

1 VAN NUYS, CALIFORNIA; TUESDAY, DECEMBER 12, 1995

2 1:33 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: IN THE TRIAL, THE DEFENDANTS ARE

11 IN COURT.

12 ALL LAWYERS ARE HERE EXCEPT FOR

13 MR. LEVIN. I UNDERSTAND HE'S PRESENT SOMEWHERE.

14 MS. ABRAMSON: YES. SOMEWHERE.

15 THE COURT: WHAT IS THERE TO BE DONE BEFORE

16 THE JURY COMES OUT?

17 MS. NAJERA: YOUR HONOR, THERE'S A VIDEOTAPE.

18 MS. ABRAMSON: WAIT FOR BARRY.

19 MS. NAJERA: LET'S WAIT FOR BARRY. WE NEED

20 TO WAIT FOR MR. LEVIN, YOUR HONOR.

21 THE COURT: WHERE IS HE?

22 MS. TOWERY: I THINK HE WENT TO THE RESTROOM.

23 THE COURT: OKAY. GO AHEAD. HE'S HERE.

24 MS. NAJERA: THERE'S A VIDEOTAPE THE DEFENSE

25 WISHES TO SHOW AS AN EXHIBIT THAT WE HAVE SEEN. IT

26 IS A CLIPPING FROM THE MEMORIAL SERVICE HERE IN

27 CALIFORNIA. IT APPEARS TO BE A STILL, FOUR STILLS

28 OF THE SAME WALKING ACTION OF THE DEFENDANT, LYLE

1 MENENDEZ; AND THEN A ZOOM-IN ON HIS SHOE.

2 COUNSEL TELLS ME THE RELEVANCE OF THIS
3 VIDEOTAPE IS TO SHOW THE SHOE AND WHAT IT LOOKED
4 LIKE. BUT WHEN YOU LOOK AT THE VIDEOTAPE YOU CAN'T
5 SEE ANYTHING. AND I THINK, REALLY, IT JUST SHOWS
6 THE DEFENDANTS AT THE FUNERAL AND IS A WAY TO GET
7 SYMPATHY FOR THEM.

8 I WOULD ASK THE COURT TO LOOK AT IT AND
9 DETERMINE WHETHER OR NOT THERE'S ANY RELEVANCE TO
10 THIS VIDEOTAPE. THEY SHOWED US TWO VIDEOTAPES.

11 THE COURT: WAIT, WAIT. IS THAT BEING
12 OFFERED DURING THE TESTIMONY OF ERIK MENENDEZ?

13 MR. LEVIN: YES, YOUR HONOR.

14 THE COURT: FOR WHAT PURPOSE?

15 MR. LEVIN: FIRST OF ALL, ERIK MENENDEZ WAS
16 PRESENT IN THE LIMOUSINE WITH MARZI EISENBERG AND
17 LYLE MENENDEZ. HE WILL TESTIFY THAT LYLE MENENDEZ
18 DID NOT ONLY MAKE SUCH A COMMENT ATTRIBUTED TO HIM,
19 BUT THAT LYLE MENENDEZ WAS NOT WEARING HIS FATHER'S
20 SHOES. THE VIDEOTAPE, DESPITE MS. NAJERA'S
21 INTERPRETATION, CLEARLY SHOWS THE TYPE OF SHOES THAT
22 LYLE MENENDEZ WAS WEARING.

23 THE COURT: AND THIS IS THEN -- SINCE THIS

24 EVIDENCE WAS, I BELIEVE, RECEIVED ONLY AS TO LYLE
25 MENENDEZ, IT'S BEING OFFERED BY LYLE MENENDEZ; IS
26 THAT RIGHT?
27 MR. LEVIN: WELL, YOUR HONOR, IT'S OFFERED
28 FOR ALL PURPOSES IN THE SAME MANNER THAT THE

43575

1 TESTIMONY CAME IN.
2 THE COURT: THE TESTIMONY CAME IN ONLY AS TO
3 LYLE MENENDEZ.
4 MR. LEVIN: OH, I UNDERSTAND.
5 THE COURT: SO I'M ASKING WHY ARE YOU
6 OFFERING IT?
7 MR. LEVIN: WELL, I'M OFFERING IT TO SHOW --
8 MS. ABRAMSON: WHY DON'T YOU HAVE -- CHARLIE
9 CAN DO IT ON CROSS FOR TWO MINUTES.
10 MR. GESSLER: IT SHOULD BE CLEAR THAT ERIK
11 MENENDEZ IS A JOINT WITNESS FOR THE DEFENSE.
12 MS. ABRAMSON: WHOA, WHOA. YOU CAN'T CALL MY
13 CLIENT AS YOUR WITNESS.
14 MR. GESSLER: BUT YOU HAVE CALLED HIM.
15 MS. ABRAMSON: INFORMATION IS COMING IN AS TO
16 BOTH DEFENDANTS.
17 MR. LEVIN: I THINK FOR SIMPLICITY, I'M
18 OFFERING IT FOR THE DEFENSE OF LYLE MENENDEZ.

19 MS. ABRAMSON: I DON'T KNOW HOW THAT WORKS.
20 THE COURT: YOU CAN DEBATE IT. AT THIS POINT
21 I HAVEN'T SEEN IT. SINCE THERE'S AN OBJECTION TO
22 IT, I'LL HAVE TO SEE IT BEFORE I RULE UPON THE
23 OBJECTION. I'M NOT GOING TO DO IT RIGHT NOW. WE
24 HAVE OTHER THINGS TO COVER IN EXAMINATION OF THE
25 WITNESS.
26 ANY OTHER EXHIBITS YOU WANT TO OBJECT
27 TO?
28 MS. NAJERA: NO, YOUR HONOR.

43576

1 THE COURT: WE'RE NOT GOING TO DO THAT TAPE
2 AT THIS POINT BECAUSE I DON'T WANT TO INTERFERE WITH
3 THE COMMENCEMENT OF THE --
4 MR. LEVIN: AND I DON'T THINK WE WILL GET TO
5 IT THIS AFTERNOON.
6 THE COURT: WHEN WE HAVE SOME TIME I'LL
7 CERTAINLY LOOK AT IT.
8 MS. ABRAMSON: IT'S VERY BRIEF. IT WILL TAKE
9 A SECOND.
10 MR. LEVIN: IT'S VERY INTERESTING.
11 THE COURT: I'M SURE IT IS.
12 MS. ABRAMSON: YOU'LL BE VERY AMUSED. WE'LL
13 GET OUT THE POPCORN.

14 (THE JURY ENTERED THE COURTROOM
15 AND THE FOLLOWING PROCEEDINGS
16 WERE HELD:)

17

18 THE COURT: LET THE RECORD SHOW THAT THE JURY
19 IS IN THE COURTROOM.

20 GOOD AFTERNOON, LADIES AND GENTLEMEN.

21 WE'RE READY TO RESUME WITH THE TRIAL.

22 THE DEFENDANT, ERIK MENENDEZ, IS STILL ON THE
23 WITNESS STAND CONTINUING DIRECT EXAMINATION.

24 MR. LEVIN.

25 MR. LEVIN: THANK YOU, YOUR HONOR.

26 ///

27 ///

28 ///

43577

1 DIRECT EXAMINATION (CONTINUED)

2 BY MR. LEVIN:

3 Q MR. MENENDEZ, WHEN WE LEFT OFF YESTERDAY
4 YOU WERE EXPLAINING TO THE JURY THE EVENTS THAT TOOK
5 PLACE ON SATURDAY, AUGUST THE 19TH, 1989 WHEN YOU
6 HAD RETURNED HOME FROM U.C.L.A. YOU TESTIFIED YOU
7 HAD UNLOCKED THE STUDY DOOR.

8 WHAT TIME DO YOU RECALL, APPROXIMATELY,

9 THAT IT WAS THAT YOU RETURNED TO YOUR HOME?

10 A FROM U.C.L.A.?

11 Q YES.

12 A 1:00, 1:30 IN THE MORNING.

13 Q WHAT WAS THE FIRST THING THAT YOU DID

14 WHEN YOU ARRIVED HOME?

15 A I CHECKED THE STUDY DOOR.

16 Q DID YOU DISCOVER THAT IT WAS OPEN OR

17 CLOSED?

18 A IT WAS LOCKED.

19 Q THEN WHAT DID YOU DO?

20 A RANG THE DOORBELL.

21 Q WHY DID YOU RING THE DOORBELL?

22 A TO GET INTO THE HOUSE.

23 Q YOU DIDN'T HAVE A KEY?

24 A NO.

25 Q DID LYLE MENENDEZ HAVE A KEY?

26 A NO.

27 Q DID YOU ASK HIM IF HE HAD A KEY?

28 A I DON'T REMEMBER.

43578

1 Q DID YOU KNOW THAT HE DID NOT HAVE A KEY?

2 A I DON'T REMEMBER.

3 Q NOW, WHAT HAPPENED AFTER YOU RANG THE

4 BELL?

5 A I SAW MY MOTHER EXITING THE BEDROOM, AND
6 I SAW HER COMING DOWN THE STAIRS INTO THE FOYER.

7 Q DO YOU RECALL IF THERE WERE ANY INTERIOR
8 LIGHTS ON IN THE HOUSE?

9 A THE LIGHTS WERE OFF. THE FOYER LIGHTS,
10 I SPECIFICALLY REMEMBER, BEING OFF BECAUSE I
11 REMEMBER SEEING THE LIGHT COME OUT OF THE BEDROOM
12 WHEN THEY OPENED THE DOOR.

13 Q DO YOU REMEMBER HOW YOUR MOTHER WAS
14 DRESSED?

15 A I NO LONGER REMEMBER.

16 Q DID SHE OPEN THE DOOR?

17 A YES.

18 Q WHAT WAS HER DEMEANOR WHEN SHE OPENED
19 THE DOOR?

20 A SHE WAS ANGRY.

21 Q DID SHE SAY SOMETHING TO YOU?

22 A SHE ASKED US WHY WE DIDN'T HAVE A KEY,
23 AND LYLE SAID BECAUSE WE'RE NOT ALLOWED TO HAVE A
24 KEY. I REMEMBER HER SAYING THAT WAS NO EXCUSE, AND
25 THEN THERE WAS SOME WORDS EXCHANGED ABOUT KEYS; AND
26 I SAID SOMETHING, AND SHE TOLD ME TO SHUT UP, AND
27 SHE TOLD ME THAT I SHOULD HAVE KEPT MY MOUTH SHUT.
28 THINGS MIGHT HAVE WORKED OUT IN THIS FAMILY. IT WAS

1 ALL MY FAULT.

2 AND THAT'S PRETTY MUCH WHAT I REMEMBER
3 OF THE EXCHANGE.

4 Q DID YOU SAY ANYTHING AT ALL BACK TO HER,
5 TO YOUR MOTHER, DURING THIS CONVERSATION?

6 A I KNOW THAT MY MOTHER WAS SPEAKING TO MY
7 BROTHER ABOUT KEYS, AND I CHIRPED IN SOMETHING, AND
8 THAT'S WHEN SHE TURNED TO ME AND SAID SHUT UP. IT'S
9 ALL YOUR FAULT. IF YOU WOULD HAVE KEPT YOUR MOUTH
10 SHUT, THINGS MIGHT HAVE WORKED OUT IN THIS FAMILY.

11 AND AFTER THAT I DIDN'T SAY ANYTHING.

12 Q WHERE WAS LYLE MENENDEZ DURING THIS
13 CONVERSATION?

14 A I REMEMBER LYLE WAS MORE TOWARDS THE
15 STAIRS AND PAST THE STUDY. MY MOM WAS MORE TOWARDS
16 THE TABLE IN THE FOYER AND I WAS MORE IN THE CORNER.

17 Q WHERE WAS YOUR SHOTGUN?

18 A MY SHOTGUN WAS IN MY CAR.

19 Q DID YOU BRING YOUR SHOTGUN INTO THE
20 HOUSE?

21 A AFTER I WENT BACK OUTSIDE WITH MY
22 BROTHER TO DISCUSS WHAT HAD JUST HAPPENED.

23 Q NOW, AFTER THIS CONVERSATION TOOK PLACE
24 WITH YOU AND YOUR MOTHER, WHERE DID YOUR MOTHER GO?

25 A MY MOTHER WENT BACK UPSTAIRS.

26 Q WHERE DID YOU GO?

27 A OUTSIDE.

43580

1 MENENDEZ AT THAT TIME?

2 A YES.

3 Q WHAT DID YOU AND LYLE MENENDEZ DISCUSS?

4 A WHAT MY MOTHER HAD JUST SAID. MY
5 BROTHER WAS PRETTY RATTLED ABOUT WHAT SHE HAD JUST
6 SAID. WE HAD JUST COME BACK FROM U.C.L.A., AND WE
7 HAD JUST COME BACK FROM THE FISHING TRIP, AND WE
8 WERE RELIEVED, YET VERY UNSURE WHAT WAS GOING TO
9 HAPPEN. NOTHING HAD BEEN TALKED ABOUT BETWEEN THE
10 FOUR OF US IN THE FAMILY, AND I REALLY FELT
11 FRIGHTENED AFTER WHAT MY MOM JUST SAID AS IF SHE HAD
12 GIVEN AWAY SOME INFORMATION THAT SHE WASN'T SUPPOSED
13 TO GIVE, AND I DIDN'T WANT TO SLEEP IN THE MAIN
14 HOUSE AFTER THAT.

15 I TOLD LYLE I WANTED TO SLEEP INTO (SIC)
16 THE GUESTHOUSE, AND HE TOLD ME THAT IT WAS IMPORTANT
17 THAT I SLEEP IN THE MAIN HOUSE.

18 Q WHAT DO YOU MEAN YOU THOUGHT THAT YOUR
19 MOTHER HAD JUST GIVEN AWAY SOME INFORMATION?

20 A WELL, SHE HAD JUST TOLD ME IF I WOULD
21 HAVE KEPT MY MOUTH SHUT THINGS MIGHT HAVE WORKED
22 OUT IN THE FAMILY, AS IF THINGS HAD NOT WORKED OUT

23 IN THE FAMILY, AND I DIDN'T KNOW WHERE THAT STOOD
24 BECAUSE NO ONE WAS TALKING TO EACH OTHER. IF
25 SOMETHING HADN'T WORKED OUT IN THE FAMILY, I COULD
26 ONLY GUESS WHAT THAT MEANT.

27 SO I WAS FRIGHTENED BY THAT, AND I SAW
28 LYLE'S REACTION, AND THAT DIDN'T HELP ME OUT TOO

43581

1 MUCH IN TERMS OF CALMING ME DOWN; AND SO I WANTED TO
2 SLEEP WITH LYLE.

3 Q WHAT WAS LYLE MENENDEZ' REACTION?

4 A HE WAS RATTLED, I WOULDN'T SAY
5 SURPRISED, AFTER HAVING JUST COME BACK FROM U.C.L.A.
6 AND MORE OR LESS HAVING AN IDEA WHAT WE WERE GOING
7 TO DO THE NEXT DAY, WE WEREN'T EXPECTING THIS
8 CONVERSATION THAT NIGHT.

9 Q WHAT WAS IT THAT YOU PLANNED TO DO THE
10 NEXT DAY?

11 A TO STAY AWAY FROM EACH OTHER, FOR MY
12 BROTHER TO TRY TO HAVE CONVERSATIONS WITH MY
13 PARENTS, TO TRY TO GAUGE WHAT WAS HAPPENING INSIDE
14 THE FAMILY.

15 Q WHEN YOU RETURNED FROM U.C.L.A., DID YOU
16 STILL HAVE HOPE THAT THINGS COULD WORK OUT IN YOUR
17 FAMILY?

18 A I HAD HOPE THAT THINGS COULD WORK OUT IN
19 MY FAMILY. I DON'T KNOW HOW MUCH HOPE I HAD THAT
20 THINGS WERE GOING TO WORK OUT BETWEEN MY FATHER AND
21 I IN TERMS OF WHAT WAS GOING TO HAPPEN WITH OUR
22 RELATIONSHIP. I HOPED THAT I WOULD BE ABLE TO GO TO
23 COLLEGE THOUGH.

24 Q DID YOU KNOW WHERE YOUR FATHER WAS WHEN
25 YOU HAD THAT CONVERSATION WITH YOUR MOTHER?

26 A I HAD ASSUMED HE WAS IN THE BEDROOM.

27 Q DID YOU SEE HIM?

28 A NO.

43582

1 Q WHAT DID YOU DO WHEN YOU WENT BACK OUT?

2 THE COURT: WHAT WAS YOUR ANSWER TO THAT LAST
3 QUESTION?

4 THE WITNESS: NO.

5 Q BY MR. LEVIN: WHAT DID YOU DO WHEN YOU
6 WENT BACK OUT TO YOUR CAR?

7 A TALKED TO MY BROTHER.

8 Q AND AFTER -- AND YOU'VE RELATED THAT
9 CONVERSATION?

10 A PRETTY MUCH.

11 Q WHAT DID YOU DO AFTER THE CONVERSATION
12 WITH YOUR BROTHER?

13 A I WENT AND -- BACK TO THE CAR AND GOT MY
14 DUFFLE BAG WITH THE GUN AND WENT UP TO MY BEDROOM.
15 Q WHY DID YOU BRING THE SHOTGUN BACK UP TO
16 YOUR BEDROOM?
17 A BECAUSE I DIDN'T WANT TO SLEEP IN THE
18 HOUSE IN THE FIRST PLACE, AND I FELT VERY
19 DEFENSELESS, SLEEPING IN MY BEDROOM, VERY VULNERABLE
20 TO MY FATHER, AND I DIDN'T WANT TO GO UP THERE
21 WITHOUT ANY GUN. I DIDN'T WANT TO BE SLEEPING THERE
22 ANYWAY.
23 Q WHAT WAS YOUR PURPOSE IN BRINGING THE
24 SHOTGUN TO YOUR BEDROOM? WAS IT FOR ANY PARTICULAR
25 PURPOSE?
26 A MAYBE TO MAKE MYSELF FEEL SAFER, MORE
27 COMFORTABLE, RELAXED, IN CASE MY DAD CAME TO MY
28 BEDROOM.

43583

1 Q WHERE DID YOU PUT THE SHOTGUN WHEN YOU
2 WENT TO YOUR BEDROOM?
3 A RIGHT NEXT TO MY BED.
4 Q DID YOU TAKE IT OUT OF THE PUMA DUFFLE
5 BAG?
6 A YES.
7 Q AND DID YOU LAY IT OUT ON THE FLOOR

8 SOMEWHERE?

9 A I PUT IT ON THE FLOOR NEXT TO MY BED.

10 Q WHERE WAS THE AMMUNITION YOU HAD

11 PURCHASED IN VAN NUYS?

12 A STILL IN MY CAR.

13 Q WAS IT ANY PARTICULAR PLACE IN YOUR CAR?

14 A IT WAS IN THE BACK. I DON'T REMEMBER IF

15 IT WAS UNDERNEATH CLOTHES OR NOT. I'M SURE IT WAS.

16 Q WAS IT IN A BAG, IF YOU REMEMBER?

17 A I DON'T REMEMBER.

18 Q DO YOU KNOW WHERE LYLE MENENDEZ' SHOTGUN

19 WAS AT THIS TIME?

20 A NO.

21 Q AND DID YOU SEE WHERE LYLE MENENDEZ WENT

22 WHEN YOU WENT BACK INTO THE HOUSE?

23 A I BELIEVE HE WENT BACK TO THE

24 GUESTHOUSE.

25 Q NOW, WHAT DID YOU DO WHEN YOU GOT UP TO

26 YOUR BEDROOM AFTER YOU PUT YOUR SHOTGUN ON THE

27 FLOOR?

28 A PUT MY GUN ON THE FLOOR. I REMEMBER

43584

1 LOOKING OUT MY WINDOW TOWARD THE GUESTHOUSE WHERE MY

2 BROTHER WAS, THINKING THAT I REALLY WANTED TO BE

3 WITH HIM OVER THERE; AND I REMEMBER SITTING AT THE
4 CORNER OF MY DESK, STANDING UP, BUT LEANING AGAINST
5 MY DESK LOOKING OUT THE WINDOW TOWARD THE
6 GUESTHOUSE.

7 MR. LEVIN: YOUR HONOR, I HAVE TWO
8 PHOTOGRAPHS. ONE WAS PREVIOUSLY MARKED IN THE FIRST
9 TRIAL AS EXHIBIT 258. I BELIEVE WE'RE AT 366.

10 THE COURT: 367.

11 MR. LEVIN: AND I HAVE ANOTHER PHOTOGRAPH. I
12 BELIEVE -- IT IS. IT'S MARKED EXHIBIT 63 IN THIS
13 TRIAL.

14 THE COURT: OKAY.

15 Q BY MR. LEVIN: MT. MENENDEZ, SHOWING YOU
16 WHAT IS MARKED EXHIBIT 367, IS THAT A PHOTOGRAPH OF
17 YOUR BEDROOM?

18 A YES.

19 Q AND SHOWING YOU WHAT HAS BEEN PREVIOUSLY
20 MARKED AS 63, IS THAT AS WELL A PHOTOGRAPH OF YOUR
21 BEDROOM?

22 A YES.

23 Q NOW, I NOTICE IN THE FIRST PHOTOGRAPH,
24 367, THERE'S AN ARROW THAT HAS BEEN PREVIOUSLY
25 DRAWN. IS THAT -- DOES THAT HAVE ANY SIGNIFICANCE
26 WITH RESPECT TO YOUR PREVIOUS TESTIMONY?

27 A YES. THERE'S TWO ARROWS POINTING TO
28 WHERE I HAD PUT THE GUN UNDER MY BED.

1 Q AND BEFORE WHEN YOU HAD TESTIFIED THAT
2 YOU HAD ON AN EARLIER OCCASION, EARLIER IN THE WEEK,
3 WHERE YOU RETREATED TO A POSITION OF SAFETY IN YOUR
4 BEDROOM, CAN YOU SEE THAT IN THIS PHOTOGRAPH?

5 A YES.

6 Q AND WHERE IS THAT?

7 A SIMILAR TO WHERE -- RIGHT NEXT TO WHERE
8 THE TOP ARROW IS IN THE CORNER, BETWEEN MY DESK AND
9 MY BED.

10 Q IN THE SPACE BETWEEN WHAT LOOKS LIKE A
11 DRESSER AND THE EDGE OF YOUR BED?

12 A YES.

13 Q WITH RESPECT TO EXHIBIT 63, THERE IS --
14 ARE THERE ANY ITEMS OF SIGNIFICANCE IN THAT
15 PHOTOGRAPH WITH RESPECT TO YOUR EARLIER TESTIMONY?

16 A WELL, THERE'S CIRCLED -- A MARKING HERE.

17 Q WHAT DOES THAT CIRCLE INDICATE?

18 A IT'S WHERE I WAS IN MY BED WHEN MY
19 FATHER WAS BANGING ON THE DOOR LATER THAT NIGHT.

20 Q THERE'S A PAIR OF BLUE JEANS THERE NOW?

21 A YES.

22 Q NOW, DID YOU HEAR SOMETHING AT YOUR
23 DOOR?

24 A I DON'T REMEMBER HOW LONG LATER. WITHIN
25 MINUTES I HEARD MY FATHER BANGING ON THE DOOR,

26 TELLING ME TO OPEN UP THE DOOR. I REMEMBER,
27 ACTUALLY, HIS FOOTSTEPS COMING TOWARD THE DOOR.
28 Q YOU HEARD THESE FOOTSTEPS?

43586

1 A YES.
2 Q WHAT WERE YOU DOING IN YOUR ROOM --
3 STRIKE THAT.
4 HOW LONG WERE YOU IN YOUR ROOM BEFORE
5 YOU HEARD THE FOOTSTEPS?
6 A I DON'T REMEMBER.
7 Q HAD YOU DONE ANYTHING ELSE OTHER THAN
8 PLACE THE SHOTGUN IN THE POSITION THAT YOU
9 INDICATED?
10 A NO. I WAS STILL LOOKING OUT TOWARDS THE
11 GUESTHOUSE. IT WASN'T MORE THAN 10 MINUTES, 15
12 MINUTES.
13 Q WHAT WAS IT THAT YOU INTENDED TO DO IN
14 YOUR BEDROOM, JUST TO GO TO SLEEP?
15 A YES.
16 Q AND FOLLOWING THE HEARING OF THE
17 FOOTSTEPS, DID ANYTHING OCCUR?
18 A MY FATHER POUNDING ON THE DOOR, TELLING
19 ME TO OPEN UP THE DOOR.
20 Q WAS YOUR DOOR LATCHED?

21 A YES.
22 Q AND FROM WHERE WAS IT LATCHED?
23 A FROM THE INSIDE.
24 Q WHEN DID YOU LATCH THE DOOR?
25 A AS SOON AS I GOT IN MY BEDROOM.
26 Q DID YOUR FATHER SAY ANYTHING FROM
27 OUTSIDE THE DOOR?
28 A HE SAID OPEN UP THE GOD DAMN DOOR.

43587

1 Q DID YOU DO ANYTHING IN RESPONSE TO YOUR
2 FATHER'S COMMAND?
3 A YES.
4 Q WHAT DID YOU DO?
5 A I GRABBED MU GUN AND I SAT ON MY BED
6 ACROSS FROM THE DOOR.
7 Q WAS THE GUN LOADED?
8 A STILL HAD THE TWO LOADS THAT I PUT IN ON
9 FRIDAY.
10 Q WHERE DID YOU PUT THAT GUN?
11 A ACROSS MY LAP.
12 Q WHAT HAPPENED NEXT?
13 A HE CONTINUED TO BANG ON THE DOOR, AND I
14 WAS SITTING THERE, THINKING THAT HE WAS GOING TO
15 BURST IT OPEN.

16 Q DID HE BURST IT OPEN?
17 A NO.
18 Q DID YOU SHOOT YOUR GUN THROUGH THE DOOR?
19 A NO.
20 Q DID YOU KNOW THAT YOUR FATHER WAS ON THE
21 OTHER SIDE OF THE DOOR?
22 A YES.
23 Q DID YOU UNLATCH THE DOOR AND OPEN IT UP?
24 A NO.
25 Q WAS THERE ADDITIONAL CONVERSATION BY
26 YOUR FATHER AT THE DOOR?
27 A NO.
28 Q WHAT HAPPENED AFTER YOUR FATHER SAID

43588

1 WHAT YOU JUST TESTIFIED TO?
2 A AT SOME POINT HE SAID YOU'RE GOING TO
3 HAVE TO COME OUT OF THAT ROOM TOMORROW AND LEFT.
4 Q DID YOU SAY ANYTHING TO HIM?
5 A I DIDN'T SAY A WORD.
6 Q WHAT WAS GOING THROUGH YOUR MIND AT THAT
7 TIME?
8 A IT WAS JUST GOING THROUGH MY MIND THAT
9 HE WAS GOING TO BREAK OPEN THAT DOOR. I WASN'T SURE
10 IF I WAS GOING TO BE ABLE TO SHOOT MY GUN. I WAS

11 GOING TO TRY. EVEN IF I WAS ABLE TO, I REALIZED
12 THAT I ONLY HAD TWO SHOTS, AND I DIDN'T KNOW IF THAT
13 WAS GOING TO BE ABLE TO STOP HIM. AND MY MOTHER HAD
14 RIFLES IN HER BEDROOM AND THAT I WAS GOING TO HAVE
15 TO JUMP OUT MY WINDOW, IF I COULD EVEN FIRE OFF THE
16 GUN.

17 IT WAS A VERY TENSE, VERY SCARY MOMENT.
18 IT WAS LATE AT NIGHT AND I DIDN'T KNOW HOW MY FATHER
19 WAS GOING TO REACT TO ME NOT OPENING UP THE DOOR.

20 Q YOUR FATHER DIDN'T BREAK DOWN THE DOOR,
21 DID HE?

22 A NO.

23 Q AND DO YOU KNOW WHERE HE WENT WHEN HE
24 LEFT FROM OUTSIDE YOUR DOOR?

25 A NO.

26 Q WHAT WAS THE NEXT THING THAT YOU
27 REMEMBER DOING?

28 A I STAYED IN MY BED FOR A LONG TIME. AND

43589

1 I DON'T REMEMBER WHAT I DID NEXT.

2 Q WHAT DID YOU DO WITH YOUR SHOTGUN?

3 A I DON'T REMEMBER.

4 Q DID YOU GET AHOLD OF LYLE MENENDEZ IN
5 ANY WAY?

6 A THERE WAS NO WAY TO GET AHOLD OF HIM.

7 Q WHY NOT?

8 A UNLESS I WAS GOING TO LEAVE THE BEDROOM

9 THERE WAS NO WAY TO GET AHOLD OF HIM.

10 Q HAD YOU DECIDED YOU WEREN'T GOING TO

11 LEAVE THE BEDROOM?

12 A NOT THAT NIGHT.

13 Q COULD YOU CALL HIM ON THE PHONE?

14 A YES.

15 Q DID YOU CALL HIM ON THE PHONE?

16 A NO.

17 Q WHY NOT?

18 A BECAUSE THE TELEPHONES WOULD RING

19 THROUGHOUT THE HOUSE AND I DIDN'T WANT TO DO THAT.

20 Q SO WHAT DID YOU DO?

21 A AT SOME POINT I JUST WAS LAYING IN MY

22 BED STARING UP ON MY CEILING, AND AT SOME POINT I

23 WENT TO SLEEP.

24 Q HOW DID YOU SLEEP THAT NIGHT?

25 A NOT FOR A VERY LONG TIME.

26 Q DID YOU HAVE A NIGHTMARE?

27 A YES.

28 Q AND DID YOU AT SOME POINT IN TIME WAKE

1 UP?

2 A YES.

3 Q WHAT TIME DID YOU GET UP?

4 A EARLY IN THE MORNING, 7:30, 8:00.

5 Q WHAT WAS THE FIRST THING THAT YOU DID ON

6 SUNDAY, AUGUST THE 20TH, 1989?

7 A I REMEMBER BEING AT MY DOOR AND I

8 REMEMBER TRYING TO LOOK UNDER IT AND LISTEN TO SEE

9 IF MY FATHER WAS STILL THERE. I DIDN'T REALLY FEEL

10 THAT HE WAS; AND GOING OVER TO MY BROTHER'S

11 GUESTHOUSE AS SOON AS I GOT OUT THE DOOR.

12 Q DID YOU BELIEVE THAT YOUR MOTHER WAS

13 HOME ON SATURDAY -- OR ACTUALLY WHAT WAS NOW SUNDAY

14 MORNING EARLY WHEN YOU WENT TO SLEEP?

15 A SHE WAS HOME.

16 Q AND WHERE DID YOU BELIEVE HER TO BE?

17 A IN THE BEDROOM.

18 Q AND YOU BELIEVED YOUR FATHER TO BE AT

19 HOME?

20 A OF COURSE.

21 Q YOU HAD YOUR SHOTGUN?

22 A YES.

23 Q IT WAS LOADED?

24 A YES.

25 Q YOU DIDN'T COME OUT OF YOUR BEDROOM?

26 A NO.

27 Q NOT ONCE?

28 A NOT ONCE.

1 Q NOW, WHAT DO YOU REMEMBER -- NOW, WE'RE
2 SUNDAY MORNING AND YOU WAKE UP.

3 DO YOU LEAVE YOUR BEDROOM?

4 A YES.

5 Q WHAT TIME DO YOU BELIEVE YOU LEFT YOUR
6 BEDROOM?

7 A SOON AFTER I AWOKE.

8 Q WHERE DID YOU GO?

9 A TO THE GUESTHOUSE.

10 Q DID YOU SEE YOUR MOTHER OR YOUR FATHER
11 WHEN YOU WENT TO THE GUESTHOUSE?

12 A NO.

13 Q DO YOU KNOW WHERE THEY WERE?

14 A NO.

15 Q DID YOU SEE ANYONE AT THE GUESTHOUSE?

16 A YES.

17 Q WHO DID YOU SEE AT THE GUESTHOUSE?

18 A MY BROTHER.

19 Q DID YOU HAVE A CONVERSATION WITH YOUR
20 BROTHER AT THAT TIME?

21 A YES.

22 Q AND WHAT WAS IT THAT YOU TALKED ABOUT
23 WITH LYLE MENENDEZ?

24 A I TOLD HIM WHAT HAD HAPPENED THE NIGHT

25 BEFORE WITH DAD BANGING ON THE DOOR, AND THAT MADE
26 HIM UNEASY. WE TALKED ABOUT THE FACT THAT HE WAS
27 GOING TO BE GOING IN THE HOUSE THAT AFTERNOON, THAT
28 DAY, THAT I WAS GOING TO BE LEAVING THE HOUSE.

43592

1 Q FOR WHAT PURPOSE DID YOU UNDERSTAND LYLE
2 MENENDEZ WAS GOING TO BE GOING INTO THE HOUSE?

3 A TO TALK TO MY PARENTS.

4 Q ABOUT WHAT?

5 A TO TRY TO GET SOME TYPE OF DISCUSSION
6 GOING. THERE HAD BEEN NO DISCUSSION, NO BLOWUPS, NO
7 YELLING, SINCE THURSDAY NIGHT AT EACH OTHER
8 FACE-TO-FACE ABOUT ANY OF THESE ISSUES THAT WERE
9 THAT IMPORTANT; AND NORMALLY I WOULD HAVE EXPECTED
10 THAT THAT WOULD HAVE HAPPENED. AND SO HE WAS GOING
11 TO TRY TO GET SOME DISCUSSION GOING TO SEE WHAT WAS
12 GOING THROUGH THEIR MINDS.

13 Q WHAT WAS YOUR UNDERSTANDING OF WHAT --
14 STRIKE THAT.

15 DID YOU HAVE ANY IDEA WHEN LYLE MENENDEZ
16 WAS GOING TO BE ATTEMPTING TO TALK TO YOUR FATHER?

17 A THAT DAY? THAT MORNING?

18 Q THAT MORNING. JUST SOMETIME THAT
19 MORNING.

20 A YES.

21 Q AND WAS THERE A DISCUSSION ABOUT WHAT
22 YOU SHOULD DO?

23 A I HAD DECIDED THE NIGHT BEFORE THAT I
24 WOULD BE LEAVING THE HOUSE.

25 Q WHY WERE YOU GOING TO LEAVE THE HOUSE?

26 A WE JUST FELT IT WAS BETTER IF ONE OF US
27 WAS HOME INSTEAD OF BOTH OF US.

28 Q DID YOU LEAVE THE HOUSE?

43593

1 A YES.

2 Q WHERE DID YOU GO?

3 A I REMEMBER I WENT TO SANTA MONICA WHERE
4 THERE WAS A CHURCH, AND I STAYED THERE FOR ABOUT 10
5 MINUTES, 15 MINUTES. I DIDN'T GO IN.

6 I WENT TO WESTWOOD STREET -- ACTUALLY,
7 MELROSE STREET. MOST OF THE SHOPS WERE CLOSED. AND
8 I WENT OVER TO WESTWOOD LATER IN THE MORNING.

9 Q WHY DID YOU TO GO A CHURCH?

10 A IT WAS THE FIRST THING I THOUGHT OF WHEN
11 I GOT UP IN THE MORNING. I JUST WANTED SOME PLACE
12 TO BE BY MYSELF.

13 Q WHERE WAS YOUR SHOTGUN?

14 A IN MY BEDROOM.

15 Q HAD YOU DONE ANYTHING TO CONCEAL IT OR
16 HIDE IT?

17 A I PUT IT IN MY CLOSET.

18 Q HOW DID YOU PUT IT IN YOUR CLOSET?

19 A UNDERNEATH CLOTHES.

20 Q AND THE BUCKSHOT, WAS THAT STILL IN YOUR
21 CAR?

22 A YES.

23 Q HOW LONG WOULD YOU SAY THAT -- HOW MUCH
24 TIME LAPSED FROM THE TIME THAT YOU LEFT YOUR HOUSE
25 TO THE TIME THAT YOU GOT TO MELROSE STREET?

26 A FORTY MINUTES.

27 Q HOW LONG WERE YOU WALKING AROUND
28 MELROSE?

43594

1 A I WASN'T WALKING AROUND. I DROVE BACK
2 AND FORTH DOWN THE STREET AND THE SHOPS WERE CLOSED,
3 AND I WAS JUST THINKING TO MYSELF.

4 Q WHAT KIND OF THINGS WERE YOU THINKING
5 ABOUT?

6 A I WAS JUST ANXIOUS ABOUT WHAT WAS GOING
7 TO HAPPEN THAT DAY, WISHING THAT I COULD GO BACK IN
8 TIME.

9 Q WHAT WAS IT THAT YOU HOPED WOULD HAPPEN?

10 A THAT MY BROTHER WOULD HAVE A
11 CONVERSATION WITH MY MOM AND MY DAD AND SOMETHING
12 WOULD BE REVEALED OF WHAT WAS HAPPENING, WHAT WAS
13 GOING THROUGH THEIR MINDS.

14 Q WHERE DID YOU GO WHEN YOU LEFT MELROSE?

15 A I WENT OVER TO WESTWOOD.

16 Q AND WHERE -- WHAT DID YOU DO WHEN YOU
17 WERE IN WESTWOOD?

18 A I BELIEVE I HAD SOMETHING TO EAT. I
19 REMEMBER I HAD SOME ORANGE JUICE. I DON'T REMEMBER
20 WHERE I ATE.

21 Q NOW, DURING THIS ENTIRE PRECEDING WEEK
22 THAT YOU'VE DESCRIBED -- WE'RE NOW ON SUNDAY -- HAD
23 YOU BEEN WITH ANY FRIENDS?

24 A NO.

25 Q HAD YOU BEEN WITH ANY RELATIVES?

26 A NO.

27 Q DID YOU EAT BY YOURSELF?

28 A YES.

43595

1 Q AND WHERE DID YOU GO AFTER YOU ATE?

2 A I WENT BACK TO THE HOUSE.

3 Q WHAT HAPPENED WHEN YOU GOT BACK TO THE
4 HOUSE?

5 A I PARKED IN THE BACK WHERE THE
6 GUESTHOUSE WAS AND WENT UPSTAIRS IN THE GUESTHOUSE.

7 Q WHY DID YOU PARK IN BACK?

8 A BECAUSE I DIDN'T WANT MY PARENTS TO KNOW
9 THAT I WAS HOME.

10 Q NOW, WHEN YOU SAY YOU PARKED IN THE
11 BACK, BE MORE SPECIFIC WITH THE POSITION OF YOUR
12 CAR.

13 A IT WAS IN THE ALLEY, IN THE BACK WAY.

14 Q AN ALLEY BEHIND WHAT IS THE TENNIS
15 COURT?

16 A THE TENNIS COURT AND THE GUESTHOUSE.

17 Q AND IS THERE A GATE THAT LEADS OFF OF
18 THE ALLEY ONTO THE MENENDEZ PROPERTY?

19 A YES.

20 Q AND DID YOU ENTER THROUGH THAT GATE?

21 A YES.

22 Q DID YOU GO TO THE GUESTHOUSE?

23 A YES.

24 Q DID YOU SEE LYLE MENENDEZ ONCE YOU
25 ENTERED THE GUESTHOUSE?

26 A YES.

27 Q AND DID YOU HAVE A DISCUSSION WITH HIM
28 AT THAT TIME?

1 A YES.

2 Q ABOUT WHAT TIME WAS IT, MR. MENENDEZ,
3 THAT YOU RETURNED TO YOUR HOUSE AND WERE ABOUT TO
4 HAVE THIS DISCUSSION WITH YOUR BROTHER?

5 A AROUND NOON.

6 Q WHAT DID YOU TALK ABOUT?

7 A I WANTED TO KNOW WHAT HAD HAPPENED WITH
8 THE CONVERSATION WITH MY PARENTS AND I FOUND OUT
9 THAT LYLE HAD NOT ACTUALLY GONE INTO THE
10 GUESTHOUSE -- I MEAN, GONE INTO THE MAIN HOUSE. I
11 KNEW FROM EARLIER THAT MORNING HE DIDN'T REALLY WANT
12 TO AND HE WAS RELUCTANT TO DO IT. AND I FOUND OUT
13 WHEN I GOT BACK THAT HE HADN'T, AND I GOT ANGRY AT
14 HIM AND I SAID THAT, YOU KNOW, I REALIZE YOU'RE
15 SCARED AND YOU DON'T WANT TO GO IN THERE, BUT
16 SOMEBODY'S GOT TO GO IN THERE AND IT'S NOT GOING TO
17 BE ME. SO THAT ONLY LEAVES HIM. YOU'VE REALLY GOT
18 TO DO THIS.

19 I WAS SO ANXIOUS THAT I JUST WANTED SOME
20 ISSUES SOLVED, AND THE FACT THAT HE HADN'T GONE IN
21 THERE MEANT THAT I WAS GOING TO HAVE TO WAIT LONGER
22 AND LONGER TO FIND OUT.

23 Q WAS THERE A DISCUSSION BETWEEN YOU AND
24 LYLE MENENDEZ THAT -- TO THE EFFECT THAT HE WOULD
25 THEN GO AND TALK TO YOUR PARENTS?

26 A HE SAID THAT HE WOULD, AND I TOLD HIM
27 THAT HE SHOULD, AND HE SAID THAT HE WOULD.

43597

1 YOUR FATHER HOME WHEN YOU CAME BACK TO THE HOUSE?

2 A YES.

3 Q THIS, AGAIN, IS SUNDAY. THERE'S NO MAID

4 AT THE HOUSE, CORRECT?

5 A RIGHT.

6 Q WHAT DID YOU DO AFTER YOU HAD THIS

7 CONVERSATION WITH LYLE MENENDEZ IN THE GUESTHOUSE?

8 A HE TOLD ME TO BE BACK LATER THAT NIGHT.

9 WE TALKED ABOUT THINGS THAT MIGHT HAPPEN THAT NIGHT

10 AND I LEFT.

11 Q WHEN YOU LEFT, DO YOU KNOW ABOUT WHAT

12 TIME IT WAS?

13 A IT WAS WITHIN AN HOUR OF WHEN I ARRIVED.

14 Q AND YOUR SHOTGUN IS WHERE AT THAT TIME?

15 A MY BEDROOM.

16 Q DO YOU KNOW WHERE LYLE MENENDEZ' SHOTGUN

17 WAS WHEN YOU LEFT THE HOUSE?

18 A NO.

19 Q HAD YOU SEEN IT AT ALL SINCE YOU GOT

20 BACK FROM --

21 A NOT SINCE FRIDAY.

22 Q -- SAN DIEGO?

23 A NO.

24 Q AND WHERE WAS IT THAT YOU WENT WHEN YOU

25 LEFT?

26 A WENT BACK TO WESTWOOD.

27 Q WHAT DID YOU DO AT WESTWOOD?

28 A I REMEMBER BEING IN MRS. GARCIA'S. IT'S

43598

1 A MEXICAN PLACE. I REMEMBER EATING THERE AND JUST

2 TRYING TO PASS THE TIME.

3 Q WERE YOU BY YOURSELF?

4 A I WAS BY MYSELF THE ENTIRE DAY.

5 Q HAD YOU MADE ANY PHONE CALLS TO ANYONE,

6 ANY FRIENDS, RELATIVES, COACHES, ANYONE?

7 A NO.

8 Q AND HOW LONG WAS IT THAT YOU STAYED AT

9 WESTWOOD THE SECOND OCCASION?

10 A I DON'T REMEMBER.

11 Q WAS IT BEYOND DARK?

12 A NO. I REMEMBER BEING ON PACIFIC COAST

13 HIGHWAY WHEN IT WAS GETTING DARK AND THE SUN WAS

14 SETTING.

15 Q NOW, YOU BELIEVE YOU LEFT WESTWOOD AND

16 THEN DROVE DOWN PACIFIC COAST HIGHWAY?

17 A NO.

18 Q WHERE DID YOU GO FROM WESTWOOD?

19 A I REMEMBER BEING IN THE VALLEY AT SOME
20 POINT AND DRIVING AROUND THERE AND JUST TRYING TO
21 EAT UP TIME, THINKING ABOUT WHAT WAS HAPPENING AT
22 THE HOUSE, AND I REMEMBER THAT I WAS ON PACIFIC
23 COAST DRIVING LATER IN THE DAY.

24 Q DID YOU DO ANYTHING WHEN YOU WERE ON THE
25 PACIFIC COAST HIGHWAY, JUST DROVE?

26 A WELL, MY CAR WAS PARKED AT ONE POINT AND
27 I WAS SITTING ON THE HOOD OF MY CAR.

28 Q AND WHERE DID YOU GO AFTER THAT, AFTER

43599

1 YOU LEFT PACIFIC COAST HIGHWAY?

2 A I WENT BACK HOME.

3 Q ABOUT WHAT TIME WAS IT THAT YOU GOT BACK
4 HOME?

5 A 9:30.

6 Q 9:30 AT NIGHT ON SUNDAY, AUGUST 20TH?

7 A YES.

8 Q WHERE DID YOU PARK WHEN YOU CAME HOME?

9 A THE FRONT.

10 Q DID YOU ENTER THE HOUSE?

11 A YES.

12 Q DID YOU GO TO THE GUESTHOUSE FIRST?

13 A YES.

14 Q AND DID YOU SEE ANYONE AT THE
15 GUESTHOUSE?

16 A MY BROTHER.

17 Q DID YOU HAVE A CONVERSATION WITH HIM AT
18 THAT TIME?

19 A OF SORTS.

20 Q WHAT WAS IT THAT YOU DISCUSSED WITH LYLE
21 MENENDEZ?

22 A I WANTED TO KNOW WHAT HAD HAPPENED THAT
23 DAY AND HE WANTED TO LEAVE THE HOUSE AS SOON AS I
24 GOT THERE, AND HE ASKED ME -- HE WAS SORT OF UPSET
25 THAT -- I WAS SUPPOSED TO BE HOME ABOUT TWO HOURS
26 EARLIER THAN I HAD GOTTEN HOME, AND I WAS -- I GOT
27 HOME MUCH LATER THAN I WAS SUPPOSED TO. HE TOLD ME
28 WHAT HAD HAPPENED WITH HIS CONVERSATIONS WITH MY

43600

1 PARENTS AND HE WANTED TO LEAVE THE HOUSE
2 IMMEDIATELY.

3 Q SO LYLE MENENDEZ HAD INDICATED TO YOU AT
4 SOME POINT IN TIME THAT HE HAD HAD CONVERSATIONS
5 WITH HIS PARENTS DURING YOUR ABSENCE?

6 A YES.

7 Q WHAT DID HE SAY THAT HE TALKED ABOUT

8 WITH YOUR PARENTS?

9 A HE SAID THAT HE WAS INSIDE THE DEN OF
10 THE HOUSE AND HE BROUGHT UP A TENNIS CAMP THAT MY
11 DAD HAD BEEN WANTING HIM TO GO TO, A V.J. ARMITRAGE
12 CAMP. AND MY DAD TOLD HIM: WHAT DOES IT MATTER
13 ANYMORE? AND HE TALKED ABOUT A CONVERSATION THAT MY
14 DAD HAD HAD WITH PERRY BERMAN EARLIER.

15 Q LET ME STOP YOU THERE. LYLE MENENDEZ
16 WAS VERY ACTIVE IN TENNIS AT THIS TIME OF HIS LIFE?

17 A YES.

18 Q AND HE, LIKE YOU, HAD COACHES TRAINING
19 HIM THROUGHOUT HIS LIFE?

20 A YES.

21 Q HAD HE REGULARLY WENT TO CERTAIN TENNIS
22 CAMPS IN PREPARATION FOR CERTAIN TOURNAMENTS?

23 A NO, NOT REALLY.

24 Q HAD HE ATTENDED TENNIS CAMPS?

25 A YES.

26 Q AND WAS THERE A DESIRE THAT HAD BEEN
27 EXPRESSED BY LYLE MENENDEZ TO ATTEND THIS V.J.
28 ARMITRAGE TENNIS CAMP?

43601

1 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

2 THE COURT: SUSTAINED, UNLESS YOU CAN

3 ESTABLISH A FOUNDATION.

4 Q BY MR. LEVIN: DID YOU -- DID IT CAUSE

5 YOU CONCERN WHEN LYLE MENENDEZ TOLD YOU THAT HIS

6 FATHER HAD SAID: WHAT DOES IT MATTER ANYMORE WITH

7 RESPECT TO LYLE MENENDEZ GOING TO THAT TENNIS CAMP?

8 A THE QUESTION WAS: DID IT CAUSE ME

9 CONCERN?

10 Q YES.

11 A YES.

12 Q AND WHAT CONCERN DID IT CAUSE YOU?

13 A THAT MY FATHER HAD BEEN PUSHING LYLE TO

14 GO TO THIS CAMP EARLIER IN AUGUST, AND AFTER WE GOT

15 BACK FROM KALAMAZOO, AND THAT MY FATHER NOW SAID:

16 WHAT DOES IT MATTER ANYMORE WHEN MY BROTHER

17 EXPRESSED AN INTEREST TO GO.

18 Q DID IT SCARE YOU?

19 A THE WHOLE NIGHT WAS VERY SCARY. IT WAS

20 A VERY SCARY EVENING, JUST IN GENERAL, BECAUSE OF

21 HOW NERVOUS I WAS. YES. THE COMMENT SCARED ME. I

22 DIDN'T WANT TO BE HOME ANYMORE.

23 Q WHAT DID LYLE MENENDEZ TELL YOU ABOUT

24 HIS CONVERSATION WITH YOUR FATHER CONCERNING PERRY

25 BERMAN?

26 MR. CONN: OBJECTION. HEARSAY.

27 THE COURT: IS THIS BEING OFFERED FOR THE

28 TRUTH OF THE MATTER ASSERTED?

1 MR. LEVIN: NO, YOUR HONOR. STATE OF MIND.

2 THE COURT: WHOSE STATE OF MIND?

3 MR. LEVIN: ERIK MENENDEZ.

4 THE COURT: ALL RIGHT. IT WILL BE LIMITED

5 AND RECEIVED FOR THAT PURPOSE ONLY.

6 Q BY MR. LEVIN: WHAT DID HE TELL YOU?

7 A HE TOLD ME THAT MY FATHER HAD HAD A
8 CONVERSATION WITH PERRY IN WHICH HE TOLD PERRY THAT
9 LYLE AND I WERE BOTH OUT, WHEN WE WEREN'T. LYLE WAS
10 IN FACT HOME; AND THAT HE HAD LIED TO PERRY
11 CONCERNING LYLE.

12 Q AND SO FROM THE CONVERSATION THAT LYLE
13 MENENDEZ TOLD YOU, YOU FELT THAT YOUR FATHER HAD
14 LIED?

15 A HE DID LIE.

16 Q AND WHAT WAS IT THAT HE LIED ABOUT?

17 A SAID THAT LYLE AND MYSELF WERE OUT WHEN
18 PERRY WAS CALLING THE HOUSE TO SPEAK TO LYLE, WHEN
19 LYLE WAS ACTUALLY HOME.

20 Q DID THAT CAUSE YOU CONCERN?

21 A YES.

22 Q WHY?

23 A FROM WHAT LYLE WAS TELLING ME IT SEEMED
24 LIKE MY FATHER DIDN'T WANT US TO MAKE PLANS TO GO
25 OUT THAT NIGHT; AND SO LYLE WAS TELLING ME HE WANTED
26 TO LEAVE THE HOUSE AND I WANTED TO GET OUT OF THE

27 HOUSE TOO.

28 Q WHERE WAS IT THAT LYLE MENENDEZ WANTED

43603

1 TO GO?

2 A OUT.

3 Q JUST LEAVE?

4 A NOT BE IN THE HOUSE. YES. WE HAD A
5 TENTATIVE IDEA TO GO OVER TO WHERE PERRY WAS AT
6 THE -- SOME FUNCTION IN SANTA MONICA. BUT JUST IN
7 GENERAL, JUST TO BE OUT OF THE HOUSE.

8 Q NOW, DURING THIS WEEK, MR. MENENDEZ,
9 THAT PRECEDED AUGUST 20TH, HAD YOU BEEN MAKING IT A
10 POINT TO TRY TO INFORM YOUR PARENTS THAT YOU WOULD
11 BE GOING OUT?

12 A EXCUSE ME?

13 Q HAD YOU BEEN INFORMING YOUR PARENTS
14 ABOUT YOUR WHEREABOUTS DURING THIS WEEK WHEN YOU
15 WOULD GO OUT? WOULD YOU TELL YOUR PARENTS?

16 A SOMETIMES.

17 Q AND WAS THERE A REASON WHY YOU WOULD
18 SOMETIMES TELL THEM YOU WERE GOING OUT?

19 A YES.

20 Q WHAT WAS THE REASON?

21 A SO THAT THEY WOULD KNOW THAT WE WERE OUT

22 SOMEWHERE, AND WE WEREN'T JUST MISSING FROM THE
23 HOME.
24 Q AND THAT WOULD BE PREDOMINANTLY WHEN THE
25 TWO OF YOU LEFT TOGETHER?
26 A I GUESS SO. I DON'T KNOW WHAT MY
27 BROTHER TOLD MY FATHER OR MY MOTHER AS TO WHY I
28 WASN'T HOME ON SUNDAY.

43604

1 Q NOW, DID YOU HAVE ANY FURTHER
2 CONVERSATION WITH LYLE MENENDEZ, FURTHER THAN THE
3 ISSUES TALKING ABOUT PERRY BERMAN AND THE DISCUSSION
4 ABOUT THE V.J. ARMITRAGE TENNIS CAMP?
5 A BEFORE THAT LYLE HAD TOLD ME -- LYLE WAS
6 UPSET THAT I HADN'T GOTTEN HOME EARLIER. THAT WAS WHEN
7 WE JUST DECIDED TO LEAVE THE HOUSE.
8 Q AND WHERE WAS THIS CONVERSATION BETWEEN
9 YOU AND LYLE MENENDEZ?
10 A IN THE GUESTHOUSE.
11 Q DID YOU LEAVE THE GUESTHOUSE AND GO
12 SOMEWHERE?
13 A YES. I WANTED TO LEAVE THE HOUSE
14 IMMEDIATELY, AND LYLE WANTED TO TELL MY PARENTS THAT
15 WE WOULD BE GOING SOMEWHERE SO THAT WE WOULDN'T JUST
16 DISAPPEAR ON SUNDAY NIGHT.

17 Q DID YOU GO TO THE MAIN HOUSE?

18 A YES.

19 Q AND DID LYLE MENENDEZ GO TO THE MAIN
20 HOUSE?

21 A YES.

22 Q DO YOU REMEMBER HOW IT WAS YOU ENTERED
23 THE MAIN HOUSE?

24 A THROUGH THE BACK.

25 Q THE BACK, MEANING WHAT, WHAT DOORS?

26 A EITHER THE KITCHEN DOOR OR THE SERVICE
27 AREA DOOR.

28 Q DO YOU RECALL THAT DOOR BEING OPEN?

43605

1 A IT WAS UNLOCKED, YES.

2 Q AND WHERE WAS YOUR SHOTGUN?

3 A MY BEDROOM.

4 Q DID LYLE MENENDEZ HAVE HIS SHOTGUN IN
5 HIS HANDS WHEN HE ENTERED THE HOUSE FROM THE
6 GUESTHOUSE?

7 A NO.

8 Q DID YOU KNOW WHERE HIS SHOTGUN WAS AT
9 THAT TIME?

10 A I DON'T REMEMBER NOW KNOWING WHERE HIS
11 GUN WAS. I ASSUME THAT I KNEW IT WAS IN THE

12 GUESTHOUSE. I DON'T REMEMBER THAT, THOUGH.

13 Q WHERE DID YOU GO AFTER YOU ENTERED YOUR
14 HOUSE?

15 A I WENT INTO THE KITCHEN.

16 Q DID YOU SEE ANYONE IN THE KITCHEN?

17 A NO.

18 Q WHERE DID YOU GO AFTER YOU LEFT THE
19 KITCHEN?

20 A I WENT INTO THE DINING ROOM. MY BROTHER
21 WENT INTO THE DEN.

22 Q WHEN YOU SAY YOU WENT INTO THE DINING
23 ROOM, YOUR BROTHER WENT INTO THE DEN, WAS IT FOR A
24 SPECIFIC PURPOSE THAT YOU ENTERED THESE TWO ROOMS
25 SEPARATELY?

26 A NO. MY BROTHER WAS GOING INTO THE DEN
27 TO TELL MY PARENTS WE WERE GOING OUT, AND I DIDN'T
28 WANT TO BE IN THE DEN, SO I WENT THROUGH THE DINING

43606

1 ROOM. THERE'S A DOOR THAT LEADS THROUGH -- FROM THE
2 KITCHEN TO THE DINING ROOM TO THE FOYER WHERE YOU
3 CAN BYPASS THE DEN.

4 Q PERHAPS -- ALL RIGHT. ON THIS DIAGRAM
5 THAT HAS BEEN PREVIOUSLY MARKED EXHIBIT 2, NOW, FROM
6 WHICH DOOR DID YOU ENTER -- DO YOU BELIEVE YOU

7 ENTERED WHEN YOU CAME INTO THE HOUSE? IS IT FROM

8 THE SERVICE PORCH HERE (POINTING)?

9 A EITHER THERE OR WHERE IT SAYS, "BREAKFAST
10 AREA."

11 Q THERE'S A DOOR AT THE BREAKFAST AREA IN
12 THE BACK OF THE HOUSE?

13 A YES.

14 Q AND YOU EVENTUALLY WENT INTO THE
15 KITCHEN, INTO THIS AREA (POINTING)?

16 A YES.

17 Q AND FROM THE KITCHEN WHERE DID YOU GO?

18 A THE DIAGRAM IS SLIGHTLY OFF. IT'S NOT
19 HOW THE HOUSE IS SET UP.

20 BUT I WENT -- I GUESS THERE'S THAT LITTLE
21 CORRIDOR AND TO THE RIGHT.

22 Q INTO THE DEN?

23 A NO.

24 Q INTO THE DINING ROOM?

25 A YES.

26 Q AND WHERE DID YOUR BROTHER LYLE MENENDEZ
27 GO?

28 A STRAIGHT DOWN INTO THE DEN.

43607

1 Q NOW, WERE YOU ABLE TO SEE INTO THE

2 ENTIRE DEN WHEN YOU WALKED FROM THE KITCHEN INTO THE
3 DINING ROOM?

4 A YOU COULDN'T SEE THE DEN AT ALL.

5 THERE'S -- THERE SHOULD BE IF THERE ISN'T --

6 Q RIGHT HERE (POINTING) LOOKS LIKE A WALL?

7 A NO.

8 Q OKAY. WHAT WOULD BE OBSTRUCTING YOUR
9 VISION?

10 A THERE'S A DOOR THAT LEADS FROM THE
11 KITCHEN TO THE DEN THAT SWINGS OPEN AND THERE'S
12 ANOTHER DOOR THAT LEADS TO THE AREA BEHIND THE
13 TELEVISION SET WHICH LEADS TO THE BAR THAT WAS
14 CLOSED.

15 Q SO WHEN YOU WALKED THROUGH FROM THE
16 KITCHEN INTO THIS LITTLE CORRIDOR INTO THE DINING
17 ROOM YOU COULD NOT SEE INTO THE DEN?

18 A EXACTLY.

19 Q DID YOU SEE ANYONE IN THE DINING ROOM?

20 A NO.

21 Q WHAT DID YOU DO -- DID YOU LEAVE THE
22 DINING ROOM?

23 A YES.

24 Q WHAT DID YOU DO WHEN YOU LEFT THE DINING
25 ROOM?

26 A I WENT THROUGH THE DOORS IN THE DINING
27 ROOM. I DON'T -- ARE THOSE DOORS?

28 Q ARE YOU REFERRING TO THIS AREA?

1 A YEAH.

2 Q ALL RIGHT.

3 A I WENT THROUGH THOSE AND INTO THE FOYER.

4 Q THE FOYER YOU'RE REFERRING TO -- YOU'RE
5 CALLING THE FOYER WHAT IS LABELED AS THE ENTRY?

6 A YES.

7 Q THERE IS THE FRONT ENTRANCE TO THE HOUSE
8 AND THIS WOULD BE THE ENTRY?

9 A YES.

10 Q FOYER. WHERE, IF YOU KNOW, WAS LYLE
11 MENENDEZ WHEN YOU ENTERED THE FOYER?

12 A LYLE WAS IN THE DEN.

13 Q DID YOU HEAR LYLE MENENDEZ TALKING TO
14 ANYONE WHILE HE WAS IN THE DEN?

15 A I HEARD HIM COMING OUT OF THE DEN AND
16 SPEAKING TO MY MOTHER.

17 DO YOU THINK WE COULD USE THE BIGGER
18 CHART? IT'S HARD TO --

19 Q WHICH CHART?

20 A THERE'S A BIGGER CHART OF THE HOUSE.

21 Q THERE IS?

22 THE COURT: THERE'S SOMETHING BEHIND THERE,
23 MR. LEVIN, BEHIND THAT WHITE.

24 MR. LEVIN: I THINK THAT'S A DIFFERENT ONE.

25 MS. ABRAMSON: THERE'S A BIGGER GROUND FLOOR

26 CHART.

27 THE COURT: YOU HAVE TWO OF THEM UP HERE.

28 MAYBE IT'S ONE OF THESE TWO UP HERE.

43609

1 MS. ABRAMSON: THE OTHER ONE IS EXHIBIT 4.

2 MR. LEVIN: THE JUDGE'S RIGHT.

3 Q IS THIS THE ONE YOU'RE REFERRING TO?

4 A RIGHT.

5 Q IS THIS THE DIAGRAM?

6 A IT'S EASIER TO SEE FOR ME.

7 Q ALL RIGHT. IS THIS THE FOYER AREA NOW?

8 A YES.

9 Q AND YOU SAID THAT LYLE MENENDEZ, YOU
10 BELIEVED, WAS IN THE DEN OVER HERE (POINTING)?

11 A HE HAD WALKED FROM THE KITCHEN INTO THE
12 DEN. I HAD WALKED THROUGH -- INTO THE DINING ROOM.
13 THOSE TWO DOORS ACTUALLY -- FROM WHAT I REMEMBER
14 THEY WERE CLOSED. I OPENED THEM TO GO INTO THE
15 FOYER.

16 Q AND WHEN YOU WERE IN THE FOYER DID YOU
17 HEAR ANY CONVERSATION?

18 A I HEARD MY -- WELL, I SAW MY BROTHER
19 COMING OUT OF THE FOYER WITH MY MOTHER BEHIND.

20 Q YOU SAID YOU SAW YOUR BROTHER COMING OUT

21 OF THE FOYER.

22 A I'M SORRY. INTO THE FOYER, OUT OF THE
23 DEN.

24 Q WHEN YOU SAY OUT OF THE DEN INTO THE
25 FOYER, FROM WHERE DID YOU SEE THEM ENTER?

26 A FROM THE TWO DOORS OF THE DEN.

27 Q THESE TWO DOORS (POINTING)?

28 A YES.

43610

1 Q AND APPROXIMATELY WHERE ARE YOU STANDING
2 AT THIS TIME?

3 A THERE'S A -- TWO STEPS THAT LEAD INTO THE
4 LIVING ROOM, AND I'M STANDING IN THE ENTRANCE WAY
5 BETWEEN THE LIVING ROOM AND THE FOYER.

6 Q APPROXIMATELY IN THIS LOCATION?

7 A YES.

8 Q AND WHEN --

9 A NO, FURTHER DOWN.

10 Q FURTHER DOWN?

11 A FURTHER DOWN. RIGHT.

12 Q NOW, FROM THIS POSITION WHERE I'M
13 HOLDING THE POINTER, WHICH IS APPROXIMATELY AT THE
14 LINE THAT SEPARATES THE LIVING ROOM AND THE ENTRY ON
15 EXHIBIT 5, COULD YOU SEE THE ENTRY TO THE FOYER AREA

16 FROM THE DEN?

17 A COULD I SEE THE ENTRY TO THE FOYER?

18 Q COULD YOU SEE LYLE MENENDEZ?

19 A I SAW MY BROTHER EXITING THE DEN WITH MY
20 MOTHER BEHIND HIM SAYING, NO, YOU'RE NOT GOING OUT
21 TONIGHT.

22 Q AND DID YOU HEAR ANYTHING ELSE OR ANY
23 OTHER CONVERSATION?

24 A THEY WERE IN FRONT OF THE DINING ROOM
25 DOORS.

26 Q LYLE MENENDEZ AND YOUR MOTHER WERE IN
27 THIS AREA?

28 A A LITTLE BIT LOWER IN THAT AREA.

43611

1 Q APPROXIMATELY HERE (POINTING)?

2 A SOMEWHERE AROUND THERE. A LITTLE BIT
3 LOWER. RIGHT.

4 Q AND LYLE MENENDEZ WAS TALKING TO YOUR
5 MOTHER?

6 A I HEARD MY MOTHER SAYING, NO, YOU'RE NOT
7 GOING OUT TONIGHT.

8 Q DID YOU HEAR LYLE MENENDEZ RESPOND?

9 A HE ASKED WHY WE COULDN'T GO OUT TONIGHT.

10 Q AND DID YOU HEAR YOUR MOTHER RESPOND?

11 A SHE COULDN'T GET HER WORDS OUT RIGHT
12 AWAY; AND I REMEMBER THAT SPECIFICALLY, AND HER
13 SAYING UH, UH, BECAUSE I SAID SO.

14 Q AND DID YOU SEE YOUR FATHER AT THAT
15 TIME?

16 A NO.

17 Q DID YOU KNOW WHERE HE WAS?

18 A I HAD ASSUMED HE WAS IN THE DEN.

19 Q HAD YOU HEARD HIM SAY ANYTHING BEFORE
20 THIS CONVERSATION BETWEEN LYLE MENENDEZ AND YOUR
21 MOTHER?

22 A NO.

23 Q DID YOU HEAR WHAT LYLE MENENDEZ HAD SAID
24 TO YOUR MOTHER THAT PRECEDED OR THAT WAS BEFORE THE
25 CONVERSATION THAT YOU HEARD?

26 A NO.

27 Q DID YOU STAY IN THIS AREA, MR. MENENDEZ?

28 A YES.

43612

1 Q AND WHERE DID LYLE MENENDEZ AND YOUR
2 MOTHER GO WHEN YOU SAW -- OR AFTER YOU SAW THEM IN
3 THIS AREA?

4 A THEY STAYED THERE.

5 Q AND WHAT HAPPENED AFTER THAT

6 CONVERSATION?

7 A MY FATHER CAME OUT OF THE DEN AND HE
8 SAID SHUT UP, KITTY.

9 Q NOW, WHERE DID YOUR FATHER COME OUT OF
10 THE DEN?

11 A EXCUSE ME?

12 Q FROM WHERE DID HE --

13 A FROM THE DOORS.

14 Q FROM THESE DOORS?

15 A YES.

16 Q THE SAME DOORS THAT YOUR MOTHER AND LYLE
17 MENENDEZ HAD EXITED FROM?

18 A RIGHT.

19 Q WHERE DID YOUR FATHER GO WHEN HE MADE
20 THIS STATEMENT?

21 A HE SAID: SHUT UP, KITTY.

22 AND HE TOLD MY BROTHER, HE SAID: YOU'RE
23 NOT GOING OUT TONIGHT.

24 HE TOLD ME TO GO UP TO MY ROOM, THAT
25 HE'D BE THERE IN A MINUTE.

26 Q WHAT WAS YOUR FATHER'S DEemeanOR WHEN HE
27 SAID TO YOUR MOTHER TO SHUT UP?

28 A HE WAS ANGRY, LOUD, SHORT.

1 Q AND AT THAT TIME HE TURNED HIS ATTENTION
2 TO YOU?

3 A HE TOLD MY BROTHER THAT HE WASN'T GOING
4 OUT AND THEN HE TURNED HIS ATTENTION TO ME.

5 Q AND HE TOLD YOU WHAT?

6 A TO GET UP TO MY ROOM.

7 Q DID YOU RESPOND?

8 A NO.

9 Q WHAT DID YOU DO?

10 A I STARTED WALKING TOWARD THE STAIRS.

11 Q WHICH STAIRS? HERE (POINTING)?

12 A YES.

13 Q WHERE DO THESE STAIRS LEAD?

14 A THEY LEAD DOWN A HALF LANDING WHICH
15 LEADS UP ANOTHER LANDING WHICH LEADS TO THE TOP
16 FLOOR, AND THEN THERE'S A BALCONY, WHICH GOES OVER
17 TO MY ROOM. I DIDN'T WANT TO GO UP THE STAIRS, BUT
18 I DIDN'T HAVE A CHOICE AT THAT POINT.

19 Q WHY DID YOU FEEL YOU DIDN'T HAVE A
20 CHOICE?

21 A MY FATHER GAVE ME AN ORDER. I HAD NO
22 CHOICE BUT TO OBEY IT. AND SO I WAS SORT OF
23 LINGERING AT THE BOTTOM OF THE STAIRS A FEW STEPS
24 UP, AND MY BROTHER WAS MORE TOWARDS -- HE HAD WALKED
25 BACK AWAY FROM MY DAD, AND MY FATHER WAS MOVING
26 TOWARD MY BROTHER.

27 Q FROM THIS AREA WHERE YOU WERE?

28 A I WAS A FEW --

1 Q WHERE I'M CIRCLING WITH THE POINTER?

2 A YES.

3 Q AT THE BOTTOM OF THE STAIRS AREA?

4 A YEAH. WELL, I WAS ON THE STAIRS.

5 Q HOW MANY STAIRS OR HOW FAR UP THE STAIRS
6 WOULD YOU SAY YOU WERE?

7 A A COUPLE.

8 Q NOW, WHERE WAS JOSE MENENDEZ AT THIS
9 TIME?

10 A WELL, I REMEMBER MY BROTHER WAS -- I WAS
11 ON THE STAIRS. MY BROTHER WAS TO MY RIGHT -- I MEAN,
12 TO MY LEFT INTO THE FOYER, AND MY MOTHER WAS -- MY
13 MOTHER HAD COME UP NEAR THE STAIRS, AND MY DAD WAS
14 FACING MY BROTHER.

15 Q DID YOU MAKE IT UP TO YOUR ROOM? DID
16 YOU GO TO YOUR ROOM?

17 A NO.

18 Q DID YOU STOP WHEN YOU WERE ON THE STAIRS
19 AT SOME POINT?

20 A I LINGERED ON THE STAIRS TO SEE WHAT WAS
21 GOING TO HAPPEN WITH MY DAD AND MY BROTHER. I WAS
22 INTENSELY HOPING THAT MY BROTHER WOULD WIN THIS
23 CONVERSATION, BECAUSE THE LAST THING I WAS GOING TO

24 DO WAS TO GO TO MY BEDROOM. AND I REMEMBER AFTER MY
25 DAD TOLD ME TO GET UP TO MY ROOM THAT MY BROTHER
26 SAID NO. YOU'RE NOT GOING TO TOUCH ERIK. YOU'RE
27 NOT GOING TO TOUCH MY LITTLE BROTHER. YOU'RE NEVER
28 GOING TO TOUCH HIM AGAIN.

43615

1 AND I REMEMBER HIM TELLING ME NOT TO GO
2 UP THE STAIRS, TO GET BACK DOWNSTAIRS.

3 Q WHO TOLD YOU TO COME BACK DOWN THE
4 STAIRS?

5 A MY BROTHER.

6 Q WHEN YOUR BROTHER WAS TALKING AND
7 TELLING YOUR FATHER THAT HE WASN'T GOING TO TOUCH
8 YOU AGAIN, WHERE WAS YOUR MOTHER?

9 A MY MOTHER WAS NEARER TO ME THAN MY
10 FATHER OR MY BROTHER.

11 Q WAS SHE SAYING ANYTHING AT THIS TIME?

12 A NO.

13 Q AND WHAT, IF ANYTHING, DID JOSE MENENDEZ
14 SAY AFTER ERIK MENENDEZ TOLD YOUR FATHER -- I'M
15 SORRY. AFTER LYLE MENENDEZ TOLD YOUR FATHER THAT HE
16 WAS NOT GOING TO TOUCH YOU AGAIN?

17 A I REMEMBER FEELING LIKE JESUS, WHAT ARE
18 YOU DOING, LYLE? IT WAS NOT A GOOD TIME TO GET INTO

19 AN ARGUMENT WITH MY DAD. AND I REMEMBER MY DAD
20 WALKING TOWARD MY BROTHER SAYING: I DO WHAT I WANT
21 IN THIS FAMILY. HE'S NOT YOUR LITTLE BROTHER. HE'S
22 MY SON, AND I SAY WHAT GOES ON HERE.
23 AND MY BROTHER BACKED AWAY TOWARD THE
24 DOORS AS MY DAD WAS RUSHING, MOVING TOWARD HIM. AND
25 AT THAT POINT HE TOLD ME TO GET BACK UP TO MY ROOM.
26 MY DAD SAW ME LINGERING ON THE STAIRS, AT WHICH
27 POINT I HAD NO CHOICE BUT TO HEAD UP THE STAIRS.
28 Q WHAT HAPPENED NEXT?

43616

1 A MY BROTHER SAID NO, YOU'RE NOT GOING TO
2 TOUCH ERIK. I'M NOT SURE IF HE TOLD ME TO GET BACK
3 DOWN THE STAIRS OR NOT. I JUST KEPT THINKING THAT
4 LYLE SHOULD NOT BE GETTING INTO THIS ARGUMENT. MY
5 DAD KEPT COMING TOWARDS MY BROTHER AND SAID YOU'RE
6 NOT GOING OUT TONIGHT. AND HE TOLD ME TO GET UP TO
7 MY ROOM AND LEFT THE FOYER AREA. MY MOM WAS STILL
8 IN THE FOYER NEAR THE STAIRS.

9 Q IN THIS AREA (POINTING)? WOULD IT BE
10 FURTHER BACK?

11 A NO. MY MOTHER WAS ON THE SIDE OF THE
12 STAIRS INTO THE FOYER.

13 Q I'M SORRY?

14 A IT'S A GREEN STAIRS, CARPETED, A
15 RAILING. SHE WAS ON THE OTHER SIDE, IN FRONT OF THE
16 BATHROOM, BUT MORE TOWARD THE MIDDLE OF THE FOYER.

17 Q WOULD IT BE BACK OVER IN THIS AREA?

18 A NO.

19 Q IN THIS AREA?

20 A YES. BUT DOWN.

21 Q AND COULD YOU CLEARLY SEE YOUR MOTHER
22 FROM YOUR POSITION?

23 A I COULD SEE HER FACE.

24 Q WHAT, IF ANYTHING, DID YOU NOTICE FROM
25 THE EXPRESSION ON HER FACE?

26 A SHE JUST HAD A STONED RESOLVED LOOK ON
27 HER FACE, VERY STILL.

28 Q WHAT ABOUT YOUR FATHER, COULD YOU TELL

43617

1 ANYTHING ABOUT THE EXPRESSION ON HIS FACE?

2 A I COULDN'T SEE HIS FACE. I COULD SEE
3 HE'S MOVING IN, RUSHING, MOVING TOWARD MY BROTHER
4 AND YELLING AT HIM.

5 Q DID YOU DRAW ANY IMPRESSIONS OR
6 CONCLUSIONS CONCERNING YOUR DAD AT THAT TIME, HOW HE
7 FELT? WAS HE ANGRY?

8 A HE WAS VERY ANGRY.

9 Q AND WHAT ABOUT LYLE MENENDEZ, WHAT WAS
10 HIS Demeanor?

11 A WHENEVER MY DAD WOULD MOVE TOWARD HIM HE
12 WOULD GET TIMID, AND HE WAS SORT OF BACKING AWAY
13 FROM MY DAD, SAYING NO, YOU'RE NOT GOING TO TOUCH
14 ERIK. AND MY DAD WAS SAYING DON'T TELL ME WHAT TO
15 DO IN THIS FAMILY. AND MY BROTHER WAS JUST -- I
16 DON'T KNOW HOW TO DESCRIBE IT -- I DON'T KNOW HOW TO
17 DESCRIBE HIS VOICE.

18 Q WHEN YOUR FATHER ORDERED YOU TO YOUR
19 ROOM, NOW THE SECOND TIME, WHAT DID YOU THINK WOULD
20 HAPPEN ONCE YOU GOT TO YOUR ROOM?

21 A I KNEW WHAT WOULD HAPPEN.

22 Q WHAT WOULD HAPPEN?

23 A HE WAS GOING TO COME UP TO MY ROOM AND
24 THERE WOULD BE SEX.

25 Q WHY DID YOU THINK THAT?

26 A BECAUSE MY DAD WAS ANGRY. HE TOLD ME
27 HE'D BE THERE IN A MINUTE, AND I JUST KNEW WHAT WAS
28 GOING TO HAPPEN. THAT'S WHAT HAPPENED.

43618

1 Q WHAT WAS THE NEXT THING THAT HAPPENED?

2 A MY DAD LEFT THE FOYER AND I WAS ON TOP
3 OF THE BALCONY AT THIS POINT, AND MY MOTHER WAS

4 STILL INSIDE THE FOYER.

5 Q WHEN YOU SAY YOUR DAD LEFT THE FOYER,
6 WHERE DID HE GO?

7 A BACK INTO THE DEN.

8 Q HOW DID HE MOVE FROM THE FOYER TO THE
9 DEN?

10 A EXCUSE ME?

11 Q DID HE JUST WALK?

12 A HE WAS VERY ANGRY. HE DIDN'T RUN. HE
13 WALKED. HE JUST -- HE MOVED BACK INTO THE FOYER,
14 INTO THE DEN.

15 Q AND WHERE DID YOUR MOTHER GO?

16 A MY MOTHER STAYED INSIDE THE FOYER AND MY
17 BROTHER CAME CLOSER TO MY MOTHER AFTER MY DAD HAD
18 LEFT.

19 Q AND YOU STAYED IN YOUR POSITION ON THE
20 STAIRS?

21 A NO. I WAS ON THE BALCONY BY THAT
22 POINT. I WAS LOOKING DOWN AT THEM.

23 Q YOU WERE AT THE TOP OF THE STAIRS?

24 A YES.

25 Q WAS THERE ANY FURTHER DISCUSSION BETWEEN
26 YOUR BROTHER AND YOUR MOTHER?

27 A I REMEMBER HEARING MY BROTHER SAYING:
28 ARE YOU GOING TO LET THIS HAPPEN? AND MY MOTHER

1 SAYING TO HIM -- I DIDN'T HEAR ALL THE WORDS. SHE
2 SAID YOU RUINED THIS FAMILY. SHE SAID SOMETHING
3 ELSE. I DIDN'T HEAR WHAT IT WAS.

4 AND AT THIS POINT MY DAD CAME BACK OUT
5 OF THE DEN AND GRABBED MY MOM AND SAID LET'S GO,
6 KITTY. COME BACK TO THE DEN, OR SOMETHING ALONG
7 THOSE LINES.

8 Q YOUR FATHER CAME BACK OUT OF THE DEN AND
9 YOUR MOTHER WAS STILL IN THE FOYER?

10 A SHE WAS NEXT TO THE STAIRS.

11 Q IN THIS AREA (POINTING)?

12 A THERE.

13 Q AND WHAT DID YOUR FATHER SAY TO YOUR
14 MOTHER AT THAT POINT?

15 A HE GRABBED MY MOM BY THE ARM AND SAID
16 LET'S GO, KITTY.

17 Q AND THEN WHERE DID THEY GO?

18 A TOOK THEM BACK INTO THE DEN AND CLOSED
19 THE DOORS.

20 Q THEY CLOSED WHICH DOORS?

21 A THE DEN DOORS.

22 Q THESE DOORS?

23 A YES.

24 Q WHAT DID YOU DO?

25 A I REMEMBER LOOKING AT LYLE AND LYLE SORT
26 OF STARING AT THE DOORS AND WASN'T MOVING, AND I
27 REMEMBER THINKING IF HE WAS GOING TO MOVE, AND

43620

1 THE TOP OF THE STAIRS TO MEET HIM AT THE TOP OF THE
2 STAIRS.

3 Q WHAT WAS GOING THROUGH YOUR MIND AT THAT
4 PARTICULAR POINT?

5 A JUST THAT MY DAD WAS GOING TO COME UP TO
6 MY ROOM. THAT MY PARENTS HAD CLOSED THE DOORS. I
7 JUST WAS BEGINNING TO PANIC. AND AS SOON AS I HEARD
8 MY MOTHER SAY YOU'RE NOT GOING OUT TONIGHT, I FELT
9 CHILLS, BECAUSE I REALIZED WE HAD MADE A MISTAKE IN
10 EVEN ASKING TO GO OUT.

11 Q WHY IS THAT?

12 A WE SHOULD HAVE JUST LEFT. WE SHOULDN'T
13 HAVE ASKED. THEN THERE WOULDN'T HAVE BEEN THIS
14 ARGUMENT WHERE MY DAD ORDERED ME TO MY ROOM.

15 Q WHAT WAS THE NEXT THING THAT HAPPENED?

16 A MY BROTHER CAME TO THE TOP OF THE STAIRS
17 AND I SAID TO HIM: I'M NOT GOING TO MY ROOM
18 TONIGHT. I CAN'T LET HIM COME TO MY ROOM. I CAN'T
19 LET THIS HAPPEN. HE TOLD ME NOT TO WORRY ABOUT
20 THAT. IT'S HAPPENING NOW. THEY WERE WAITING FOR ME
21 TO GET HOME AND IT'S HAPPENING NOW.

22 Q DID YOU UNDERSTAND WHAT LYLE MENENDEZ

23 MEANT WHEN HE SAID IT'S HAPPENING NOW?

24 A YES.

25 Q WHAT DID YOU UNDERSTAND IT TO MEAN?

26 A WE WERE GOING TO DIE.

27 Q WHY DID YOU FEEL THAT?

28 A FROM THE LOOK ON HIS FACE, FROM HIS --

43621

1 HOW HE LOOKED AND JUST THE SITUATION. I KNEW

2 ALREADY, AS SOON AS THEY CLOSED THOSE DOORS TO THE

3 DEN, AFTER MY DAD ORDERED ME TO MY ROOM, THAT IT WAS

4 GOING TO HAPPEN NOW. AND I HADN'T SEEN LYLE LIKE

5 THAT, LOOKING LIKE THAT BEFORE, AND IT WAS JUST

6 FREAKING ME OUT.

7 Q WHAT WAS THE LOOK ON LYLE MENENDEZ' FACE

8 THAT YOU SAW?

9 A JUST VERY DRAWN, VERY PALE. HE WAS JUST

10 SCARED, SHAKING. I DON'T -- I JUST REMEMBER HIS FACE

11 AND LOOKING AT HIM SAYING -- THINKING IF LYLE IS

12 THIS SCARED, SOMETHING IS HAPPENING NOW.

13 Q WHAT WAS THE NEXT THING THAT YOU DID?

14 A I TOLD LYLE THAT I GOT TO GET TO THE CAR

15 AND I RAN TOWARD MY ROOM.

16 Q WHY DID YOU WANT TO GET TO YOUR CAR?

17 A BECAUSE ALL THE SHELLS WERE IN THE CAR.

18 Q WHERE WAS THE SHOTGUN?
19 A IN MY ROOM.
20 Q WHERE WAS THE FIRST PLACE THAT YOU WENT?
21 A TO MY ROOM.
22 Q WHAT DID YOU DO WHEN YOU WENT TO YOUR
23 ROOM?
24 A WENT IN MY CLOSET AND I GOT MY GUN.
25 Q WHERE DID YOU GO?
26 A I LEFT MY ROOM, RAN DOWN THE STAIRS, OUT
27 THE STUDY, TO THE CAR.
28 Q YOU RAN OUT THE STUDY TO YOUR CAR?

43622

1 WHERE WAS YOUR CAR PARKED?
2 A IN THE CARPORT.
3 Q AND DID YOU SEE LYLE MENENDEZ AT THAT
4 TIME?
5 A NO.
6 Q WHAT DID YOU DO WHEN YOU GOT TO YOUR
7 CAR?
8 A STARTED MOVING AROUND, THREW THE SHELLS
9 IN THE TRUNK.
10 Q WHAT WERE YOU LOOKING FOR?
11 A SHELLS TO PUT IN MY GUN.
12 Q ANY PARTICULAR SHELLS?

13 A THE SHELLS THAT WERE IN THE BOX THAT THE
14 MAN HAD GIVEN US. I HAD EJECTED THE TWO SHELLS AND
15 WAS PUTTING THE OTHER ONES IN. I REMEMBER THE
16 SHELLS WERE SCATTERING OVER THE BACK OF THE CAR, AND
17 I WAS JUST PUTTING THEM IN OVER AND OVER.

18 Q YOU EJECTED THE TWO SHELLS OF DOVE LOAD?

19 A YES.

20 Q WHY DID YOU DO THAT?

21 A I DON'T KNOW. I JUST -- FROM WHAT THE
22 MAN SAID, THESE SHELLS WERE WORTHLESS.

23 Q WHAT DID YOU DO NEXT?

24 A I REMEMBER THINKING THAT LYLE WASN'T
25 GOING TO GET THERE, THAT I WAS GOING TO HAVE TO RUN
26 INTO THE ROOM. I WAS SAYING TO MYSELF HURRY, HURRY,
27 OVER AND OVER AGAIN AS I WAS COMING DOWN THE STAIRS
28 OUT OF MY ROOM, AND I JUST KNEW I HAD TO GET TO THE

43623

1 DEN BEFORE THEY CAME OUT OF THE DEN.

2 Q WHAT WAS GOING THROUGH YOUR MIND WITH
3 RESPECT TO WHAT YOUR PARENTS WERE DOING IN THE DEN
4 WHILE YOU WERE RUNNING TO YOUR CAR?

5 A I THOUGHT THAT THEY WERE ABOUT TO COME
6 OUT OF THE DEN. I THOUGHT MY DAD WAS GOING TO COME
7 INTO MY ROOM. I THOUGHT THERE WERE GUNS IN THE

8 DEN. IT FLASHED IN MY MIND TO BARRICADE MYSELF IN
9 MY DOOR. THAT LASTED FOR ONLY A FLASH, AND I JUST
10 KEPT MOVING. I WAS -- AT THIS TIME I WAS BEGINNING
11 TO PANIC, AND I WAS BEGINNING TO LOSE MY BODY, AND I
12 JUST KEPT SAYING TO MYSELF OVER IN MY MIND, HURRY,
13 HURRY, HURRY.

14 Q WHAT DID YOU THINK WAS GOING TO HAPPEN
15 TO YOU?

16 A I THOUGHT I WAS GOING TO DIE.

17 Q WHO DID YOU THINK WAS GOING TO KILL YOU?

18 A MY FATHER, MY MOTHER. I DIDN'T STOP AND
19 THINK ABOUT IT. I DIDN'T THINK THIS IS GOING TO
20 HAPPEN OR THAT'S GOING TO HAPPEN. JUST -- I KNEW
21 WHAT WAS GOING TO HAPPEN.

22 Q WHEN YOU GOT TO -- DID YOU FIND THE
23 SHELLS THAT YOU WERE LOOKING FOR AT YOUR CAR?

24 A YES.

25 Q WHAT DID YOU DO WHEN YOU FOUND THE
26 SHELLS?

27 A I IMMEDIATELY PUT THEM IN MY GUN.

28 Q DO YOU KNOW HOW MANY YOU PUT INTO YOUR

43624

1 GUN?

2 A NO.

3 Q DID YOU SEE LYLE MENENDEZ AT THAT TIME?

4 A I REMEMBER THINKING TO MYSELF THAT HE
5 WASN'T GOING TO GET THERE, THAT I WAS GOING TO HAVE
6 TO GO IN THE HOUSE BY MYSELF; AND THEN I SAW HIM
7 COMING, AND I KEPT TELLING HIM TO HURRY.

8 Q DID YOU HAVE ANY IDEA IN YOUR MIND WHERE
9 YOU WOULD GO ONCE YOU LOADED YOUR SHOTGUN?

10 A I JUST WANTED TO GET TO THE DEN AS
11 QUICKLY AS POSSIBLE BEFORE MY FATHER GOT OUT OF THE
12 DEN. IF MY DAD GOT OUT OF THE DEN BEFORE I GOT
13 THERE IT WAS OVER.

14 Q DID LYLE MENENDEZ HAVE ANYTHING IN HIS
15 HAND WHEN HE CAME TO THE CAR?

16 A HIS GUN.

17 Q AND WHAT, IF ANYTHING, DID LYLE MENENDEZ
18 DO AT THAT POINT?

19 A HE BEGAN LOADING HIS GUN. I DON'T
20 EVEN -- I DON'T REMEMBER HIM ACTUALLY LOADING HIS
21 GUN. I JUST REMEMBER TELLING HIM TO HURRY.

22 Q DID YOU SAY ANYTHING TO LYLE MENENDEZ AT
23 THAT TIME OTHER THAN EXPRESSING THE FACT THAT HE
24 SHOULD HURRY?

25 A I DON'T REMEMBER DOING SO.

26 Q HOW LONG WOULD YOU SAY -- HOW MUCH TIME
27 HAD ELAPSED FROM THE TIME THAT YOU LEFT YOUR
28 POSITION AT THE LANDING, THE SECOND STORY OF YOUR

1 HOUSE, AND RAN DOWN TO THE CAR FROM YOUR ROOM TO THE
2 CAR?

3 A I DON'T KNOW. TWO MINUTES.

4 Q WHAT HAPPENED NEXT? WHAT WAS THE NEXT
5 THING YOU REMEMBER HAPPENING?

6 A MAYBE LESS. I JUST REMEMBER TELLING MY
7 BROTHER TO HURRY AND THEN RUNNING INTO THE HOUSE
8 THROUGH THE STUDY AND RUNNING INTO THE FOYER.

9 Q YOUR CAR IS PARKED OUTSIDE THE ENTRY?

10 A YES.

11 Q IN THIS AREA THAT'S NOT DESIGNATED ON
12 THE DIAGRAM?

13 A RIGHT.

14 Q AND FROM YOUR TESTIMONY, YOU CAME IN THE
15 ENTRY DOOR?

16 A NO.

17 Q WHICH DOOR DID YOU COME IN?

18 A THE STUDY DOOR.

19 Q OVER HERE (POINTING)?

20 A YES.

21 Q YOU ENTERED THE STUDY DOOR. DID YOU
22 ENTER FIRST OR DID LYLE MENENDEZ ENTER FIRST?

23 A I ENTERED FIRST.

24 Q DID YOU HAVE YOUR SHOTGUN WITH YOU?

25 A YES.

26 Q AND IT WAS LOADED?
27 A YES.
28 Q AND YOU UNDERSTOOD THAT LYLE MENENDEZ'

43626

1 SHOTGUN WAS LOADED?

2 A I GUESS SO.

3 Q DO YOU KNOW HOW YOU WERE CARRYING THE
4 SHOTGUN OR HOLDING THE SHOTGUN?

5 A JUST IN MY HANDS.

6 Q WHERE DID YOU GO WHEN YOU ENTERED THE
7 STUDY?

8 A I IMMEDIATELY WENT INTO THE FOYER.

9 Q WOULD THAT BE THE FOYER, THIS DOOR HERE
10 (POINTING)?

11 A YES.

12 Q AND THAT'S THE -- THAT'S A DOUBLE DOOR?
13 IS IT A WIDE DOOR?

14 A I GUESS IT'S A DOUBLE DOOR. I DON'T
15 REMEMBER. YES. IT IS A DOUBLE DOOR, IN FACT.
16 IT IS.

17 Q WHERE DID YOU GO AFTER YOU ENTERED THE
18 FOYER?

19 A I JUST REMEMBER RUNNING INTO THE FOYER,
20 THINKING THAT THIS GUN WAS HUGE AND TRYING TO GET TO

21 THE DEN AS QUICKLY AS POSSIBLE.

22 Q WHEN YOU SAY THE DEN, ARE YOU TALKING

23 ABOUT THE DEN WHERE YOU BELIEVED YOUR PARENTS WERE?

24 A YES.

25 Q WERE THE DOORS STILL OPEN OR STILL

26 CLOSED OR WERE THEY OPEN?

27 A THEY WERE CLOSED.

28 Q AND YOU'RE TALKING ABOUT THESE DOORS

43627

1 HERE (POINTING)?

2 A YES.

3 Q DID YOU ENTER THOSE DOORS?

4 A I PUSHED THROUGH THEM.

5 Q WHEN YOU SAID THAT YOU PUSHED THROUGH

6 THEM, ARE YOU TALKING ABOUT THESE DOORS NOW,

7 MR. MENENDEZ, THAT I'M POINTING TO ON EXHIBIT 24?

8 A YES.

9 Q AND ARE THESE DOORS THE KIND OF DOORS

10 THAT LOCK WITH HANDLES? HOW DOES THE DOOR SECURE?

11 A THERE'S NOT ROUND HANDLES. THERE'S

12 HANDLES WHERE YOU JUST PUSH IN, PUSH DOWN. THEY

13 OPENED VERY EASILY. I DIDN'T EVEN STOP. I JUST

14 BURST THROUGH THEM.

15 Q YOU BURST THROUGH THESE DOORS?

16 A YES.

17 Q FIRST? YOU WERE FIRST?

18 A YES.

19 Q WHERE DID YOU GO?

20 A I JUST BURST INTO THE ROOM. IT WAS

21 DARK.

22 Q NOW, WHEN YOU ENTERED THE ROOM WERE THE

23 LIGHTS ON?

24 A NO. THE LIGHTS WERE OFF.

25 Q WAS THERE ANY LIGHT IN THE ROOM?

26 A THE TELEVISION WAS FLICKERING.

27 Q THE TELEVISION IN THE AREA WHERE IT SAYS

28 "TV" ON EXHIBIT 24?

43628

1 A YES.

2 Q WERE THERE ANY OTHER LIGHTS EMANATING

3 FROM THAT ROOM OTHER THAN THE TELEVISION LIGHT?

4 A NO.

5 Q DID YOU SEE ANYTHING WHEN YOU ENTERED

6 THE ROOM?

7 A I SAW A SHADOW OF MY DAD, A FIGURE, AND

8 MY MOM.

9 Q AND WHEN YOU SAY THAT YOU SAW A SHADOW

10 OF YOUR DAD, WHERE DID YOU SEE THIS SHADOW?

11 A IN FRONT OF THE SOFA, ON THE SIDE OF THE
12 COFFEE TABLE.

13 Q WOULD THAT BE IN THE AREA WHERE THE
14 POINTER IS, WHICH HAS A NO. 15?

15 A NO.

16 Q WHERE? FURTHER UP?

17 A THE COFFEE TABLE WASN'T BENT LIKE THAT.
18 LIKE WHERE 14 IS.

19 Q OVER MORE IN THE CORNER WHERE THE "14"
20 IS?

21 A YES.

22 Q AND COULD YOU TELL IT WAS YOUR FATHER?

23 A YOU COULDN'T SEE VERY WELL IN THE ROOM.
24 THE LIGHT FROM THE TELEVISION WAS CHANGING, AND I
25 JUST REMEMBER SEEING A FIGURE. I BELIEVE THAT I
26 KNEW IT WAS MY FATHER. I KNOW NOW THAT IT WAS MY
27 FATHER. I DON'T REMEMBER WHAT I KNEW EXACTLY AT
28 THAT POINT.

43629

1 Q WAS THIS FIGURE SEATED OR STANDING?

2 A HE WAS STANDING.

3 Q DID YOU SEE THIS FIGURE RISING?

4 A NO.

5 Q THE FIGURE THAT YOU SAW THAT YOU

6 BELIEVED YOUR FATHER WAS STANDING; IS THAT CORRECT?

7 A YES.

8 Q WAS HE FACING YOU, COULD YOU TELL?

9 A MY MEMORY IS THAT HE WAS WALKING TOWARDS
10 US.

11 Q WALKING TOWARDS YOUR POSITION?

12 A YES.

13 Q AND WHERE IS YOUR POSITION AT THIS TIME?

14 A AS SOON AS I BURST THROUGH THE DOORS, AS
15 SOON AS I SAW THEM, I JUST IMMEDIATELY STARTED
16 FIRING. I DIDN'T STOP AND LOOK AROUND. I JUST
17 STARTED FIRING.

18 Q DID YOU START FIRING BEFORE YOU SAW THE
19 FIGURE OF THE PERSON THAT YOU BELIEVED TO BE YOUR
20 FATHER?

21 A I DON'T THINK SO. I REMEMBER SEEING THE
22 FIGURES. I REMEMBER SEEING THEM. I REMEMBER THE
23 DARKNESS, AND I REMEMBER IMMEDIATELY STARTING TO
24 FIRE.

25 Q WHERE WAS THE OTHER FIGURE, OTHER THAN
26 YOUR FATHER?

27 A MY MOM WAS ON HIS RIGHT.

28 Q OVER IN THE AREA WHERE THE DIAGRAM

1 DEPICTS HER LYING?

2 A RIGHT.

3 Q WAS YOUR MOTHER, OR THE PERSON, THE
4 FIGURE THAT YOU BELIEVED TO BE YOUR MOTHER, WAS SHE
5 SEATED OR STANDING?

6 A SHE WAS STANDING.

7 Q DID YOU SEE HER RISING?

8 A SHE WAS STANDING.

9 Q WERE BOTH FIGURES STANDING WHEN YOU
10 FIRST NOTICED THEM?

11 A MY PARENTS WERE STANDING.

12 Q DID YOU MOVE ONCE YOU ENTERED THE ROOM?
13 DID YOU CONTINUE TO MOVE?

14 A I WAS JUST RUNNING.

15 Q WHERE WERE YOU RUNNING?

16 A STRAIGHT AHEAD.

17 Q STRAIGHT AHEAD IN THE DIRECTION ACROSS
18 THE ROOM?

19 A RIGHT.

20 Q IN THE MANNER WHICH HAS ALREADY BEEN
21 INDICATED BY SOME RED LINES?

22 A YES.

23 Q ARE THE RED LINES ACCURATE WITH RESPECT
24 TO THE DIRECTION WHICH YOU TOOK?

25 A YES.

26 Q DID YOU SEE WHERE YOUR BROTHER WENT?

27 A I JUST REMEMBER FIRING. I REMEMBER THE
28 RED OF THE FIRE. I REMEMBER MY FATHER SAYING NO.

1 AND I JUST FIRED AND FIRED AND FIRED. I DON'T
 2 REMEMBER WHERE LYLE WAS. I REMEMBER THE SHOOTING.
 3 I REMEMBER THE SOUND. I REMEMBER THE BREAKING OF
 4 GLASS AND THE CHAOS IN THE ROOM. I DIDN'T SEE MY
 5 BROTHER AGAIN UNTIL I WAS OUT AT THE CAR.

6 Q WHERE WERE YOU FIRING, MR. MENENDEZ?

7 A STRAIGHT AHEAD OF ME.

8 Q WERE YOU FIRING IN THE DIRECTION OF ANY
 9 PARTICULAR OBJECT?

10 A MY MOTHER AND MY FATHER.

11 Q WAS YOUR MOTHER AND YOUR FATHER YOUR
 12 TARGET?

13 A I GUESS SO.

14 Q YOU WERE TRYING TO SHOOT THEM?

15 A YES.

16 Q WHY?

17 A IT WAS JUST A RUSH, AND I THOUGHT
 18 DIFFERENT THINGS THAN WHAT WAS HAPPENING, AND I
 19 JUST --

20 Q HOW MANY ROUNDS DO YOU REMEMBER FIRING?

21 A EVERYTHING I HAD.

22 Q AND DO YOU REMEMBER WHERE YOU WERE,
 23 APPROXIMATELY, WHEN YOU STOPPED FIRING?

24 A I WAS IN FRONT OF THE COFFEE TABLE. THE

25 TELEVISION WAS BEHIND ME.

26 Q THERE IS AN "X" THAT SAYS, " E. M.,"

27 WHICH, I ASSUME, IS ERIK MENENDEZ. IS THE "X" IN

28 THE APPROXIMATE POSITION WHERE YOU ENDED UP WHEN YOU

43632

1 STOPPED FIRING?

2 A YES.

3 Q DO YOU KNOW IF LYLE MENENDEZ HAD FIRED

4 HIS SHOTGUN?

5 A I REMEMBER THE BOOMING FROM HIS GUN

6 AFTER I KEPT FIRING. THERE WAS NOTHING LEFT IN MY

7 GUN AND I REMEMBER THAT.

8 Q YOU REMEMBER HEARING THE SOUNDS OF A

9 SHOTGUN FIRING AFTER YOU FINISHED FIRING?

10 A YES.

11 Q DID YOU DIRECT ALL THE ROUNDS FROM YOUR

12 SHOTGUN IN THE DIRECTION OF YOUR PARENTS?

13 A YES.

14 Q YOU SAID THAT YOUR FATHER SAID NO. WHEN

15 DID YOUR FATHER SAY NO?

16 A I DON'T KNOW IF IT WAS AFTER I HAD BEGAN

17 FIRING OR JUST AS I WAS DOING IT. I JUST REMEMBER

18 THE LOUD COMMAND, NO.

19 Q MR. MENENDEZ, DID YOU SEE YOUR MOTHER OR

20 YOUR FATHER MOVE FROM THE POSITION THAT THEY WERE IN
21 FROM WHEN YOU STARTED FIRING?

22 A I DIDN'T SEE ANYTHING. I JUST SAW THIS
23 HUMONGOUS RED BLANK OF FIRE IN FRONT OF ME. THAT'S
24 THE IMAGE THAT I HAVE. THE POSITION THAT THEY WERE
25 IN IS WHERE THEY WERE WHEN THE FIRING STOPPED.

26 Q DO YOU HAVE A MEMORY OF SMOKE?

27 A AT THAT TIME?

28 Q YES.

43633

1 A I THINK SO. I'M NOT SURE. I REMEMBER
2 THE HAZY SMOKE AFTERWARDS.

3 Q CAN YOU HEAR THE SHOTS IN YOUR MIND NOW?

4 A YES.

5 Q DID YOU HEAR YOUR MOTHER SAY ANYTHING?

6 A NO.

7 Q WHAT DID YOU DO AFTER YOU FINISHED
8 FIRING YOUR WEAPON?

9 A I RAN OUT OF THE ROOM.

10 Q THROUGH THE WAY YOU CAME IN?

11 A NO. THROUGH THE FRONT DOOR.

12 Q WHICH DOORS ARE THEY?

13 A THE FOYER, FRONT DOORS.

14 Q THROUGH THE FOYER DOORS. ARE THOSE THE

15 DOORS THAT YOU ENTERED?

16 A THERE WAS THE DOORS THAT ENTERED INTO
17 THE DEN, AND THERE ARE THE DOORS THAT EXITED OUTSIDE
18 INTO THE CARPORT. I ENTERED THROUGH THE STUDY. I
19 EXITED THROUGH THE FRONT DOORS OF THE HOUSE.

20 Q OKAY. WHICH DOORS ARE THEY? I'M
21 TALKING ABOUT WHEN YOU LEFT THE ROOM, WHICH DOORS
22 DID YOU LEAVE?

23 A THE DOORS THAT I CAME IN.

24 Q RIGHT. SO YOU LEFT THROUGH THE SAME
25 DOORS.

26 AND THEN WHERE DID YOU GO?

27 A INTO THE FOYER.

28 Q DID YOU HAVE ANY CONVERSATION WITH LYLE

43634

1 MENENDEZ AT THAT TIME?

2 A NO.

3 Q DID YOU SEE WHERE LYLE MENENDEZ WAS?

4 A I REMEMBER HIM BEING IN THE ROOM WHEN I
5 RAN OUT.

6 Q HAD YOU LEFT THE ROOM BEFORE LYLE
7 MENENDEZ?

8 A YES.

9 Q AND WHAT -- WHERE WAS IT THAT YOU WERE

10 GOING TO GO? WHERE WERE YOU GOING TO GO?

11 A I WASN'T SURE AT THAT POINT. I HEARD
12 THE BOOMING OF HIS GUN, WHAT I REALIZE NOW WAS IN
13 FRONT OF ME. I REMEMBER HEARING A NOISE FROM MY
14 MOTHER, AND I JUST FREAKED OUT AND RAN OUT OF THAT
15 ROOM.

16 Q WHAT NOISE DID YOU HEAR FROM YOUR
17 MOTHER?

18 A WHAT I WOULD CALL NOW IS A SOUND OF --
19 JUST A SOUND, A SOUND OF PAIN. IT'S A SOUND THAT I
20 CONTINUALLY HERE IN MY MIND. I DIDN'T KNOW WHAT IT
21 WAS AT THE TIME. JUST FREAKED ME OUT, AND I RAN
22 OUT.

23 Q DID YOU HEAR ANY NOISE FROM YOUR FATHER
24 OTHER THAN HIM SAYING NO?

25 A NO.

26 Q DID YOU HEAR ANY AUDIBLE WORDS, WORDS
27 THAT YOU COULD MAKE OUT FROM YOUR MOTHER?

28 A NO.

43635

1 Q WAS THIS NOISE A CONTINUOUS NOISE? DO
2 YOU HAVE A RECOLLECTION OF IT?

3 A NO. IT WAS -- IT WAS JUST BRIEF AND I
4 RAN OUT AS SOON AS I HEARD IT.

5 Q AND WHERE DID YOU END UP? WHERE DID YOU
6 GO?

7 A OUT THE FRONT DOORS. I ENDED UP AT MY
8 CAR.

9 Q WHY DID YOU GO TO YOUR CAR?

10 A I JUST RAN OUT OF MY ROOM (SIC). MY
11 BROTHER WAS THERE SOON AFTER. HE WENT TOWARD THE
12 BACK OF THE CAR. I WENT TOWARD THE BACK OF THE
13 CAR. AND I STARTED SCRAMBLING FOR SHELLS TO GIVE
14 HIM ONE, AND I STARTED HANDING THEM TO HIM AND HE
15 LEFT.

16 Q WHY WERE YOU SCRAMBLING FOR SHELLS?

17 A I DON'T KNOW. I JUST REMEMBER BEING IN
18 THE ROOM. I REMEMBER HEARING HIS GUN. I REMEMBER
19 FEELING VERY DEFENSELESS. I REMEMBER FREAKING OUT,
20 AND IT WAS JUST RUSHING, AND I WAS BACK AT THE CAR.
21 AND I KNOW THAT I WAS HANDING HIM SHELLS. HE WAS
22 GRABBING FOR THEM, AND I'M NOT SURE WHICH ONE HE
23 TOOK, BUT HE RAN OUT AWAY FROM THE CAR.

24 Q WHEN YOU LEFT THE ROOM, MR. MENENDEZ,
25 DID YOU KNOW THE CONDITION OF YOUR FATHER?

26 A I KNOW NOW WHAT THE CONDITION OF MY
27 FATHER WAS.

28 Q THEN, DID YOU KNOW THE CONDITION OF YOUR

1 FATHER?

2 A I DON'T REMEMBER KNOWING WHAT THE
3 CONDITION -- I WASN'T THINKING LIKE THAT.

4 Q DID YOU KNOW IF YOU HIT HIM?

5 A I DIDN'T KNOW.

6 Q DID YOU KNOW THE CONDITION OF YOUR
7 MOTHER THEN WHEN YOU LEFT THE ROOM?

8 A I COULDN'T SEE MY MOTHER.

9 Q DO YOU KNOW IF YOU HIT YOUR MOTHER WITH
10 ANY OF THE SHOTGUN ROUNDS?

11 A I ASSUMED I DID; OF COURSE I DID.

12 Q DID YOU SEE ANY BLOOD?

13 A AT THAT TIME, NO.

14 Q DO YOU RECALL SEEING ANY BLOOD ON YOUR
15 MOTHER OR YOUR FATHER OR ANYWHERE IN THE ROOM BEFORE
16 YOU LEFT?

17 A NO.

18 Q WHEN YOU GOT BACK TO YOUR CAR YOU SAID
19 YOU HANDED LYLE MENENDEZ A SHELL.

20 A I BELIEVE SO. HE WAS SCRAMBLING FOR
21 THEM. THEY WERE MOVING ALL OVER THE BACK OF THE
22 CAR. IT WAS VERY CHAOTIC, AND I REMEMBER HIM
23 RUNNING FROM THE CAR AND ME TRYING TO FOLLOW HIM,
24 TRYING TO CHASE HIM, BUT HE WAS GONE.

25 Q HOW MUCH TIME WOULD YOU SAY ELAPSED FROM
26 THE TIME YOU BURST THROUGH THOSE DOORS INTO THE DEN
27 TO THE TIME THAT YOU EMPTIED YOUR SHOTGUN AND THEN

43637

1 A I'M SORRY. FROM THE TIME I ENTERED THE
2 ROOM AND EXITED THE ROOM?

3 Q YES.

4 A FIVE SECONDS, TEN SECONDS.

5 Q HOW LONG DO YOU THINK IT TOOK TO EMPTY
6 YOUR SHOTGUN?

7 A SOMEWHERE BETWEEN THERE.

8 Q WERE YOU DOING IT AS RAPIDLY AS YOU
9 POSSIBLY COULD?

10 A YES.

11 Q DID LYLE MENENDEZ RETURN TO THE ROOM?

12 A YES.

13 Q DID YOU RETURN TO THE ROOM, TO THE DEN,
14 WITH HIM?

15 A NO.

16 Q WHERE DID YOU GO?

17 A I WAS IN THE FOYER WHEN I HEARD A SHOT.
18 MY BROTHER CAME OUT OF THE ROOM, AND I COLLAPSED ON
19 THE STAIRS.

20 Q WHEN YOU CAME BACK INSIDE THE HOUSE, DID
21 YOU STAY IN THE FOYER?

22 A YES.

23 Q WHERE WAS LYLE MENENDEZ?
24 A COMING OUT OF THE DEN.
25 Q DID YOU SEE LYLE MENENDEZ ENTER THE DEN?
26 A I DON'T REMEMBER HIM ENTERING THE DEN.
27 Q DID YOU SEE WHAT LYLE MENENDEZ DID
28 INSIDE THE DEN?

43638

1 A NO.
2 Q HOW MANY SHOTS DID YOU HEAR,
3 MR. MENENDEZ?
4 A ONE.
5 Q AND HOW LONG AFTER LYLE MENENDEZ WENT
6 INTO THE DEN DID YOU HEAR THAT SHOT?
7 A SAY THAT AGAIN.
8 Q HOW MUCH TIME ELAPSED? HOW MUCH TIME --
9 HOW MUCH TIME ELAPSED FROM THE TIME THAT LYLE
10 MENENDEZ ENTERED THE DEN TO THE TIME THAT YOU HEARD
11 THE SHOT?
12 A I REMEMBER BEING AT THE CAR. I REMEMBER
13 SCRAMBLING AROUND. MY NEXT IMAGE IS RUSHING INTO
14 THE FOYER AND I HEARD THE SHOT.
15 Q DID THIS ALL HAPPEN RATHER QUICKLY?
16 A YES.
17 Q AND HAD THERE BEEN ANY DISCUSSION

18 BETWEEN YOURSELVES AND LYLE MENENDEZ BETWEEN THE
19 TIME YOU LEFT THE DEN TO THE TIME HE RETURNED TO THE
20 DEN?

21 A WHERE WOULD THERE BE DISCUSSION?

22 Q YOU DIDN'T STOP AND TALK TO LYLE
23 MENENDEZ ABOUT ANYTHING?

24 A NO.

25 Q WHAT HAPPENED AFTER YOU HEARD THE SHOT?

26 A I WAS ON THE STAIRS. THE GUN WAS NEXT
27 TO ME, AND I REMEMBER SEEING LYLE SIT ON THE FLOOR,
28 ON THE ARCHWAY ACROSS FROM THE STAIRS.

43639

1 Q YOU LEFT THE DEN WITH YOUR SHOTGUN?

2 A YES.

3 Q AND WHERE DID YOU PUT YOUR SHOTGUN --
4 WHERE WAS YOUR SHOTGUN WHEN YOU WENT BACK TO THE
5 CAR?

6 A IN MY HAND, I THINK.

7 Q WHEN YOU RETURNED TO THE FOYER, YOU
8 STILL BELIEVE YOU HAD YOUR SHOTGUN IN YOUR HAND?

9 A I REMEMBER PUTTING IT ON THE STAIRS, SO
10 IT MUST HAVE BEEN IN MY HAND.

11 Q DID YOU RELOAD YOUR SHOTGUN AFTER YOU
12 LEFT THE DEN, AFTER YOU SHOT YOUR PARENTS?

13 A NO.

14 Q AND YOU SAID THAT LYLE MENENDEZ ALSO
15 CAME INTO THE FOYER AFTER HE LEFT THE DEN?

16 A YES.

17 Q DID LYLE MENENDEZ HAVE HIS SHOTGUN WITH
18 HIM?

19 A NO.

20 Q WHAT DID LYLE MENENDEZ DO AFTER HE
21 EXITED THE DEN?

22 A HE SLOUCHED DOWN ON THE FLOOR ACROSS
23 FROM ME. I WAS SITTING ON THE STAIRS, AND HE WAS WHERE
24 I HAD BEEN STANDING EARLIER, IN BETWEEN THE FOYER
25 AND THE FAMILY ROOM.

26 Q WHAT DID YOU DO?

27 A I REMEMBER SITTING ON THE STAIRS. I
28 REMEMBER HIM SITTING ACROSS FROM ME. I REMEMBER A

43640

1 LONG TIME PASSING, WHAT SEEMED LIKE A LONG TIME. I
2 REMEMBER STARTING TO CRY. I REMEMBER MY BROTHER
3 COMING OVER NEXT TO ME, PUTTING HIS ARM AROUND ME,
4 TELLING ME THAT IT WAS GOING TO BE ALL RIGHT.

5 I REMEMBER SAYING WHERE ARE THE POLICE?
6 THEY'RE NOT COMING. I DON'T WANT TO BE HERE. I
7 DON'T WANT TO TALK TO THEM. SOME WORDS WERE

8 EXCHANGED ABOUT THAT.

9 Q HOW LONG DID YOU STAY IN THE FOYER WITH
10 YOUR BROTHER LYLE MENENDEZ?

11 A TWO, THREE MINUTES, FOUR MINUTES, FIVE
12 MINUTES.

13 Q WHAT DID YOU EXPECT WAS GOING TO HAPPEN?

14 A I JUST ASSUMED THAT THE POLICE WOULD
15 SHOW UP.

16 Q THE AREA WHERE YOU LIVE ON ELM DRIVE, IS
17 THAT A HEAVILY POPULATED RESIDENTIAL NEIGHBORHOOD?

18 A THERE WAS A LOT OF HOUSES CLOSE
19 TOGETHER.

20 Q WHAT TIME WAS IT AT THIS TIME?

21 A HALF HOUR AFTER I GOT HOME.

22 Q APPROXIMATELY WHAT TIME WAS IT?

23 A TEN.

24 Q WERE THE SHOTGUNS LOUD?

25 A THEY BOOMED.

26 Q DID THEY BOOM LOUD?

27 A YES.

28 Q HOW FAR ARE YOU FROM SANTA MONICA

43641

1 BOULEVARD?

2 A HALF A MILE.

3 Q AND DO PEOPLE LIVE ON BOTH SIDES OF YOU,

4 BOTH THOSE HOUSES ARE OCCUPIED?

5 A YES. THEY LIVE ASIDE FROM US, ACROSS

6 THE STREET, BEHIND THE HOUSE.

7 Q PEOPLE ALL AROUND YOU, THE HOUSES

8 CLOSEST TO THE MENENDEZ HOUSE, PEOPLE LIVE IN THOSE

9 HOUSES?

10 A YES.

11 Q DID THE POLICE COME?

12 A NO.

13 Q WERE YOU SURPRISED?

14 A I REMEMBER BEING, I GUESS, SURPRISED,

15 YES.

16 Q DID YOU HAVE ANY IDEA WHAT IT WAS --

17 SINCE YOU EXPECTED THE POLICE TO SHOW UP, DID YOU

18 HAVE ANY IDEA WHAT YOU WERE GOING TO TELL THEM WHEN

19 THEY SHOWED UP?

20 A NO.

21 Q DID YOU HAVE ANY PLAN OR ANY IDEA IN

22 YOUR MIND THAT YOU AND LYLE MENENDEZ HAD DISCUSSED

23 WHAT YOU WOULD SAY TO THE POLICE ABOUT WHY YOU HAD

24 SHOT YOUR PARENTS?

25 A I JUST REMEMBER LYLE SITTING ACROSS FROM

26 ME. I REMEMBER AT ONE POINT I STARTED TO CRY AND

27 SHAKING AND LYLE CAME OVER NEXT TO ME. THERE WAS NO

28 DISCUSSION ABOUT THESE THINGS. I JUST -- I WAS VERY

1 EXHAUSTED, AND I DON'T REMEMBER A CONVERSATION.

2 Q WHAT WAS THE NEXT THING THAT YOU DID?

3 A I REMEMBER SPEAKING TO MY BROTHER.

4 Q WHAT DID YOU TALK ABOUT?

5 A THE FACT THAT THE POLICE HADN'T GOT

6 THERE.

7 Q THEN WHAT DID YOU DO?

8 A SOME WORDS WERE SAID ABOUT THAT, AND I

9 SAID, LET'S GET OUT OF HERE. AND HE AGREED AND WE

10 LEFT.

11 Q DID YOU DO ANYTHING BEFORE YOU LEFT?

12 A YES.

13 Q WHAT DID YOU DO?

14 A WE WENT INTO THE DEN. I REMEMBER MY

15 BROTHER WENT INTO THE DEN TO GET HIS GUN, AND I

16 REMEMBER WE WERE WALKING OUT OF THE FOYER, AND ONE

17 OF US SAID TO PICK UP THE SHELLS.

18 Q DID YOU PICK UP SHELLS?

19 A YES.

20 Q WHY?

21 A JUST FLASHED -- I REMEMBER IT FLASHING

22 THROUGH MY MIND. I DON'T KNOW IF IT WAS AFTER MY

23 BROTHER HAD SAID IT OR IF BECAUSE OF THAT I SAID IT,

24 THERE MIGHT BE FINGERPRINTS ON THE SHELLS BECAUSE WE

25 HAD HANDLED THEM. SO WE JUST DECIDED TO PICK THEM

26 UP, SINCE THERE WAS NO ONE COMING TO THE HOUSE.

27 Q BEFORE YOU PICKED UP THE SHELLS, DID YOU

28 DO ANYTHING WITH THE LIGHTS?

43643

1 A YES.

2 Q WHAT DID YOU DO?

3 A TURNED UP THE LIGHTS.

4 Q WHEN THE LIGHTS WERE TURNED ON AND YOU

5 WERE IN THE ROOM PICKING UP THE SHELLS, DID YOU LOOK

6 AT YOUR MOTHER AND YOUR FATHER?

7 A I REMEMBER MY FATHER SITTING ON THE

8 SOFA. I REMEMBER TRYING NOT TO LOOK AT THEM AND

9 JUST SCRAMBLING TO PICK UP THE SHELLS.

10 Q DID YOU TOUCH EITHER BODY?

11 A NO.

12 Q WHAT DID YOU DO AFTER YOU PICKED UP THE

13 SHELLS?

14 A I LEFT THE HOUSE.

15 Q DID YOU EVER TRY TO MAKE THIS LOOK LIKE

16 A ROBBERY OR A BURGLARY OR SOME OTHER CRIME?

17 A NO.

18 Q DID YOU DO ANYTHING TO -- STRIKE THAT.

19 WHERE DID YOU GO WHEN YOU LEFT THE

20 HOUSE?

21 A I REMEMBER WE MADE A RIGHT AND WE WENT

22 DOWN A STREET, WE MADE A LEFT AND WERE -- JUST -- I
23 REMEMBER WE LEFT THE HOUSE AND WE WERE GOING DOWN
24 ONE OF THE STREETS.
25 MR. LEVIN: YOUR HONOR, THIS WOULD BE A GOOD
26 PLACE FOR ME TO BREAK.
27 THE COURT: OKAY. WE'LL RE RECESS UNTIL
28 QUARTER AFTER THREE.

43644

1 DON'T DISCUSS THE MATTER WITH ANYONE.
2 DON'T FORM ANY FINAL OPINIONS IT. AND WE'LL RESUME
3 AT 3:15.
4 (A RECESS WAS TAKEN FROM
5 3:00 P.M. TO 3:20 P.M.)

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43645

1 THE COURT: OKAY. LET'S HAVE THE JURY OUT,
2 PLEASE.

3 (THE JURY ENTERED THE
4 COURTROOM AND THE FOLLOWING
5 PROCEEDINGS WERE HELD:)

6
7 THE COURT: THE JURY'S BACK AND WE'LL
8 CONTINUE WITH THE DIRECT EXAMINATION.

9 Q BY MR. LEVIN: MR. MENENDEZ, HOW LONG
10 AGO DID THIS HAPPEN?

11 A SIX YEARS AGO.

12 Q HOW OLD WERE YOU THEN?
13 MR. CONN: OBJECTION. ASKED AND ANSWERED.
14 THE COURT: OVERRULED.
15 THE WITNESS: I WAS 18.
16 Q BY MR. LEVIN: TWENTY-FIVE NOW?
17 A YES.
18 Q DO YOU HAVE ANY CLEARER RECOLLECTION OF
19 WHAT YOU SAW AND WHAT YOU DID WHEN YOU ENTERED THAT
20 ROOM THAN YOU DO RIGHT NOW?
21 A NO.
22 Q HAVE YOU -- THE IMAGES, THE THINGS THAT
23 YOU SEE, THE FEELINGS THAT YOU HAVE, HAVE THEY
24 CHANGED IN ANY WAY FROM AUGUST 20TH, 1989, UNTIL
25 TODAY?
26 A THEY'VE NEVER CHANGED.
27 Q WHY DID YOU SHOOT YOUR PARENTS?
28 A I WAS AFRAID; STOP THEM FROM KILLING

43646

1 US.
2 Q YOU SAY STOP THEM FROM KILLING YOU.
3 WHEN DID YOU HAVE THAT BELIEF?
4 A WHEN I WAS AT THE TOP OF THE STAIRS,
5 RIGHT AFTER THE BLOW-UP WITH MY FATHER.
6 Q WHEN THE BLOW-UP WITH YOUR FATHER TOOK

7 PLACE, YOU TESTIFIED THAT YOU THOUGHT THAT HE WAS

8 GOING TO HAVE SEX WITH YOU?

9 A HE WAS.

10 Q WHY DID YOU FEEL THAT HE WOULD HAVE SEX

11 WITH YOU?

12 A BECAUSE OF HIS ANGER, BECAUSE HE TOLD ME

13 TO GET TO MY ROOM AND SAID HE'D BE THERE IN A

14 MINUTE. IT'S JUST WHAT I -- WAS PRESENT IN MY MIND.

15 I KNEW WHAT WAS GOING TO HAPPEN WAS -- I JUST KNEW

16 THAT HE WAS.

17 Q HAD YOUR FATHER USED SEX WITH YOU AS A

18 FORM OF PUNISHMENT BEFORE?

19 A YES.

20 Q DID YOU THINK THAT THAT WAS GOING TO

21 HAPPEN ON AUGUST THE 20TH?

22 A THERE WAS ANGER, YES.

23 Q DID YOU EVER SEE YOUR MOTHER CRAWLING

24 WHEN YOU WERE INSIDE THE DEN?

25 A SHE WAS NOT CRAWLING.

26 Q DID YOU EVER SHOOT HER WHEN SHE WAS IN

27 ANY OTHER POSITION THAN STANDING?

28 A I HAVE NO IDEA.

43647

1 Q DID YOU EVER STAND OVER HER AND SHOOT

2 HER AS SHE LAY ON THE GROUND?

3 A I NEVER GOT CLOSE ENOUGH TO THE COFFEE
4 TABLE TO DO THAT.

5 Q DID YOU EVER SHOOT YOUR FATHER IN THE
6 HEAD?

7 A I DON'T KNOW.

8 Q YOU HAVE SEEN PHOTOGRAPHS, HAVE YOU NOT,
9 OF THE BACK OF YOUR FATHER'S HEAD?

10 A YES.

11 Q YOU'VE SEEN ALL THE CRIME-SCENE
12 PHOTOGRAPHS THAT HAVE BEEN DISPLAYED IN THIS TRIAL
13 BEFORE? YOU'VE BEEN SHOWN THOSE PHOTOGRAPHS
14 BEFORE?

15 A I NEVER SAW THOSE PHOTOGRAPHS UNTIL THE
16 FIRST TRIAL.

17 Q THE FIRST TRIAL YOU SAW THE PHOTOGRAPHS
18 OF YOUR PARENTS?

19 A YES.

20 Q YOU SAW THE PHOTOGRAPHS OF THEM DEAD --

21 A YES.

22 Q -- AT THE FIRST TRIAL?

23 AND OF COURSE YOU SAW THEM HERE.

24 A YES.

25 Q YOU SAW THE WOUND IN THE BACK OF YOUR
26 FATHER'S HEAD?

27 A YES.

28 Q DID YOU INFLICT THAT WOUND?

1 A MY BROTHER DID.

2 Q WHEN YOU WERE INSIDE THE ROOM YOU
3 TESTIFIED THAT YOU HEARD THE SOUNDS OF GUNFIRE?

4 A GUNFIRE FROM ALL OVER.

5 Q DID YOU KNOW FROM WHOM THAT GUNFIRE WAS
6 COMING?

7 A I THOUGHT IT WAS COMING FROM MY GUN, MY
8 BROTHER'S GUN, MY PARENTS' GUNS. I THOUGHT THEY
9 WERE FIRING AT US. WE WERE FIRING. I WASN'T
10 THINKING. AND SO THESE ARE REFLECTIONS. I'M
11 LOOKING BACK ON WHAT WAS GOING THROUGH MY MIND. AT
12 THE TIME THESE THINGS -- MAYBE THEY WERE FLASHES IN
13 MY MIND. I DON'T KNOW.

14 Q DID YOU SEE ANY GUNS IN THE ROOM AFTER
15 YOU PICKED UP THE SHOTGUN SHELLS AND LEFT?

16 A I DIDN'T LOOK AT THAT TIME.

17 Q HAD YOU SEEN ANY?

18 A NO.

19 Q WHERE DID YOU GO WHEN YOU LEFT THE
20 HOUSE -- OR, FIRST OF ALL, WHERE DID YOU PUT THE
21 SHOTGUN SHELLS THAT YOU PICKED UP?

22 A PUT THEM IN THE BACK OF THE CAR. I
23 REMEMBER ONE THE NEXT MORNING WAS IN FRONT OF MY
24 SEAT, SO I -- SOME OF THEM MUST HAVE BEEN THROUGHOUT
25 THE CAR.

26 Q WHEN YOU PICKED UP THE SHELLS,
27 MR. MENENDEZ, DID YOU PUT THEM IN YOUR POCKETS?
28 A I DON'T REMEMBER. I CARRIED THEM IN

43649

1 SOME WAY BACK TO THE CAR.

2 Q DO YOU KNOW HOW MANY SHELLS YOU PICKED
3 UP?

4 A NO.

5 Q WAS LYLE MENENDEZ PICKING UP SHELLS AS
6 WELL?

7 A YES.

8 Q DID YOU SEE HOW LYLE MENENDEZ -- OR WHAT
9 LYLE MENENDEZ DID WITH THE SHELLS THAT HE PICKED
10 UP?

11 A HE CAN'T -- I DON'T EVEN REMEMBER SEEING
12 LYLE AGAIN UNTIL I WAS IN THE CAR. I KNOW HE WAS
13 PICKING UP SHELLS WITH ME AND GOING TO THE CAR WITH
14 ME, BUT I DON'T HAVE A MEMORY OF IT.

15 Q YOUR CAR WAS PARKED WHERE AT THIS TIME?

16 A IN THE CARPORT IN FRONT OF THE HOUSE.

17 Q AND YOUR CAR IS THE FORD ESCORT?

18 A YES.

19 Q AND WHEN YOU SAY HE PUT THE SHELLS IN
20 THE BACK OF THE CAR, IN WHAT MANNER DID YOU DEPOSIT

21 THEM THERE?

22 A I ASSUME I JUST THREW THEM IN THE CAR.

23 I WANTED TO GET OUT OF THERE AT THAT POINT, AND I

24 DON'T REMEMBER.

25 Q DID YOU SEE LYLE MENENDEZ PUT HIS SHELLS

26 IN THE FORD ESCORT?

27 A NO.

28 Q WHAT DID YOU DO AFTER YOU PUT THE SHELLS

43650

1 INSIDE THE CAR?

2 A I GOT IN THE CAR AND WE LEFT.

3 Q WHERE WAS YOUR SHOTGUN?

4 A I PUT IT IN THE CAR.

5 Q WHERE DID YOU PUT IT IN YOUR CAR?

6 A I THREW IT IN THE BACK.

7 Q WHAT ABOUT LYLE MENENDEZ' SHOTGUN?

8 WHERE DID HE PUT HIS?

9 A IN THE BACK AS WELL.

10 Q DID YOU COVER THEM WITH ANYTHING?

11 A NO, I DIDN'T.

12 Q JUST THREW THEM IN THE CAR?

13 A YES.

14 Q BY THE WAY, THE AREA IN THE FRONT OF

15 YOUR HOUSE WHERE YOUR CAR WAS PARKED, IS THAT

16 VISIBLE FROM THE STREET?

17 A YES.

18 Q WHAT SEPARATES, IF ANYTHING, THE AREA

19 WHERE YOUR CAR WAS PARKED, THE CARPORT, AND ANYONE

20 DRIVING BY ON -- ON ELM DRIVE?

21 A THERE'S AN IRON FENCE WITH IRON BARS A

22 FOOT APART; CARS ABOUT 15 FEET AWAY FROM THE SIDE OF

23 THE STREET, 10 FEET AWAY FROM THE SIDE OF THE

24 STREET.

25 Q SO COULD A PERSON WALKING DOWN THE

26 STREET, HYPOTHETICALLY, LOOK OVER AND SEE YOUR CAR?

27 A YES.

28 Q COULD A PERSON DRIVING BY ELM DRIVE

43651

1 EITHER DIRECTION, HYPOTHETICALLY, NORTH OR SOUTH,

2 HYPOTHETICALLY, SEE THE CAR?

3 A YES.

4 Q AND WHEN YOU WERE LOADING YOUR SHOTGUN,

5 FIRST UNLOADING THE BIRD SHOT AND THEN LOADING YOUR

6 SHOTGUN, WERE YOU IN A POSITION WHERE PEOPLE, IF

7 THEY WERE ON THE SIDEWALK, EITHER WALKING OR ON THE

8 STREET DRIVING BY IN THE MANNER I PREVIOUSLY

9 INDICATED, WOULD THEY BE ABLE TO SEE YOU IN THAT

10 POSITION?

11 A YES.

12 Q WHAT DID YOU DO AFTER YOU GOT INTO THE
13 CAR? WHERE'D YOU GO?

14 A I REMEMBER MAKING A RIGHT OUT OF THE
15 DRIVEWAY AND MAKING A LEFT. WE DIDN'T GO UP TO
16 SUNSET. THERE WAS A STREET BEFORE SUNSET THAT YOU
17 CAN TURN ON. I REMEMBER WE WERE DRIVING ON THAT.

18 Q RIGHT IS GOING NORTH TOWARDS SUNSET?

19 A IF SUNSET IS NORTH, THEN THAT'S WHERE WE
20 HEADED.

21 Q AND YOU WENT TO THE STREET THAT WOULD BE
22 BEFORE OR SOUTH OF SUNSET AND TURNED RIGHT?

23 A RIGHT. IT'S AT THE CORNER JUST BELOW
24 SUNSET.

25 Q YOU TURNED EAST. IF YOU WERE GOING
26 NORTH, YOU TURNED TO THE RIGHT WHICH WOULD BE EAST?

27 A NO. I TURNED TO THE LEFT AND THAT WOULD
28 BE WEST.

43652

1 Q DID YOU HAVE AN IDEA OR WERE YOU GOING
2 SOMEWHERE?

3 A AT THAT POINT WE WEREN'T SURE WHERE TO
4 GO. WE WERE QUICKLY TALKING BACK AND FORTH ABOUT
5 WHETHER WE SHOULD TRY TO GET RID OF THE GUNS OR

6 WHERE WE SHOULD FIND A PLACE TO BE BEFORE THEN. WE
7 HAD TOLD OUR PARENTS THAT WE WOULD BE AT THE MOVIES,
8 AND WE JUST HEADED OVER THERE.

9 Q WHO WAS DRIVING THE CAR?

10 A MY BROTHER WAS DRIVING THE CAR.

11 Q SO WHERE DID YOU GO?

12 A TO THE CENTURY 14 THEATRE.

13 Q WHERE IS THE CENTURY 14 THEATRE?

14 A IN CENTURY CITY.

15 Q WHY DID YOU GO THERE?

16 A THERE WASN'T MUCH ELSE PLACE TO GO.

17 Q WERE YOU GOING TO DO ANYTHING IN

18 PARTICULAR WHEN YOU GOT TO THE CENTURY 14 THEATRE?

19 A WE WERE GOING TO TRY TO GET TICKETS FOR

20 THE THEATRE AND FOR THE MOVIE.

21 Q WHY WERE YOU GOING TO TRY TO OBTAIN

22 TICKETS FOR THE MOVIE?

23 A WE HAD -- WE HAD NO -- WE HAD NO PLACE TO

24 SAY THAT WE WERE AND IT WAS THE ONLY PLACE THAT WE

25 COULD SAY THAT WE WERE.

26 Q YOU SAY NO PLACE TO SAY THAT YOU WERE.

27 WHAT -- WHO WERE YOU GOING TO TELL, THE

28 POLICE?

1 A YES.

2 Q AND HAD YOU MADE A DECISION TO CONTACT
3 THE POLICE?

4 A NO, BUT WE WERE -- AT THAT POINT WE WERE
5 TRYING TO -- WE WERE SCRAMBLING AROUND OR -- I DON'T
6 REMEMBER IF I FELT THAT WE SHOULD HAVE GOTTEN RID OF
7 THE GUNS FIRST OR IF THAT WAS LYLE. I JUST REMEMBER
8 TALKING VERY QUICKLY AND MAKING A HASTY DECISION
9 JUST TO GO OVER TO THE THEATRE, TRY TO GET SOME
10 TICKETS, SO THAT WE COULD GIVE THE POLICE A PLACE
11 THAT WE HAD BEEN INSTEAD OF AT THE HOME.

12 Q YOU WERE GOING TO ESTABLISH AN ALIBI?

13 A RIGHT.

14 Q WHAT HAPPENED WHEN YOU GOT TO THE
15 THEATRE?

16 A I REMEMBER WE PARKED ON THE SIDE STREET
17 TO THE THEATRES. I REMEMBER RUNNING UPSTAIRS IN
18 FRONT OF A VALET PARKING. THE BOOTH IS ON A
19 WALKWAY. I DON'T REMEMBER HOW MANY FEET IN FRONT OF
20 THE STAIRS, 50 FEET. I REMEMBER THERE WERE SOME
21 PEOPLE IN FRONT OF US AND I REMEMBER BEING AT THE
22 TICKET COUNTER.

23 Q WHEN YOU SAY YOU REMEMBER BEING AT A
24 TICKET COUNTER, WAS LYLE MENENDEZ WITH YOU?

25 A YES.

26 Q WHERE WAS HE?

27 A ON MY SIDE.

28 Q WHERE DID YOU PARK THE CAR?

1 A ON A SIDE STREET NEXT TO THE THEATRES.

2 IT'S A BIG MALL COMPLEX.

3 Q DID YOU ATTEMPT TO PURCHASE TICKETS FOR
4 ANY PARTICULAR THEATRE OR MOVIE?

5 A YES.

6 Q WHAT MOVIE WAS IT THAT YOU WANTED TO
7 PURCHASE THE TICKETS FOR?

8 A A MOVIE CALLED "LICENSE TO KILL."

9 Q DID YOU OBTAIN THOSE TICKETS?

10 A NO.

11 Q WHY WERE YOU GOING TO SELECT THE MOVIE
12 "LICENSE TO KILL"?

13 A MY BROTHER HAD PLANNED SOME -- WAS
14 SUPPOSED TO MEET A FRIEND OF HIS WHO WAS WAITING FOR
15 HIM INSIDE THE THEATRE AT THAT TIME.

16 Q WHO'S THE FRIEND?

17 A CAREY PARKER. AND HE WAS IN THE
18 "BATMAN" MOVIE THEATRE. AND SO WE COULDN'T GET
19 TICKETS TO THAT MOVIE BECAUSE CAREY KNEW WE WEREN'T
20 IN THERE. SO THE ONLY OTHER CHOICE -- I DON'T
21 REMEMBER WHAT MOVIES WERE PLAYING AT THE TIME, BUT
22 "LICENSE TO KILL" WAS, SO...

23 Q WHY DID YOU PICK "LICENSE TO KILL"?

24 A WE WERE JUST LOOKING FOR A DIFFERENT
25 MOVIE OTHER THAN "BATMAN" AND -- I DON'T REMEMBER
26 NOW.
27 Q HAD YOU SEEN "LICENSE TO KILL" BEFORE?
28 A YES, I HAD.

43655

1 Q AND WAS THAT A CONCERN THAT YOU HAD, TO
2 GET TICKETS TO A MOVIE YOU HAD ALREADY SEEN?
3 A PROBABLY.
4 Q DID YOU GET THOSE TICKETS?
5 A NO.
6 Q WHY NOT?
7 A THE LADY TOLD US THAT THE MOVIE HAD
8 ALREADY BEEN SOLD OUT, AND APPARENTLY THE ONLY OTHER
9 MOVIE PLAYING AT THE TIME OR THAT WE HAD SEEN WAS
10 "BATMAN." SO WE JUST ASKED FOR THOSE TICKETS TO
11 THE 8:00 SHOWING.
12 Q DID YOU BUY THEM?
13 A SHE SAID THAT WE WOULDN'T GET THEM
14 BECAUSE THE MOVIE WAS ALMOST OVER. SO WE JUST
15 ASKED -- I DON'T REMEMBER IF LYLE ASKED FOR TICKETS
16 FOR THE NEXT SHOWING OR JUST ANY TICKETS OF THAT
17 MOVIE, AND SHE GAVE THEM TO US.
18 Q AND WHAT -- DID YOU LOOK AT THE TICKETS?

19 A I REMEMBER BEING IN MY CAR LOOKING AT
20 THE TICKETS.

21 Q WHAT WERE YOU LOOKING FOR?

22 A TO SEE IF THERE WAS A TIME STAMP ON THE
23 TICKETS, WHETHER IT WAS -- WHAT SHOWING IT WAS FOR.

24 Q WAS THERE A TIME STAMP ON THEM?

25 A YES.

26 Q AND WHAT TIME DID THE TICKETS INDICATE?

27 A IT WAS FOR THE LATER SHOWING OF THE
28 MOVIE, THE 10:30 MOVIE OR 10:15 MOVIE.

43656

1 Q WHAT DID YOU DO THEN?

2 A I RIPPED UP THE TICKETS AND EITHER THREW
3 THEM AWAY IN MY CAR OR THREW THEM OUT THE WINDOW. I
4 DON'T REMEMBER NOW. I GOT RID OF THEM.

5 Q WHAT DID YOU DO -- DID YOU LEAVE THE
6 CENTURY 14 MOVIE THEATRE?

7 A YES, I DID.

8 Q WHERE DID YOU GO?

9 A WENT LOOKING FOR A PLACE TO GET RID OF
10 THE GUNS.

11 Q DID YOU HAVE ANY IDEA WHERE YOU WOULD
12 GET RID OF THE GUNS?

13 A WE WERE COMING UP WITH IDEAS AND I

14 SUGGESTED MULHOLLAND AND SO I -- I SHOWED LYLE HOW TO

15 GET THERE.

16 Q HOW LONG DID IT TAKE YOU, WOULD YOU SAY,
17 FROM THE TIME YOU LEFT YOUR HOUSE, TO GET TO THE
18 MOVIE THEATRE, PURCHASE THE TICKETS, AND THEN
19 LEAVE?

20 A THEATRE IS FIVE MINUTES AWAY FROM THE
21 HOUSE, I WOULD GUESS. IT'S BEEN A LONG TIME. WE
22 WEREN'T AT THE THEATRE MORE THAN A MINUTE OR TWO.
23 DIDN'T TAKE US MORE THAN A MINUTE OR TWO TO GET BACK
24 TO THE CAR AND THEN WE LEFT.

25 Q DID YOU EVENTUALLY GET RID OF THOSE
26 SHOTGUNS?

27 A YES.

28 Q WHERE DID YOU GET RID OF THEM?

43657

1 A OFF OF COLDWATER ON MULHOLLAND HIGHWAY
2 OR DRIVE. I TOOK THEM AND DASHED DOWN THE SIDE OF A
3 MOUNTAIN.

4 I REMEMBER GOING ON -- I REMEMBER
5 TRIPPING AND TRYING TO GET DOWN THE MOUNTAIN, IT WAS
6 PRETTY STEEP, AND JUST PUTTING THEM ON THE SIDE OF
7 THE MOUNTAIN AND RACING TO GET BACK UP. I DON'T
8 REMEMBER HOW MANY FEET IT WAS DOWN.

9 Q APPROXIMATELY HOW LONG DID IT TAKE YOU
10 TO DRIVE FROM THE MOVIE THEATRE TO THIS LOCATION ON
11 MULHOLLAND AT COLDWATER?

12 A I DON'T KNOW.

13 Q WERE YOU DRIVING?

14 A NO.

15 Q WAS LYLE MENENDEZ FAMILIAR WITH THE
16 AREA?

17 A NO, HE WASN'T.

18 Q WERE YOU GIVING HIM DIRECTIONS?

19 A YEAH. I WAS TELLING HIM TO SLOW DOWN AT
20 TIMES. HE WAS DRIVING TOO FAST AND RUSHING, AND I
21 WAS TELLING HIM TO MAKE A RIGHT HERE OR A LEFT HERE.

22 Q WHAT WAS LYLE MENENDEZ' DEMEANOR AT THIS
23 TIME?

24 A HE WAS SHAKING AT THIS TIME. HE WAS IN
25 SHOCK AND HE WASN'T CRYING, BUT HE WAS FRAZZLED.

26 Q HOW ABOUT YOURSELF?

27 A I THINK I WAS -- I WAS STILL -- MY HEART
28 BEAT WAS STILL PUMPING REALLY FAST AND I WAS JUST

43658

1 HYPERACTIVE IN TERMS OF SAYING DO THIS, MAKE A RIGHT
2 HERE, IN THE SAME TYPE OF STATE.

3 Q DURING THIS PARTICULAR TIME,

4 MR. MENENDEZ, WERE YOU STILL OPERATING UNDER THE

5 FIRM BELIEF THAT YOU HAD TO SHOOT YOUR PARENTS?

6 A AFTER THEY WERE DEAD?

7 Q AT THIS TIME WHEN YOU LEFT THE MOVIE

8 THEATRE, YES.

9 A I DON'T KNOW WHAT YOU MEAN BY THE

10 QUESTION.

11 Q WELL, DID YOU BELIEVE YOU -- WHEN YOU

12 KILLED YOUR PARENTS THAT THEY WERE ABOUT TO KILL

13 YOU?

14 A YES.

15 Q DID YOU BELIEVE YOU HAD ANY CHOICE TO DO

16 WHAT YOU DID?

17 A NOT IF I WANTED TO LIVE.

18 Q DID YOU STILL HAVE THIS BELIEF WHEN YOU

19 WERE AT THE MOVIE THEATRE AND WHEN YOU WENT TO

20 DUMP --

21 A YES.

22 Q -- THE SHOTGUNS?

23 A I UNDERSTAND WHAT YOU MEAN. YES.

24 Q NOW, DID YOU -- WERE YOU FAMILIAR WITH

25 THE AREA ON COLDWATER AND MULHOLLAND?

26 A I'D DRIVEN UP IT MANY TIMES BEFORE.

27 Q DO YOU HAVE ANY IDEA HOW LONG IT TOOK

28 YOU TO GET THERE? DID YOU GO DIRECTLY THERE?

1 A WE LEFT STRAIGHT FROM THE MOVIE THEATRE
2 UP COLDWATER. I NO LONGER REMEMBER HOW LONG IT
3 WAS. TEN MINUTES. FIFTEEN MINUTES. IN TERMS OF
4 GETTING UP THERE AND GETTING BACK, I DON'T KNOW.

5 Q NOW, WHEN YOU GOT TO AN AREA, DID YOU
6 PICK A SPECIFIC AREA TO GET RID OF THE SHOTGUNS?

7 A HE JUST PULLED OVER ON THE SIDE OF THE
8 ROAD WHERE IT WAS POSSIBLE TO PULL OVER. I REMEMBER
9 THERE WAS A LOT OF TREES AROUND US. IT WAS DARK.
10 YOU COULDN'T SEE VERY WELL.

11 Q AND DID LYLE MENENDEZ GET OUT OF THE
12 CAR?

13 A I DON'T REMEMBER HIM DOING SO.

14 Q YOU GOT OUT OF THE CAR?

15 A YES.

16 Q AND YOU GOT THE SHOTGUNS FROM THE BACK?

17 A RIGHT.

18 Q DID YOU TAKE THE SHOTGUN SHELLS OUT OF
19 THE BACK OF YOUR CAR?

20 A NO.

21 Q WHY NOT?

22 A THERE WERE SHELLS ALL OVER THE CAR AT
23 THIS POINT, AND I JUST GRABBED THE GUNS. I DON'T
24 KNOW WHY ANYMORE.

25 Q YOU SAID YOU HAD TO GO DOWN A STEEP
26 BANK?

27 A IT WAS A STEEP BANK. I REMEMBER FALLING

43660

1 GOTTEN SO FAR, I JUST DECIDED TO STOP AND PUT THE
2 GUNS THERE AND RUN BACK UP.

3 Q IN WHAT MANNER DID YOU LEAVE THOSE
4 SHOTGUNS?

5 A I HAD PUT THEM NEXT TO A BUSH AND TRIED
6 TO BRUSH SOMETHING OVER THEM, BUT THEY WERE
7 EXPOSED. I REMEMBER SEEING THE LIGHTS WAY UP AT THE
8 TOP OF THE HILL AT THE TOP.

9 Q WAS THIS A RESIDENTIAL AREA?

10 A NO.

11 Q WHERE DID YOU GO AFTER YOU DEPOSITED
12 THOSE SHOTGUNS IN THE MANNER YOU JUST TESTIFIED?

13 A WE WENT TO SANTA MONICA.

14 Q WHAT DID YOU DO IN SANTA MONICA?

15 A MY BROTHER HAD HAD PLANS FROM EARLIER
16 THAT DAY TO MEET PERRY IN SANTA MONICA AND WE WERE
17 TRYING TO GET OVER THERE. WE WERE LIKE AN HOUR LATE
18 OR SOMETHING. AND SO WE JUST DECIDED TO GO THERE.

19 Q DO YOU KNOW WHERE IT WAS THAT YOUR
20 BROTHER HAD PLANNED TO MEET PERRY BERMAN?

21 A IT WAS A "TASTE OF L.A." OR A WINE
22 TASTING -- SOMETHING AT THE CIVIC CENTER IN SANTA

23 MONICA.

24 Q DID YOU -- DID LYLE MENENDEZ CONTINUE TO
25 DRIVE YOUR CAR FROM THE LOCATION AT MULHOLLAND?

26 A YES.

27 Q AND DID HE DRIVE OVER TO THE SANTA
28 MONICA CIVIC CENTER?

43661

1 A YES.

2 Q DID HE DRIVE DIRECTLY FROM COLDWATER AND
3 MULHOLLAND TO THE SANTA MONICA CIVIC CENTER?

4 A I KNOW THAT WE STOPPED AT A GAS STATION
5 AT ONE POINT. I NO LONGER REMEMBER WHETHER IT WAS
6 BEFORE OR AFTER WE'D GOTTEN TO THE CIVIC CENTER. I
7 THINK WE GOT LOST AT ONE POINT IN THERE IN SANTA
8 MONICA FINDING THE CIVIC CENTER.

9 Q WHY DID YOU STOP AT A GAS STATION?

10 A TO GET RID OF EVERYTHING IN THE CAR.

11 Q AND DID YOU STOP AT THE GAS STATION?

12 A YES.

13 Q WHAT DID YOU DO AT THE GAS STATION?

14 A I REMEMBER THERE WAS A CAR WASH AT THE
15 GAS STATION. WE PARKED NEAR THE DUMPSTERS AND
16 QUICKLY GOT OUT OF THE CAR AND TRIED TO FIND
17 EVERYTHING THAT WAS IN THE CAR. IT WAS DARK. I

18 REMEMBER SEEING RED SPATTERS ON MY PANTS. I TOOK

19 THEM OFF.

20 Q BLOOD SPATTERS?

21 A YES.

22 Q WHERE WERE THEY?

23 A ON MY PANTS.

24 Q WHERE ON YOUR PANTS?

25 A I REMEMBER SEEING THEM ON MY RIGHT

26 THIGH.

27 Q WHAT KIND OF PANTS WERE YOU WEARING?

28 A I BELIEVE I WAS WEARING BLUE JEANS.

43662

1 Q SO WHAT DID YOU DO WITH YOUR PANTS?

2 A I TOOK THEM OFF, THREW THEM IN THE

3 DUMPSTER.

4 Q WHEN YOU TOOK OFF YOUR PANTS AND THREW

5 THEM IN THE DUMPSTER, DID YOU PUT ON OTHER PANTS?

6 A EITHER SWEATS OR PANTS THAT I HAD IN THE

7 CAR.

8 Q WHERE DID YOU GET THE SWEATS OR THE

9 PANTS?

10 A I HAD CLOTHES PILED UP IN THE BACK OF

11 THE CAR HIGH UP.

12 Q HOW LONG HAD THOSE CLOTHES BEEN IN YOUR

13 CAR?

14 A THEY RECYCLED IN TERMS OF THEY GOT
15 WASHED, BUT THERE WERE -- IT WAS CONSTANTLY GOING TO
16 TENNIS TOURNAMENTS IN THE BACK AND THEY JUST
17 REMAINED THERE. I DON'T REMEMBER. I DON'T REMEMBER
18 HAVING THE CAR AND THERE NOT BEING CLOTHES IN THERE.

19 Q YOU ALWAYS HAD CLOTHES IN YOUR CAR?

20 A YES.

21 Q DID YOU -- SO DID YOU THROW THE PANTS IN
22 THE DUMPSTER IN A BAG OR DID YOU JUST THROW THEM --

23 A I THINK WE WERE THROWING THINGS IN ONE
24 OF THE OTHER TENNIS BAGS THAT WE HAD AND THREW THAT
25 IN THE DUMPSTER.

26 Q WAS THIS A TENNIS BAG YOU HAD IN YOUR
27 CAR?

28 A RIGHT.

43663

1 Q DID YOU GET ANY SHELLS OUT OF YOUR CAR?

2 A AS MANY AS WE COULD FIND AT THAT POINT.

3 Q WHAT DID YOU DO AFTER THAT?

4 A I DON'T REMEMBER IF WE WERE HEADING
5 TOWARDS SANTA MONICA -- THE GAS STATION WAS IN SANTA
6 MONICA. I DON'T REMEMBER IF WE WERE HEADING TOWARD
7 THE CIVIC CENTER OR ON OUR WAY BACK. I KNOW AT SOME

8 POINT WE GOT TO THE CIVIC CENTER.

9 Q WHAT ABOUT YOUR SHOES? DID YOU THROW
10 AWAY YOUR SHOES?

11 A I THINK I DID.

12 Q WHAT KIND OF SHOES DID YOU HAVE ON?

13 A I BELIEVE I HAD ON SLIPPERS.

14 Q WHY DID YOU THROW AWAY YOUR SHOES?

15 A FOR THE SAME REASONS. I NO LONGER
16 REMEMBER, BUT IF I THREW THEM AWAY IT WAS BECAUSE I
17 SAW RED SPATTERS ON THEM.

18 Q DID LYLE MENENDEZ THROW AWAY ANY OF HIS
19 CLOTHES?

20 A I CAN'T REMEMBER AT THIS POINT. I DON'T
21 HAVE A CLEAR RECOLLECTION OF HIM DOING SO.

22 Q DO YOU RECALL DRIVING OR ARRIVING AT THE
23 SANTA MONICA CIVIC AUDITORIUM OR CENTER?

24 A YES.

25 Q AND DO YOU RECALL CLEARLY AT THIS TIME
26 WHETHER IT WAS BEFORE OR AFTER YOU WENT TO THE GAS
27 STATION?

28 A NO.

43664

1 Q WAS THE SEQUENCE THAT YOU WENT FROM
2 MULHOLLAND POSSIBLY TO SANTA MONICA AND THEN TO THE

3 DUMPSTER; OR YOU WENT FROM COLDWATER CANYON TO THE
4 DUMPSTER AND THEN TO SANTA MONICA CIVIC AUDITORIUM?
5 WAS IT ONE OF THOSE TWO?

6 A YES.

7 Q AND DO YOU HAVE ANYTHING IN YOUR MIND
8 THAT IT COULD HAVE BEEN ANY OTHER -- OTHER THAN THOSE
9 TWO OPTIONS?

10 A THERE -- WE WEREN'T ANY OTHER PLACE THAT
11 NIGHT.

12 Q DO YOU HAVE ANY IDEA HOW LONG IT TOOK
13 YOU TO ARRIVE AT THE SANTA MONICA CIVIC AUDITORIUM
14 FROM THE TIME YOU LEFT YOUR HOUSE, THE ENTIRE TRIP,
15 GOING TO THE MOVIE, TO COLDWATER, THE GAS STATION,
16 THEN TO THE SANTA MONICA CIVIC AUDITORIUM?

17 A UNDER AN HOUR.

18 Q WHAT HAPPENED WHEN YOU GOT TO THE SANTA
19 MONICA CIVIC AUDITORIUM?

20 A I REMEMBER THAT IT WAS CLOSING. I
21 BELIEVE AT THIS POINT I HAD STARTED TO CRY. MY
22 BROTHER TOLD ME TO STAY IN THE CAR; QUICKLY RAN INTO
23 THE CIVIC CENTER TO TRY TO FIND PERRY. I REMEMBER
24 HIM COMING OUT MANY MINUTES LATER SAYING THAT HE
25 COULDN'T FIND PERRY AND THAT HE HAD CALLED PERRY ON
26 THE PHONE AND THAT WE WERE GOING TO TRY TO MEET HIM
27 AT A RESTAURANT IN BEVERLY HILLS, THE CHEESECAKE
28 FACTORY.

1 Q LYLE MENENDEZ CAME OUT OF THE CIVIC
2 CENTER TELLING YOU THAT HE HAD TALKED TO PERRY ON
3 THE TELEPHONE?

4 A YES.

5 Q HOW LONG WAS LYLE MENENDEZ GONE FROM
6 YOUR LOCATION UNTIL HE RETURNED?

7 A I JUST REMEMBER HIM BEING GONE FOR A
8 VERY LONG -- SEEMED LIKE A LONG TIME. THE MINUTES
9 WERE PASSING VERY SLOWLY. AND -- 10 MINUTES, 15
10 MINUTES.

11 Q WHAT DID YOU DO?

12 A I WAITED IN THE CAR.

13 Q AFTER LYLE MENENDEZ RETURNED, DID YOU GO
14 TO THAT RESTAURANT?

15 A WE ATTEMPTED TO, BUT WE NEVER MADE IT
16 THERE.

17 Q WAS THERE A REASON WHY YOU DIDN'T MAKE
18 IT TO THE RESTAURANT?

19 A YES.

20 Q WHAT WAS THAT REASON?

21 A I WASN'T IN ANY CONDITION TO BE ABLE TO
22 MEET PERRY AND PRETEND I WAS NORMAL AND NEITHER WAS
23 MY BROTHER. SO LYLE JUST DECIDED TO GO HOME INSTEAD
24 OF GOING OVER TO THE RESTAURANT.

25 Q WHY WERE YOU GOING TO GO HOME?

26 A BECAUSE I COULDN'T MEET PERRY. I WAS
27 CRYING AT THIS POINT AND THE SHOCK HAD BEEN FADING
28 AND I WAS TREMBLING AND THERE WAS JUST NO WAY THAT I

43666

1 COULD PRESENT MYSELF NORMALLY TO PERRY, AND SO WE
2 WENT HOME TO SEE IF THE POLICE HAD COME. IT HAD NOW
3 BEEN AN HOUR LATER. NO ONE HAD COME BY THE TIME WE
4 LEFT THE HOUSE. FIGURED THAT THERE WAS PROBABLY NO
5 ONE THERE NOW. WE WERE GOING TO HAVE TO CALL THE
6 POLICE.

7 Q SO DID YOU RETURN?

8 A YES.

9 Q WHERE DID YOU PARK YOUR CAR?

10 A IN FRONT OF THE HOUSE ON THE SIDE OF THE
11 STREET.

12 Q DID YOU ENTER THE HOUSE?

13 A YES.

14 Q HAD THE POLICE -- OR WERE THE POLICE
15 THERE WHEN YOU GOT THERE?

16 A NO.

17 Q WAS ANYONE THERE AT THE HOUSE WHEN YOU
18 GOT THERE?

19 A NEIGHBORHOOD WAS QUIET.

20 Q NOW, AT THIS TIME, MR. MENENDEZ, WERE

21 YOU STILL UNDER THE FIRM BELIEF THAT YOUR PARENTS

22 WERE GOING TO KILL YOU WHEN YOU SHOT THEM?

23 A YES.

24 Q WHAT DID YOU DO WHEN YOU ENTERED THE

25 HOUSE?

26 A I REMEMBER WALKING STRAIGHT TO THE DEN.

27 Q HAD YOU HAD ANY DISCUSSION WITH LYLE

28 MENENDEZ CONCERNING WHAT YOU WOULD TELL THE POLICE?

43667

1 A I DON'T KNOW IF I'D CALL IT A

2 DISCUSSION, BUT YES.

3 Q WHAT WAS THE CONVERSATION THAT YOU HAD --

4 THE SUBSTANCE OF THE CONVERSATION THAT YOU HAD WITH

5 LYLE MENENDEZ CONCERNING WHAT YOU WOULD TELL THE

6 POLICE?

7 A WE WERE TALKING BACK AND FORTH VERY

8 QUICKLY IN SHORT SENTENCES AND WE DIDN'T KNOW IF

9 ANYONE HAD SEEN US WITH THE GUNS IN FRONT OF THE

10 HOUSE. WE SAID TO SAY THAT WE WERE BEHIND THE HOUSE

11 WHEN WE LEFT; THAT WE HAD COME HOME TO MEET -- TO GET

12 SOME I.D. BEFORE MEETING PERRY; JUST SAY THAT WE

13 WERE AT THE MOVIES WHEN MY PARENTS WERE KILLED.

14 PRETTY MUCH THAT.

15 Q WHEN DID YOU HAVE THIS CONVERSATION WITH

16 LYLE MENENDEZ CONCERNING WHAT YOU WOULD TELL THE
17 POLICE?

18 A BEFORE ARRIVING AT THE HOUSE, COMING
19 BACK FROM SANTA MONICA.

20 Q WAS THAT THE FIRST TIME THAT YOU
21 DISCUSSED WHAT YOU WOULD TELL THE POLICE DURING THE
22 TRIP BACK TO BEVERLY HILLS FROM SANTA MONICA?

23 A WAS THAT THE FIRST TIME --

24 Q THAT YOU HAD DISCUSSED WITH LYLE
25 MENENDEZ WHAT YOU WOULD TELL THE POLICE.

26 A I REMEMBER AFTER WE LEFT THE HOUSE WE
27 WERE TRYING TO FIGURE OUT WHAT WE WERE -- WHAT WE
28 WOULD TELL THE POLICE, AND THAT'S HOW WE ENDED UP

43668

1 GOING TO THE MOVIE THEATRE; ON THE TRIP BACK, THAT
2 WAS THE FIRST TIME, YES.

3 Q THAT YOU INCORPORATED THE OTHER THINGS
4 THAT YOU WOULD TELL THE POLICE?

5 A WE WERE JUST MAKING IT UP AS WE WENT
6 ALONG. AND BEFORE WE GOT BACK TO THE HOUSE, WE KNEW
7 WE WERE ABOUT TO CALL THE POLICE, SO LYLE -- WE
8 WANTED TO MAKE SURE THAT WE SAID THE SAME THINGS.

9 Q WHERE DID YOU GO WHEN YOU ENTERED THE
10 HOUSE?

11 A I REMEMBER WALKING DIRECTLY TOWARD THE
12 DEN.

13 Q DID YOU ENTER THE DEN?

14 A YES.

15 Q DID LYLE MENENDEZ ENTER THE DEN?

16 A I REMEMBER HE WAS IN THE DEN AT ONE
17 POINT PULLING ME OUT OF THE DEN. I HAD STARTED TO
18 CRY LOUDLY. I WENT BACK INTO THE DEN.

19 Q WHO ENTERED THE DEN FIRST?

20 A I DID.

21 Q PARDON ME?

22 A I DID.

23 Q WERE THE LIGHTS ON OR OFF?

24 A THEY WERE ON.

25 Q WHERE WAS LYLE MENENDEZ?

26 A I DON'T REMEMBER. I WASN'T FOCUSED ON
27 LYLE.

28 Q DID YOU LOOK AT YOUR MOTHER?

43669

1 A I LOOKED AT MY FATHER ON THE COUCH, MY
2 MOTHER ON THE FLOOR.

3 Q MR. MENENDEZ, TAKE A LOOK AT EXHIBIT
4 330. IS THAT WHAT YOU SAW, YOUR FATHER?

5 A YES.

6 Q LOOK AT EXHIBIT 331. IS THAT YOUR

7 MOTHER?

8 A YES.

9 Q WHAT DID YOU DO IN THE ROOM?

10 A I -- I WAS LOOKING AT MY FATHER AND I

11 LOOKED WHERE THE GUNS WERE IN THE ROOM, ANY WEAPONS

12 IN THE ROOM. I REMEMBER NOTICING THAT THERE WERE

13 NONE, AND I KEPT LOOKING. I REMEMBER STARING AT MY

14 FATHER, IN PARTICULAR, AND JUST BEING IN SHOCK THAT

15 MY DAD COULD DIE AND THAT HE WAS SITTING IN FRONT OF

16 ME DEAD. AND I REMEMBER JUST THINKING HOW WRONG

17 THIS LOOKED.

18 Q HOW LONG -- HOW WRONG WHAT LOOKED?

19 A MY MOTHER ON THE FLOOR, MY FATHER ON THE

20 COUCH. I JUST REMEMBER SAYING THAT TO MYSELF.

21 Q WHY DID YOU LOOK AROUND FOR WEAPONS?

22 A BECAUSE I THOUGHT THERE HAD BEEN GUNS IN

23 THE ROOM. I THOUGHT -- I THOUGHT THAT THEY HAD HAD

24 GUNS THAT THERE WAS FIRE FROM.

25 Q DID ANYTHING COME TO YOUR MIND AFTER YOU

26 DISCOVERED THAT THERE WERE NO GUNS?

27 A I WAS JUST LOOKING AT MY FATHER IN

28 PARTICULAR. I DIDN'T WANT TO WALK OVER TO MY

1 MOTHER. I REMEMBER HER LYING ON THE GROUND, AND
2 JUST STARING AT MY FATHER THINKING ABOUT -- I JUST
3 COULDN'T BELIEVE WHAT I WAS SEEING.

4 Q DID YOU DO THAT TO YOUR FATHER?

5 MR. CONN: OBJECTION. VAGUE IN TERMS OF WHAT
6 COUNSEL'S REFERRING TO AS "THAT."

7 THE COURT: REPHRASE THE QUESTION, PLEASE.

8 Q BY MR. LEVIN: LOOK AT 330,

9 MR. MENENDEZ.

10 DID YOU DO THAT TO YOUR FATHER?

11 MR. CONN: AGAIN, ONCE AGAIN, IT'S VAGUE.

12 THE COURT: WHAT ARE YOU REFERRING TO?

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

15 (ATTORNEYS ABRAMSON AND LEVIN

16 CONFERRING SOTTO VOCE.)

17

18 Q BY MR. LEVIN: MR. MENENDEZ, DID YOU
19 FEEL THAT YOU HAD MADE A MISTAKE?

20 A YES.

21 Q WHAT MISTAKE DO YOU FEEL THAT YOU MADE?

22 A JUST KILLING THEM.

23 Q WERE YOU THINKING ANYTHING?

24 A YES.

25 Q WHAT WERE YOU THINKING?

26 A JUST THAT -- HOW WRONG MY FATHER LOOKED

27 SITTING ON THE COUCH. WHAT HAVE I DONE? I KNOW MY

28 BROTHER -- I WAS CRYING. MY BROTHER PULLED ME OUT OF

1 THE ROOM. I REMEMBER HE RAN BACK UP THE STAIRS AND
 2 I WAS DRAWN TO THE ROOM AGAIN. I JUST -- I DIDN'T
 3 WANT TO BE WITH THEM, BUT I COULDN'T LEAVE THEM.
 4 AND I JUST REMEMBER LOOKING ALL AROUND THE ROOM,
 5 LOOKING AT THEM. MY DAD JUST DIDN'T LOOK LIKE MY
 6 DAD ANYMORE.

7 Q YOU THOUGHT YOUR PARENTS WERE GOING TO
 8 KILL YOU WHEN YOU ENTERED THE ROOM?

9 MR. CONN: OBJECTION. LEADING.

10 THE COURT: REPHRASE THE QUESTION.

11 Q BY MR. LEVIN: DID YOU THINK YOUR
 12 PARENTS WERE GOING TO KILL YOU WHEN YOU ENTERED THE
 13 ROOM?

14 A YES.

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

16 THE COURT: OKAY. WHICH TIME WHEN HE ENTERED
 17 THE ROOM?

18 OBJECTION SUSTAINED. THE ANSWER'S
 19 STRICKEN.

20 Q BY MR. LEVIN: BEFORE YOU SHOT YOUR
 21 PARENTS, YOU BELIEVED THAT THEY WERE GOING -- DID YOU
 22 BELIEVE THAT THEY WERE GOING TO KILL YOU?

23 A YES.

24 Q DID YOU THINK THAT YOUR PARENTS WOULD

25 KNOW THAT IT WAS YOU THAT WAS SHOOTING AT THEM WHEN
26 YOU ENTERED THE ROOM?
27 A IT DIDN'T FLASH IN MY MIND AT THAT
28 POINT. I REMEMBER WHEN I WAS IN THE ROOM

43672

1 AFTERWARDS, ALL THESE THINGS WENT THROUGH MY MIND
2 AND IN THE DAYS LATER.

3 Q WERE YOU CONFUSED?

4 A YES.

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

6 THE COURT: SUSTAINED. THE ANSWER'S
7 STRICKEN.

8 Q BY MR. LEVIN: WHEN YOU ENTERED THE ROOM
9 AND SAW THAT THERE WERE NO GUNS IN THE ROOM, DID YOU
10 THINK ABOUT WHAT YOUR PARENTS MIGHT HAVE THOUGHT AT
11 THE TIME THAT YOU SHOT THEM?

12 A OF MY MOM.

13 Q WHAT IS IT YOU THOUGHT?

14 A I JUST WONDERED IF SHE KNEW IT WAS ME.
15 WAS SHE SCARED? DID SHE UNDERSTAND? WAS SHE
16 HURTING? I JUST -- I COULDN'T GET THE FEELINGS
17 PUSHED BACK FROM MY MIND ENOUGH. AND JUST SEEING
18 HER, MY FATHER THERE, NOTHING ELSE IN THE ROOM, I
19 JUST FELT REALLY BAD, LIKE A BAD PERSON, AND I

20 WANTED TO KNOW WHAT SHE HAD THOUGHT WHEN I ENTERED
21 THE ROOM.

22 Q HOW LONG DID YOU REMAIN IN THE ROOM
23 DURING THIS -- AT THIS TIME, WHEN YOU DISCOVERED
24 THERE WERE NO GUNS?

25 A IT SEEMED LIKE A VERY LONG TIME.

26 Q DO YOU KNOW WHERE YOUR BROTHER LYLE
27 MENENDEZ WAS?

28 A I KNOW THAT HE HAD RUN UP THE STAIRS BY

43673

1 THIS POINT.

2 Q DO YOU KNOW WHAT HE DID WHEN HE RAN
3 UPSTAIRS?

4 A I KNOW THAT HE HAD CALLED THE POLICE.

5 Q WERE YOU IN THE ROOM WHEN LYLE MENENDEZ
6 CALLED THE POLICE?

7 A I DON'T KNOW AT WHAT POINT LYLE WAS
8 CALLING THE POLICE EXACTLY IN TERMS OF WHAT
9 SECONDS. I KNOW I WAS IN THE ROOM FOR A VERY LONG
10 TIME. I KNOW I BEGAN SCREAMING AFTER THINKING ALL
11 OF THESE THINGS. I WAS SCREAMING "NO" AND -- AND I
12 REMEMBER BEING OUT IN THE FOYER. AT SOME POINT I
13 REMEMBER BEING IN MY ROOM CALLING MARK HEFFERNAN, MY
14 COACH.

15 Q MR. MENENDEZ, WOULD YOU HAVE BURST INTO
16 THE DEN AND BEGAN FIRING YOUR WEAPON IF YOU KNEW
17 THAT YOUR PARENTS DID NOT HAVE GUNS INSIDE THE DEN?

18 A NO.

19 Q DID YOU EVER GET THE THOUGHT THAT YOU
20 SHOULD RUN AWAY?

21 A NO.

22 Q WHAT HAPPENED -- WHAT WAS THE NEXT THING
23 THAT YOU REMEMBER HAPPENING -- STRIKE THAT.

24 YOU SAID YOU CALLED MARK HEFFERNAN.

25 WHERE DID YOU CALL MARK HEFFERNAN FROM?

26 A MY BEDROOM PHONE. I GRABBED IT, PUT IT
27 ON THE FLOOR, AND I WAS KNEELING ON THE FLOOR. I
28 REMEMBER PUNCHING IN THE NUMBERS.

43674

1 Q WHY DID YOU CALL MARK HEFFERNAN?

2 A I -- I NEEDED A FRIEND.

3 Q WAS MARK HEFFERNAN HOME?

4 A YES.

5 Q WHAT CONVERSATION DID YOU HAVE WITH MARK
6 HEFFERNAN?

7 A I JUST TOLD HIM THAT MY PARENTS WERE
8 DEAD AND I NEEDED HIM.

9 Q WHAT DID MARK HEFFERNAN SAY?

10 A HE DIDN'T UNDERSTAND AT FIRST. I HAD TO
11 KEEP SAYING IT OVER AND OVER. AND HE SAID HE WOULD
12 COME OVER RIGHT AWAY.

13 Q WHAT DID YOU DO AFTER YOU GOT OFF THE
14 TELEPHONE WITH MARK HEFFERNAN?

15 A I DON'T KNOW. I DON'T KNOW IF MY
16 BROTHER CAME TO MY BEDROOM TO GET ME. I JUST
17 REMEMBER GOING OUT OF THE FOYER, MY BROTHER TELLING
18 US (SIC) THAT THE POLICE HAD SAID GET OUT OF THE
19 HOUSE.

20 Q DID YOU LEAVE THE HOUSE?

21 A YES.

22 Q WHERE WAS YOUR CAR?

23 A ON THE SIDE OF THE ROAD IN FRONT OF MY
24 HOUSE.

25 Q ON ELM DRIVE?

26 A RIGHT.

27 Q HOW WAS IT POSITIONED WITH RESPECT TO
28 THE HOUSE? WAS IT RIGHT IN FRONT OF THE HOUSE, YOUR

43675

1 HOUSE?

2 A MY MAILBOX IS ON THE RIGHT SIDE OF MY
3 DRIVEWAY. MY BACK IS TOWARD THE HOUSE. MY CAR WAS
4 IN FRONT OF MY MAILBOX NEXT TO MY DRIVEWAY.

5 Q WERE THERE THINGS STILL IN -- WERE THERE
6 SHOTGUN SHELLS STILL INSIDE YOUR CAR?

7 A YES.

8 Q AND HOW DO YOU KNOW THAT THERE WERE
9 STILL SHOTGUN SHELLS INSIDE YOUR CAR?

10 A BECAUSE AFTER THE POLICE HAD ARRIVED AND
11 PUT UP THE TAPE, THEY PUT UP THE TAPE AROUND MY CAR,
12 AND THE NEXT MORNING I WAS SEARCHING THE CAR AND
13 FOUND THE SHELLS.

14 Q BOTH LIVE AND EXPENDED SHELLS?

15 A I REMEMBER FINDING ONE SHELL ON MY
16 SEAT. I THINK IT WAS EXPENDED.

17 Q WERE THERE ALSO LIVE ROUNDS IN YOUR
18 CAR?

19 A THE ONE SHELL THAT STICKS OUT IN MY MIND
20 IS THE ONE IN FRONT OF MY SEAT. I KNOW THAT THERE
21 WERE SHELL CARTONS AND WRAPPINGS IN MY CAR STILL.

22 Q WHAT WAS THE FIRST THING THAT HAPPENED
23 WHEN YOU EXITED THE HOUSE AFTER THE POLICE HAD
24 ARRIVED?

25 A ONE OF THE OFFICERS HAD US GET DOWN ON
26 THE GROUND AND SPREAD OUT OUR HANDS AND OUR LEGS TO
27 SEARCH US. AND I REMEMBER HE WAS TRYING TO TALK TO
28 US. I WAS CRYING. I REMEMBER SEEING AN AMBULANCE

1 WAY DOWN THE STREET AND NOTICING THAT IT WAS -- NO
2 ONE WAS GOING INTO THE HOUSE.

3 Q WHAT'S THE NEXT THING THAT YOU
4 REMEMBER?

5 A AT SOME POINT THEY TOOK US DOWN TO THE
6 POLICE STATION.

7 Q AND WHEN YOU WENT DOWN TO THE POLICE
8 STATION, WERE YOU TRANSPORTED INSIDE A POLICE CAR?

9 A I REMEMBER BEING IN THE BACK OF THE
10 POLICE CAR WITH MY BROTHER.

11 Q YOUR BROTHER SEATED NEXT TO YOU?

12 A HE WAS SEATED ON MY RIGHT.

13 Q AND A POLICE OFFICER WAS DRIVING THE
14 CAR?

15 A YES.

16 Q DID THEY TAKE YOU DIRECTLY TO BEVERLY
17 HILLS POLICE STATION?

18 A YES.

19 Q DID YOU TALK TO ANY POLICE OFFICER AT
20 THE SCENE ABOUT WHAT HAD HAPPENED?

21 A NO.

22 Q WHAT HAPPENED WHEN YOU GOT TO THE POLICE
23 STATION?

24 A I MET DETECTIVE EDMONDS. I REMEMBER
25 THAT MY BROTHER HAD WANTED ME TO GO INTO THE
26 INTERVIEW ROOM FIRST. IN THE BACK OF THE POLICE
27 CAR, HE TOLD ME THAT IF I BROKE DOWN IN THE -- IN

43677

1 RESPONSIBLE FOR THIS, HE DIDN'T WANT TO HAVE TO GO
2 IN THERE AND TELL THEM SOMETHING DIFFERENT. SO HE
3 WANTED TO MAKE SURE THAT I WENT IN THERE FIRST.

4 Q WHEN DID YOU HAVE THAT DISCUSSION WITH
5 LYLE MENENDEZ?

6 A IN THE BACK OF THE POLICE CAR ON THE WAY
7 TO THE STATION.

8 Q WHILE THE OFFICER WAS DRIVING THE CAR?

9 A YES.

10 Q WERE YOU TALKING SO THE OFFICER COULDN'T
11 HEAR YOU?

12 A YES.

13 Q AND WHEN YOU GOT TO THE STATION, WHO WAS
14 INTERVIEWED FIRST?

15 A I WAS.

16 Q WHO INTERVIEWED YOU?

17 A DETECTIVE EDMONDS.

18 Q AND WHAT WAS IT THAT YOU -- WELL, LET ME
19 ASK YOU THIS: HOW LONG DID THAT INTERVIEW LAST?

20 A JUST A FEW MINUTES.

21 Q DID SERGEANT EDMONDS OR DETECTIVE
22 EDMONDS ASK YOU IF YOU HAD ANY IDEA WHO HAD KILLED

23 YOUR PARENTS?

24 A YES.

25 Q WHAT DID YOU TELL HIM?

26 A I TOLD HIM THAT I HAD NO IDEA.

27 Q DID YOU MAKE ANY SUGGESTION TO SERGEANT

28 EDMONDS THAT THE MAFIA WAS RESPONSIBLE FOR THE DEATH

43678

1 OF YOUR PARENTS?

2 A NO.

3 Q DID YOU TALK TO SERGEANT EDMONDS ABOUT

4 ENEMIES? DID YOU SAY THE WORD "ENEMIES" TO SERGEANT

5 EDMONDS?

6 A I REMEMBER READING IT IN COURT.

7 Q DO YOU RECALL SERGEANT EDMONDS ASKING

8 YOU IF YOU HAVE ANY IDEA WHO MAY HAVE DONE THIS, AND

9 YOU SAYING, NO, MY FAMILY HAS NO ENEMIES?

10 A RIGHT.

11 Q DO YOU RECALL ASKING SERGEANT EDMONDS IF

12 YOUR PARENTS WERE DEAD?

13 A YES.

14 Q WHY DID YOU ASK SERGEANT EDMONDS IF YOUR

15 PARENTS WERE DEAD?

16 A I -- I STILL COULDN'T ACCEPT THAT -- THAT

17 THEY WERE GONE FROM MY LIFE. I COULDN'T ACCEPT MY

18 FATHER WAS CAPABLE OF DYING. AND I -- ALTHOUGH I SAW
19 HIM ON THE COUCH AND I SAW MY MOTHER ON THE FLOOR, I
20 JUST COULDN'T -- I WAS STILL IN SHOCK AND I NEEDED TO
21 HEAR HIM SAY IT IN ORDER TO BELIEVE THAT IT WAS
22 TRUE.

23 Q NOW, YOU DID NOT TELL SERGEANT EDMONDS
24 THAT YOU HAD KILLED YOUR PARENTS ALONG WITH YOUR
25 BROTHER LYLE MENENDEZ, DID YOU?

26 A NO.

27 Q WHY NOT?

28 A I DIDN'T WANT TO GO TO JAIL. I DIDN'T

43679

1 WANT TO -- I DIDN'T WANT TO DO THAT TO LYLE. I COULD
2 HARDLY -- I WAS HARDLY ABLE TO TALK TO HIM.

3 Q YOU WERE RELEASED FROM THIS INTERVIEW AT
4 SOME POINT IN TIME?

5 A AS SOON AS I ASKED THE QUESTION, ARE
6 THEY DEAD, HE TOLD ME THAT THEY WERE AND I -- I
7 COULDN'T STOP CRYING AND SO HE ENDED THE INTERVIEW.

8 Q DID ANYONE SEARCH YOU, ANY POLICE
9 OFFICERS SEARCH YOU?

10 A AT THE SCENE THEY DID.

11 Q OKAY. BUT DID ANY POLICE OFFICERS
12 SEARCH YOU AT THE POLICE STATION?

13 A NO.

14 Q DID ANYONE DO ANYTHING TO YOUR HANDS

15 LIKE SPRAY ANY SUBSTANCE ON THEM OR DO ANY TESTS?

16 A NO.

17 Q AFTER THE INTERVIEW WAS OVER, WHERE DID

18 YOU GO?

19 A I WENT OUT TO THE LOBBY AREA. MARK

20 HEFFERNAN WAS THERE. MY BROTHER WAS STANDING. I

21 TOLD HIM THAT IT WAS OKAY; THAT HE COULD GO IN AND

22 TALK TO SERGEANT EDMONDS. JUST MY WAY OF TELLING

23 HIM THAT I HADN'T TOLD HIM THAT WE HAD DONE IT. AND

24 I SAT DOWN NEXT TO MARK.

25 Q AND WHAT DID -- OR DID LYLE MENENDEZ THEN

26 GO IN WITH SERGEANT EDMONDS?

27 A YES.

28 Q AND YOU REMAINED WITH MARK HEFFERNAN?

43680

1 A YES.

2 Q HOW LONG DID YOU STAY THERE WITH MARK

3 HEFFERNAN?

4 A UNTIL LYLE GOT OUT OF THE INTERVIEW, 20

5 MINUTES, HALF HOUR, HOWEVER LONG THE INTERVIEW WAS.

6 Q WHAT DID YOU DO AFTER LYLE MENENDEZ LEFT

7 THE INTERVIEW?

8 A MARK DROVE US BACK TO THE HOUSE.

9 Q THE BEVERLY HILLS HOUSE?

10 A YES.

11 Q AND DID YOU OR WERE YOU ABLE TO GO

12 INSIDE YOUR HOUSE?

13 A NO. BY THIS TIME THERE WAS POLICE TAPE

14 AROUND AND WE ASKED TO GET TO MY CAR AND THEY TOLD

15 US NO, THAT THEY HAD TO SEARCH THE CAR FIRST.

16 Q WHY DID YOU WANT TO GET TO YOUR CAR?

17 A I SAW THAT THE CAR WAS INSIDE THE POLICE

18 TAPE AND I KNEW THAT THERE WAS A GOOD CHANCE THERE

19 WAS STILL A LOT OF STUFF IN THE CAR, AND SO I WANTED

20 TO GET TO THE CAR.

21 Q WHEN YOU SAY STUFF, YOU MEAN EVIDENCE

22 THAT COULD CONNECT YOU TO THE SHOOTING OF YOUR

23 PARENTS?

24 A THAT WOULD.

25 Q AND YOU WANTED TO DO WHAT WITH THAT

26 EVIDENCE?

27 A I WANTED TO GET RID OF IT.

28 Q WHY?

43681

1 A I DIDN'T WANT THE POLICE TO KNOW THAT I

2 HAD DONE THIS.

3 Q WHY NOT?

4 A THERE WERE A WHOLE SLEW OF REASONS. I
5 DIDN'T WANT TO GO TO JAIL. SERGEANT EDMONDS WAS A
6 REALLY NICE MAN AND I DIDN'T WANT HIM TO KNOW THAT --
7 THAT I COULD DO THIS. I DIDN'T -- I DIDN'T WANT TO
8 HAVE TO TELL THE POLICE THIS.

9 Q I WANT TO SCROLL FORWARD A LITTLE BIT TO
10 ANOTHER INTERVIEW THAT YOU HAD ON SEPTEMBER THE
11 17TH, 1989.

12 DO YOU RECALL THAT INTERVIEW?

13 A YES.

14 Q WHERE WERE YOU ON SEPTEMBER 17TH, 1989?

15 A AT MY AUNT TERRY'S HOUSE.

16 Q WHERE DOES AUNT TERRY LIVE?

17 A IN NEW JERSEY.

18 Q CRANBERRY, NEW JERSEY?

19 A YES.

20 Q AND DID YOU ULTIMATELY GET INTERVIEWED
21 BY DETECTIVE ZOELLER, DETECTIVE LINEHAN OF THE
22 BEVERLY HILLS POLICE DEPARTMENT?

23 A YES.

24 Q WAS THIS IN THE AFTERNOON OF THE 17TH OF
25 SEPTEMBER, 1989?

26 A YES.

27 Q DID YOU KNOW BEFORE DETECTIVE ZOELLER
28 AND DETECTIVE LINEHAN ARRIVED THAT THEY WERE GOING

1 TO COME?

2 A YES.

3 Q AND HOW DID YOU KNOW THAT?

4 A I HAD SPOKEN WITH DETECTIVE ZOELLER OR
5 MY BROTHER -- MAYBE IT WAS MY AUNT. SOMEONE HAD
6 SPOKEN WITH DETECTIVE ZOELLER ON THE PHONE, EITHER
7 THAT DAY OR THE DAY BEFORE, AND HE HAD ASKED US TO
8 REMAIN. I WAS SUPPOSED TO FLY BACK TO NEW JERSEY,
9 SO HE'D ASKED US TO STAY SO THAT HE COULD TALK WITH
10 US.

11 Q DID YOU MAKE ANY ATTEMPT TO AVOID
12 DETECTIVE ZOELLER FROM INTERVIEWING YOU?

13 A DIDN'T REALLY WANT TO INTERVIEW WITH
14 DETECTIVE ZOELLER, BUT HE ASKED US TO STAY AND WE
15 DID.

16 Q DID YOU EVER THINK ABOUT RUNNING AWAY?

17 A WHERE?

18 Q YOU HAD A PASSPORT.

19 A NO, I DIDN'T THINK ABOUT THAT.

20 Q WHEN YOU WERE INTERVIEWED BY DETECTIVE
21 ZOELLER, DID HE MAKE IT CLEAR TO YOU THAT HE WANTED
22 TO TALK TO YOU ABOUT THE EVENTS THAT OCCURRED ON
23 AUGUST THE 20TH, 1989?

24 A YES.

25 Q WHAT DO YOU REMEMBER TELLING DETECTIVE
26 ZOELLER ABOUT THAT DAY? WHAT'D YOU TELL HIM?

27 A I TOLD HIM ABOUT THE WHOLE DAY. I TOLD
28 HIM THAT NOTHING MUCH HAD HAPPENED ON THE DAY; THAT

43683

1 IT WAS A PRETTY ORDINARY DAY, AND THAT I WAS AT THE
2 MOVIES WHEN MY PARENTS WERE KILLED.

3 Q DID YOU TALK ABOUT THE FISHING TRIP THAT
4 YOU HAD THE DAY BEFORE?

5 A I'M SURE I DID. I DON'T HAVE A SPECIFIC
6 RECOLLECTION OF DOING SO, NO.

7 Q DID YOU AT SOME POINT MENTION TO
8 DETECTIVE ZOELLER THAT YOU HAD DISCOVERED IN YOUR
9 BLUE JEANS A HOLE?

10 A YES.

11 Q WHAT DID YOU TELL HIM ABOUT THAT?

12 A JUST THAT I HAD A PAIR OF BLUE JEANS
13 WITH, IT SEEMED LIKE BULLET HOLES IN THEM.

14 Q YOU TOLD THAT TO DETECTIVE ZOELLER?

15 A YES.

16 Q AND HOW DID YOU CONVEY TO HIM THAT YOU
17 HAD A PAIR OF BLUE JEANS WITH WHAT YOU BELIEVED TO
18 BE BULLET HOLES IN IT? HOW DID YOU CONVEY IT TO
19 HIM?

20 A THROUGH WORDS.

21 Q SORRY. YOU CAUGHT ME.

22 A NO. I MEAN, I JUST -- I JUST SAID IT
23 DURING THE INTERVIEW.
24 Q WHY OR HOW DID YOU DESCRIBE THESE HOLES
25 IN A MANNER THAT CONVEYED THE IMPRESSION THAT THEY
26 WEREN'T JUST TEARS IN YOUR BLUE JEANS, THAT THEY
27 WERE BULLET HOLES? DID YOU TELL HIM THEY WERE IN A
28 PARTICULAR LOCATION IN YOUR PANTS?

43684

1 A THEY LOOKED LIKE BULLET HOLES TO ME, SO
2 I TOLD HIM THAT THEY LOOKED LIKE BULLET HOLES, I
3 BELIEVE. I DON'T REMEMBER THE SPECIFIC WORDS I
4 USED. I KNOW I CONVEYED THAT MESSAGE TO HIM.
5 Q DID DETECTIVE ZOELLER FOLLOW UP WITH ANY
6 QUESTIONS ABOUT THAT?
7 A HE TOLD ME THAT HE WANTED TO SEE THE
8 JEANS, BUT I DON'T REMEMBER HIM ASKING ANY MORE
9 QUESTIONS ABOUT THAT, NO.
10 Q DID HE ASK YOU HOW YOU GOT THOSE HOLES
11 IN YOUR BLUE JEANS?
12 A I DON'T REMEMBER THAT.
13 Q DID HE ASK YOU WHERE THE BLUE JEANS WERE
14 OR IF THE BLUE JEANS WERE INSIDE THE ROOM AT THE
15 TIME OF THE SHOOTING?
16 A I THINK SO. I THINK -- I THINK HE DID.

17 I THINK THAT CROSSED HIS MIND.

18 Q DID YOU SEE THE POLICE TAKING ANY
19 PICTURES OF THE DEN WHEN THEY CAME TO YOUR HOUSE?

20 A THE NEXT MORNING THEY WERE
21 FINGERPRINTING AND DOING A LOT OF THINGS INSIDE THE
22 HOUSE. I DON'T REMEMBER IF I ACTUALLY SAW THEM
23 TAKING PICTURES OR NOT. I THINK SO.

24 Q DID DETECTIVE ZOELLER ASK YOU WHERE
25 THOSE BLUE JEANS WERE, MR. MENENDEZ?

26 A YES.

27 Q AND WHAT'D YOU TELL HIM?

28 A THAT THEY WERE UPSTAIRS.

43685

1 Q DID HE TELL YOU GO GET THEM AND BRING
2 THEM TO ME RIGHT NOW?

3 A NO.

4 Q DID HE EVER ASK YOU AGAIN FOR THOSE BLUE
5 JEANS?

6 A I DON'T REMEMBER SHOWING IT TO HIM. I
7 MAY HAVE.

8 Q DID YOU TELL DETECTIVE ZOELLER ANYTHING
9 ABOUT SMOKE IN THE ROOM?

10 A YES.

11 Q WHAT'D YOU TELL HIM?

12 A I TOLD HIM THAT THERE WAS A VERY SLOW,
13 THICK, SLICK YELLOW HAZE THAT HOVERED IN THE ROOM.

14 Q WAS THERE SUCH A THICK HAZE AS YOU JUST
15 DESCRIBED AT THE TIME OF THE SHOOTING?

16 A IT WAS THERE AFTER THE SHOOTING.

17 Q WAS IT THERE WHEN YOU RETURNED WHEN LYLE
18 MENENDEZ CALLED 911?

19 A THE SMELL OF THE SMOKE STAYED IN MY
20 MIND. NO, IT WASN'T. IT WASN'T THERE WHEN WE
21 RETURNED HOME, NO.

22 Q DID DETECTIVE ZOELLER ASK YOU ANYTHING
23 OR DO ANY -- ASK YOU ANY FOLLOW-UP QUESTIONS WITH
24 RESPECT TO THE HAZE OR THE SMOKE?

25 A NO.

26 Q DID YOU TELL THE POLICE, TELL DETECTIVE
27 ZOELLER DURING THIS CONVERSATION, THAT DURING THE
28 LAST FEW DAYS OR A WEEK BEFORE THEIR DEATHS THAT

43686

1 YOUR PARENTS HAD BEEN LOCKING THE DOOR TO THEIR
2 BEDROOM?

3 A I BROUGHT IT UP IN THE CONVERSATION.

4 Q DID DETECTIVE ZOELLER FOLLOW UP WITH ANY
5 QUESTIONS CONCERNING ANY PROBLEMS THAT WOULD CAUSE
6 YOUR PARENTS TO DO THAT?

7 A I DON'T REMEMBER HIM DOING SO.

8 Q DID YOU TELL THE POLICE THAT THERE HAD
9 BEEN AN ARGUMENT BETWEEN YOURSELF, LYLE MENENDEZ,
10 AND YOUR PARENTS IN THE WEEK PRECEDING THEIR DEATH?

11 A YES.

12 Q DID DETECTIVE ZOELLER FOLLOW-UP AND ASK
13 YOU QUESTIONS ABOUT THE SUBSTANCE OF THAT ARGUMENT?

14 A NO.

15 Q WHAT ARGUMENT WERE YOU REFERRING TO WHEN
16 YOU TOLD THAT TO DETECTIVE ZOELLER?

17 A THE ONE ON THURSDAY NIGHT.

18 Q AND WERE YOUR PARENTS LOCKING THEIR DOOR
19 TO THEIR BEDROOM THAT WEEK?

20 A I KNOW THAT I WAS. I BELIEVED THAT THEY
21 WERE.

22 Q DID YOU TELL DETECTIVE ZOELLER THAT YOUR
23 MOTHER WAS A NERVOUS LADY AND HAD BOUGHT A GUN?

24 A YES.

25 Q DID DETECTIVE ZOELLER FOLLOW UP ON THAT
26 INFORMATION?

27 A I DON'T REMEMBER.

28 Q DID YOU TELL DETECTIVE ZOELLER THAT YOU

1 FELT YOUR PARENTS PROBABLY KNEW WHO THE KILLERS

2 WERE?

3 A YES.

4 Q WHY DID YOU TELL HIM THAT?

5 A I COULDN'T GET THESE THINGS OUT OF MY
6 MIND. THE SMELL OF THE SMOKE I WAS SMELLING EVERY
7 DAY, EVERY HOUR; THINKING ABOUT WHETHER MY PARENTS
8 SAW ME, EVERY NIGHT AFTERWARDS. AND I WAS JUST
9 TALKING TO DETECTIVE ZOELLER AND THINGS WERE COMING
10 OUT OF MY MOUTH. I CAN'T GIVE YOU A GOOD REASON WHY
11 I WAS SAYING THEM. I DIDN'T KNOW WHAT I WAS GOING
12 TO SAY NEXT.

13 Q DID DETECTIVE ZOELLER EVER ASK YOU WHY
14 IT WAS THAT YOU THOUGHT THAT YOUR PARENTS KNEW THEIR
15 KILLERS?

16 A NO.

17 Q DID YOU TELL DETECTIVE ZOELLER THAT YOU
18 WANTED TO GET AWAY FROM YOUR FATHER?

19 A I TOLD HIM THAT I -- I WANTED TO GET
20 AWAY FROM HIM AND GO TO COLLEGE.

21 Q DID DETECTIVE ZOELLER ASK YOU WHY IT WAS
22 THAT YOU WANTED TO GET AWAY FROM YOUR FATHER AND GO
23 TO COLLEGE?

24 A NO.

25 Q DID YOU TELL DETECTIVE ZOELLER IN THIS
26 CONVERSATION ON THE 17TH OF SEPTEMBER SOMETHING
27 ABOUT YOUR FUTURE PLANS?

28 A WHATEVER PLANS I HAD AT THE TIME, I'M

1 SURE THAT I TOLD HIM.

2 Q DID YOU TELL HIM THAT YOU -- ONE OF YOUR
3 PLANS WAS NOT TO GO TO SCHOOL THIS UPCOMING YEAR IN
4 1989?

5 A I HAD FOUND OUT A FEW DAYS BEFORE THAT I
6 WASN'T GOING TO BE DOING THAT.

7 Q DID YOU TELL DETECTIVE ZOELLER THAT YOU
8 WERE GOING TO DO IN THE FUTURE WHAT YOU THOUGHT YOUR
9 FATHER WOULD WANT YOU TO DO?

10 A YES.

11 Q DID YOU TELL DETECTIVE ZOELLER THAT YOU
12 WERE GOING TO TRAIN FOR TENNIS AND GO ON TOUR?

13 A I -- I THINK SO.

14 Q DID DETECTIVE ZOELLER TELL YOU OR SAY
15 ANYTHING THAT THAT WOULD BE INAPPROPRIATE FOR YOU TO
16 DO SUCH A THING?

17 A NO.

18 Q HE DIDN'T SAY, IF YOU HIRE TENNIS
19 COACHES AND TRAIN FOR TENNIS AND GO ON TOUR,
20 MR. MENENDEZ, IT'S GOING TO LOOK LIKE YOU KILLED
21 YOUR PARENTS?

22 A NO.

23 Q DID YOU TELL HIM THAT YOU THINK ABOUT
24 YOUR PARENTS' DEATHS ALL THE TIME?

25 A YES.

26 Q DID HE FOLLOW UP ON THAT QUESTION -- I'M

27 SORRY -- ON THAT STATEMENT?

28 A NO.

43689

1 MR. LEVIN: YOUR HONOR, I KNOW IT'S A COUPLE

2 MINUTES EARLY, BUT THIS WOULD BE A GOOD TIME FOR ME

3 TO BREAK.

4 THE COURT: OKAY. WE'LL RESUME TOMORROW AT

5 8:30. AND BECAUSE OF A SCHEDULING SITUATION

6 INVOLVING A JUROR, WE'LL BE RECESSING IN THE

7 AFTERNOON, BUT WE'LL TRY TO WORK UNTIL 1:00 TOMORROW

8 AND THEN BREAK FOR THE BALANCE OF THE DAY. SO WE'LL

9 WORK FROM 8:30 UNTIL ONE AND THEN NOT BE IN SESSION

10 IN THE AFTERNOON.

11 DON'T DISCUSS THE CASE WITH ANYONE.

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

13 YOU BACK HERE TOMORROW AT 8:30.

14 (THE JURY EXITED THE

15 COURTROOM AND THE FOLLOWING

16 PROCEEDINGS WERE HELD:)

17

18 THE COURT: OKAY. YES, SCHEDULING.

19 MS. ABRAMSON: WE'RE JUST HAVING A POTENTIAL

20 WITNESS CRISIS HERE. TOMORROW IS HALF A DAY. I

21 IMAGINE THAT MY CLIENT WILL STILL BE ON DIRECT
22 TOMORROW AND THEN CROSS WOULD START ON THURSDAY.
23 MR. CONN ESTIMATES THAT HIS CROSS-EXAMINATION WILL
24 TAKE THREE DAYS, BUT THAT'S WHAT MR. KURIYAMA
25 ESTIMATED ALSO AND IT TOOK SEVEN.
26 SO I DON'T KNOW HOW MANY DAYS IT REALLY
27 WILL TAKE ON CROSS-EXAMINATION, BUT HERE'S OUR
28 DILEMMA, JUDGE.

43690

1 OUR NEXT WITNESS, BASED ON WHAT WE
2 BELIEVE WE UNDERSTAND IS THE COURT'S NOTION OF
3 WHAT'S NECESSARY FOUNDATIONALLY TO BRING ON OTHER
4 WITNESSES, OUR NEXT WITNESS IS MEANT TO BE
5 DR. WILSON. HOWEVER, APART FROM THE FACT THAT ALL
6 OF HIS PIPES BURST IN HIS HOUSE TODAY BECAUSE OF THE
7 FREEZING WEATHER IN CLEVELAND, WHICH I JUST FOUND
8 OUT ABOUT, THERE IS THE FACT THAT HE'S GOING TO
9 AUSTRALIA ON THE 22ND FOR A LONG-PLANNED PRE-PAID
10 VACATION TO HIS WIFE'S FAMILY WHO LIVE IN AUSTRALIA,
11 AND IS NOT DUE TO RETURN UNTIL JANUARY -- I MEAN,
12 HIS FIRST DAY BACK WOULD BE JANUARY THE 8TH.
13 SO WE'RE TRYING TO FIGURE OUT WHAT WE
14 CAN DO VIS-A-VIS OTHER WITNESSES, NOT SO MUCH TO
15 FILL UP NEXT WEEK, BECAUSE I HONESTLY DON'T BELIEVE

16 MR. CONN WILL ONLY TAKE THREE DAYS, BUT EVEN IF HE
17 DID -- IF HE DOES ONLY TAKE THREE DAYS AND HE'S
18 FINISHED WITH MY CLIENT ON MONDAY, I COULD
19 THEORETICALLY -- WE ONLY HAVE HALF A DAY SCHEDULED,
20 AS FAR AS I UNDERSTAND IT, FOR THE 19TH.

21 THE COURT: YES. WE HAVE A JUROR WHO NEEDS
22 TIME OFF ON THE AFTERNOON OF THE 19TH AND THEN TWO
23 JURORS NEED OFF THE 22ND.

24 MS. ABRAMSON: I UNDERSTOOD WE WEREN'T GOING
25 TO BE IN SESSION ON THE 22ND.

26 THE COURT: RIGHT.

27 MS. ABRAMSON: I'M LOOKING AT THE POSSIBILITY
28 OF WHAT I CAN DO WITH DR. WILSON ON THE 19TH AND

43691

1 20TH BECAUSE HE HAS TO BE IN CLEVELAND ON THE 21ST
2 TO PREPARE TO LEAVE AT THE CRACK OF DAWN ON THE
3 22ND. SO THAT GIVES ME A DAY AND A HALF OF POSSIBLE
4 TESTIMONY FROM DR. WILSON. I'M MORE THAN HAPPY TO
5 START HIM AND PUT HIM ON, BUT I'M NOT SURE THAT EVEN
6 IF I WERE TO FINISH DIRECT, I'M NOT SURE THE
7 PROSECUTION WOULD BE HAPPY WITH THAT BIG A GAP. AND
8 I'M NOT SURE THAT IT WOULD GET US ANYWHERE VIS-A-VIS
9 LAYING A FOUNDATION FOR OTHER WITNESSES.

10 SO WE DON'T HAVE TO DECIDE THIS RIGHT

11 NOW. I JUST -- WE'RE REALLY IN A DILEMMA HERE. AND
12 I CAN'T ASK HIM, AND I DON'T THINK IT WOULD BE FAIR
13 TO ASK HIM, TO CANCEL HIS FAMILY'S VACATION TO
14 AUSTRALIA.

15 THE COURT: WHAT ABOUT WITNESSES FOR THE
16 CODEFENDANT?

17 MR. GESSLER: WITNESSES FOR THE CODEFENDANT,
18 YOUR HONOR, ALSO ARE DEPENDENT ON THE STATE OF THE
19 CASE AT THAT TIME.

20 THE COURT: YOU MEAN AFTER WILSON TESTIFIES?

21 MR. GESSLER: MOST LIKELY.

22 THE COURT: WHAT DOES THAT HAVE TO DO WITH
23 YOUR DECISION?

24 MR. GESSLER: WELL, IT HAS TO DO WITH MY
25 DECISION, YOUR HONOR, AS TO HOW MUCH SUCH WITNESSES
26 WILL BE ALLOWED TO TESTIFY TO.

27 UNDER THE COURT'S RULING, AS I
28 UNDERSTAND IT, SOME OF THE FAMILY MEMBERS WILL BE

43692

1 ALLOWED TO TESTIFY, BUT THERE HAVE BEEN NO
2 PARAMETERS SET UP AS TO WHAT THEY COULD TESTIFY TO.

3 THE COURT: WELL, THAT WOULD HAVE TO DO WITH
4 THE DEFENSE OF ERIK MENENDEZ. I'M TALKING ABOUT
5 YOUR CLIENT.

6 MS. ABRAMSON: YOU SEE, MY CONCERN IS I DON'T
7 WANT TO BRING OUT THE FAMILY MEMBERS TO TESTIFY TO
8 A, B, AND C AND THEN HAVE TO YANK THEM BACK FOR D,
9 E, AND F.

10 THE COURT: I UNDERSTAND THAT. BUT I THOUGHT
11 YOU SAID YOU WOULD BE MAKING A DECISION AS TO YOUR
12 CLIENT'S TESTIMONY AFTER ERIK MENENDEZ FINISHED HIS
13 TESTIMONY.

14 MR. GESSLER: I WOULD BE DOING WHAT, YOUR
15 HONOR?

16 THE COURT: BE MAKING A DECISION AS TO YOUR
17 CLIENT'S TESTIMONY AFTER THE DEFENDANT, ERIK
18 MENENDEZ, TESTIFIED.

19 MS. ABRAMSON: I DON'T THINK HE'D BE PREPARED
20 TO PUT HIM ON RIGHT AFTER.

21 THE COURT: WE COULD DO THAT AFTER THE
22 CHRISTMAS BREAK.

23 MR. GESSLER: PUT HIM ON AFTER THE CHRISTMAS
24 BREAK?

25 THE COURT: YES.

26 MR. GESSLER: IF I DECIDE TO PUT HIM ON.

27 THE COURT: I'M SAYING IF THAT'S -- IF THAT'S
28 WHAT YOU NEED TO KNOW BEFORE HE TESTIFIES, AFTER THE

1 OTHER DEFENDANT'S TESTIMONY IS COMPLETED, THEN
2 PERHAPS WE COULD DO THAT. THAT WILL AVOID THE
3 PROBLEM THAT MS. ABRAMSON IS TALKING ABOUT.

4 MS. ABRAMSON: THAT WOULD HELP ME
5 TREMENDOUSLY, YOUR HONOR. BUT THEN IF THEY DECIDE
6 NOT TO CALL THEIR CLIENT, WE STILL HAVE THE PROBLEM
7 OF HOW TO FILL UP JANUARY -- ARE WE ON IN SESSION ON
8 THE 2ND?

9 THE COURT: NO. THE 3RD.

10 MS. ABRAMSON: THAT GIVES ME THREE DAYS OF
11 DOWN TIME, POTENTIALLY, TO TRY TO FILL IN WITH OTHER
12 WITNESSES. WE COULD DO IT. I CAN THINK OF A FEW
13 PEOPLE. BUT, AGAIN, I'M NOT SURE WHAT THE
14 PARAMETERS ARE. CAN WE THINK ABOUT THIS OVERNIGHT,
15 ALL OF US, AND PERHAPS YOU CAN SUGGEST WHAT WE
16 SHOULD DO NEXT WEEK?

17 THE COURT: ALL RIGHT. PERHAPS ONCE WE GET
18 THROUGH WITH THE DIRECT EXAMINATION WE'LL HAVE A
19 BETTER IDEA AS TO HOW LONG THE CROSS WILL BE. IT'S
20 A LITTLE PREMATURE FOR THE PROSECUTOR TO GIVE YOU A
21 FIRM ESTIMATE UNTIL HE'S HEARD ALL OF THE --

22 MS. ABRAMSON: DR. WILSON IS COMING IN THIS
23 WEEKEND, AND SO HE'LL BE AVAILABLE FOR THE TWO DAYS
24 THAT HE'S AVAILABLE, THE 19TH AND THE 20TH. BUT
25 IF -- BUT IF IT LOOKS, BY THE END OF THIS WEEK, THAT
26 WE'RE NOT REALLY GOING TO GET THE TIME FROM HIM,
27 HE'LL COME IN, FINISH WHATEVER WORK HE'S DOING HERE,
28 AND THEN I'LL TELL HIM HE'S GOT TO BE BACK HERE ON

1 THE 8TH.

2 THE COURT: OKAY. WE'LL KNOW MORE ONCE WE
3 GET INTO IT.

4 MS. ABRAMSON: HE DID SAY, BY THE WAY, YOUR
5 HONOR, HE MIGHT BE WILLING TO COME BACK EARLIER THAN
6 THE 8TH IF THE COUNTY OF LOS ANGELES WANTED TO PAY
7 FOR A BUSINESS CLASS TICKET FROM AUSTRALIA, BUT I
8 DIDN'T THINK WE WERE.

9 THE COURT: IS THIS VIDEOTAPE READY TO PLAY
10 NOW?

11 MR. LEVIN: IT'S READY.

12 THE COURT: LET'S DO IT NOW THEN.

13 (VIDEOTAPE PLAYED.)

14

15 THE COURT: ALL RIGHT. THE TAPE HAS BEEN
16 PLAYED. IT HAS NOT BEEN MARKED AS AN EXHIBIT.

17 DO YOU WANT TO MARK IT?

18 MR. LEVIN: YES, I DO, YOUR HONOR.

19 THE COURT: ALL RIGHT. LET'S MARK IT AS
20 368.

21 MR. LEVIN: YOUR HONOR, AS A FOUNDATION,
22 MR. ERIK MENENDEZ WILL IDENTIFY WHAT IS DEPICTED IN
23 THAT VIDEO AS BEING THE LOCATION OF THE CALIFORNIA

24 SERVICE FOR JOSE AND KITTY MENENDEZ. I BELIEVE IT
25 WAS AT THE SCREEN ACTOR'S GUILD.
26 MS. ABRAMSON: DIRECTOR'S GUILD.
27 MR. LEVIN: DIRECTOR'S GUILD, HERE IN
28 CALIFORNIA; AND THAT ADDITIONALLY THAT HE IS

43695

1 FAMILIAR BY -- FROM SEEING THAT VIDEO OF THE SPECIFIC
2 SHOES THAT -- HE CAN IDENTIFY IT FROM THE VIDEO, THE
3 TYPE OF SHOES THAT HIS BROTHER WAS WEARING, THAT
4 THEY WERE NOT HIS FATHER'S SHOES; THAT THEY WERE
5 LYLE MENENDEZ' SHOES; IN FACT, THAT THEY WERE
6 BOOTS.

7 THE COURT: OKAY. AND ASSUMING THAT IS THE
8 TESTIMONY, WHAT IS THE OBJECTION?

9 MS. NAJERA: YOUR HONOR, THE PEOPLE HAVE NO
10 OBJECTION TO THE TESTIMONY. IT'S THAT THE VIDEO,
11 WHAT IT PURPORTS TO BE, ISN'T WHAT WE SEE IN THIS
12 PICTURE. WHAT WE SEE IS A COUPLE OF BLURS, AND
13 THEY'RE SAYING THAT THIS CORROBORATES ERIK MENENDEZ'
14 TESTIMONY, AND IT DOESN'T CORROBORATE ANYTHING.
15 IT'S JUST TWO BIG BLURS. HE COULD TESTIFY TO THAT,
16 BUT IT -- I DON'T THINK THE VIDEOTAPE CORROBORATES
17 THAT. AND IF THE VIDEOTAPE DOESN'T CORROBORATE
18 THAT, ALL IT IS IS SCENES FROM A FUNERAL.

19 THE COURT: OKAY. WELL, THERE'S CERTAINLY
20 NOTHING PREJUDICIAL IN THE TAPE-RECORDING. IT
21 DOESN'T SHOW ANYTHING CONTROVERSIAL OR OF ANY
22 PREJUDICIAL NATURE WHATSOEVER. IT'S FOR THE TRIER
23 OF FACT TO DETERMINE WHETHER OR NOT THE FREEZE
24 FRAMES OR ENLARGEMENTS THAT ARE DEPICTED THERE SHOW
25 WHAT IT IS THAT THE DEFENDANT WILL BE TESTIFYING HE
26 SAYS THEY ARE; AND CERTAINLY THE PROSECUTION HAS
27 ACCESS TO SIMILAR TAPES, I THINK, AND CAN PRESENT
28 ANY CONTRARY EVIDENCE THAT IT DEEMS APPROPRIATE.

43696

1 BUT THERE'S CERTAINLY NOTHING HERE THAT WOULD BAR
2 ITS USE DURING THE COURSE OF THE PROCEEDINGS HERE.
3 THEREFORE, THE OBJECTION IS OVERRULED.

4 MS. NAJERA: YOUR HONOR, THERE WERE TWO
5 VIDEOTAPES THAT THE DEFENSE SHOWED US THIS MORNING,
6 AND I'D ASK THE COURT TO ORDER THE DEFENSE TO MAKE A
7 COPY FOR US.

8 THE COURT: TWO VIDEOTAPES?

9 MS. NAJERA: OF THIS WHOLE SCENE FROM THE
10 FUNERAL.

11 MR. LEVIN: THIS IS WHAT WE'RE USING AND WE
12 DON'T HAVE TO PROVIDE THE PROSECUTION WITH ANYTHING
13 THAT WE'RE NOT INTENDING ON USING AT TRIAL.

14 AS FAR AS COPYING IT, THE PROSECUTION
15 CAN TAKE APPROPRIATE STEPS AND REMOVE THAT COPY AND
16 COPY IT WITH THEIR OWN FACILITIES. WE DO NOT HAVE
17 FACILITIES TO PRODUCE A COPY.

18 THE COURT: IF THEY'RE NOT USING THE OTHER
19 ONE, WHY SHOULD YOU BE ENTITLED TO IT?

20 MS. NAJERA: WELL, YOUR HONOR, THIS IS
21 SOMETHING THAT DEPICTS THE SAME THING, AND AS YOUR
22 HONOR JUST SAID, WE COULD TAKE THIS AND TRY --

23 THE COURT: I SAID YOU HAVE ACCESS TO IT.
24 THESE SCENES HAVE BEEN SHOWN MANY TIMES IN MANY
25 PLACES. AND ANYBODY WITH A LITTLE EFFORT CAN COME
26 UP WITH THOSE TAPES.

27 MS. NAJERA: THE DEFENSE HAS A COPY, YOUR
28 HONOR. WE'RE IN THE MIDDLE OF TRIAL, AND AS A

43697

1 COURTESY WE'D ASK THE COURT TO ASK THEM --

2 THE COURT: AS A COURTESY YOU CAN ASK THEM.
3 IT'S NOT FOR THE COURT TO ENCOURAGE COURTESY TO MAKE
4 SOMEONE GIVE SOMETHING THEY DON'T HAVE TO. IF IT
5 WAS LEGALLY REQUIRED, I'D ORDER IT. IT'S CERTAINLY
6 WITHIN THEIR DISCRETION.

7 AS FAR AS THIS PARTICULAR TAPE HERE,
8 IT'S CERTAINLY AVAILABLE FOR PHOTOCOPY. IF YOU NEED

9 IT ONCE IT'S BEEN USED BY THE DEFENSE --

10 ARE YOU GOING TO USE IT TOMORROW

11 MORNING? WHEN ARE YOU GOING TO USE IT?

12 MR. LEVIN: TOMORROW, YOUR HONOR.

13 THE COURT: THEN THEY CAN HAVE IT FOR

14 COPYING.

15 MS. ABRAMSON: SINCE THE PEOPLE HAVE RAISED A

16 DISCOVERY ISSUE -- WE'RE NOT TALKING COURTESY HERE --

17 THEY'RE STILL NOT PROVIDING US WITH THE BOB RAND

18 MANUSCRIPT. A PROTECTIVE ORDER WAS PRESENTED TO THE

19 PROSECUTION THREE WEEKS AGO TO SIGN WITH RESPECT TO

20 THAT. WE WANT TO MAKE SURE THAT NOTHING IN THAT

21 MANUSCRIPT IS UTILIZED BY MR. CONN IN HIS

22 CROSS-EXAMINATION OF OUR CLIENT. WE HAVE YET TO

23 HAVE THE HEARING THAT WE HAD ASKED FOR ABOUT THE

24 SOURCE OF IT. AND I DON'T UNDERSTAND WHAT'S TAKING

25 SO LONG. THEY WERE GIVEN THIS PROTECTIVE ORDER THAT

26 WE HAD ALL AGREED TO WEEKS AGO. THEY STILL HAVEN'T

27 SIGNED IT. I ASSUME IT'S AN EXCUSE NOT TO TURN IT

28 OVER, BUT WE NEED TO HAVE IT BEFORE THEY START

43698

1 CROSS-EXAMINING OUR CLIENT TO MAKE SURE THEY'RE NOT

2 AVAILING THEMSELF OF MATERIAL THAT'S PROTECTED BY

3 THE SHIELD LAW, WHICH THEY'LL NEVER PROVE UP THROUGH

4 THE WITNESS WHO IS ASSERTING THE SHIELD LAW.

5 THE COURT: WELL, WITHOUT RULING UPON THAT
6 OBJECTION, WHICH YOU MIGHT OR MIGHT NOT MAKE, WHEN
7 IS IT THAT THE PEOPLE WILL BE TURNING OVER THAT
8 MANUSCRIPT?

9 MR. CONN: WE'RE READY TO TURN IT OVER ANY
10 TIME. WE'VE BEEN READY TO TURN IT OVER FOR MONTHS.
11 I WAS PROVIDED WITH WHAT COUNSEL REFERS TO AS A
12 PROTECTIVE ORDER THAT WE ALL AGREED TO. I DON'T
13 KNOW WHERE COUNSEL GETS THIS AGREEMENT. MR. RAND
14 SHOWED ME A DOCUMENT WEEKS AGO AND I TOLD HIM I
15 DON'T AGREE TO WHAT'S CONTAINED IN THE DOCUMENT. HE
16 SAID HE'S GOING TO DISCUSS IT WITH HIS ATTORNEY AND
17 GET BACK TO ME AND HE NEVER DID. SO WE DON'T HAVE
18 AN AGREEMENT THAT WE ALL AGREED TO, BUT WE STILL
19 HAVE THE TRANSCRIPTS; AND WHEN THE COURT ORDERS US
20 TO TURN IT OVER, I'LL TURN IT OVER.

21 THE COURT: I RECALL IT WAS WITH THE
22 UNDERSTANDING THAT WE WERE WAITING FOR A PROTECTIVE
23 ORDER TO BE PREPARED BY MR. RAND'S COUNSEL.

24 MS. ABRAMSON: EXACTLY. HE'S THE ONE WITH
25 THE INTEREST. IT WAS NOT FOR THE PEOPLE TO AGREE OR
26 DISAGREE. IT WAS -- SINCE THE PEOPLE HAD SAID ON
27 THE RECORD THAT THEY WEREN'T USING --

28 THE COURT: THAT'S WHY MR. CONN REACTED THE

1 WAY HE DID. YOU SAID IT WAS AGREED UPON AND AGREED
2 UPON BY THE PROSECUTION.

3 MS. ABRAMSON: WELL --

4 THE COURT: IT WAS A PROTECTIVE ORDER TO BE
5 PROVIDED BY MR. RAND'S COUNSEL, AND I HAVEN'T SEEN
6 OR HAVE ANY KNOWLEDGE OF IT. IF THERE IS SUCH, THEN
7 THAT SHOULD BE PROVIDED TO THE COURT. AND IF THERE
8 IS COMPLIANCE WITH THE DISCUSSIONS THAT WE HAD AND
9 THE ORDERS MADE BY THE COURT, AND MR. RAND AND HIS
10 COUNSEL WERE PRESENT, THEN THE MANUSCRIPT SHOULD BE
11 PROVIDED TO THE DEFENSE.

12 MS. ABRAMSON: RIGHT. AND FROM WHAT I CAN
13 TELL, THAT PROTECTIVE ORDER DID COMPLY WITH THE
14 DISCUSSIONS THAT WE HAD THAT I BELIEVE MR. CONN WAS
15 PRESENT FOR.

16 THE COURT: I HAVE NO IDEA, SINCE I HAVEN'T
17 SEEN IT, SO I CAN'T SAY ANYTHING ABOUT THAT.

18 SO IF THERE IS SOME CONCERN BY THE
19 PROSECUTION THAT THERE IS SOME LACK OF COMPLIANCE
20 WITH THE ORDERS MADE BY THE COURT WHEN MR. RAND AND
21 HIS COUNSEL WERE LAST HERE, THEN I'LL CERTAINLY
22 REVIEW THAT ORDER. IF THERE IS NO SUCH CONCERN,
23 THEN YOU CAN TURN IT OVER TO THE DEFENSE, MR. CONN.

24 MR. CONN: YES.

25 THE COURT: SO DO YOU HAVE ANY CONCERNS?

26 MR. CONN: YES. I TOLD HIM I DISAGREE WITH
27 THE DOCUMENT. I'M NOT GOING TO SIGN SOMETHING THAT

43700

1 OVER, I'LL TURN IT OVER.

2 THE COURT: WHAT IS YOUR DISAGREEMENT?

3 MR. CONN: THERE WAS SOMETHING IN THERE ABOUT
4 HOW WE CAN USE THE MATERIAL IN COURT. I DON'T SEE
5 WHY A MAN IN -- WHO HAS WRITTEN THIS MATERIAL IS
6 GOING TO TRY TO LIMIT THE PROSECUTION FROM HOW WE
7 CAN USE THIS MATERIAL IN COURT. THAT'S NONE OF HIS
8 CONCERN. AND THAT'S WHAT I TOLD HIM. HE HAS NO
9 BUSINESS PUTTING IN A CLAUSE TO THAT EFFECT. I
10 DON'T KNOW WHY HE AND HIS LAWYERS GET -- ARE
11 CONCERNED ABOUT GIVING THE DEFENSE NOTICE AS TO HOW
12 WE BRING IT ABOUT OR HOW WE USE THAT MATERIAL IN
13 COURT. THIS SOUNDS MORE LIKE IT COMES FROM THE
14 DEFENSE THAN IT COMES FROM MR. RAND AND HIS LAWYER.

15 MS. ABRAMSON: FIRST OF ALL, THE PROSECUTION
16 HAS SAID, HOWEVER INSINCERELY IN THE PAST, THAT THEY
17 HAD NO INTENTION OF USING ANYTHING FROM THAT
18 MANUSCRIPT, AND WE HAVE INDICATED THAT IT WAS OUR
19 INFORMATION -- AND, IN FACT, MS. NAJERA DID NOT
20 CONTRADICT ME -- THAT THE MANUSCRIPT'S STOLEN,
21 PROTECTED BY THE SHIELD, STOLEN, AND IN THE HANDS OF
22 THE PROSECUTION; AND WE'VE BEEN TALKING ABOUT THIS

23 FOR MONTHS. AND THE PROSECUTION HAS BEEN REFUSING
24 TO REVEAL WHO STOLE IT OR HOW THEY GOT IT, FROM
25 WHATEVER INTERMEDIATE RECEIVER OR THE THIEF HIMSELF;
26 AND, THEREFORE, THEY'RE SAYING THAT THEY HAD NO
27 INTENTION OF USING IT AND THEY WERE HAPPY TO TURN IT
28 OVER TO THE DEFENSE, WHAT LED TO THE DISCUSSION

43701

1 ABOUT A PROTECTIVE ORDER TO PROTECT MR. RAND'S
2 PRIVACY INTEREST IN THE MATERIAL UNDER ALL OF THE
3 VARIOUS PROTECTIONS, INCLUDING THE SHIELD LAW.

4 NOW, COUNSEL IS OFFENDED BECAUSE
5 SOMEONE'S TELLING HIM THAT HE CAN'T USE IT IN COURT
6 WHEN HE'S PREVIOUSLY SAID HE HAD NO INTENTION OF
7 DOING SO.

8 NOW, MAYBE MR. CONN LIED AND HE DOES
9 INTEND TO USE IT; OR MAYBE IT'S JUST A MATTER OF
10 PRIDE, THAT HE DOESN'T LIKE ANYBODY TELLING HIM
11 ANYTHING.

12 BUT EITHER WAY, IT SEEMS TO ME THAT A
13 PROTECTIVE ORDER THAT TELLS HIM HE CAN'T USE WHAT HE
14 SAID HE DIDN'T WANT TO USE ANYWAY SHOULDN'T HAVE
15 BEEN SO OFFENSIVE TO HIM, UNLESS IT IS JUST A MATTER
16 OF WILLFULNESS ON HIS PART.

17 MR. CONN: WELL, ONCE AGAIN, WE SHOULD

18 CORRECT FOR THE RECORD THAT NOTHING HAS BEEN STOLEN
19 IN THIS CASE. AS MUCH AS COUNSEL WANTS TO
20 CONTINUALLY ASSERT THAT TO BE THE TRUTH, THERE'S NO
21 EVIDENCE TO SUPPORT THAT. THAT IS SIMPLY NOT THE
22 TRUTH.

23 MS. ABRAMSON: WELL, AS SOON AS COUNSEL WANTS
24 TO TELL.

25 MR. CONN: ALL I DO --

26 THE COURT: ONE PERSON AT A TIME, MS. ABRAMSON.

27 MS. ABRAMSON: OKAY.

28 THE COURT: IT'S NOT OKAY. THAT'S JUST THE

43702

1 WAY IT IS.

2 GO AHEAD, MR. CONN.

3 MR. CONN: ONCE AGAIN, I WOULD ASK IF COUNSEL
4 HAS A COPY OF THAT DOCUMENT FROM MR. RAND, THAT IT
5 BE PROVIDED TO THE COURT SO THE COURT CAN REVIEW THE
6 DOCUMENT.

7 THE COURT: ALL RIGHT. WELL, OBVIOUSLY, IF
8 THERE IS A PROTECTIVE ORDER, UNLESS IT'S A
9 STIPULATION OR AGREEMENT BETWEEN COUNSEL, WHICH IS
10 NOT AN ORDER AT ALL, ANY ORDER WOULD HAVE TO BE
11 SIGNED BY THE COURT.

12 MS. ABRAMSON: I DON'T HAVE THESE DOCUMENTS.

13 MR. RAND DOES.

14 THE COURT: I ASSUME THE WAY IT'S
15 CHARACTERIZED AS AN ORDER, THEN IT'S A DOCUMENT TO
16 BE SIGNED BY THE COURT. IF IT'S A STIPULATION BY
17 COUNSEL, THEN I DON'T HAVE TO SEE IT. SO THAT'S THE
18 WAY IT IS.

19 AT THIS POINT THE PEOPLE DON'T FEEL THAT
20 THEY CAN SIGN THE DOCUMENTS, SO THE BALL IS STILL
21 WITH MR. RAND.

22 IF THIS IS A DOCUMENT THAT IS A
23 STIPULATION RATHER THAN SOMETHING TO BE SIGNED BY
24 THE COURT -- I HAVE NO IDEA WHAT IT IS. IF YOU WANT
25 TO PRESENT IT TO ME, I CAN LOOK AT IT. BUT I
26 HAVEN'T SEEN A THING.

27 WE'LL BE IN RECESS UNTIL TOMORROW
28 MORNING AT 8:30.

43703

1 (AT 4:45 P.M., AN ADJOURNMENT
2 WAS TAKEN UNTIL WEDNESDAY,
3 DECEMBER 13, 1995, AT 8:30 A.M.)

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)
PLAINTIFFS,)

7)
VS.) NO. BA 068880

8)
ERIK GALEN MENENDEZ, AND)

9 JOSEPH LYLE MENENDEZ,)

10)
DEFENDANTS.)

11
12 REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

13 TUESDAY, DECEMBER 12, 1995

14 VOLUME 261

15 PAGES 43573 THROUGH 43703

16
17
18
19
20
21 APPEARANCES:

22 (SEE APPEARANCE PAGE)

1 APPEARANCES:

2

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ANNAMARIE PAPA
22 CSR NO. 8608
MARILYN FADALE,
23 CSR NO. 4547
OFFICIAL REPORTERS

24

25

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27

28

1 INDEX FOR VOLUME 261 PAGES 43573 THROUGH 43703

2	<hr/>				
3	DAY	DATE	SESSION	PAGE	VOL.
	<hr/>				

4 TUESDAY, DECEMBER 12, 1995 P.M. 43573 261

5

6

7 PROCEEDINGS

8

9

10 CHRONOLOGICAL INDEX OF WITNESSES

11 WITNESSES: DIRECT CROSS REDIRECT RECROSS VOL.

12 MENENDEZ,
13 ERIK GALEN
(CONT'D) 43577-L

261

14

15

16

17

18

19

20

21

22

LEGEND:

23 A = MS. ABRAMSON C = MR. CONN

G = MR. GESSLER L = MR. LEVIN

24 N = MS. NAJERA T = MS. TOWERY

1 EXHIBITS INDEX

2 EXHIBITS: MARKED RECEIVED VOL.

3 367- PHOTOGRAPH 43584 261

4 368- VIDEOTAPE 43694 261