT
20 WAS GETTING COLD EARLY THAT DAY AND IT WAS WINDY.
21 AND THERE WERE WAVES THAT WOULD COME OVER. WE WOULD
22 GRAB ON TO -- THERE WASN'T MUCH TO GRAB ON TO. WE'D
23 GRAB ON TO -- I REMEMBER THERE BEING ROPE OR MAYBE IT
24 WAS THE ANCHOR. SOMETHING TO SECURE US BECAUSE THE

25 TOP OF THE BOAT WAS SLIPPERY, AND YOU COULD SLIP
26 THROUGH THE BARS THERE.
27 Q WAS IT DIFFICULT -- WELL, WHAT WERE THE
28 SEAS LIKE?

43567

1 A CHOPPY.
2 Q AND HOW STABLE WAS THE BOAT?
3 A BOAT WOULD ROCK.
4 Q WAS IT DIFFICULT FOR YOU TO REMAIN IN
5 THE POSITION IN THE FRONT OF THE BOAT IN THE MANNER
6 YOU DESCRIBED?
7 A YES.
8 Q WHERE WAS YOUR FATHER WHILE YOU WERE UP
9 AT THE BOW?
10 A HE WAS IN THE BACK OF THE BOAT.
11 Q WHERE WAS YOUR MOTHER?
12 A SHE WAS IN THE BACK OF THE BOAT.
13 Q WHERE WAS LYLE MENENDEZ?
14 A HE WAS BY MY SIDE.
15 Q WHERE WAS THE BOAT CAPTAIN?
16 A IN DIFFERENT POINTS EITHER ON THE TOP OR
17 IN THE BACK OF THE BOAT.
18 Q WHAT ABOUT THE OTHER PEOPLE? WHERE WERE
19 THEY, LESLIE GASKILL AND RICHARD CAMPBELL, THE BOAT

20 HAND?

21 A EITHER IN THE BACK OR ON THE TOP PORTION

22 WHERE THE BLUE IS.

23 Q DURING -- HOW LONG DID THE TRIP LAST?

24 A MANY HOURS. FROM FOUR TO ELEVEN OR

25 4:30 -- I GUESS WE DIDN'T GET THERE TILL CLOSE TO

26 FIVE, TILL ABOUT ELEVEN, 11:30.

27 Q SO FOR THAT APPROXIMATE SIX OR SIX AND A

28 HALF HOURS, MR. MENENDEZ, HOW MUCH TIME DID YOU

43568

1 SPEND IN THE BOW OF THE BOAT -- IN THE BOW OF THE

2 BOAT IN THE POSITION YOU INDICATED?

3 A FIVE HOURS, FIVE AND A HALF HOURS. IT

4 WAS A SIX AND A HALF, SIX-HOUR TRIP.

5 Q WHAT ABOUT LYLE MENENDEZ?

6 A MORE TIME THAN I DID. WE WOULD

7 GENERALLY -- OTHER THAN THE ONE TIME -- WE'D GO BACK

8 ONE AT A TIME. IF I HAD TO USE THE RESTROOM OR I

9 HAD TO GO BACK, WE'D GO BACK ONE AT A TIME. HE

10 SPENT MORE TIME THAN I DID UP THERE.

11 Q WHY DID YOU SPEND ALL THAT TIME AT THE

12 BOW OF THE BOAT?

13 A BECAUSE WE WERE AFRAID. AND WE DIDN'T

14 WANT TO GO BACK AND BE WHERE WE WOULD BE EXPOSED.

15 Q DID ANYONE EVER COME FORWARD TO YOUR
16 POSITION DURING THIS ENTIRE BOAT TRIP?

17 A NEVER.

18 Q WHAT TIME DID YOU GET BACK? YOU SAID
19 11:30?

20 A SOMETIME BETWEEN 11 AND MIDNIGHT.

21 Q AND WHERE DID YOU GO WHEN YOU LEFT?

22 A WE GOT IN THE CAR AND DROVE BACK HOME.

23 Q WAS THERE ANY DISCUSSION OR CONVERSATION
24 BETWEEN YOURSELF AND YOUR FATHER AND YOUR MOTHER ON
25 THE WAY BACK?

26 A NO. I REMEMBER THERE WAS TENSENESS ONCE
27 WE GOT IN THE CAR AGAIN, BUT THERE WAS AN EASE -- I
28 FELT MORE AT EASE SINCE NOTHING HAD HAPPENED ON THE

43569

1 BOAT, AND SINCE THERE SEEMED TO BE UNEXPECTED THINGS
2 THAT HAD HAPPENED ON THE BOAT. AND AFTER BEING ON
3 THE BOAT SO LONG, NOTHING HAD HAPPENED. BUT THERE
4 WAS NO CONVERSATION IN THE CAR RIDE HOME.

5 Q WHAT HAPPENED UPON YOUR RETURN HOME?

6 A WE GOT HOME AND I KNOW THAT SHORTLY
7 THEREAFTER MY BROTHER AND I LEFT. I UNLOCKED THE
8 STUDY DOOR.

9 Q YOU SAY YOU UNLOCKED THE STUDY DOOR.

10 FOR WHAT PURPOSE?

11 A SO THAT WHEN I ARRIVED BACK HOME I

12 WOULDN'T HAVE TO RING THE DOORBELL AND I COULD GET

13 INTO THE HOUSE.

14 Q WHERE DID YOUR MOTHER AND YOUR FATHER GO

15 UPON YOUR RETURN TO THE HOUSE?

16 A I DIDN'T KNOW.

17 Q DID THEY ENTER THE HOUSE?

18 A YES.

19 Q DID YOU GO INSIDE THE HOUSE?

20 A YES.

21 Q HOW LONG DID YOU STAY INSIDE THE HOUSE?

22 A VERY SHORT TIME.

23 Q JUST TO UNLOCK THE STUDY DOOR?

24 A BASICALLY.

25 Q AND DID YOU LEAVE THE HOUSE AGAIN?

26 A YES.

27 Q HOW LONG WERE YOU GONE THAT PARTICULAR

28 EVENING?

43570

1 A FORTY-FIVE MINUTES, AN HOUR.

2 Q WHERE DID YOU GO?

3 A U.C.L.A.

4 Q WHO DID YOU GO TO U.C.L.A. WITH?

5 A MY BROTHER.

6 Q AND DID YOU GO TO SOME SPECIFIC LOCATION
7 AT U.C.L.A.?

8 A YES.

9 Q WHERE?

10 A THE TRACK FIELD ON THE -- I DON'T KNOW
11 WHAT DIRECTION. ONE SIDE OF THE TENNIS COURTS.

12 Q DID YOU AND YOUR BROTHER LYLE MENENDEZ
13 HAVE A DISCUSSION WHILE YOU WERE AT U.C.L.A.?

14 A YES.

15 Q WHAT DID YOU TALK ABOUT?

16 A ABOUT THE FACT THAT NOTHING HAD HAPPENED
17 ON THE FISHING TRIP AND THAT WAS GOOD, AND YET THERE
18 WAS NO CONVERSATION IN THE CAR AND THAT WAS BAD; AND
19 ABOUT HOW WE WANTED TO SEPARATE FOR THE NEXT DAY AND
20 WE REALLY WANTED TO SEE -- I NEEDED TO KNOW BY THIS
21 TIME WHAT WAS GOING ON. AND I WANTED LYLE TO TRY TO
22 BROACH UP THE SUBJECT WITH MY DAD, WITH MY MOTHER,
23 AND SO WE DECIDED THAT LYLE WOULD STAY HOME DURING
24 THE DAY AND THAT I WOULD GO OUT AND HE WOULD STAY
25 HOME AND TRY TO MINGLE WITH MOM AND DAD AND TALK TO
26 THEM.

27 Q DID SOMETHING SIGNIFICANT HAPPEN UPON
28 YOUR RETURN HOME?

1 A YES.

2 MR. LEVIN: YOUR HONOR, THIS WOULD BE A GOOD
3 PLACE TO BREAK.

4 THE COURT: OKAY. ALL RIGHT. WE'LL RESUME
5 TOMORROW. TO ACCOMMODATE THE SCHEDULE OF ONE OF THE
6 JURORS, WE'LL RESUME TOMORROW AT 1:30 INSTEAD OF IN
7 THE MORNING. SO WE'LL SEE YOU ALL BACK HERE TO
8 START PROMPTLY AT 1:30.

9 DON'T DISCUSS THE MATTER WITH ANYONE.
10 DON'T FORM ANY FINAL OPINIONS ABOUT IT. WE'LL SEE
11 YOU TOMORROW AT 1:30.

12 (THE JURY EXITED THE
13 COURTROOM AND THE FOLLOWING
14 PROCEEDINGS WERE HELD:)

15

16 MR. LEVIN: YOUR HONOR, I THOUGHT WE'D BREAK
17 AT 1:30.

18 MS. ABRAMSON: NO, NO, NOT TOMORROW. THAT'S
19 THE 13TH.

20 THE COURT: YES. WE'LL SEE YOU BACK HERE
21 TOMORROW AT 1:30.

22 WE'LL ASK COUNSEL TO GET HERE EARLY
23 ENOUGH TO GET ALL YOUR EXHIBITS PROMPTLY SO WE CAN
24 START AT 1:30.

25 ALL RIGHT. WE'LL BE IN RECESS UNTIL
26 TOMORROW.

27 (AT 4:35 P.M., AN ADJOURNMENT

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,)

6)
7 PLAINTIFFS,)

8)
9 VS.) NO. BA 068880

10)
11 ERIK GALEN MENENDEZ, AND)
12 JOSEPH LYLE MENENDEZ,)

13)
14 DEFENDANTS.)
15)

16

17 REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

18 MONDAY, DECEMBER 11, 1995

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23

24

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27 APPEARANCES:

28 (SEE APPEARANCE PAGE)

23
24
25
26
27
28

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
11

12
13 FOR THE DEFENDANT
14 JOSEPH LYLE MENENDEZ: MICHAEL P. JUDGE,
15 PUBLIC DEFENDER
16 BY: CHARLES GESSLER, DEPUTY
17 AND
18 TERRI TOWERY, DEPUTY
19 210 WEST TEMPLE
20 LOS ANGELES, CA 90012
21

22
23 FOR THE DEFENDANT
24 ERIK GALEN MENENDEZ: LESLIE ABRAMSON
25 ATTORNEY AT LAW
26 4929 WILSHIRE BOULEVARD
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18 BARRY LEVIN, ESQ.
19 11661 SAN VICENTE BOULEVARD
20 LOS ANGELES, CA 90049

21 ANNAMARIE PAPA
22 CSR NO. 8608
23 MARILYN FADALE,
24 CSR NO. 4547
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23 LEGEND:

A = MS. ABRAMSON C = MR. CONN

24 G = MR. GESSLER L = MR. LEVIN

N = MS. NAJERA T = MS. TOWERY

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26

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