

1 VAN NUYS, CALIFORNIA; MONDAY, FEBRUARY 5, 1996

2 9:15 A.M.

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

4 (APPEARANCES AS HERETOFORE NOTED)

5 (MARY LU MURPHY, OFFICIAL REPORTER)

6 (MARILYN A. FADALE, OFFICIAL REPORTER)

7

8 THE COURT: IN THE TRIAL, THE DEFENDANTS ARE IN  
9 COURT. THEIR LAWYERS ARE HERE. THE PEOPLE ARE HERE.

10 IS THERE SOMETHING YOU WANT TO TALK ABOUT?

11 MR. LEVIN: YOUR HONOR, ONE THING REAL QUICK. I  
12 AM SORRY. BEFORE I FORGET, I JUST WANT TO LET THE COURT  
13 KNOW THAT MY ORAL ARGUMENT ON FEBRUARY 9TH HAS BEEN  
14 DEFERRED, SO DO NOT FACTOR ME INTO A FEBRUARY 9TH EARLY  
15 DATE.

16 THE COURT: OKAY, THANK YOU.

17 WHAT ELSE?

18 MS. ABRAMSON: DISCOVERY, YOUR HONOR.

19 I HAD DR. PARK DIETZ SERVED WITH A SUBPOENA  
20 LAST THURSDAY FOR CERTAIN DOCUMENTS THAT WERE PROVIDED  
21 TO HIM BY THE PROSECUTION.

22 DR. DIETZ TOLD ME ON THE TELEPHONE LAST  
23 FRIDAY THAT HE HAD PROVIDED A LIST OF SUCH DOCUMENTS TO  
24 THE PROSECUTION, FOR THEM TO TURN OVER TO ME, AS WELL AS  
25 COPYING HIS NOTES.

26 AFTER THAT CONVERSATION I -- WHEN I WENT ON  
27 THE RECORD CONCERNING IT, I DID RECEIVE A SET OF  
28 DR. DIETZ'S NOTES, BUT I NEVER RECEIVED ANY LIST OF

1 DOCUMENTS, NOR WAS SHOWN ANY DOCUMENTS, AND I WENT TO  
2 THE DISTRICT ATTORNEY'S OFFICE LIKE A FOOL FRIDAY  
3 AFTERNOON, AND STOOD IN THE ANTEROOM WAITING FOR SOMEONE  
4 TO COME OUT WITH THE LIST UNTIL THE SECRETARY HAD TO  
5 LOCK UP AND THREW ME OUT, AND NO ONE CAME WITH THE LIST.

6 THE COURT: OKAY.

7 SO WE NEED A LIST.

8 MS. ABRAMSON: I AM GETTING A LIST NOW. NOW, I  
9 AM NOT SURE THAT A LIST WILL SUFFICE TO ANSWER THIS  
10 SUBPOENA, SINCE IT WAS JUST HANDED TO ME.

11 THE COURT: ALL RIGHT.

12 MS. ABRAMSON: SO I'LL HAVE TO TAKE A LOOK AT  
13 THIS.

14 THE COURT: OTHER THAN DISCOVERY ISSUES, WHAT'S  
15 ON TAP TODAY?

16 MS. NAJERA: YOUR HONOR, WE WILL BE CALLING  
17 DETECTIVE ZOELLER AND JAMIE PISARCIK.

18 MS. ABRAMSON: I CAN TELL YOU NOW, YOUR HONOR,  
19 JUST GLANCING OVER THE BEGINNING OF THIS LIST, THAT IT  
20 ISN'T SUFFICIENTLY DETAILED TO GIVE ME DISCOVERY.

21 FOR EXAMPLE, ITEM THREE, AUDIO TAPE OF  
22 OZIEL. OKAY. IF I CAN REMEMBER CORRECTLY, THERE IS  
23 ABOUT A DOZEN SUCH THINGS.

24 MR. CONN: THAT REFERS TO THE DECEMBER 11TH TAPE.

25 MS. ABRAMSON: NO -- WELL, THAT MAY BE, BUT THERE

26 ALSO IS BEVERLY HILLS POLICE DEPARTMENT CRIME REPORTS  
27 AND RECORDS AND SUPPLEMENTAL REPORTS. WHICH ONES?  
28 I HAVE TO INSIST, YOUR HONOR, THAT MY

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1 SUBPOENA AT THIS POINT BE COMPLIED WITH, SINCE IT  
2 REQUIRES PRODUCTION OF THE DOCUMENTS VERSUS A LIST THAT  
3 TELLS ME VERY LITTLE.

4 THEN THERE IS A -- FOR EXAMPLE, THERE IS AN  
5 ITEM 12, RESEARCH MATERIALS BY DR. DARLEY (SIC)  
6 MATTHEWS. I HAVEN'T A CLUE WHO DR. DARLEY MATTHEWS IS,  
7 OR WHAT MATERIALS THOSE ARE.

8 THEN WE HAVE A TRANSCRIPT OF ANN BURGESS  
9 AND JOHN CONTE. I HAVE NO IDEA WHAT HEARING THAT IS, OR  
10 HOW THOROUGH THAT IS.

11 THEN I HAVE TWO ENTRIES. ENTRY 17, ERIK  
12 MENENDEZ' TESTIMONY, SECOND TRIAL. AND ENTRY 21, ALL OF  
13 ERIK MENENDEZ' TESTIMONY FROM SECOND TRIAL.

14 MR. CONN: I THINK THAT'S JUST A TYPO. WE SHOULD  
15 JUST ELIMINATE ITEM NO. 17.

16 MS. ABRAMSON: I DID NOTE THAT IN ONE OF THE  
17 TAPES, VIDEOTAPES THAT I HAVE BEEN REVIEWING, DR. DIETZ  
18 INDICATES HE NEVER READ MY CLIENT'S CROSS-EXAMINATION  
19 FROM THIS TRIAL. I DON'T KNOW IF THAT MEANS HE DIDN'T  
20 HAVE IT OR HE JUST HAS POOR READING HABITS, BUT I WOULD  
21 ASK IF THE PROSECUTION HAS ANOTHER COPY OF THIS TO FILE

22 WITH THE COURT. I DON'T THINK THIS ADEQUATELY RESPONDS  
23 TO MY SUBPOENA.

24 THE COURT: WELL, LET ME SAY THIS:

25 THAT OBVIOUSLY MATERIALS THAT WERE ALREADY  
26 IN THE POSSESSION OF EVERYBODY DON'T HAVE TO BE  
27 PROVIDED, JUST A LIST IDENTIFYING THEM, SO THAT THE  
28 OTHER SIDE KNOWS PRECISELY WHAT IT IS IS CERTAINLY A

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1 SUITABLE RESPONSE TO THE SUBPOENA.

2 MS. ABRAMSON: I AGREE.

3 THE COURT: AND IF THE PEOPLE HAVEN'T DONE THAT,  
4 THEN THE COURT WOULD WANT TO KNOW WHY.

5 MR. CONN: WELL, THIS IS THE LIST. AS FAR AS THE  
6 SPECIFIC REPORTS, HE IS COMING IN TODAY. HE CAN BRING  
7 THE SPECIFIC REPORTS WITH HIM, IF COUNSEL WANTS TO SEE  
8 WHICH REPORTS THEY WERE.

9 THE COURT: WHEN IS HE COMING IN?

10 MR. CONN: HE IS COMING IN THIS AFTERNOON FOR THE  
11 INTERVIEW WITH COUNSEL.

12 THE COURT: SO HE IS BRINGING EVERYTHING WITH  
13 HIM?

14 MR. CONN: HE WASN'T PLANNING ON BRINGING IT. I  
15 THOUGHT THAT THIS WOULD SUFFICE. BUT IF THERE IS AN  
16 ISSUE AS TO THAT ONE ENTRY, THAT IS, THE SPECIFIC POLICE  
17 REPORTS --

18 THE COURT: WELL, ANY OF THOSE THINGS WHERE SHE  
19 HAS INDICATED SHE DOESN'T KNOW WHAT THE EXACT ITEM WAS.  
20 MR. CONN: I CAN SIT DOWN WITH COUNSEL AND TELL  
21 HER WHICH TRANSCRIPTS WE GAVE TO THE WITNESS.  
22 MS. ABRAMSON: SINCE I HAVE JUST BEEN HANDED  
23 THIS, YOUR HONOR, LET ME GO THROUGH IT BRIEFLY TO PUT ON  
24 THE RECORD WHAT I THINK IS INADEQUATE.  
25 THE COURT: LET'S DO THIS. MR. CONN IS CORRECT.  
26 IF HE CAN SIT WITH YOU FOR 10 MINUTES AND IDENTIFY MORE  
27 SPECIFICALLY WHAT THESE ITEMS ARE, THEN WE WON'T BE  
28 WASTING ANYMORE COURT TIME ON THIS. HE CAN CLARIFY THE

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1 LIST AND ANSWER THE QUESTIONS YOU HAVE.  
2 SO LET'S DO THAT FIRST, AND WHILE YOU'RE  
3 DOING THAT WE'LL LET THE JURY COME UP.  
4 SO LET'S GET THE JURY UP.  
5 (A RECESS WAS TAKEN FROM.  
6 9:20 A.M. TO 9:35 A.M.)  
7  
8 THE COURT: ALL RIGHT.  
9 ARE WE READY FOR THE JURY?  
10 MS. ABRAMSON: AS FAR AS I KNOW.  
11 MS. NAJERA: YES.  
12 THE COURT: OKAY. LET'S GET THE JURY OUT.  
13 (THE JURY ENTERS THE COURTROOM

14 AND THE FOLLOWING PROCEEDINGS  
15 WERE HELD:)  
16  
17 THE COURT: THE JURY IS IN THE COURTROOM. GOOD  
18 MORNING, LADIES AND GENTLEMEN.  
19 WE'RE READY TO RESUME WITH THE TRIAL. WE  
20 HAVE EVERYBODY PRESENT, AND I BELIEVE THERE IS GOING TO  
21 BE ANOTHER WITNESS CALLED TO THE WITNESS STAND.  
22 MS. NAJERA: YES, YOUR HONOR. THE PEOPLE CALL  
23 DETECTIVE ZOELLER.  
24 THE COURT: ALL RIGHT. SINCE YOU'VE BEEN OFF THE  
25 STAND SO LONG WE WILL SWEAR YOU IN AGAIN.  
26  
27 ///  
28 ///

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1 LESLIE ZOELLER,  
2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND  
3 TESTIFIED AS FOLLOWS:  
4 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE  
5 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE  
6 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND  
7 NOTHING BUT THE TRUTH, SO HELP YOU GOD.  
8 THE WITNESS: I DO.  
9 THE CLERK: PLEASE TAKE THE STAND AND STATE YOUR

10 NAME FOR THE RECORD.

11 THE WITNESS: LESLIE H. ZOELLER.

12 THE COURT: ALL RIGHT.

13 MS. NAJERA: THANK YOU, YOUR HONOR.

14

15 DIRECT EXAMINATION

16 BY MS. NAJERA:

17 Q. DETECTIVE ZOELLER, IN 1989 DID YOU LEARN  
18 FROM CRAIG CIGNARELLI THAT BOTH LYLE MENENDEZ AND ERIK  
19 MENENDEZ SHOT THEIR PARENTS?

20 A. YES.

21 Q. AND IN 1989 WHEN YOU HEARD THIS FROM CRAIG  
22 CIGNARELLI, WAS THIS THE FIRST TIME YOU HAD CONCRETE  
23 EVIDENCE THAT THEY HAD DONE IT?

24 MR. LEVIN: OBJECTION. VAGUE. IT'S ALSO  
25 IRRELEVANT. CALLS FOR SPECULATION. CONCLUSIONARY.  
26 PLEASE.

27 THE COURT: IF I WAIT LONG ENOUGH, MAYBE YOU'LL  
28 HIT THE RIGHT ONE. I DON'T KNOW.

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1 WHY DON'T YOU REPHRASE THE QUESTION.

2 MS. NAJERA: OKAY.

3 Q. WAS THIS THE FIRST TIME THAT YOU HAD HEARD  
4 FROM ANY SOURCE THAT ERIK AND LYLE MENENDEZ SHOT THEIR  
5 PARENTS?

6 A. YES.

7 Q. AND DID ERIK MENENDEZ CONFIRM THIS FACT IN  
8 1993?

9 A. YES, HE DID.

10 Q. AND THIS WAS THE FACT THAT CRAIG CIGNARELLI  
11 GAVE TO YOU IN 1989?

12 A. THAT'S CORRECT.

13 Q. NOW, IN 1989 DID CRAIG CIGNARELLI TELL YOU  
14 THAT ERIK MENENDEZ TOLD HIM THAT WHEN THEY WENT IN TO  
15 KILL THEIR PARENTS THEY WENT THROUGH THE FOYER?

16 A. THAT'S CORRECT.

17 Q. AND WAS THIS THE FIRST TIME THAT YOU HAD  
18 HAD EVIDENCE THAT THE INDIVIDUALS WHO KILLED JOSE AND  
19 KITTY MENENDEZ WENT THROUGH THE FOYER DOORS?

20 A. YES, IT IS.

21 Q. AND ARE THERE THREE WAYS TO GET INTO THE  
22 ROOM WHERE KITTY AND JOSE MENENDEZ WERE KILLED?

23 A. YES.

24 Q. AND CRAIG CIGNARELLI SAID IT WAS THE FOYER  
25 DOORS; IS THAT RIGHT?

26 A. HE DID.

27 Q. AND DID ERIK MENENDEZ, IN 1993, CONFIRM  
28 THAT IN FACT IT WAS THE FOYER DOORS THAT THE DEFENDANTS

1 WENT THROUGH WHEN THEY KILLED THEIR PARENTS?



2 A. HE DID.

3 MR. LEVIN: OBJECTION, YOUR HONOR. IT'S

4 ARGUMENTATIVE, AND WE WOULD ASK TO APPROACH ON THIS LINE  
5 OF QUESTIONING.

6 THE COURT: ASK TO APPROACH -- WHAT? I DIDN'T  
7 HEAR THE LAST PORTION.

8 MR. LEVIN: ON THIS LINE OF QUESTIONING.

9 THE COURT: ALL RIGHT. WE'LL DISCUSS THE MATTER  
10 THEN.

11 (THE FOLLOWING PROCEEDINGS WERE  
12 HELD OUT OF THE PRESENCE OF  
13 THE JURY:)

14

15 MS. ABRAMSON: MR. LEVIN HAS ASKED ME TO EXPRESS  
16 HIS ORIGINAL IDEA HERE, AND THAT IS THE BASIS FOR THE  
17 OBJECTION THAT THIS LINE OF QUESTIONING, ASKING DID  
18 CIGNARELLI TELL YOU SOMETHING, AND DID ERIK MENENDEZ  
19 TESTIFY TO IT, IS ARGUMENTATIVE.

20 IT'S AN IMPROPER WAY TO TRY TO BOLSTER  
21 CIGNARELLI'S CREDIBILITY. IT TENDS TO MISLEAD THE JURY,  
22 BECAUSE THERE ARE OTHER WAYS IN WHICH CIGNARELLI COULD  
23 HAVE KNOWN SOME OF THESE FACTS.

24 BUT TO PLAY THIS PING-PONG, WHICH I ASSUME  
25 MISS NAJERA, IN HER CLEVER WAY IS TRYING TO DO HERE, IS  
26 WE THINK IMPROPERLY ARGUMENTATIVE.

27 THE COURT: WELL, AS FAR AS WHERE HE FIRST HEARD  
28 CERTAIN THINGS --

1 MS. ABRAMSON: YES, THAT'S FINE.

2 THE COURT: -- THAT'S CLEARLY ADMISSIBLE, AND THE  
3 JURY HAS NO WAY OF KNOWING WHETHER OR NOT THE WITNESS  
4 KNEW IT FROM SOME OTHER SOURCE BEFORE HE GOT IT FROM  
5 CIGNARELLI.

6 AS FAR AS WHETHER ERIK MENENDEZ TESTIFIED  
7 ABOUT SOMETHING HERE OR DIDN'T TESTIFY ABOUT SOMETHING  
8 HERE, THAT REALLY DOES CONSTITUTE ARGUMENT, BECAUSE YOU  
9 CAN REFER TO THAT IN YOUR ARGUMENT. THE PURPOSE OF  
10 TESTIMONY IS TO GET THINGS THAT THE JURY DOESN'T KNOW,  
11 NOT THINGS THAT THEY HAVE SEEN HERE IN COURT.

12 MS. NAJERA: THE PROBLEM IS THE JURY DOESN'T KNOW  
13 WHAT ERIK MENENDEZ TESTIFIED TO IN THE FIRST TRIAL IN  
14 1993. SO IT'S ONE THING FOR THEM TO SAY IN '95 HE IS  
15 TELLING THEM THE SAME STORY.

16 THE PROBLEM IS IN '95 THEY HAVE WHAT ERIK  
17 MENENDEZ TESTIFIED TO. BUT CRAIG CIGNARELLI TOLD HIM  
18 ALL THESE FACTS IN '89, AND THEN IN 1993, WHICH IS FOUR  
19 YEARS LATER, ERIK MENENDEZ CONFIRMED ALL THESE FACTS.

20 NOW THEY'RE GOING TO ARGUE THAT ERIK  
21 MENENDEZ, ALL HE SAID WAS THEY WALKED THROUGH THE DOOR,  
22 HE SAID THIS IS WHERE IT HAPPENED, AND THEY DID IT.

23 AND THAT, CLEARLY -- I CAN CLEARLY DO  
24 THAT, IF I CAN GET ALL OF THESE FACTS IN FRONT OF THE  
25 JURY THAT HE TOLD HIM THESE FACTS IN 1989, AND ERIK  
26 MENENDEZ CONFIRMS IT IN 1993.

27 THE COURT: CONFIRMS WHAT?

28 MS. NAJERA: CONFIRMS WHAT ERIK MENENDEZ SAID IN

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1 1993, AND MR. LEVIN SAID IT SEVERAL TIMES: ISN'T IT  
2 TRUE HE WALKED HIM INTO THE FOYER AND DIDN'T GIVE THEM  
3 ALL THE FACTS, AND SAID HE DID IT.

4 AND HE SAID: "ISN'T IT TRUE,  
5 MR. CIGNARELLI, AFTER TAKING YOU INTO THE FOYER, HE SAID  
6 'WE DID IT'?

7 AND THIS IS CLEARLY FACTS THAT SHOW HE HAD  
8 TO HAVE TOLD HIM THINGS, BECAUSE THESE ARE THINGS THAT  
9 ARE ONLY KNOWN TO ERIK MENENDEZ THAT HE TESTIFIED TO IN  
10 1993.

11 MS. ABRAMSON: IT REALLY DOESN'T MATTER WHEN HE  
12 TESTIFIED TO IT.

13 FIRST OF ALL, THAT ISN'T EXACTLY WHAT WAS  
14 DONE WITH MR. CIGNARELLI CONCERNING WHAT ERIK MENENDEZ  
15 TOLD HIM. AND IT'S TRUE MR. MENENDEZ TESTIFIED BOTH IN  
16 THIS TRIAL AND IN THE LAST TRIAL WHAT IT WAS HE DID, AND  
17 WHAT IT WAS HE DIDN'T TELL CIGNARELLI.

18 BUT THE DANGER I THINK IN -- FIRST OF ALL,  
19 BESIDES THE FACT THAT IT IS ARGUMENTATIVE AND IT DOESN'T  
20 MATTER IF MY CLIENT SAID IT IN '93 OR '95 OR WHEN, BUT  
21 WE WOULD POINT OUT, IF COUNSEL REFERS TO MY CLIENT'S  
22 PRIOR TESTIMONY FROM THE FIRST TRIAL, SHE OPENS THE DOOR

23 TO ALL OF IT COMING IN, AND THEN THE JURY WILL HEAR HOW  
24 TOTALLY CONSISTENT HE IS, AND HAS BEEN OVER THE PAST TWO  
25 YEARS, AND IT OPENS THE DOOR TO HOW CONSISTENT HE'S BEEN  
26 IN THIS COURTROOM OVER THE LAST TWO YEARS.

27 THE COURT: IT DOESN'T DO THAT.

28 MS. ABRAMSON: IT CERTAINLY SHOWS HOW CONSISTENT

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1 HE IS ON THE CRIME, AND WHAT HE TOLD CIGNARELLI.

2 IT ISN'T EVEN ACCURATE THAT ERIK MENENDEZ  
3 CONFIRMED THIS FOR THE FIRST TIME IN '93. IN FACT, HE  
4 SAID SOME OF THESE THINGS IN 1989 TO DR. OZIEL, BUT WE  
5 CAN'T -- SO IT'S EVEN MISLEADING TO PUT THAT BEFORE THE  
6 JURY. WE DON'T KNOW WHAT THE JURY WILL MAKE OF IT THAT  
7 HE'S FIRST QUOTE, CONFIRMING, THESE THINGS IN '93, WHEN  
8 WE KNOW HE FIRST CONFESSED IN 1989, WHICH WE FEEL IS A  
9 SIGNIFICANT FACT HAVING TO DO WITH HIS STATE OF MIND OF  
10 GUILT AND REMORSE THAT HE CONFESSED IN '89.

11 THIS GIVES THE FALSE IMPRESSION THAT HE  
12 FIRST 'FESSES UP -- AND, OF COURSE, HE HAS TESTIFIED TO  
13 THAT. BUT THIS GIVES THE IMPRESSION THAT HE 'FESSES UP  
14 FOR THE FIRST TIME IN '93 TO THOSE FACTS.

15 THE COURT: WHAT IS THE PEOPLE'S RESPONSE TO THE  
16 FACT THAT SOME OF THIS MATERIAL WAS KNOWN TO OZIEL  
17 EARLIER?

18 MS. NAJERA: PERHAPS -- I WAS THINKING, YOUR

19 HONOR, THAT THE BETTER QUESTION AND THE LESS  
20 ARGUMENTATIVE QUESTION WOULD BE -- I AM NOT ACCEPTING  
21 THAT THIS IS ARGUMENTATIVE -- BUT A BETTER WAY TO PUT  
22 THIS WOULD BE: DID DETECTIVE ZOELLER LEARN THIS  
23 INFORMATION IN 1989, AND THEN THE SECOND TIME HE HEARD  
24 THIS INFORMATION WAS OUT OF THE DEFENDANT'S MOUTH.  
25 MS. ABRAMSON: THAT'S NOT EVEN TRUE.  
26 MS. NAJERA: THAT IS TRUE.  
27 THE COURT: WELL, HE DID HEAR IT FROM OZIEL IN  
28 OZIEL'S TESTIMONY BEFORE THE GRAND JURY.

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1 MS. NAJERA: WHICH WAS OZIEL TESTIFYING TO WHAT?  
2 MS. ABRAMSON: AND HE HEARD IT ON OZIEL'S TAPES,  
3 WHICH HE LISTENED TO WHEN THEY WERE TURNED OVER TO THE  
4 PROSECUTION.  
5 THE COURT: WELL, HE DIDN'T LISTEN TO ALL OF  
6 THEM.  
7 MS. NAJERA: I DON'T THINK HE LISTENED TO THE  
8 TAPES.  
9 MS. ABRAMSON: THEY HAD TRANSCRIPTS.  
10 THE COURT: BUT IT'S TRUE, HE DID HEAR SOME OF  
11 THIS FROM OZIEL.  
12 MS. ABRAMSON: IT'S JUST AN ARGUMENTATIVE WAY OF  
13 PRESENTING IT, AND THAT'S WHAT'S OBJECTIONABLE. IT  
14 DOESN'T MATTER HOW HE FIRST GOT CONFIRMATION. NONE OF

15 THAT IS RELEVANT TO WHETHER CIGNARELLI TOLD HIM THESE  
16 THINGS. THE JURY CAN FIGURE IT OUT.

17 THE COURT: IT'S CLEAR YOU CAN BRING OUT IT'S THE  
18 FIRST TIME HE HEARD THESE THINGS IS THROUGH CIGNARELLI.  
19 THAT'S WHAT YOU WANT TO ACCOMPLISH.

20 MS. ABRAMSON: I WOULD POINT OUT, FOR WHAT IT'S  
21 WORTH, THIS IS A VERY SLIPPERY SLOPE, BECAUSE IN FACT WE  
22 HAVE TAPE-RECORDED TELEPHONE CALLS TO THE BEVERLY HILLS  
23 POLICE DEPARTMENT THAT WERE TURNED OVER IN DISCOVERY,  
24 WHERE PEOPLE ON THE OUTSIDE WERE CLAIMING THAT LYLE AND  
25 ERIK MENENDEZ DID THIS.

26 THIS ISN'T EVEN LEGITIMATELY TRUTHFUL IN  
27 THE WAY THIS INVESTIGATION OCCURRED. THEY HAD ALL THE  
28 USUAL CALLERS SAYING ALL THE USUAL THINGS.

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1 THE COURT: WELL, BUT THAT'S JUST RUMOR.

2 MS. ABRAMSON: BUT THIS GIVES THE IMPRESSION  
3 THAT --

4 MS. NAJERA: THE FIRST TIME HE HEARD THIS WAS IN  
5 1990, AND THEN SOME OF THIS STUFF WAS LATER CONFIRMED BY  
6 ANOTHER SOURCE, AND I WANT TO ASK HIM ABOUT THAT.

7 MS. ABRAMSON: COME ON.

8 MS. NAJERA: THERE IS NOTHING ARGUMENTATIVE ABOUT  
9 THAT.

10 THE COURT: WHAT OTHER SOURCE?

11 MS. NAJERA: THEY WERE EITHER CONFIRMED  
12 INDEPENDENTLY BY DR. MC CARTHY OR ERIK MENENDEZ.  
13 THE COURT: THAT'S JUST A CONCLUSION ON THE PART  
14 OF THE WITNESS. I DON'T THINK YOU CAN GET INTO THAT.  
15 IT'S REALLY --  
16 MS. NAJERA: OKAY.  
17 THE COURT: THAT'S STUFF THAT YOU CAN ARGUE  
18 ABOUT.  
19 MR. CONN: RIGHT.  
20 MS. NAJERA: OKAY. OKAY.  
21 THE COURT: LET'S PROCEED.  
22 MS. ABRAMSON: THANK YOU, YOUR HONOR.  
23 (THE FOLLOWING PROCEEDINGS WERE HELD  
24 IN OPEN COURT IN THE PRESENCE AND  
25 HEARING OF THE JURY:)  
26  
27 THE COURT: OKAY. LET'S PROCEED.  
28 MS. NAJERA: THANK YOU, YOUR HONOR.

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1 Q. DETECTIVE ZOELLER, IN 1989 DID YOU LEARN  
2 FROM CRAIG CIGNARELLI THAT ERIK AND LYLE, WHEN THEY  
3 WENT -- BURST INTO THE FAMILY ROOM WHEN THEY SHOT THEIR  
4 PARENTS?  
5 A. THAT THEY HAD, YES.  
6 Q. AND WAS THAT THE FIRST TIME THAT YOU HAD

7 EVIDENCE OF THIS FACT?

8 A. YES.

9 Q. AND IN 1989, DID YOU LEARN FROM CRAIG  
10 CIGNARELLI THAT ERIK MENENDEZ HAD TOLD HIM THAT THE  
11 TELEVISION SET WAS ON IN THE FAMILY ROOM?

12 A. YES.

13 Q. AND DID YOU -- WAS THE TELEVISION, IN FACT,  
14 ON?

15 A. IT WAS.

16 Q. AND WITH REGARDS TO THE VIDEO OF THE CRIME  
17 SCENE, THE PHOTOS OF THE CRIME SCENE THAT HAVE BEEN  
18 SHOWN IN COURT, HAD ANY OF THOSE THINGS BEEN RELEASED TO  
19 THE PUBLIC IN 1989 AND 1990?

20 MR. LEVIN: OBJECTION. IT'S ARGUMENTATIVE.  
21 CALLS FOR SPECULATION. THAT'S NO WAY -- HE CAN TESTIFY  
22 WHAT HE KNOWS.

23 THE COURT: AS FAR AS YOU KNOW.

24 MS. NAJERA: RIGHT.

25 Q. TO YOUR KNOWLEDGE?

26 A. TO MY KNOWLEDGE, NOTHING HAD BEEN RELEASED  
27 UNTIL THE FIRST TRIAL.

28 Q. AND WAS THE FIRST TRIAL IN 1993?

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1 A. YES.

2 Q. AND, TO YOUR KNOWLEDGE, DID CRAIG



3 CIGNARELLI EVER SEE PHOTOGRAPHS FROM THE CRIME SCENE?

4 A. NO, HE DID NOT.

5 Q. AND IN 1990, DID YOU LEARN FROM CRAIG

6 CIGNARELLI THAT ERIK MENENDEZ TOLD HIM THAT WHEN HE WENT

7 INTO THE FAMILY ROOM, ERIK MENENDEZ WAS ON THE LEFT SIDE

8 AND LYLE MENENDEZ WAS BESIDE HIM?

9 A. ON THE RIGHT. THAT'S CORRECT.

10 Q. AND WAS THIS THE FIRST TIME THAT YOU HAD

11 HAD EVIDENCE OF THIS?

12 A. YES.

13 Q. AND THIS WAS IN 1990?

14 A. THAT'S CORRECT.

15 Q. AND THIS WAS BEFORE ANYONE TESTIFIED IN

16 1993, IS THAT CORRECT?

17 A. THAT'S CORRECT.

18 Q. AND IN 1989 DID YOU LEARN FROM CRAIG

19 CIGNARELLI THAT LYLE MENENDEZ -- SPECIFICALLY THAT LYLE

20 MENENDEZ SHOT HIS FATHER?

21 A. YES.

22 Q. AND WAS THAT THE FIRST TIME THAT YOU HAD

23 ANY EVIDENCE THAT IT WAS LYLE MENENDEZ WHO SHOT HIS

24 FATHER?

25 A. THAT WAS THE FIRST TIME. THAT'S CORRECT.

26 Q. AND THIS -- AND THIS WAS BEFORE ANYONE

27 TESTIFIED TO THIS IN 1993; IS THAT CORRECT?

28 MR. LEVIN: OBJECTION, YOUR HONOR. CALLS FOR

1 SPECULATION. IT'S ALSO ARGUMENTATIVE.

2 THE COURT: OVERRULED.

3 YOU CAN ANSWER THAT QUESTION.

4 THE WITNESS: THAT'S CORRECT.

5 Q. BY MS. NAJERA: AND IN 1989 DID YOU LEARN  
6 FROM CRAIG CIGNARELLI THAT ERIK MENENDEZ TOLD HIM THAT  
7 THE DEFENDANTS USED TWO GUNS WHEN THEY KILLED THEIR  
8 PARENTS?

9 A. YES.

10 Q. AT THAT TIME DID YOU KNOW THAT TWO GUNS  
11 WERE USED?

12 A. NO.

13 Q. AND IN 1990 DID LYLE MENENDEZ -- I MEAN,  
14 DID CRAIG CIGNARELLI TELL YOU THAT ERIK MENENDEZ TOLD  
15 HIM THAT JOSE MENENDEZ WAS SITTING WHEN HE WAS SHOT?

16 A. YES.

17 MS. ABRAMSON: OBJECTION.

18 Q. BY MS. NAJERA: AND IN 1990 --

19 THE COURT: IS THERE AN OBJECTION?

20 MR. LEVIN: YES, YOUR HONOR. IT MISSTATES THE  
21 TESTIMONY.

22 THE COURT: OVERRULED.

23 Q. BY MS. NAJERA: AND IN 1990 DID YOU ALSO  
24 LEARN FROM CRAIG CIGNARELLI THAT ERIK MENENDEZ TOLD  
25 CRAIG CIGNARELLI THAT WHEN KITTY MENENDEZ, THEIR MOTHER,  
26 STOOD UP, ERIK SHOT HER?

27 A. YES.

28 Q. AND WAS THAT THE FIRST TIME THAT YOU HAD

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1 ANY EVIDENCE AS TO THESE TWO FACTS?

2 A. YES.

3 Q. AND WAS THIS BEFORE ANYONE HAD EVER DONE A  
4 RECONSTRUCTION ON THIS CRIME?

5 A. THAT'S CORRECT.

6 Q. AND IN 1989 DID CRAIG CIGNARELLI TELL YOU  
7 THAT ERIK MENENDEZ TOLD HIM THAT THE DEFENDANTS, AFTER  
8 THEY HAD DONE THE SHOOTINGS, HAD DRIVEN AWAY AND THEN  
9 COME BACK?

10 A. HE DID.

11 Q. AND WAS THAT THE FIRST TIME THAT YOU HAD  
12 ANY EVIDENCE THAT THAT IS WHAT HAD HAPPENED?

13 A. IT IS.

14 Q. AND IN 1990 DID CRAIG CIGNARELLI TELL YOU  
15 THAT ERIK MENENDEZ TOLD HIM THAT THEY HAD GONE TO THE  
16 MOVIES THAT NIGHT, AND THAT ERIK MENENDEZ HAD GONE IN TO  
17 GET A FAKE IDENTIFICATION?

18 A. YES.

19 Q. AND HAD YOU HEARD ANY STORIES FROM ANYONE  
20 CONCERNING THE MOVIES OR THE FAKE IDENTIFICATION BEFORE  
21 1990?

22 A. OTHER THAN THE STATEMENT OF ERIK AND LYLE  
23 MENENDEZ ON THE NIGHT OF THE CRIME, YES.

24 Q. AND THE STATEMENT THAT WAS MADE BY THEM, TO  
25 YOUR KNOWLEDGE, WAS THAT EVER RELEASED --  
26 A. IT WAS NOT.  
27 Q. -- BEFORE THE FIRST TRIAL?  
28 MR. LEVIN: OBJECTION -- WITHDRAWN.

-16140

1 THE WITNESS: IT WAS NOT.  
2 Q. BY MS. NAJERA: AND WHEN I ASKED YOU ABOUT  
3 WHAT WAS SAID CONCERNING THE EVENTS IN THE FAMILY ROOM,  
4 WAS IT YOUR UNDERSTANDING THAT THE FAMILY ROOM IS THE  
5 AREA OF THE DEN WHERE THE CRIMES TOOK PLACE?  
6 A. IT IS.  
7 MS. NAJERA: THANK YOU.  
8 I HAVE NOTHING FURTHER.  
9 THE COURT: CROSS-EXAMINATION.  
10 MR. LEVIN: SURE.  
11  
12 CROSS-EXAMINATION  
13 BY MR. LEVIN:  
14 Q. DETECTIVE ZOELLER, WERE YOU PRESENT IN  
15 COURT DURING THE DIRECT AND CROSS-EXAMINATION OF CRAIG  
16 CIGNARELLI IN THIS TRIAL?  
17 A. I BELIEVE FOR THE MAJORITY OF IT, YES.  
18 Q. AND DID YOU HEAR HIS CROSS-EXAMINATION AND  
19 DIRECT CONCERNING THE "HARD COPY" ISSUE?

20 A. YES.  
21 Q. DID --  
22 MS. NAJERA: I AM GOING TO OBJECT, YOUR HONOR.  
23 OUTSIDE THE SCOPE OF DIRECT.  
24 THE COURT: OVERRULED.  
25 Q. BY MR. LEVIN: DID CRAIG CIGNARELLI, AT ANY  
26 TIME THAT YOU WERE INVESTIGATING THIS CASE, ASK YOU  
27 ABOUT WHETHER OR NOT HE SHOULD BE PAID TO GIVE AN  
28 INTERVIEW FOR "HARD COPY"?

-16139

1 A. FOR "HARD COPY" IN PARTICULAR?  
2 Q. WELL, OR JUST RECEIVE PAYMENT FOR AN  
3 INTERVIEW CONCERNING HIS BEST FRIEND, ERIK MENENDEZ?  
4 A. THE WAY YOU PHRASED IT, NO. HE NEVER  
5 CALLED ME ASKING MY PERMISSION TO GET PAID FOR ANYTHING.  
6 HE DID CALL TO LET ME KNOW THAT PEOPLE WERE AFTER HIM  
7 FOR HIS INFORMATION.  
8 Q. AND WHAT IS THE TIME FRAME OF HIS CALL?  
9 A. BEFORE THE FIRST TRIAL. I HAD RECEIVED  
10 PHONE CALLS FROM CRAIG FROM THE VERY BEGINNING OF THE  
11 INVESTIGATION SAYING THAT THERE WAS NEWS PEOPLE AROUND  
12 WANTING TO TALK TO HIM. I DON'T RECALL THE EXACT DATE  
13 WHEN HE INDICATED THAT THEY WANTED TO PAY HIM FOR  
14 INFORMATION.  
15 Q. AND HE ASKED YOU YOUR OPINION, DID HE NOT?

16 A. MORE OR LESS, YES.

17 Q. DID YOU ADVISE HIM THAT HE SHOULD NOT GRANT

18 A PAID INTERVIEW CONCERNING ERIK MENENDEZ?

19 A. AT WHICH POINT?

20 Q. AT ANY POINT.

21 A. I GAVE HIM MY OPINION WHAT COULD HAPPEN IF

22 HE DID TAKE MONEY.

23 Q. WHAT OPINION DID YOU GIVE HIM?

24 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

25 THE COURT: OVERRULED.

26 THE WITNESS: THAT IT WOULD BE BAD FOR THE CASE.

27 IT WOULD BE BAD FOR HIS TESTIMONY, IN PARTICULAR.

28 Q. BY MR. LEVIN: AND DID YOU TELL HIM THAT

-16138

1 BECAUSE YOU BELIEVED IT?

2 A. YES.

3 Q. WHY DID YOU THINK IT WOULD BE BAD FOR THE

4 CASE IF ERIK MENENDEZ -- I'M SORRY, IF CRAIG CIGNARELLI

5 RECEIVED PAYMENT FOR AN INTERVIEW CONCERNING ERIK

6 MENENDEZ?

7 MS. NAJERA: OBJECTION. IRRELEVANT AND OUTSIDE

8 THE SCOPE OF DIRECT.

9 THE COURT: SUSTAINED ON THE GROUNDS OF

10 RELEVANCY.

11 Q. BY MR. LEVIN: DID CRAIG CIGNARELLI, AT ANY

12 TIME, TELL YOU THAT HE HAD BEEN PAID FOR AN INTERVIEW

13 WITH "HARD COPY"?

14 A. YES.

15 Q. AND WHEN DID HE FIRST TELL YOU THAT?

16 A. LET ME CLARIFY THAT. I AM NOT SURE WHETHER

17 HE SAID THAT IT WAS "HARD COPY" OR NOT THAT HE HAD BEEN

18 PAID BY. BUT HE TOLD ME APPROXIMATELY LAST WEDNESDAY, I

19 BELIEVE.

20 Q. WAS THAT THE FIRST TIME THAT HE HAD

21 MENTIONED TO YOU THAT HE HAD BEEN PAID FOR AN INTERVIEW

22 THAT HE HAD GIVEN ALMOST TWO YEARS AGO?

23 A. I BELIEVE SO, YES.

24 Q. DID YOU ASK HIM HOW MUCH HE RECEIVED?

25 A. YES.

26 Q. WHAT DID HE RESPOND?

27 A. TWENTY-FIVE.

28 Q. DID HE SAY \$25,000?

-16137

1 A. HE DID NOT, NO.

2 Q. AND DID HE IN ANY -- DID YOU ASK HIM WHAT

3 THE 25 REPRESENTED?

4 A. NO. I FORMED MY OWN OPINION AT THAT TIME

5 WHAT THE 25 MEANT, SO NO, I DID NOT.

6 Q. YOU THOUGHT IT WAS 2500, DIDN'T YOU?

7 A. I DID.

8 Q. ON JANUARY THE 24TH, YOU SERVED A SEARCH  
9 WARRANT, DID YOU NOT, ON THE RESIDENCE OF CRAIG  
10 CIGNARELLI?

11 MS. NAJERA: I AM GOING TO OBJECT AS OUTSIDE THE  
12 SCOPE OF DIRECT.

13 THE COURT: OVERRULED.

14 MS. ABRAMSON: WHAT YEAR, COUNSEL?

15 MR. LEVIN: I AM SORRY. JANUARY THE 24TH, 1990.

16 THE WITNESS: I AM NOT SURE IF THAT'S THE CORRECT  
17 DATE. IT WAS JANUARY OF 1990, THAT'S CORRECT.

18 Q. BY MR. LEVIN: AND AM I CORRECT IN STATING  
19 THAT THE BASIS OF THAT SEARCH WARRANT WAS YOU WANTING TO  
20 OBTAIN CERTAIN SCHOOL NOTEBOOKS THAT YOU BELIEVED WERE  
21 IN THE POSSESSION OF CRAIG CIGNARELLI?

22 A. THAT'S CORRECT.

23 Q. AND PRIOR TO THE DRAFTING OF THE SEARCH  
24 WARRANT, DID YOU LEARN FROM CRAIG CIGNARELLI ON NOVEMBER  
25 17TH, 1989 THAT HE TOLD YOU THAT ERIK MENENDEZ HAD  
26 CONFESSED TO HIM?

27 A. THAT'S CORRECT.

28 Q. AND DID HE TELL YOU, DETECTIVE ZOELLER,

-16136

1 THAT HE RECORDED THE SUBSTANCE OF THE CONFESSION -- THE  
2 DETAILS ON THE FACTS OF THE CONFESSION IN HIS SCHOOL  
3 NOTEBOOK?



4 A. YES.

5 Q. DID YOU ASK HIM TO GIVE YOU THE NOTEBOOK?

6 A. AT WHICH POINT?

7 Q. WELL, BEFORE YOU HAD -- OR BEFORE YOU

8 OBTAINED THE SEARCH WARRANT.

9 A. YES.

10 Q. DID HE VOLUNTARILY TURN OVER HIS SCHOOL

11 NOTEBOOKS TO YOU BEFORE YOU CAME TO HIS HOUSE FOR THE

12 SEARCH WARRANT?

13 A. NO, HE DID NOT.

14 Q. NOW, WHEN YOU AS A POLICE OFFICER WRITE A

15 SEARCH WARRANT, YOU'RE CALLED AN AFFIANT?

16 A. THAT'S CORRECT.

17 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

18 THE COURT: SUSTAINED.

19 Q. BY MR. LEVIN: WHEN YOU SEEK A SEARCH

20 WARRANT, YOU MUST RECORD THE REASON THAT YOU WANT TO GET

21 THE SEARCH WARRANT UNDER PENALTY OF PERJURY; IS THAT

22 CORRECT?

23 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

24 THE COURT: AT THIS POINT IT IS.

25 SUSTAINED.

26 Q. BY MR. LEVIN: DID YOU -- DID YOU OBTAIN

27 THE SEARCH WARRANT BELIEVING, BASED ON WHAT CRAIG

28 CIGNARELLI TOLD YOU, THAT HE HAD RECORDED THE DETAILS OF

1 THE CONFESSION IN THE NOTEBOOK?

2 A. YES.

3 Q. AND DID YOU, IN JANUARY OF 1990, SERVE THE  
4 SEARCH WARRANT ON CRAIG CIGNARELLI?

5 A. YES, I DID.

6 Q. AND DID HE PROVIDE TO YOU HIS NOTEBOOKS?

7 A. YES.

8 Q. DID YOU HAVE TO TEAR HIS HOUSE APART AND  
9 FIND THEM?

10 A. NO.

11 Q. IT WAS CLEAR TO YOU FROM YOUR CONVERSATION  
12 WITH CRAIG CIGNARELLI THAT HE UNDERSTOOD WHAT NOTEBOOKS  
13 YOU WERE ASKING FOR?

14 MS. NAJERA: OBJECTION. CALLS FOR SPECULATION.

15 THE COURT: OVERRULED.

16 THE WITNESS: YES.

17 Q. BY MR. LEVIN: AND THOSE WERE THE NOTEBOOKS  
18 IN WHICH HE TOLD YOU HE HAD WRITTEN DOWN THE DETAILS OF  
19 THE CONFESSION THAT HE TESTIFIED TO THAT ERIK MENENDEZ  
20 GAVE HIM, CORRECT?

21 MS. NAJERA: OBJECTION. ASSUMES A FACT NOT IN  
22 EVIDENCE.

23 THE COURT: OVERRULED.

24 THE WITNESS: CAN YOU REPEAT YOUR QUESTION,  
25 PLEASE.

26 Q. BY MR. LEVIN: AND THE NOTEBOOKS THAT YOU  
27 RECOVERED FROM CRAIG CIGNARELLI, IT WAS CLEAR TO YOU  
28 THAT HE WAS PROVIDING YOU THE NOTEBOOKS THAT HE HAD TOLD

1 YOU HE RECORDED THE CONFESSION HE RECEIVED FROM ERIK  
2 MENENDEZ?

3 A. YES.

4 Q. AND AFTER YOU RECOVERED THE NOTEBOOKS, DID  
5 YOU LOOK AT THEM?

6 A. MY PARTNER LOOKED AT THEM AT THAT POINT,  
7 YES.

8 Q. DID YOU READ THEM, OR DID YOUR PARTNER READ  
9 THEM?

10 A. YES.

11 Q. AND AM I TRUE -- OR AM I CORRECT IN STATING  
12 THAT THERE WAS NOT ONE WORD CONTAINED IN THOSE NOTEBOOKS  
13 PROVIDED TO YOU IN THE SEARCH WARRANT THAT HAD ANY  
14 DETAIL OR WORD ABOUT ERIK MENENDEZ' CONFESSION?

15 A. THAT'S CORRECT.

16 Q. SO CRAIG CIGNARELLI LIED TO YOU, DIDN'T HE?

17 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

18 THE COURT: SUSTAINED.

19 Q. BY MR. LEVIN: NOW, YOU INTERVIEWED CRAIG  
20 CIGNARELLI ON JUNE THE 22ND, 1993?

21 A. I WAS THERE DURING AN INTERVIEW, THAT'S  
22 CORRECT.

23 Q. SHOWING YOU A POLICE REPORT.

24 DOES THAT REPORT REPRESENT THE SUBSTANCE OF  
25 WHAT IT WAS CRAIG CIGNARELLI TOLD YOU ON JUNE THE 22ND,

26 1993?

27 A. CORRECT.

28 Q. AND DOES THAT REPORT HAVE YOUR NAME ON IT?

-16133

1 A. IT DOES.

2 Q. AND ARE THE FACTS IN THAT REPORT AS  
3 ACCURATE AND AS TRUTHFUL THAT YOU COULD POSSIBLY GIVE  
4 REGARDING THE STATEMENT GIVEN TO YOU ON THAT DAY BY  
5 CRAIG CIGNARELLI?

6 A. I BELIEVE SO, YES.

7 Q. AND YOU'RE TRAINED TO WRITE THESE REPORTS,  
8 ARE YOU NOT?

9 A. YES.

10 Q. NOW, DIRECTING YOUR ATTENTION TO THE THIRD  
11 PARAGRAPH, DID CRAIG CIGNARELLI TELL YOU -- FIRST OF  
12 ALL, DID YOU SEEK TO INTERVIEW HIM CONCERNING HIS  
13 RECOLLECTION OF THE STATEMENTS THAT HE HAD GIVEN  
14 REGARDING ERIK MENENDEZ' CONFESSION?

15 A. YES.

16 Q. AND DID HE TELL YOU ON JUNE THE 22ND, 1993,  
17 THAT SOME OF THE RECOLLECTION OF THE -- THAT HE STATED  
18 THAT HE HAS SOME RECOLLECTION OF THE STATEMENTS OF ERIK  
19 MENENDEZ, BUT SAID AS TIME GOES BY, HIS MEMORY OF THE  
20 FACTS ARE DWINDLING?

21 A. YES.

22 Q. AND DID HE FURTHER TELL YOU -- YOU AND  
23 DETECTIVE LINEHAN -- THAT THE STATEMENT THAT HE MADE TO  
24 DETECTIVE LINEHAN AND YOU ON NOVEMBER THE 17TH, 1989 IS  
25 PROBABLY THE MOST ACCURATE BECAUSE IT WAS MADE CLOSEST  
26 TO THE TIME OF THE OCCURRENCE?

27 A. CORRECT.

28 Q. NOW, ISN'T THE DATE OF 11-17-89, THE DATE

-16132

1 THAT ERIK MENENDEZ -- I MEAN, THE DATE THAT CRAIG  
2 CIGNARELLI TOLD YOU THAT ERIK MENENDEZ, FOLLOWING HIS  
3 CONFESSION, SAID: "IT COULD HAVE HAPPENED"?

4 A. THAT'S CORRECT.

5 Q. AND TO BE CLEAR, THIS IS 1993 WHEN HE'S  
6 TELLING YOU THAT STATEMENT WAS THE MOST ACCURATE?

7 A. CORRECT.

8 Q. NOW, FOLLOWING NOVEMBER, WHEN CRAIG  
9 CIGNARELLI FIRST INFORMED YOU THAT ERIK MENENDEZ HAD  
10 CONFESSED, DID YOU GO OUT AND ARREST ERIK AND LYLE  
11 MENENDEZ?

12 A. NO.

13 Q. YOU CONTINUED DISCUSSIONS WITH  
14 MR. CIGNARELLI INTO -- YOU HAD SEVERAL INTERVIEWS WITH  
15 HIM, DID YOU NOT, FOLLOWING NOVEMBER THE 17TH, 1989?

16 A. INTERVIEWS?

17 Q. DISCUSSIONS.

18 A. YES. CONTACTS, YES.  
19 Q. AND YET IT WASN'T UNTIL MARCH OF 1990 THAT  
20 YOU ARRESTED ERIK AND LYLE MENENDEZ, CORRECT?  
21 A. THAT'S CORRECT.  
22 Q. DID YOU AT ANY TIME BRING PHOTOGRAPHS OF  
23 THE CRIME SCENE TO CRAIG CIGNARELLI?  
24 A. YES.  
25 Q. AND WAS IT YOUR INTENTION TO SHOW THESE  
26 PHOTOGRAPHS TO CRAIG CIGNARELLI?  
27 A. IT WAS.  
28 Q. DID YOU OFFER THE PHOTOGRAPHS TO BE VIEWED

-16131

1 BY CRAIG CIGNARELLI.  
2 A. I BELIEVE SO, YES.  
3 Q. AND WHERE DID THAT TAKE PLACE?  
4 A. IT TOOK PLACE AT HIS HOME DURING THE  
5 SERVICE OF THE SEARCH WARRANT.  
6 Q. AND THAT WOULD BE IN JANUARY OF 1990?  
7 A. CORRECT.  
8 Q. WHAT PHOTOGRAPHS DID YOU BRING TO CRAIG  
9 CIGNARELLI'S HOUSE?  
10 MS. NAJERA: OBJECTION. IRRELEVANT.  
11 THE COURT: OVERRULED.  
12 THE WITNESS: THE PHOTOGRAPHS OF THE CRIME SCENE.  
13 Q. BY MR. LEVIN: AND WOULD THAT INCLUDE

14 PHOTOGRAPHS OF THE POSITIONS OF JOSE AND KITTY MENENDEZ?

15 A. YES.

16 Q. WOULD THEY BE THE TYPE OF PHOTOGRAPHS THAT  
17 THE JURY HAS SEEN IN THIS TRIAL?

18 A. YES.

19 Q. THE BODIES WERE STILL IN THE POSITION WHERE  
20 THEY WERE FOUND?

21 A. CORRECT.

22 Q. AND THE PHOTOGRAPHS WOULD SHOW THE VARIOUS  
23 POSITIONS OF THE FURNITURE AND THE PHYSICAL EVIDENCE  
24 THAT WAS CONTAINED IN THE ROOM AT THE TIME THE POLICE  
25 ARRIVED?

26 A. THAT'S CORRECT.

27 Q. WERE THESE PHOTOGRAPHS CONTAINED IN A  
28 NOTEBOOK?

-16130

1 A. YES.

2 Q. AND HOW MANY PHOTOGRAPHS WERE CONTAINED IN  
3 THE NOTEBOOK?

4 A. I DON'T KNOW PRECISELY. I CAN GUESS, IF  
5 YOU'D LIKE, OR I CAN GIVE IT MY BEST ESTIMATE.

6 Q. NOW, YOU KNEW THAT CRAIG CIGNARELLI WAS  
7 POTENTIALLY GOING TO BE A WITNESS IN A DOUBLE HOMICIDE  
8 CASE, CORRECT?

9 A. THAT'S CORRECT.

10 Q. AND HE WOULD BE ASKED QUESTIONS ABOUT THE  
11 SO-CALLED CONFESSION, AND THE DETAILS OF THAT  
12 CONFESSION, AS HE RELATES ERIK MENENDEZ TOLD HIM,  
13 CORRECT?

14 MS. NAJERA: OBJECT AS ARGUMENTATIVE AS TO  
15 "SO-CALLED".

16 THE COURT: OVERRULED.

17 THE WITNESS: CORRECT.

18 Q. BY MR. LEVIN: HOW LONG HAVE YOU BEEN A  
19 HOMICIDE INVESTIGATOR?

20 A. SIXTEEN YEARS.

21 Q. AND I TAKE IT THAT YOU HAVE BEEN TRAINED BY  
22 GOING TO DETECTIVE SCHOOL AND HOMICIDE SCHOOL AND THOSE  
23 KIND OF THINGS?

24 A. THAT'S CORRECT.

25 MS. NAJERA: OBJECTION. IRRELEVANT.

26 THE COURT: OVERRULED.

27 Q. BY MR. LEVIN: WOULD YOU SAY, DETECTIVE  
28 ZOELLER, THAT IT'S ACCEPTED POLICE PROCEDURE TO SHOW A

-16129

1 WITNESS WHO IS GOING TO TESTIFY ABOUT WHAT SOMEONE TOLD  
2 HIM A CRIME SCENE LOOKED LIKE TO, SHOW THEM OR OFFER TO  
3 SHOW THEM THE CRIME SCENE PHOTOGRAPHS?

4 MS. NAJERA: OBJECTION. COMPOUND.

5 THE COURT: OVERRULED.



6 THE WITNESS: ONE THING, I HAD ALREADY GOTTEN A  
7 STATEMENT FROM CRAIG CIGNARELLI, AND I WAS TRYING TO  
8 ELICIT INFORMATION FROM HIM TO SHOW HIM THE IMPORTANCE  
9 OF HIS COOPERATION.

10 TO ANSWER YOUR QUESTION MORE PRECISELY, NO.

11 Q. IT IS NOT ACCEPTED POLICE PROCEDURE, IS IT?

12 A. NO.

13 Q. IT'S RATHER BIZARRE, ISN'T IT?

14 MS. NAJERA: I OBJECT. ARGUMENTATIVE.

15 THE COURT: SUSTAINED.

16 Q. BY MR. LEVIN: NOW, DID CRAIG CIGNARELLI  
17 LOOK AT THE PHOTOGRAPHS?

18 A. NO, DID HE NOT.

19 Q. DID HE LOOK AT ANY OF THE PHOTOGRAPHS?

20 A. NO.

21 Q. AND HOW CAN YOU BE SO SURE THAT HE DID NOT  
22 LOOK AT ANY OF THE PHOTOGRAPHS?

23 A. HE WAS NOT SHOWN ANY.

24 Q. WHY IS THAT?

25 A. BECAUSE HE COOPERATED AT THE TIME THE  
26 SEARCH WARRANT WAS SERVED.

27 Q. AND THAT WAS AFTER YOU OFFERED TO SHOW THEM  
28 TO HIM?

-16128

1 A. THAT WAS AFTER I STATED THAT I HAD HAD THEM

2 TO SHOW TO HIM.

3 Q. NOW, THIS CASE HAD AN INTENSE AMOUNT OF  
4 PUBLICITY, DID IT NOT, RIGHT FROM THE VERY BEGINNING?

5 A. IT DID.

6 Q. AND NEWS CREWS WERE ON THE SCENE OF THE  
7 MENENDEZ HOME IMMEDIATELY VIDEOTAPING AND DOING THEIR  
8 OWN INVESTIGATION; IS THAT CORRECT?

9 A. THAT'S CORRECT.

10 Q. AND NEWS PEOPLE WERE GOING AROUND AND  
11 OFFERING PEOPLE MONEY AND INTERVIEWING PEOPLE, TRYING TO  
12 GET ANY KIND OF INFORMATION THAT THEY COULD CONCERNING  
13 THIS CASE; IS THAT CORRECT?

14 MS. NAJERA: OBJECTION. NO FOUNDATION OF THIS  
15 WITNESS. CALLS FOR SPECULATION AS TO WHAT OTHER PEOPLE  
16 WERE DOING.

17 THE COURT: SUSTAINED AS TO THE FORM OF THE  
18 QUESTION.

19 Q. BY MR. LEVIN: WAS PART OF YOUR FUNCTION AS  
20 A POLICE DETECTIVE TO GATHER AND COLLECT THE NEWS  
21 ACCOUNTS AS THEY CAME OUT OF THIS CASE?

22 A. YES.

23 Q. AND PART OF THE REASON FOR THAT IS BECAUSE,  
24 AS I BELIEVE MISS NAJERA IS TRYING TO SUGGEST, IF A  
25 WITNESS --

26 MS. NAJERA: I AM GOING TO OBJECT TO THAT, YOUR  
27 HONOR. I THINK THAT'S ARGUMENTATIVE.

28 THE COURT: SUSTAINED AS TO THE FORM OF THE

1 QUESTION.

2 Q. BY MR. LEVIN: PART OF THE REASON THAT YOU  
3 WANT TO COLLECT AS MUCH NEWS MEDIA INFORMATION IS  
4 BECAUSE -- WELL, NUMBER ONE, THERE IS A DESIRE, IS THERE  
5 NOT, TO KEEP ALL THE INFORMATION CONCERNING THE  
6 INVESTIGATION AWAY FROM THE MEDIA UNTIL THE CASE HAS  
7 BEEN RESOLVED?

8 A. CORRECT. CORRECT.

9 Q. AND THE REASON FOR THAT IS BECAUSE IT'S  
10 DESIROUS BY THE POLICE AGENCY THAT THE FACTS OF THE CASE  
11 ARE NOT REPORTED IN PUBLIC TO PRECLUDE PEOPLE FROM  
12 COMING FORWARD AND SAYING THEY KNOW THINGS ABOUT THE  
13 CASE THAT THEY COULD HAVE LEARNED FROM THE NEWS,  
14 CORRECT?

15 A. CORRECT.

16 Q. AND YOU WANT TO TRY TO BE ASSURED THAT WHEN  
17 A PERSON TELLS YOU SOMETHING THAT THEY KNOW ABOUT A  
18 CASE, THAT THEY TRULY HAVE INFORMATION THAT THEY LEARNED  
19 FROM THEIR INVOLVEMENT IN THE CASE AND FROM NO OTHER  
20 SOURCE?

21 A. THAT'S CORRECT.

22 Q. NOW, DO YOU BELIEVE THAT YOU COLLECTED  
23 EVERY SINGLE PIECE OF INFORMATION BY ALL MEDIA SOURCES  
24 CONCERNING THIS CASE?

25 A. AT WHAT POINT?

26 Q. AT THE POINT OF, LET'S SAY, FROM AUGUST THE

27 20TH, 1989 TO NOVEMBER OF 1989.

28 A. I THINK AN ATTEMPT WAS MADE TO COLLECT AS

-16126

1 MUCH AS POSSIBLE, YES.

2 Q. BUT YOU DIDN'T GET ALL OF IT, DID YOU?

3 A. OH, I'M SURE WE DIDN'T, NO.

4 Q. HAVE YOU EVER HANDLED A CASE IN YOUR CAREER  
5 THAT HAD MORE INTENSE PUBLICITY THAN THIS ONE?

6 A. YES.

7 Q. WOULD YOU SAY THAT THIS, THOUGH, HAD  
8 INTENSE PUBLICITY?

9 A. YES.

10 Q. AND IT WAS NOT JUST HERE IN CALIFORNIA  
11 WHERE THERE WAS INTENSE PUBLICITY. THERE WAS  
12 PUBLICITY -- OR THERE WAS INTENSE PUBLICITY ALL OVER THE  
13 COUNTRY?

14 A. THAT'S CORRECT. ALL OVER THE WORLD.

15 Q. AND THERE WAS NO WAY THAT -- HOW MANY  
16 DETECTIVES WORKED ON THIS CASE FROM BEVERLY HILLS?

17 A. AT WHICH STAGE? IT STARTED OUT WITH THE  
18 WHOLE DETECTIVE BUREAU OF 22 WORKING IT, AND THEN  
19 WHITTLED DOWN TO MY PARTNER AND I, AND THEN MYSELF.

20 SO FROM 22 TO ONE, ANY PARTICULAR TIME YOU  
21 WANT TO LOOK AT IT.

22 Q. AND I TAKE IT, DETECTIVE ZOELLER, THAT

23 YOU'RE NOT MAINTAINING THAT EVERY PIECE OF INFORMATION  
24 THAT HAD BEEN PUBLICLY DISSEMINATED BETWEEN THE DATE OF  
25 AUGUST THE 20TH, 1989 AND THE DATE THAT CRAIG CIGNARELLI  
26 REPORTED A CONFESSION IN NOVEMBER WAS KNOWN TO YOU?

27 A. THAT'S CORRECT.

28 Q. NOW, THE CONFESSION THAT CRAIG CIGNARELLI

-16125

1 REPORTED IN NOVEMBER OF 1989 WAS, AS HE TESTIFIED, MADE  
2 UP; IS THAT CORRECT?

3 MS. NAJERA: I AM GOING TO OBJECT. THAT  
4 MISSTATES THE TESTIMONY AND IS ARGUMENTATIVE.

5 THE COURT: SUSTAINED.

6 Q. BY MR. LEVIN: WELL, CRAIG CIGNARELLI GAVE  
7 YOU A VERSION OF WHAT HE SAID ERIK MENENDEZ TOLD HIM  
8 THAT WASN'T TRUE IN NOVEMBER OF 1989; ISN'T THAT  
9 CORRECT?

10 A. I'M NOT SURE I UNDERSTAND. IT WASN'T TRUE  
11 IN NOVEMBER OF '89?

12 Q. WELL, NOVEMBER 17TH, 1989, CRAIG CIGNARELLI  
13 TOLD YOU A VERSION OF A SO-CALLED CONFESSION GIVEN TO  
14 HIM BY ERIK MENENDEZ THAT HE MADE UP.

15 MS. NAJERA: I AM GOING TO OBJECT AS  
16 ARGUMENTATIVE, AND MISSTATES THE TESTIMONY.

17 THE COURT: SUSTAINED.

18 Q. BY MR. LEVIN: WELL, CRAIG CIGNARELLI TOLD

19 YOU, FOR EXAMPLE, SPECIFIC INFORMATION THAT ERIK  
20 MENENDEZ ENTERED THE ROOM AND LYLE MENENDEZ SAID:  
21 "SHOOT MOM, SHOOT MOM," AND ERIK MENENDEZ COULDN'T DO  
22 IT, SO LYLE MENENDEZ SHOT KITTY MENENDEZ, AND THAT WAS A  
23 STATEMENT THAT WAS NOT TRUE BY CRAIG CIGNARELLI,  
24 CORRECT?

25 A. BY HIS OWN ADMISSION, THAT'S CORRECT.

26 Q. AND HE ALSO TESTIFIED THAT ERIK MENENDEZ  
27 TOLD HIM AT THE END OF THIS SO-CALLED -- AT THE END OF  
28 THIS CONFESSION, "IT COULD HAVE HAPPENED," OR LATER ON

-16124

1 HE SAID -- HE SAID "IT'S POSSIBLE," AND HE TESTIFIED  
2 THAT THAT WASN'T TRUE, CORRECT?

3 A. THAT'S CORRECT.

4 Q. NOW, IT WASN'T UNTIL MARCH OF 1990 THAT  
5 CRAIG CIGNARELLI CHANGED THE VERSION OF THE SO-CALLED  
6 CONFESSION; ISN'T THAT CORRECT?

7 MS. NAJERA: OBJECTION. MISSTATES THE TESTIMONY.

8 THE COURT: REPHRASE THE QUESTION.

9 Q. BY MR. LEVIN: YOU DIDN'T INTERVIEW CRAIG  
10 CIGNARELLI FROM NOVEMBER OF 17TH, 1989 AGAIN UNTIL HE  
11 CAME WITH HIS ATTORNEY AND WAS IN THE D.A.'S OFFICE IN  
12 MARCH OF 1990; ISN'T THAT CORRECT?

13 A. A PORTION OF THAT STATEMENT IS CORRECT. IT  
14 WASN'T IN THE DISTRICT ATTORNEY'S OFFICE. I MET HIM IN

15 DOWNTOWN LOS ANGELES IN THE COURT BUILDING, AND THEN THE  
16 INTERVIEW TOOK PLACE AT THE BEVERLY HILLS POLICE  
17 DEPARTMENT.

18 Q. I SEE. BUT THE POINT IS, BETWEEN THAT  
19 NOVEMBER DATE --

20 A. THAT'S CORRECT.

21 Q. -- AND THE MARCH DATE, YOU HADN'T  
22 INTERVIEWED CRAIG CIGNARELLI?

23 A. THAT'S CORRECT.

24 Q. THE ENTRANCE INTO THE -- EXCUSE ME. I'LL  
25 GET THE EXHIBIT NUMBER OF THIS IN A MINUTE.

26 CRAIG CIGNARELLI SAID THAT THE -- THAT ERIK  
27 MENENDEZ OR ERIK SAID THAT HE ENTERED THROUGH THE FOYER;  
28 IS THAT CORRECT?

-16123

1 A. THAT'S CORRECT.

2 Q. NOW, THE FOYER -- YOU'VE BEEN INTO THE  
3 BEVERLY HILLS HOUSE MANY TIMES, HAVEN'T YOU?

4 A. I HAVE.

5 Q. THE FOYER DOORS ARE THE PRIMARY DOORS TO  
6 ENTER THE DEN; ISN'T THAT CORRECT?

7 A. PRIMARILY FROM THE OUTSIDE?

8 MS. NAJERA: I AM GOING TO OBJECT TO THE MEANING  
9 OF THE WORD "PRIMARY" AS VAGUE.

10 THE COURT: OVERRULED.

11 THE WITNESS: PRIMARILY FROM WITHIN THE HOUSE, I  
12 WOULD AGREE WITH YOU. FROM OUTSIDE THE HOUSE, I WOULD  
13 SAY THAT THE FRENCH DOORS WOULD BE THE PRIMARY WAY INTO  
14 THE DEN.

15 Q. BY MR. LEVIN: OKAY. BUT THE FRENCH DOORS  
16 ARE IN THE ALCOVE AREA KIND OF -- WELL, THEY'RE BACK  
17 HERE, RIGHT?

18 A. THAT'S CORRECT.

19 Q. NOW, THIS IS -- IF YOU CAME IN THE FRONT  
20 ENTRY, THIS IS THE FOYER AREA?

21 A. THAT'S CORRECT.

22 Q. THAT'S THE NORMAL WAY THAT ONE WOULD ENTER  
23 THE HOUSE FROM THE FRONT DOOR, CORRECT?

24 MS. NAJERA: I AM GOING TO OBJECT. CALLS FOR  
25 SPECULATION AS TO WHAT IS NORMAL.

26 THE COURT: REPHRASE THE QUESTION.

27 Q. BY MR. LEVIN: IF YOU ENTERED THE FRONT  
28 DOOR, YOU WOULD GO THROUGH THE FOYER TO GET INTO THE

-16122

1 DEN?

2 A. CORRECT.

3 Q. WERE YOU AWARE THAT THERE WAS NEWS REPORTS  
4 RIGHT FROM THE BEGINNING THAT REPORTED THAT THE  
5 TELEVISION -- THAT THE PARENTS WERE WATCHING TELEVISION  
6 AT THE TIME THAT THEY WERE SHOT?



7            THAT CAME OUT RIGHT AWAY, DIDN'T IT?

8        A.   I DON'T RECALL THAT. THAT'S POSSIBLE, YES.

9        Q.   WELL, WHERE WOULD -- AS A DETECTIVE, AND I

10 THINK THERE WERE 22 AT THE TIME, WHERE WOULD THE NEWS

11 MEDIA GET THAT KIND OF A DETAIL?

12        MS. NAJERA: OBJECTION. CALLS FOR SPECULATION.

13        THE COURT: SUSTAINED.

14        MR. LEVIN: ALL RIGHT.

15        Q.   WOULD I BE CORRECT THAT AFTER A SERIOUS

16 CRIME SUCH AS A HOMICIDE OCCURS, THE LOCATION IS SEALED

17 OFF BY THE FIRST ARRIVING OFFICERS. THAT'S THEIR JOB.

18 THEY WANT TO MAKE SURE THAT THE PEOPLE DON'T NEED

19 MEDICAL ATTENTION, AND THEN THEY SEAL OFF A CRIME SCENE?

20        A.   CORRECT.

21        Q.   NOBODY COMES IN, NOBODY GOES OUT, UNLESS

22 THEY ARE A DETECTIVE?

23        A.   CORRECT. CORRECT.

24        Q.   AND WHEN THE DETECTIVE ARRIVES ON THE

25 SCENE, THE DETECTIVE ENTERS THE CRIME SCENE AND ALSO

26 ASSURES THAT THE CRIME SCENE IS PROTECTED, CORRECT?

27        A.   THAT'S CORRECT.

28        Q.   EVEN AN INTERESTED PERSON FROM THE BEVERLY

-16121

1 HILLS POLICE DEPARTMENT THAT IS NOT INVOLVED IN THE

2 INVESTIGATION WOULD NOT BE ALLOWED INTO A CRIME SCENE,

3 CORRECT?

4 A. THAT'S CORRECT.

5 Q. AND IN THIS CASE THE TELEVISION WAS ON AT  
6 THE TIME THE POLICE DEPARTMENT ARRIVED, CORRECT?

7 A. THAT'S CORRECT.

8 Q. AND THE PEOPLE -- JOSE AND KITTY MENENDEZ  
9 WERE IN THE ROOM IN THE POSITION THAT THEY WERE FOUND AS  
10 DEPICTED IN THE CRIME SCENE PHOTOGRAPHS, CORRECT?

11 A. CORRECT.

12 Q. AND FROM THE POSITION OF THE BODIES, THE  
13 INVESTIGATORS, INCLUDING YOURSELF, ASSUMED THAT THEY  
14 WERE WATCHING TELEVISION AT THE TIME THAT THEY WERE  
15 SHOT, CORRECT?

16 MS. NAJERA: I AM GOING TO OBJECT, AS ASKS FOR  
17 SPECULATION AS TO WHAT OTHER INVESTIGATORS WERE  
18 THINKING.

19 THE COURT: SUSTAINED.

20 Q. BY MR. LEVIN: WELL, DID YOU HAVE ANY  
21 WITNESS AT ALL THAT CAME FORWARD IN AUGUST OF 1989 THAT  
22 SAID TO YOU JOSE AND KITTY MENENDEZ WERE WATCHING  
23 TELEVISION AT THE TIME THAT THEY WERE SHOT?

24 A. NO.

25 Q. AND BASED ON YOUR UNDERSTANDING OF THE CASE  
26 ON AUGUST THE 20TH, 1989, THE NEWS CREW HAD NOT BEEN  
27 INSIDE THE HOUSE?

28 A. THAT'S CORRECT.

1 Q. AND THE NEWS CREW WOULD NOT BE ALLOWED  
2 INSIDE THE HOUSE UNTIL THE POLICE HAD COMPLETED THEIR  
3 INVESTIGATION AND RELEASED THE CRIME SCENE, CORRECT?

4 A. THAT'S ASSUMING THAT SOMEBODY WOULD ALLOW  
5 THE NEWS CREW IN AFTERWARDS, THAT'S CORRECT.

6 Q. ALL RIGHT. AND WOULDN'T YOU AGREE THAT A  
7 DETAIL SUCH AS JOSE AND KITTY MENENDEZ WERE WATCHING  
8 TELEVISION AT THE TIME THEY WERE SHOT IS AN  
9 INVESTIGATIVE DETAIL INVOLVED IN THE HYPOTHESIS OR THE  
10 INVESTIGATORS' IDEA OF WHAT THEY MIGHT HAVE BEEN DOING?

11 MS. NAJERA: I AM GOING TO OBJECT. VAGUE AS TO  
12 ANY QUESTION THAT DOESN'T DEAL WITH WHAT THIS  
13 INVESTIGATOR WAS THINKING OR DOING.

14 THE COURT: SUSTAINED.

15 Q. BY MR. LEVIN: WELL, YOU HAD NO WITNESS  
16 THAT TOLD YOU ON AUGUST 20TH THAT THEY WERE DOING SO,  
17 CORRECT?

18 A. THAT'S CORRECT.

19 Q. DO YOU HAVE ANY IDEA HOW, IF IT DIDN'T COME  
20 FROM WITHIN -- WELL, DO POLICE DEPARTMENTS HAVE LEAKS?

21 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT,  
22 AND ALSO --

23 THE COURT: SUSTAINED.

24 Q. BY MR. LEVIN: DO YOU HAVE ANY IDEA,  
25 DETECTIVE ZOELLER, HOW ON AUGUST THE 21ST WHEN THE  
26 NEWSPAPERS BEGAN REPORTING THIS EVENT, THAT THEY COULD  
27 POSSIBLY KNOW THAT JOSE AND KITTY MENENDEZ WERE WATCHING

-16119

1 MS. NAJERA: I AM GOING TO OBJECT. ASSUMES A  
2 FACT NOT IN EVIDENCE, THAT THAT WAS REPORTED.

3 THE COURT: SUSTAINED. SUSTAINED.

4 Q. BY MR. LEVIN: WELL, YOU COLLECTED ALL THE  
5 NEWS ACCOUNTS OF THIS CASE, CORRECT?

6 A. CORRECT.

7 Q. AND ARE YOU PREPARED TO TESTIFY THAT  
8 BETWEEN AUGUST THE 20TH, INTO 1989 AND THE TIME THAT YOU  
9 FIRST SPOKE TO CRAIG CIGNARELLI, THAT NOTHING HAD COME  
10 OUT IN THE PAPERS SAYING JOSE AND KITTY MENENDEZ WERE  
11 WATCHING TELEVISION AT THE TIME THAT THEY WERE SHOT?

12 A. NO, I AM NOT.

13 Q. IN FACT, IT WAS REPORTED; WAS IT NOT?

14 A. I DON'T RECALL. IT COULD HAVE BEEN.

15 Q. AND OTHER DETAILS CONCERNING THIS CASE WERE  
16 REPORTED IN THE NEWSPAPER AS WELL, CORRECT?

17 A. CORRECT.

18 MS. NAJERA: I AM GOING TO OBJECT. MISSTATES THE  
19 TESTIMONY. I BELIEVE HE SAID HE DIDN'T KNOW IF THEY  
20 WERE REPORTED.

21 THE COURT: OVERRULED.

22 THE ANSWER WILL STAND.

23 Q. BY MR. LEVIN: DO YOU KNOW WHERE OR HOW THE

24 NEWS MEDIA COULD FIND OUT THAT PARTICULAR DETAIL IF IT  
25 DIDN'T COME FROM WITHIN THE BEVERLY HILLS POLICE  
26 DEPARTMENT?  
27 MS. NAJERA: OBJECTION. CALLS FOR SPECULATION  
28 AND ASSUMES A FACT NOT IN EVIDENCE, THAT THEY FOUND IT

-16118

1 OUT.  
2 THE COURT: SUSTAINED. SUSTAINED.  
3 MS. ABRAMSON: MAY I HAVE A MOMENT, YOUR HONOR?  
4 (ATTORNEYS LEVIN AND ABRAMSON  
5 CONFER SOTTO VOCE)  
6  
7 Q. BY MR. LEVIN: THE BEVERLY HILLS POLICE  
8 DEPARTMENT IS NOT THE ONLY INVESTIGATIVE AGENCY THAT  
9 INVESTIGATED THIS CASE, CORRECT?  
10 A. AT WHICH POINT?  
11 Q. RIGHT FROM THE BEGINNING.  
12 I AM NOT -- I WILL ASK YOU DIRECTLY,  
13 BECAUSE I KNOW WHAT YOUR ANSWER IS GOING TO BE.  
14 A. THANK YOU.  
15 Q. AND TO SAVE TIME.  
16 THE CORONER'S OFFICE ALSO INVESTIGATES,  
17 CORRECT?  
18 A. THAT'S CORRECT.  
19 Q. AND THE CORONER HAD THEIR PERSONNEL AT THE

20 CRIME SCENE DURING THE TIME THAT YOU WERE THERE?

21 A. THAT'S CORRECT.

22 Q. AND THEIR JOB IS TO COLLECT PHYSICAL

23 EVIDENCE, REMOVE THE BODIES, DO A PHYSICAL EXAMINATION

24 OF THE BODIES, THOSE KINDS OF THINGS, CORRECT?

25 A. THAT'S CORRECT.

26 Q. NOW, THE CORONER'S OFFICE IS A SEPARATE

27 ENTITY FROM THE BEVERLY HILLS POLICE DEPARTMENT,

28 CORRECT?

-16117

1 A. THAT'S CORRECT.

2 Q. AND DO YOU RECALL MAKING THE STATEMENT BACK

3 ON SEPTEMBER THE 17TH, 1989 THAT THE COR -- IN FACT,

4 "THE CORONER'S OFFICE RELEASED ENTIRELY TOO MUCH AS FAR

5 AS WE'RE CONCERNED, AND WE HAD OUR CHIEF WRITE THE

6 CORONER, WHO IS A GUY NAMED KORNBLUM, AND THIS WAS

7 BEFORE WE WENT TO AUTOPSY."

8 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

9 THE COURT: OVERRULED.

10 Q. BY MR. LEVIN: DO YOU REMEMBER THAT?

11 A. I DO.

12 Q. SO BACK ON SEPTEMBER OF 1989, SPECIFICALLY

13 SEPTEMBER THE 17TH, 1989, DID YOU, DETECTIVE ZOELLER,

14 HAVE A CONCERN -- OR SO MUCH OF A CONCERN THAT THE

15 CORONER WAS RELEASING TOO MUCH INFORMATION REGARDING THE

16 DETAILS OF THIS CASE THAT YOU WROTE A LETTER

17 COMPLAINING?

18 A. THAT'S CORRECT.

19 Q. BUT BY THE TIME YOU WROTE YOUR LETTER, THE

20 CORONER'S OFFICE HAD ALREADY RELEASED THE INFORMATION,

21 CORRECT?

22 MS. NAJERA: OBJECT. IRRELEVANT, WITHOUT ANY

23 FOUNDATION, AS TO WHAT THIS INFORMATION IS.

24 THE COURT: PERHAPS YOU CAN REPHRASE THE

25 QUESTION.

26 Q. BY MR. LEVIN: DID THE CORONER'S OFFICE

27 RELEASE INFORMATION ABOUT THIS CASE THAT CONCERNED YOU

28 AS A POLICE DETECTIVE INVESTIGATING?

-16116

1 A. YES.

2 Q. AND WAS THAT INFORMATION DETAILS ABOUT THIS

3 CASE THAT YOU DIDN'T WANT TO BE MADE PUBLIC?

4 A. YES.

5 Q. AND THEY DID IT, AND THEN YOU COMPLAINED?

6 A. YES.

7 Q. YOU FIRST TALKED TO CRAIG CIGNARELLI ON --

8 I THINK IT WAS AUGUST THE 24TH, 1989, CORRECT?

9 A. THAT'S CORRECT.

10 Q. AND YOU HAD LOOKED AT YOUR REPORT, OR AT

11 LEAST I TALKED TO YOU ABOUT THAT PARTICULAR INTERVIEW,

12 DIDN'T I, A FEW DAYS AGO?

13 A. YES.

14 Q. ON THAT PARTICULAR DAY, YOU WENT TO CRAIG  
15 CIGNARELLI'S HOUSE TO TALK TO HIM BECAUSE YOU THOUGHT HE  
16 MIGHT HAVE INFORMATION CONCERNING THIS CASE, CORRECT?

17 A. YES.

18 Q. AND HE -- YOU HAD ASKED HIM WHETHER OR NOT  
19 HE HAD TALKED TO ERIK, AND HE TOLD YOU THAT HE HAD,  
20 CORRECT?

21 A. THAT'S CORRECT.

22 Q. AND HE TOLD YOU THAT ERIK MENENDEZ  
23 DESCRIBED TO HIM WHAT HIS PARENTS LOOKED LIKE WHEN HE  
24 WALKED INTO THE ROOM AFTER THEY WERE DEAD, CORRECT?

25 A. YES.

26 Q. AND HE SAID THAT WHAT ERIK DESCRIBED TO  
27 CRAIG CIGNARELLI WAS THAT THEY WERE FULL OF BULLET  
28 HOLES, THEY LOOKED LIKE SWISS CHEESE. HIS DAD WAS SHOT

-16115

1 IN THE HEAD, THERE WAS SKIN AND BULLET HOLES EVERYWHERE;  
2 ISN'T THAT WHAT HE SAID?

3 A. YES.

4 Q. AND YOUR STATEMENT DOES NOT REFLECT A --  
5 YOUR STATEMENT DOES NOT REFLECT WHERE CRAIG CIGNARELLI  
6 GOT THAT INFORMATION FROM ERIK MENENDEZ, DOES IT?

7 A. GOT IT FROM ERIK MENENDEZ?



8 Q. HE GOT IT FROM ERIK MENENDEZ, BUT IT  
9 DOESN'T SAY THAT HE WAS NOT AT HIS HOUSE WHEN HE GOT  
10 THAT INFORMATION?

11 A. NOT AT WHO'S HOUSE?

12 Q. ERIK MENENDEZ' HOUSE?

13 A. THE REPORT DOES NOT STATE THAT. THAT'S  
14 CORRECT.

15 Q. I JUST NEED ONE MOMENT.

16 THE COURT: LET'S TAKE OUR RECESS RIGHT NOW, AND  
17 WE WILL RESUME AT QUARTER TO THE HOUR.

18 (A RECESS WAS TAKEN FROM  
19 10:30 A.M. TO 10:45 A.M.)

49422

1 THE COURT: ARE WE READY FOR THE JURY?

2 MR. LEVIN: YES, YOUR HONOR.

3 THE COURT: OKAY. LET'S GET THE JURY OUT,  
4 PLEASE.

5 (THE JURY ENTERED THE COURTROOM  
6 AND THE FOLLOWING PROCEEDINGS  
7 WERE HELD:)

8

9 THE COURT: EVERYONE IS BACK.

10 YOU MAY CONTINUE YOUR CROSS-EXAMINATION.

11 Q BY MR. LEVIN: DETECTIVE ZOELLER,  
12 BEFORE, WHEN I WAS ASKING YOU QUESTIONS ABOUT WHAT  
13 IT WAS THAT PROMPTED YOU TO WRITE THE LETTER TO THE  
14 CORONER'S OFFICE, DO YOU, OR DID YOU HAVE A FEELING

15 THAT SOMEBODY HAD POSSIBLY BEEN PAID OFF IN THE

16 CORONER'S OFFICE --

17 MS. NAJERA: OBJECTION. IRRELEVANT.

18 MR. LEVIN: -- TO GIVE INFORMATION?

19 MS. NAJERA: OBJECTION. IRRELEVANT.

20 THE COURT: SUSTAINED.

21 Q BY MR. LEVIN: DID YOU EVER MAKE THE

22 STATEMENT --

23 MS. NAJERA: I'M GOING TO OBJECT TO ANYTHING

24 THAT WOULD ELICIT AN IRRELEVANT ANSWER.

25 THE COURT: ARE YOU REFERRING TO SOMETHING

26 THAT'S IN EVIDENCE HERE?

27 MR. LEVIN: PARDON ME, YOUR HONOR?

28 THE COURT: ARE YOU REFERRING TO SOMETHING

49423

1 THAT'S IN EVIDENCE?

2 MR. LEVIN: NO. BUT I'M REFERRING TO A

3 STATEMENT THAT I HAVE OF THIS WITNESS --

4 YES, IT IS IN EVIDENCE.

5 THE COURT: OVERRULED.

6 Q BY MR. LEVIN: DO YOU RECALL MAKING THE

7 STATEMENT, ON SEPTEMBER THE 17TH, 1989, TO LYLE

8 MENENDEZ, IN TALKING ABOUT CERTAIN DETAILS THAT HAD

9 BEEN RELEASED TO THE PUBLIC, THAT YOU HAD STATED:

10 "THAT'S ALL FROM SOMEBODY THAT  
11 EITHER PAID SOMEBODY OFF IN THE  
12 CORONER'S OFFICE -- CORONER'S OFFICE --  
13 AS FAR AS WE KNOW -- OF COURSE, YOU  
14 KNOW, WE TRUST THEM AS FAR AS WE TRUST  
15 ANYBODY ELSE. BUT I -- YOU KNOW, THEY  
16 INITIALLY CAME OUT AND SAID, OH, IT  
17 LOOKS LIKE AN O.C. DEATH, AND SO ON  
18 AND SO FORTH."  
19 DID YOU MAKE THAT STATEMENT?  
20 A YES.  
21 Q AND WHEN YOU SAID AN O.C. DEATH, THAT  
22 MEANS ORGANIZED CRIME?  
23 A THAT'S WHAT I WAS REFERRING TO, YES.  
24 Q THAT'S A DETAIL RELEASED BY THE  
25 CORONER'S OFFICE PUBLICLY?  
26 A YES.  
27 Q NOW, ERIK AND LYLE MENENDEZ WERE  
28 SUSPECTS IN THESE HOMICIDES RIGHT FROM THE VERY

49424

1 BEGINNING; ISN'T THAT CORRECT?  
2 MS. NAJERA: OBJECTION. IRRELEVANT.  
3 THE COURT: OVERRULED.  
4 THE WITNESS: THEY WERE UNDER SUSPICION, YES.

5 Q BY MR. LEVIN: AND WITHIN AT LEAST A FEW  
6 DAYS AFTER THE HOMICIDES THE FOCUS OF THE  
7 INVESTIGATION WAS DIRECTED ENTIRELY TOWARDS ERIK AND  
8 LYLE MENENDEZ?

9 A THAT'S NOT CORRECT, NO.

10 Q WELL, WOULD YOU SAY THAT THEY WERE THE  
11 PRIME SUSPECTS?

12 A WE WERE LOOKING AT THEM VERY STRONGLY,  
13 YES.

14 Q AND THAT'S RIGHT FROM THE BEGINNING,  
15 CORRECT, OR WITHIN A FEW DAYS AFTER THE HOMICIDES?

16 A PRETTY MUCH SO, YES.

17 Q NOW, WHEN YOU ARRIVED AT THE HOMICIDE  
18 SCENE, THE FOYER DOORS WERE OPEN AND THE TELEVISION  
19 SET WAS ON, CORRECT?

20 A CORRECT.

21 Q SO WHEN CRAIG CIGNARELLI GAVE YOU THAT  
22 INFORMATION ABOUT THE SUSPECTS ENTERING FROM THE  
23 FOYER AND THAT JOSE AND KITTY MENENDEZ WERE WATCHING  
24 TELEVISION, THAT'S NOT THE FIRST TIME THAT THOSE  
25 DETAILS OCCURRED TO YOU; ISN'T THAT CORRECT?

26 A THAT'S CORRECT.

27 Q AND ALSO, LIKEWISE, WHEN CRAIG  
28 CIGNARELLI TOLD YOU THAT TWO GUNS WERE USED, BASED

1 ON YOUR INTERVIEW OF WITNESSES WHO HAD HEARD  
2 NUMEROUS POPPING SOUNDS, AND BASED ON THE NUMBER OF  
3 SHOTS THAT WERE FIRED INSIDE THE ROOM, YOU CONCLUDED  
4 ON YOUR OWN, DID YOU NOT, THAT THERE WAS MORE THAN  
5 ONE GUN USED IN THIS SHOOTING?

6 MS. NAJERA: I'D OBJECT. IT'S IRRELEVANT  
7 WHAT THE OFFICER THOUGHT.

8 THE COURT: OVERRULED.

9 THE WITNESS: THAT'S NOT NECESSARILY TRUE. I  
10 DIDN'T BELIEVE THAT -- I DIDN'T KNOW HOW MANY GUNS  
11 WERE USED.

12 Q BY MR. LEVIN: BUT YOU THOUGHT MORE THAN  
13 ONE HAD BEEN USED?

14 A THAT WAS A POSSIBILITY, YES.

15 Q NOW, CRAIG CIGNARELLI TOLD YOU THAT ERIK  
16 MENENDEZ TOLD HIM THAT ERIK MENENDEZ WAS ON THE LEFT  
17 DOOR AND LYLE MENENDEZ WAS ON THE RIGHT DOOR.

18 YOU HEARD THAT TESTIMONY, CORRECT?

19 A YES, I DID.

20 Q ERIK MENENDEZ NEVER TESTIFIED TO THAT  
21 DETAIL, DID HE?

22 A I BELIEVE HE DID.

23 Q YOU BELIEVE THAT HE DID TESTIFY IN THIS  
24 TRIAL THAT HE APPROACHED THE DOOR AND HE STOOD AT  
25 ONE DOOR AND LYLE MENENDEZ STOOD AT THE OTHER DOOR  
26 AND LOOKED INSIDE AND SAW THEIR FATHER SITTING DOWN  
27 ON THE COUCH.

28 THAT'S WHAT YOU BELIEVE ERIK MENENDEZ

1 TESTIFIED TO THIS JURY?

2 A NO. I BELIEVE --

3 MS. NAJERA: I'M GOING TO OBJECT. THAT  
4 MISSTATES THE TESTIMONY.

5 THE COURT: OVERRULED.

6 THE WITNESS: I BELIEVE THAT ERIK SAID THAT  
7 HE ENTERED THROUGH THE LEFT DOOR.

8 I THOUGHT THAT WAS THE QUESTION YOU GAVE  
9 ME.

10 Q BY MR. LEVIN: WELL, YOU HEARD ERIK  
11 MENENDEZ TESTIFY THAT HE WAS IN FEAR OF HIS LIFE;  
12 THAT HE THOUGHT THAT HIS PARENTS WERE GOING TO KILL  
13 HIM, AND HE BURST THROUGH THE DOORS, SAW TWO  
14 STANDING FIGURES, AND SHOT, EMPTIED HIS GUN.

15 WASN'T THAT, IN ESSENCE, HIS TESTIMONY?

16 A IN ESSENCE, THAT'S CORRECT.

17 Q NOW, CRAIG CIGNARELLI TOLD YOU THAT ERIK  
18 MENENDEZ TOLD HIM THAT HE HAD WALKED UP TO THE LEFT  
19 DOOR AND LYLE MENENDEZ WALKED UP TO THE RIGHT DOOR,  
20 CORRECT?

21 A THAT'S CORRECT.

22 Q ERIK MENENDEZ, NOR DID ANY OTHER  
23 WITNESS, EVER TESTIFY TO THAT FACT, DID THEY?

24 A THAT'S CORRECT.

25 Q SO YOU HAVE NO -- OR YOU HAVE NEVER

26 CONFIRMED THAT PORTION OF CRAIG CIGNARELLI'S

27 STATEMENT TO YOU OTHER THAN WHAT CRAIG CIGNARELLI

28 TOLD YOU?

49427

1 A THAT'S CORRECT.

2 Q AND ERIK MENENDEZ NEVER TESTIFIED THAT

3 HIS FATHER WAS SITTING DOWN WHEN HE SHOT HIM, DID

4 HE?

5 A THAT'S CORRECT, HE DID NOT TESTIFY TO

6 THAT.

7 Q HE VERY CLEARLY TESTIFIED TO THIS JURY

8 THAT WHEN HE BURST THROUGH THE DOORS IN PANIC, HIS

9 MOTHER AND FATHER WERE STANDING, CORRECT?

10 A THAT'S CORRECT.

11 Q AND IT WAS CRAIG CIGNARELLI THAT MADE

12 THE STATEMENT TO YOU THAT ERIK SAID HIS FATHER WAS

13 SITTING DOWN WHEN HE WAS SHOT, CORRECT?

14 A THAT'S CORRECT.

15 Q NOW, OTHER THAN THE TESTIMONY OF THE

16 HYPOTHESIS OF ROGER MC CARTHY AND ALL THAT THEORY

17 THAT WAS PRODUCED TO THIS JURY, THERE WAS NO OTHER

18 WITNESS THAT TESTIFIED THAT JOSE MENENDEZ WAS

19 SITTING WHEN HE WAS SHOT; ISN'T THAT CORRECT?

20 MS. NAJERA: OBJECTION. THAT'S

21 ARGUMENTATIVE, YOUR HONOR.

22 THE COURT: REPHRASE THE QUESTION.

23 Q BY MR. LEVIN: NO WITNESS TESTIFIED THAT

24 JOSE MENENDEZ WAS SITTING IN THE MANNER THAT CRAIG

25 CIGNARELLI TOLD YOU THAT ERIK STATED TO HIM,

26 CORRECT?

27 A THAT'S CORRECT.

28 Q AND CRAIG CIGNARELLI TOLD YOU THAT ERIK

49428

1 MENENDEZ STATED TO HIM THAT HE HAD SHOT HIS MOTHER

2 AS SHE GOT UP, CORRECT?

3 A WHO STATED THAT? I'M SORRY.

4 Q CRAIG CIGNARELLI TOLD THAT TO YOU.

5 A YES.

6 Q NOW, ERIK MENENDEZ TESTIFIED THAT HIS

7 MOTHER WAS STANDING, AND HE ONLY SAW HER STANDING

8 WHEN HE ENTERED THE ROOM, CORRECT?

9 A THAT'S WHAT HE TESTIFIED TO, THAT'S

10 CORRECT.

11 Q AND NO WITNESS HAS COME INTO THIS COURT

12 AND TESTIFIED THAT KITTY MENENDEZ WAS RISING UP OR

13 STANDING UP WHEN SHE GOT SHOT, OTHER THAN WHAT CRAIG



14 CIGNARELLI SAID, CORRECT?

15 A THAT'S CORRECT.

16 Q NOW, THE FIRST NEWSPAPER ACCOUNT IN THIS  
17 CASE REPORTED THAT ERIK AND LYLE MENENDEZ WERE AT  
18 THE MOVIES AT THE TIME THEIR PARENTS WERE KILLED,  
19 CORRECT?

20 MS. NAJERA: OBJECTION. CALLS FOR  
21 SPECULATION.

22 THE COURT: REPHRASE THE QUESTION.

23 Q BY MR. LEVIN: YOU ARE AWARE THAT IT WAS  
24 REPORTED -- WELL, FIRST OF ALL, NOT ONLY THE PRINT  
25 MEDIA WAS REPORTING ON THIS CASE RIGHT FROM THE VERY  
26 BEGINNING. IT WOULD INCLUDE THE TELEVISION MEDIA,  
27 CORRECT?

28 A THAT'S CORRECT.

49429

1 Q AND ALSO THE TABLOIDS LIKE "HARD COPY"  
2 AND THINGS LIKE THAT?

3 A THAT'S CORRECT.

4 Q AND AM I CORRECT IN STATING THAT RIGHT  
5 FROM THE VERY BEGINNING, WITHIN DAYS OF AUGUST THE  
6 20TH, 1989, IT HAD BEEN REPORTED THAT ERIK AND LYLE  
7 MENENDEZ WERE AT THE MOVIES AT THE TIME THEIR  
8 PARENTS WERE SHOT?

9 A I DON'T RECALL THAT.

10 Q SO YOU CAN'T --

11 MS. NAJERA: I'D OBJECT AND MAKE A MOTION TO  
12 STRIKE, AS ASSUMES FACTS NOT IN EVIDENCE.

13 THE COURT: OVERRULED.

14 Q BY MR. LEVIN: YOU CAN'T SAY ONE WAY OR  
15 ANOTHER, CAN YOU --

16 A NO, I CANNOT.

17 Q -- AS YOU SIT HERE?

18 DID MS. NAJERA ASK YOU TO TAKE A LOOK AT  
19 THE VARIOUS NEWS REPORTS THAT YOU WERE AWARE OF THAT  
20 CAME OUT SHORTLY AFTER THE HOMICIDES SO THAT YOU  
21 WOULD BE ACCURATE IN YOUR TESTIMONY WHEN SHE ASKED  
22 YOU WHAT YOU MIGHT KNOW?

23 MS. NAJERA: OBJECTION. IRRELEVANT AND  
24 ARGUMENTATIVE.

25 THE COURT: REPHRASE THE QUESTION.

26 Q BY MR. LEVIN: BEFORE YOU TOOK THE STAND  
27 TODAY, DID YOU KNOW THAT MS. NAJERA WAS GOING TO ASK  
28 YOU ABOUT NEWS RELEASES AND PUBLICITY ABOUT THIS

49430

1 CASE THAT EXISTED SHORTLY AFTER AUGUST THE 20TH,  
2 1989?

3 MS. NAJERA: I'M GOING TO OBJECT AS

4 IRRELEVANT.

5 THE COURT: OVERRULED.

6 THE WITNESS: TO A CERTAIN EXTENT, YES.

7 Q BY MR. LEVIN: AND WHEN DID YOU FIRST  
8 LEARN THAT?

9 MS. NAJERA: OBJECTION. IRRELEVANT.

10 THE COURT: OVERRULED.

11 THE WITNESS: LAST FRIDAY.

12 Q BY MR. LEVIN: WHAT DID YOU DO TO  
13 PREPARE FOR YOUR TESTIMONY IN ANSWERING TRUTHFULLY  
14 AND ACCURATELY THOSE QUESTIONS?

15 A I READ THE POLICE REPORT.

16 Q WELL, THE POLICE REPORT DOES NOT CONTAIN  
17 NEWSPAPER ACCOUNTS, DOES IT?

18 A NO.

19 Q AND YOU KNEW THAT MS. NAJERA WAS GOING  
20 TO ASK YOU, AS FAR BACK AS LAST FRIDAY, ABOUT WHAT  
21 PUBLICITY ABOUT THIS CASE HAD BEEN RELEASED SHORTLY  
22 AFTER AUGUST THE 20TH, 1989, CORRECT?

23 A CORRECT.

24 Q DID YOU CONSULT YOUR NEWS FILE AND SEE  
25 WHAT THOSE REPORTS WERE?

26 A NO.

27 Q DID YOU ASSUME THAT YOU WOULD JUST BE  
28 ABLE TO RECALL WHAT IT WAS THAT HAD BEEN

1 DISSEMINATED SHORTLY AFTER AUGUST THE 20TH, 1989

2 WITHOUT HAVING TO REFER TO IT?

3 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

4 THE COURT: OVERRULED.

5 THE WITNESS: FOR THE MOST PART, YES.

6 Q BY MR. LEVIN: BUT YOU CAN'T DO THAT,

7 CAN YOU?

8 A NO, I CANNOT.

9 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

10 THE COURT: OVERRULED.

11 THE ANSWER WILL STAND.

12 Q BY MR. LEVIN: WAS IT YOUR INTENTION,

13 DETECTIVE ZOELLER, TO BE PURPOSEFULLY VAGUE IN

14 ANSWERING MS. NAJERA'S QUESTIONS CONCERNING THE

15 PUBLICITY THAT MAY HAVE BEEN REPORTED SHORTLY AFTER

16 AUGUST THE 20TH, 1989?

17 A NO, IT WAS NOT.

18 Q WAS IT YOUR INTENTION TO NOT BE IN

19 POSSESSION OF THE SPECIFIC INFORMATION THAT COULD

20 TEND TO PROVE OR DISAPPROVE WHAT IT WAS THAT HAD

21 BEEN DISSEMINATED IN THE NEWS CONCERNING THIS CASE

22 SHORTLY AFTER AUGUST THE 20TH, 1989?

23 MS. NAJERA: I'M GOING TO OBJECT.

24 ARGUMENTATIVE.

25 THE COURT: OVERRULED.

26 THE WITNESS: NO, IT WAS NOT.

27 Q BY MR. LEVIN: YOU JUST DIDN'T THINK IT  
28 WAS IMPORTANT TO BE PREPARED?

49432

1 MS. NAJERA: OBJECTION, YOUR HONOR.  
2 ARGUMENTATIVE.

3 THE COURT: REPHRASE THE QUESTION, PLEASE.

4 MS. ABRAMSON: EXCUSE ME.

5 (ATTORNEYS ABRAMSON AND LEVIN  
6 CONFER SOTTO VOCE.)

7

8 Q BY MR. LEVIN: AFTER AUGUST THE 20TH OR  
9 21ST, DID YOU RETURN TO THE MENENDEZ HOUSE?

10 A YES.

11 Q AND WHEN DID YOU FIRST RETURN TO THE  
12 HOUSE AFTER THE 21ST?

13 MS. NAJERA: OBJECTION. IRRELEVANT.

14 THE COURT: OVERRULED.

15 THE WITNESS: I DON'T RECALL PRECISELY WHEN I  
16 RETURNED TO THE HOUSE.

17 Q BY MR. LEVIN: DO YOU KNOW WHEN THE  
18 COUCH AND THE FURNITURE HAD BEEN REMOVED FROM THE  
19 MENENDEZ HOUSE IN THE DEN?

20 A WITHIN THE FIRST WEEK IT WAS REMOVED.

21 Q HOW DO YOU KNOW THAT?

22 A BECAUSE OF STATEMENTS FROM THE

23 DEFENDANTS, I BELIEVE.

24 Q AND DO YOU KNOW WHEN THE FURNITURE WAS  
25 REPLACED IN THAT ROOM?

26 A I DO NOT. I'M SORRY.

27 I ALSO LEARNED FROM THE SECURITY GUARDS  
28 THAT WERE HIRED TO WATCH THE HOUSE; AND THEY WOULD

49433

1 SAY THEY WATCHED TELEVISION IN THAT ROOM WITH NO  
2 FURNITURE IN IT. AND I KNOW THAT WAS THE FIRST WEEK  
3 ALSO.

4 Q BUT YOU DON'T KNOW WHEN WITHIN THAT  
5 FIRST WEEK?

6 A I DO NOT, NO.

7 Q NOW, IT WAS AS LATE AS JUNE OF 1993 THAT  
8 CRAIG CIGNARELLI TOLD YOU THAT HIS SEPTEMBER THE  
9 17TH, 1989 STATEMENT WAS THE MOST ACCURATE.

10 A THAT'S CORRECT.

11 MR. LEVIN: MAY I HAVE A MOMENT, YOUR HONOR?

12 (ATTORNEYS ABRAMSON AND LEVIN  
13 CONFER SOTTO VOCE.)

14

15 MS. ABRAMSON: JUST A SECOND, YOUR HONOR. WE  
16 NEED A CONFERENCE.

17 (ALL DEFENSE COUNSEL CONFER

18 SOTTO VOCE.)

19

20 Q BY MR. LEVIN: DETECTIVE ZOELLER, DID

21 YOU EVER CHECK, BY WAY OF INVESTIGATION, THE PHONE

22 RECORDS OF CRAIG CIGNARELLI TO DETERMINE WHETHER OR

23 NOT CRAIG CIGNARELLI SPOKE TO ERIK MENENDEZ PRIOR TO

24 AUGUST THE 24TH, 1989?

25 A NO.

26 Q ARE SUCH PHONE RECORDS AVAILABLE TO YOU

27 AS A POLICE DETECTIVE?

28 A AT WHICH POINT?

49434

1 Q IF YOU SO CHOSE.

2 A AT WHICH POINT?

3 Q BACK IN 1989.

4 A YES.

5 Q YOU NEVER OBTAINED THEM?

6 A NO.

7 Q HAVE YOU DONE ANY FOLLOW-UP

8 INVESTIGATION, SINCE CRAIG CIGNARELLI TESTIFIED, TO

9 VERIFY WHETHER OR NOT HE HAD MADE A \$5,000

10 CHARITABLE CONTRIBUTION AS HE TESTIFIED TO THIS

11 JURY?

12 A I'VE ATTEMPTED IT, YES.

13 MR. LEVIN: THANK YOU, YOUR HONOR.

14 I HAVE NOTHING FURTHER.

15 THE COURT: ALL RIGHT. ANY REDIRECT?

16 MS. NAJERA: YES, YOUR HONOR.

17

18 REDIRECT EXAMINATION

19 BY MS. NAJERA:

20 Q MR. LEVIN ASKED YOU ON CROSS-EXAMINATION,

21 DETECTIVE ZOELLER, IF YOU KNEW, IN AUGUST OF 19 --

22 EXCUSE ME -- IF YOU KNEW IN NOVEMBER OF 1989, YOU

23 HAD INFORMATION FROM CRAIG CIGNARELLI THAT ERIK AND

24 LYLE MENENDEZ HAD SHOT THEIR PARENTS; IS THAT

25 CORRECT? YOU DID?

26 A THAT'S CORRECT.

27 Q AND HE ALSO ASKED YOU WHETHER OR NOT YOU

28 ARRESTED ERIK AND LYLE MENENDEZ IN NOVEMBER OF

49435

1 1989.

2 DO YOU RECALL THAT QUESTION?

3 A THAT'S CORRECT.

4 Q AND DID YOU ARREST THEM IN NOVEMBER OF

5 1989?

6 A NO.



7 Q AND IN NOVEMBER OF 1989, LEGALLY, ISN'T  
8 IT TRUE, THAT YOU HAD NO EVIDENCE AGAINST LYLE  
9 MENENDEZ?

10 MR. LEVIN: OBJECTION, YOUR HONOR. IT CALLS  
11 FOR SPECULATION. IT'S ALSO IRRELEVANT.

12 THE COURT: SUSTAINED.

13 Q BY MS. NAJERA: WHY DIDN'T YOU ARREST  
14 ERIK AND LYLE MENENDEZ IN NOVEMBER OF 1989?

15 MR. LEVIN: OBJECTION. IRRELEVANT.

16 MS. NAJERA: YOUR HONOR, COULD WE BE HEARD ON  
17 THAT?

18 THE COURT: SURE.

19 MS. NAJERA: THANK YOU.

20 (THE FOLLOWING PROCEEDINGS  
21 WERE HELD OUT OF THE PRESENCE  
22 OF THE JURY:)

23

24 THE COURT: YES.

25 MS. NAJERA: YOUR HONOR, COUNSEL ASKED A  
26 QUESTION WHICH SEEMED TO WANT TO ELICIT FROM THE  
27 JURY THAT IN NOVEMBER OF 1989, WHEN DETECTIVE  
28 ZOELLER HAD INFORMATION THE DEFENDANTS COMMITTED

1 THESE CRIMES, HE DIDN'T ARREST THEM. THE

2 IMPLICATION SEEMED TO BE HE DIDN'T ARREST THEM  
3 BECAUSE HE DIDN'T BELIEVE THIS WAS TRUSTWORTHY  
4 INFORMATION.

5 I ASKED DETECTIVE ZOELLER, AND HE SAID  
6 HE DIDN'T ARREST THEM BECAUSE HE DIDN'T HAVE ANY  
7 INFORMATION ABOUT LYLE AND WANTED TO INVESTIGATE  
8 MORE UNTIL HE HAD MORE INFORMATION.

9 NOW THAT THIS IMPLICATION HAS COME  
10 BEFORE THE JURY, I THINK WE SHOULD BE ABLE TO ELICIT  
11 THAT, IN FACT, IT'S NOT TRUE.

12 THE COURT: WHAT IS THE DEFENSE RESPONSE?

13 MS. ABRAMSON: CAN I SPEAK INSTEAD OF  
14 MR. LEVIN?

15 THE COURT: SURE.

16 MS. ABRAMSON: THE PROBLEM WITH MS. NAJERA'S  
17 ARGUMENT IS THAT DETECTIVE ZOELLER WENT AHEAD AND  
18 WIRED UP CRAIG CIGNARELLI TO ELICIT A FURTHER  
19 CONFESSION FROM ERIK MENENDEZ, WHICH TECHNICALLY  
20 STILL COULDN'T HAVE BEEN USED AGAINST LYLE  
21 MENENDEZ. THAT FACT ALONE INDICATES THAT HE HAD  
22 SOMETHING LESS THAN COMPLETE CONFIDENCE IN THE  
23 SIGNIFICANCE OF CIGNARELLI'S INFORMATION, OTHERWISE  
24 HE COULD HAVE GONE AHEAD AND ARRESTED ERIK MENENDEZ  
25 RIGHT THEN AND THERE. AND HIS ONLY EFFORT,  
26 APPARENTLY, WAS TO TRY AND GET MORE INFORMATION FROM  
27 ERIK MENENDEZ.

28 SO LOGICALLY IT DOESN'T HOLD UP THAT THE

1 REASON HE DIDN'T ARREST THEM WAS BECAUSE HE ONLY HAD  
2 INFORMATION ON ERIK MENENDEZ, BECAUSE THAT'S ALL HE  
3 WAS TRYING TO DEVELOP ANYWAY.

4 SO I DON'T THINK THE REASON MATTERS, AND  
5 I THINK, IF THIS IS PUSHED TO ITS LOGICAL EXTREME,  
6 GIVEN CRAIG CIGNARELLI'S SUBSEQUENT BEHAVIOR, THAT  
7 DETECTIVE ZOELLER MIGHT STATE WHAT HE HAS TOLD US,  
8 WHICH IS THAT HE DOESN'T BELIEVE CRAIG CIGNARELLI IS  
9 HONEST.

10 MS. NAJERA: HE'S NOT GOING TO STATE THAT.

11 THE COURT: MY SUGGESTION IS THAT YOU ASK  
12 HIM: IS THE REASON YOU DIDN'T MAKE AN ARREST IN  
13 NOVEMBER IS THAT YOU WANTED TO CONTINUE YOUR  
14 INVESTIGATION?

15 MS. NAJERA: OKAY. I'LL ASK THAT.

16 MS. ABRAMSON: JUST THAT QUESTION.

17 MR. GESSLER: WE WOULD ADD 352 GROUNDS, YOUR  
18 HONOR, EVEN TO THAT SUGGESTION, AS TO CONTINUING  
19 INVESTIGATIONS AND WHEN THERE'S ENOUGH AND GETTING --

20 THE COURT: JUST THAT'S IT. NOTHING BEYOND  
21 THAT, BECAUSE OTHERWISE WE DO GET INTO ALL SORTS OF  
22 IRRELEVANT MATERIAL.

23 MS. NAJERA: OKAY, YOUR HONOR.

24 THE COURT: HE COULD HAVE ARRESTED THEM RIGHT  
25 THEN BASED UPON --

26 MS. NAJERA: HE COULDN'T HAVE ARRESTED LYLE  
27 MENENDEZ.  
28 THE COURT: HE SURE COULD HAVE ARRESTED HIM.

49438

1 THAT DOESN'T MEAN HE WOULD HAVE GROUNDS TO FILE A  
2 CHARGE, BUT HE COULD HAVE DONE THAT. THEY JUST  
3 DIDN'T.

4 OKAY. LET'S PROCEED.

5 (THE FOLLOWING PROCEEDINGS WERE  
6 RESUMED IN OPEN COURT IN THE  
7 PRESENCE OF THE JURY:)

8

9 THE COURT: OKAY. YOU MAY PROCEED.

10 Q BY MS. NAJERA: DETECTIVE ZOELLER, IS  
11 THE REASON YOU DIDN'T ARREST ANYONE IN NOVEMBER OF  
12 1990 BECAUSE YOU WANTED TO CONTINUE YOUR  
13 INVESTIGATION?

14 A YES.

15 THE COURT: NOVEMBER WHAT?

16 MS. NAJERA: 1989. I'M SORRY. DID I SAY  
17 SOMETHING ELSE?

18 THE COURT: WHAT WAS YOUR ANSWER?

19 THE WITNESS: THAT'S CORRECT.

20 Q BY MS. NAJERA: NOW, YOU TESTIFIED THAT

21 IN JANUARY OF 1990 YOU BROUGHT -- OR YOU HAD  
22 PHOTOGRAPHS OF THE CRIME SCENE WHICH YOU OFFERED TO  
23 SHOW TO CRAIG CIGNARELLI; IS THAT RIGHT?

24 A THAT'S CORRECT.

25 Q AND THIS IS WHEN YOU WENT TO HIS HOME TO  
26 SERVE A SEARCH WARRANT; IS THAT RIGHT?

27 A THAT'S CORRECT.

28 Q NOW, WHEN YOU SAY YOU HAD PHOTOGRAPHS

49439

1 AVAILABLE, WHAT DOES THAT MEAN?

2 A I HAD THEM IN MY POSSESSION AT THE TIME  
3 THAT I WENT TO HIS HOUSE.

4 Q AND WHEN YOU SAY YOU HAD THEM IN YOUR  
5 POSSESSION WHEN YOU SERVED THE SEARCH WARRANT, DID  
6 YOU HAVE A BOOK OF PHOTOS UNDER YOUR ARM?

7 A NO, I DID NOT.

8 Q WHERE WERE THESE BOOKS OF PHOTOS?

9 A THEY WERE IN MY POLICE VEHICLE.

10 Q AND IS THAT A LARGE BINDER FULL OF  
11 PHOTOS?

12 A YES.

13 Q AND WHEN YOU GO SERVE A SEARCH WARRANT,  
14 DO YOU USUALLY KEEP BIG THINGS UNDER YOUR ARM TO  
15 HAMPER YOU WHEN YOU'RE SERVING A SEARCH WARRANT?

16 A NO.

17 Q AND DID THEY REMAIN IN YOUR POLICE CAR?

18 A YES, THEY DID.

19 Q AND DID MR. CIGNARELLI EVER GO OUT TO

20 YOUR POLICE CAR AND LOOK AT THEM?

21 A NO.

22 Q WERE THEY LOCKED IN YOUR POLICE CAR?

23 A YES.

24 Q AND WITH REGARDS TO SOME QUESTIONS

25 MR. LEVIN ASKED YOU CONCERNING PROTECTING CASES OF A

26 HIGH-PUBLICITY NATURE SO INFORMATION DOESN'T LEAK

27 OUT, YOU'VE HAD EXPERIENCE IN REGARDS TO

28 HIGH-PUBLICITY CASES, I BELIEVE YOU TOLD MR. LEVIN;

49440

1 IS THAT CORRECT?

2 A YES.

3 Q AND ISN'T IT TRUE, IN FACT, YOU'VE

4 HANDLED CASES THAT HAVE HAD EQUAL OR MORE PUBLICITY

5 IN THE PAST, BEFORE YOU GOT THIS CASE?

6 A YES.

7 Q AND WERE SOME OF THEM OF QUITE FAMOUS

8 NOTORIETY?

9 MR. LEVIN: OBJECTION.

10 THE COURT: OH, YOU CAN ANSWER THE QUESTION.

11 THE WITNESS: YES.

12 Q BY MS. NAJERA: NOW, IN THE NOVEMBER 17,  
13 1989 STATEMENT THAT CRAIG CIGNARELLI GAVE TO YOU,  
14 WHEREIN HE GAVE THE SPECIFIC INFORMATION THAT ERIK  
15 MENENDEZ TOLD HIM, WERE THERE, IN FACT, IN THAT  
16 ENTIRE STATEMENT ONLY TWO STATEMENTS THAT HE MADE  
17 THAT PROTECTED ERIK MENENDEZ?

18 MR. LEVIN: OBJECTION. ARGUMENTATIVE.

19 THE COURT: SUSTAINED.

20 Q BY MS. NAJERA: WERE THERE TWO  
21 STATEMENTS HE LATER SAID HE GAVE TO YOU BECAUSE HE  
22 WANTED TO PROTECT ERIK MENENDEZ?

23 A YES.

24 Q AND WERE THE ONLY TWO STATEMENTS, FIRST,  
25 THAT ERIK SHOT HIS MOTHER AFTER -- ERIK MENENDEZ  
26 SHOT HIS MOTHER AFTER LYLE MENENDEZ DID? WAS THAT  
27 ONE OF THE STATEMENTS?

28 A THAT'S CORRECT.

49441

1 Q DID HE LATER TELL YOU THAT ERIK  
2 MENENDEZ, IN FACT, SHOT HIS MOTHER?

3 A YES.

4 Q AND THE ONLY OTHER STATEMENT IN THAT  
5 WHOLE NOVEMBER 17TH, 1989 INTERVIEW THAT HE STATED

6 WAS NOT CORRECT AND ACCURATE WAS THE STATEMENT THAT  
7 HE ATTRIBUTED TO ERIK MENENDEZ, THAT "IT COULD  
8 HAPPEN"; IS THAT RIGHT?

9 MR. LEVIN: OBJECTION. IT'S ARGUMENTATIVE  
10 AND IT'S LEADING.

11 THE COURT: OVERRULED.

12 THE WITNESS: THAT'S CORRECT.

13 Q BY MS. NAJERA: AND IT WAS JUST THOSE  
14 TWO STATEMENTS; IS THAT RIGHT?

15 A YES.

16 Q AND IT WASN'T EVERY STATEMENT THAT HE  
17 GAVE TO YOU ON NOVEMBER 17, 1989?

18 MR. LEVIN: OBJECTION. IT'S ARGUMENTATIVE.

19 THE COURT: IT'S VAGUE AS TO WHAT YOU MEAN.

20 Q BY MS. NAJERA: AS TO ALL THE OTHER  
21 STATEMENTS THAT ERIK MENENDEZ GAVE YOU ON NOVEMBER  
22 17TH --

23 MR. LEVIN: ERIK MENENDEZ DID NOT GIVE A  
24 STATEMENT, YOUR HONOR. OBJECTION.

25 Q BY MS. NAJERA: AS TO ALL THE OTHER  
26 STATEMENTS THAT CRAIG CIGNARELLI GAVE TO YOU ON  
27 NOVEMBER 17TH, 1989, WHICH HE ATTRIBUTED TO ERIK  
28 MENENDEZ, WERE THESE THE ONLY TWO STATEMENTS THAT HE



1 SAID WERE NOT ACCURATE?

2 A THAT'S CORRECT.

3 Q AND LATER, IN MARCH OF 1990, DID CRAIG  
4 CIGNARELLI EXPLAIN THE STATEMENT THAT HE ATTRIBUTED  
5 TO ERIK MENENDEZ, THAT "IT COULD HAPPEN"?

6 A YES.

7 Q AND DID HE STATE AT THAT TIME THAT ERIK  
8 MENENDEZ SHOT HIS MOTHER?

9 A YES, HE DID.

10 Q NOW, ON AUGUST 24TH, 1989 YOU HAD AN  
11 INTERVIEW WITH CRAIG CIGNARELLI WHERE HE MADE SOME  
12 STATEMENTS TO YOU THAT HE ATTRIBUTED TO ERIK  
13 MENENDEZ; IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q AND DID HE TELL YOU AT THAT TIME HOW IT  
16 IS THAT HE CAME TO BE IN CONTACT WITH ERIK  
17 MENENDEZ? BY THAT I MEAN, WAS IT OVER THE PHONE?  
18 WAS IT IN PERSON? DID HE SAY?

19 A I THINK A PRIOR QUESTION OF MINE TO  
20 CRAIG CIGNARELLI WAS WHETHER HE HAD SEEN ERIK AFTER  
21 THE HOMICIDES, AND HE SAID NO, BUT THAT HE HAD  
22 SPOKEN TO HIM A COUPLE OF TIMES; AND I BELIEVE HE  
23 SAID OVER THE PHONE.

24 Q AND TO GET THESE PHONE RECORDS THAT  
25 COUNSEL WAS ASKING YOU ABOUT, WOULD YOU HAVE TO  
26 KNOW -- WOULD CRAIG CIGNARELLI HAVE TO HAVE  
27 REMEMBERED EXACTLY WHAT PHONE HE CALLED FROM?

28 MR. LEVIN: OBJECTION, YOUR HONOR. CALLS FOR

1 SPECULATION.

2 THE COURT: IT'S VAGUE AS TO WHAT YOU'RE  
3 REFERRING TO HERE.

4 Q BY MS. NAJERA: TO GET PHONE RECORDS,  
5 DON'T YOU HAVE TO KNOW EXACTLY WHAT PHONE THE PHONE  
6 CALL IS BEING MADE FROM?

7 A THAT'S CORRECT.

8 Q IF IT'S MADE FROM A PAY PHONE, ARE THERE  
9 ANY RECORDS?

10 A THERE ARE RECORDS OF PAY PHONES, YES.

11 Q DO ALL PAY PHONES HAVE RECORDS, OR JUST  
12 PUBLIC PAY PHONES HAVE RECORDS?

13 A I'M PRETTY SURE ALL PAY PHONES HAVE  
14 RECORDS.

15 Q AND DO YOU KNOW, OR DID YOU EVER ASK  
16 CRAIG CIGNARELLI, WHAT PHONE, IF HE EVEN REMEMBERED?

17 MR. LEVIN: OBJECTION. ASSUMES FACTS NOT IN  
18 EVIDENCE.

19 THE COURT: SUSTAINED.

20 Q BY MS. NAJERA: DO YOU KNOW IF CRAIG  
21 CIGNARELLI KNEW WHAT PHONE HE WOULD HAVE MADE A  
22 PHONE CALL TO?

23 MR. LEVIN: OBJECTION. CALLS FOR

24 SPECULATION.

25 THE COURT: IT'S UNCLEAR.

26 Q BY MS. NAJERA: DO YOU KNOW WHAT PHONE --

27 IF CRAIG CIGNARELLI KNEW WHAT PHONE HE SPOKE TO ERIK

28 MENENDEZ FROM?

49444

1 MR. LEVIN: OBJECTION. CALLS FOR

2 SPECULATION.

3 THE COURT: SUSTAINED.

4 Q BY MS. NAJERA: NOW, YOU STATED THAT IN

5 AUGUST OF 1989, AUGUST AND SEPTEMBER, MR. LEVIN

6 ASKED YOU IF ERIK MENENDEZ AND LYLE MENENDEZ WERE

7 THE ONLY SUSPECTS, AND YOU SAID THEY WERE NOT THE

8 ONLY SUSPECTS; IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q AND AT THAT TIME WERE YOU ACTIVELY

11 INVESTIGATING AN ORGANIZED CRIME INVOLVEMENT IN

12 THESE KILLINGS?

13 A YES.

14 Q NOW, CRAIG CIGNARELLI TOLD YOU THAT ERIK

15 MENENDEZ SAID TWO GUNS WERE USED IN THIS -- IN THESE

16 KILLINGS.

17 A YES.

18 Q NOW, MR. LEVIN ASKED YOU WHETHER, BASED

19 ON THE NUMBER OF SHOTS, YOU CONCLUDED THAT THERE  
20 WERE MORE THAN -- THAT TWO GUNS USED, AND YOU STATED  
21 THAT YOU WERE NOT SURE.

22 DO YOU KNOW RIGHT NOW -- BACK THEN,  
23 BEFORE YOU LEARNED THAT THERE WERE TWO GUNS -- DID  
24 YOU HAVE ANY IDEA HOW MANY GUNS WERE USED?

25 A NO.

26 Q COULD IT HAVE BEEN THREE GUNS OR FOUR  
27 GUNS OR FIVE GUNS AT THAT TIME?

28 A YES.

49445

1 Q WE'RE TALKING BACK IN 1989, WHEN YOU HAD  
2 JUST INFORMATION AVAILABLE TO YOU FROM THE CRIME  
3 SCENE?

4 A YES.

5 Q DO YOU HAVE ANY IDEA HOW MANY GUNS WERE  
6 USED?

7 A I HAD NO IDEA.

8 Q DID CRAIG CIGNARELLI TELL YOU THAT ERIK  
9 MENENDEZ TOLD HIM THERE WERE TWO GUNS?

10 A THAT'S WHAT HE SAID ERIK HAD TOLD HIM,  
11 THAT'S CORRECT.

12 Q AND DID YOU LATER DETERMINE THAT, IN  
13 FACT, TWO GUNS WERE USED IN THIS CRIME?

14 MR. LEVIN: OBJECTION, YOUR HONOR.

15 ARGUMENTATIVE.

16 THE COURT: SUSTAINED.

17 Q BY MS. NAJERA: YOU LEARNED THAT TWO

18 GUNS WERE USED IN THIS CRIME?

19 MR. LEVIN: OBJECTION. CALLS FOR SPECULATION

20 AND ARGUMENTATIVE.

21 THE COURT: SUSTAINED.

22 Q BY MS. NAJERA: WAS EVIDENCE PRESENTED

23 TO YOU THAT TWO GUNS WERE USED IN THIS CRIME BESIDES

24 THAT WHICH CAME FROM CRAIG CIGNARELLI?

25 MR. LEVIN: OBJECTION, YOUR HONOR. IT'S

26 IRRELEVANT AND ARGUMENTATIVE.

27 THE COURT: AS PHRASED, IT DOES SEEM TO BE.

28 SO SUSTAINED.

49446

1 Q BY MS. NAJERA: HOW MANY GUNS WERE USED

2 IN THIS CRIME?

3 MR. LEVIN: OBJECTION. CALLS FOR

4 SPECULATION.

5 THE COURT: WELL, YOU CAN PHRASE IT SOME

6 OTHER WAY.

7 Q BY MS. NAJERA: DID CRAIG CIGNARELLI

8 TELL YOU THAT LYLE MENENDEZ -- THAT ERIK MENENDEZ

9 TOLD HIM THAT LYLE MENENDEZ WAS TO ERIK MENENDEZ'

10 RIGHT?

11 A YES.

12 Q AND DID -- AND I BELIEVE COUNSEL ASKED

13 YOU IF ERIK MENENDEZ HAD EVER TESTIFIED TO THIS

14 FACT.

15 DO YOU RECALL THAT QUESTION?

16 A THAT'S CORRECT.

17 Q AND DIDN'T ERIK MENENDEZ TESTIFY THAT

18 LYLE MENENDEZ WAS TO HIS RIGHT?

19 MR. LEVIN: OBJECTION, YOUR HONOR. IT'S

20 ARGUMENTATIVE AND MISSTATES HIS TESTIMONY. IT'S

21 IRRELEVANT.

22 THE COURT: OVERRULED.

23 THE WITNESS: THAT'S CORRECT.

24 Q BY MS. NAJERA: AND DID CRAIG CIGNARELLI

25 TELL YOU THAT ERIK MENENDEZ TOLD HIM THAT ERIK

26 MENENDEZ SHOT HIS MOTHER WHILE SHE WAS STANDING?

27 A YES.

28 Q AND DID ERIK MENENDEZ SHOOT HIS MOTHER

49447

1 WHILE SHE WAS STANDING?

2 MR. LEVIN: OBJECTION, YOUR HONOR.

3 THE COURT: SUSTAINED.

4 Q BY MS. NAJERA: DID ERIK MENENDEZ  
5 TESTIFY -- AND I BELIEVE YOU WERE ASKED THIS ON  
6 CROSS-EXAMINATION -- THAT HE SHOT HIS MOTHER WHILE  
7 SHE WAS STANDING?

8 A THAT'S CORRECT.

9 Q NOW, MR. LEVIN ASKED YOU IF -- ASKED YOU  
10 ABOUT SOME CONCERNS THAT YOU VOICED CONCERNING WHAT  
11 THE CORONER'S OFFICE MAY OR MAY NOT HAVE SAID TO  
12 OUTSIDE AGENCIES, OR TO THE MEDIA, BEFORE THE  
13 BEVERLY HILLS POLICE DEPARTMENT RELEASED ANY  
14 INFORMATION.

15 DO YOU RECALL THOSE QUESTIONS?

16 A YES, I DO.

17 Q NOW, DID THE CORONER'S OFFICE KNOW THAT  
18 LYLE MENENDEZ SHOT HIS FATHER?

19 MR. LEVIN: OBJECTION. IT CALLS FOR  
20 SPECULATION.

21 THE COURT: SUSTAINED.

22 Q BY MS. NAJERA: WERE YOU AWARE OF ANY  
23 INFORMATION RELEASED BY THE CORONER'S OFFICE THAT  
24 LYLE MENENDEZ SHOT HIS FATHER?

25 A NO, I'M NOT AWARE OF ANY.

26 Q AND DID CRAIG CIGNARELLI TELL YOU, IN  
27 1989, THAT ERIK MENENDEZ TOLD HIM THAT LYLE MENENDEZ  
28 SHOT HIS FATHER?

1       A    THAT'S CORRECT.

2       Q    AND WERE YOU AWARE THAT THE CORONER'S  
3 OFFICE KNEW EXACTLY HOW MANY GUNS WERE USED IN THIS  
4 CRIME?

5       MR. LEVIN: OBJECTION. CALLS FOR  
6 SPECULATION.

7       THE COURT: REPHRASE THE QUESTION.

8       Q    BY MS. NAJERA: WERE YOU AWARE OF ANY  
9 INFORMATION THE CORONER'S OFFICE HAD CONCERNING  
10 PRECISELY HOW MANY GUNS WERE USED IN THIS CRIME?

11      A    NO.

12      Q    AND DID CRAIG CIGNARELLI TELL YOU THAT  
13 ERIK MENENDEZ TOLD HIM, IN AUGUST OF 19 -- EXCUSE ME  
14 -- IN NOVEMBER OF 1989 THAT TWO GUNS WERE USED?

15      A    THAT'S CORRECT.

16      Q    AND WERE YOU AWARE WHETHER OR NOT THE  
17 CORONER'S OFFICE HAD ANY INFORMATION THAT ERIK  
18 MENENDEZ AND LYLE MENENDEZ SHOT THEIR PARENTS?

19      A    NO, I'M NOT AWARE OF ANY.

20      Q    AND DID CRAIG CIGNARELLI TELL YOU, IN  
21 NOVEMBER OF 1989, THAT ERIK MENENDEZ TOLD HIM THIS?

22      A    THAT'S CORRECT.

23      MR. LEVIN: OBJECTION. IT'S BEEN ASKED AND  
24 ANSWERED.

25      THE COURT: OVERRULED.

26      Q    BY MS. NAJERA: AND I BELIEVE THAT YOU  
27 TESTIFIED IN RESPONSE, TO A QUESTION BY MR. LEVIN,



49449

1 CRIME WAS INVOLVED IN THIS PARTICULAR KILLING; IS

2 THAT CORRECT?

3 A THAT'S CORRECT.

4 Q AND DID CRAIG CIGNARELLI TELL YOU, IN

5 NOVEMBER OF 1989, THAT IT WASN'T ORGANIZED CRIME, IT

6 WAS ERIK AND LYLE MENENDEZ?

7 A THAT'S WHAT HE TOLD ME, YES.

8 MS. NAJERA: MAY I HAVE A MOMENT, YOUR

9 HONOR?

10 THAT'S IT.

11

12 RECROSS-EXAMINATION

13 BY MR. LEVIN:

14 Q DETECTIVE ZOELLER, YOU DON'T KNOW, AS

15 YOU SIT HERE RIGHT NOW, WHAT INFORMATION WAS

16 REPORTED IN THE MEDIA BEFORE NOVEMBER OF 1989

17 BECAUSE YOU HAVEN'T CHECKED, CORRECT?

18 A I HAVE A GOOD IDEA WHAT WAS AND WHAT'S

19 NOT REPORTED, MR. LEVIN.

20 Q BUT IT'S TO THE EXTENT THAT YOU'VE

21 ALREADY TESTIFIED?

22 A THAT'S CORRECT.

23 Q WERE YOU PRESENT IN THIS COURTROOM WHEN  
24 CRAIG CIGNARELLI TESTIFIED THAT ERIK AND LYLE  
25 MENENDEZ EXITED THE REAR OF THE HOUSE AND RAN AROUND  
26 BY THE TENNIS COURTS?

27 A YES.

28 MS. NAJERA: I'M GOING TO OBJECT. OUTSIDE

49450

1 THE SCOPE OF --

2 MR. LEVIN: I WOULD ASK TO REOPEN JUST ON  
3 THIS ONE ISSUE. I FORGOT TO DO IT.

4 THE COURT: ALL RIGHT. YOU MAY DO THAT.

5 Q BY MR. LEVIN: AND WERE YOU PRESENT WHEN  
6 CRAIG CIGNARELLI TESTIFIED THAT ERIK AND LYLE  
7 MENENDEZ WENT OVER THE BACK FENCE AND THEN RAN  
8 AROUND TO THE FRONT TO GET TO THEIR CARS AND DROVE  
9 OFF?

10 A YES, I WAS.

11 Q NOW, YOU'RE FAMILIAR WITH THE GROUNDS OF  
12 THE ESTATE?

13 A YES.

14 Q AND DIRECTING YOUR ATTENTION TO THE  
15 EXHIBIT THAT'S ON THE BOARD UP HERE, IS THERE A WAY  
16 IN WHICH ONE COULD RUN BACK TO THE TENNIS COURT? IS  
17 THIS AN AREA WHERE ONE COULD RUN?

18 A YES, THERE IS.

19 Q IS THERE A FENCE OR SOLID FENCE IN BACK  
20 OF THE ESTATE?

21 A WITH A GATE, THAT'S CORRECT.

22 Q WELL, DID CRAIG CIGNARELLI SAY THEY WENT  
23 THROUGH THE GATE?

24 A NO, HE DID NOT.

25 Q HE SAID THEY WENT OVER THE FENCE?

26 A THAT'S CORRECT.

27 Q THEY DIDN'T OPEN THE GATE AND GO THROUGH  
28 IT, RIGHT?

49451

1 A THAT'S CORRECT.

2 Q AND THEN BEHIND THE ESTATE THERE'S AN  
3 ALLEY, CORRECT?

4 A THAT'S CORRECT.

5 Q AND THERE ARE HOUSES THAT RUN DIRECTLY  
6 NORTH AND SOUTH AND ABUT OR ARE NEXT TO THE MENENDEZ  
7 ESTATE, ALL THE WAY TO THE END OF THE BLOCK, RIGHT?

8 A THAT'S CORRECT.

9 Q AND AM I CORRECT -- WELL, HAVE YOU  
10 EXAMINED THAT ALLEY?

11 A YES.

12 Q MANY TIMES?

13 A NOT LATELY, BUT YES.

14 Q AND IS THERE A WAY, OR IS THERE A SOLID  
15 WALL OR FENCE ALL THE WAY, BOTH NORTH AND SOUTH, OF  
16 THE MENENDEZ ESTATE?

17 A YES.

18 Q NOW, ACCORDING TO THE WAY IN WHICH CRAIG  
19 CIGNARELLI DESCRIBED THE EXIT OF ERIK AND LYLE  
20 MENENDEZ, WOULD I BE CORRECT IN STATING THAT TO GET  
21 TO THEIR CAR, ACCORDING TO CRAIG CIGNARELLI, ERIK  
22 AND LYLE MENENDEZ WOULD HAVE TO RUN DOWN THE ALLEY,  
23 ALL THE WAY NORTH, OR ALL THE WAY SOUTH, TO THE NEXT  
24 STREET?

25 MS. NAJERA: I'M GOING TO OBJECT. CALLS FOR  
26 SPECULATION.

27 THE COURT: REPHRASE THE QUESTION.

28 Q BY MR. LEVIN: DID CRAIG CIGNARELLI EVER

49452

1 TELL YOU THAT ERIK AND LYLE MENENDEZ, AFTER JUMPING  
2 OVER THE FENCE INTO THE ALLEY -- THAT THEY CUT  
3 THROUGH SOMEBODY'S HOUSE?

4 A I DON'T THINK THEY EVER TESTIFIED THAT  
5 HE JUMPED OVER THE FENCE INTO THE ALLEY.

6 Q WELL, THAT'S WHAT'S ON THE OTHER SIDE OF  
7 THE FENCE.

8 A THAT FENCE, THAT'S CORRECT.

9 Q SO IF CRAIG CIGNARELLI WAS CORRECT AND  
10 SOMEONE WERE TO JUMP OVER THE FENCE, THEY WOULD BE  
11 IN THE ALLEY, CORRECT?

12 A THAT FENCE, THAT'S CORRECT.

13 Q ALL RIGHT. NOW, AM I CORRECT IN STATING  
14 THAT ONCE IN THE ALLEY, YOU WOULD HAVE TO GO -- IF  
15 YOU WENT NORTH, YOU'D HAVE TO GO ALL THE WAY TO THE  
16 END OF THE BLOCK NORTH, OR ALL THE WAY TO THE END OF  
17 BLOCK SOUTH, TO GET AROUND TO THE FRONT OF THE HOUSE  
18 AGAIN?

19 A THAT'S CORRECT.

20 Q NOW, HOW FAR IS THE -- IS THE MENENDEZ  
21 ESTATE IN THE MIDDLE OF ELM DRIVE?

22 A IT'S MORE TOWARDS THE NORTH END OF ELM  
23 DRIVE BETWEEN THE TWO SHEETS. IT'S IN -- IT'S  
24 TOWARDS THE NORTH OF THE 700 BLOCK. I THINK THERE'S  
25 THREE HOUSES NORTH OF IT AND MAYBE EIGHT HOUSES  
26 SOUTH OF IT.

27 Q THOSE ARE PRETTY BIG HOUSES OR ESTATES,  
28 ARE THEY NOT?

49453

1 A YES.

2 Q THE FURTHER NORTH YOU GO, THE FURTHER

3 THE PROPERTY LINES -- WELL, STRIKE THAT.

4 IF ONE WAS IN THE ALLEY BEHIND THE

5 MENENDEZ ESTATE AND RAN NORTH, HOW FAR WOULD THEY

6 HAVE TO RUN TO GET TO THE STREET?

7 A I BELIEVE TWO -- I'M SORRY. THREE LOTS.

8 Q AND HOW FAR WOULD THAT BE,

9 APPROXIMATELY?

10 A I'M GOING TO GUESS AND SAY 450 FEET.

11 Q NOW, WHEN ONE WOULD RUN THAT APPROXIMATE --

12 OR HOWEVER THEY GOT THERE, THAT 450 FEET, WHAT

13 STREET WOULD THEY COME TO?

14 A IF THEY RAN WHICH DIRECTION?

15 Q NORTH.

16 A NORTH, THEY WOULD GO TO LOMITAS.

17 Q AND THEY WOULD THEN HAVE TO RUN WEST ON

18 LOMITAS TO GET BACK TO ELM DRIVE, CORRECT?

19 A CORRECT.

20 Q AND HOW FAR IS IT FROM THE ALLEY ON

21 LOMITAS TO ELM DRIVE?

22 A APPROXIMATELY A HUNDRED AND TWENTY-FIVE

23 FEET TO A HUNDRED AND FIFTY FEET.

24 Q AND THIS IS IN A POPULATED RESIDENTIAL

25 NEIGHBORHOOD, CORRECT?

26 A YES.

27 Q AND THERE ARE HOUSES THAT ARE ON

28 LOMITAS?

1 A JUST THE SIDES OF THE HOUSES.

2 Q THE SIDES OF THE HOUSES ON ELM?

3 A AND ON MAPLE, WHICH IS THE NEXT STREET  
4 EAST.

5 Q SO THEN IF THEY RAN NORTH, WHEN THEY GOT  
6 TO ELM DRIVE THEY WOULD THEN HAVE TO GO SOUTH ON ELM  
7 DRIVE IN THE FRONT OF THE HOUSE TO GET BACK TO THE  
8 FRONT OF THE CAR, CORRECT?

9 A THAT'S CORRECT.

10 Q AND NOW THEY WOULD BE RUNNING ON ELM  
11 DRIVE, WHICH HAS HOUSES OCCUPIED BY PEOPLE ON BOTH  
12 SIDES AND ACROSS THE STREET, CORRECT?

13 A CORRECT.

14 Q NOW, IF THEY WENT SOUTH, HOW FAR WOULD  
15 THEY HAVE TO RUN?

16 A I BELIEVE IT'S APPROXIMATELY EIGHT  
17 HOUSES.

18 Q SO THAT WOULD BE ALMOST DOUBLE THE  
19 DISTANCE OF GOING NORTH?

20 A A LITTLE MORE THAN DOUBLE, THAT'S  
21 CORRECT.

22 Q AND WHAT STREET WOULD THEY HIT IF THEY  
23 WENT SOUTH?

24 A ELEVADO.

25 Q AND LIKEWISE, THEY WOULD HAVE TO RUN

26 WESTBOUND ON ELEVADO AND DOUBLE THE DISTANCE FROM  
27 LOMITAS STREET, UP BACK NORTH ON ELM DRIVE, TO GET  
28 TO THE FRONT OF THE HOUSE?

49455

1 A THAT'S CORRECT.

2 Q NOW, DID YOU CHECK WITH ALL THE  
3 NEIGHBORS ON -- AS PART OF YOUR INVESTIGATION, TO  
4 SEE WHETHER OR NOT THEY SAW OR HEARD ANYTHING ON  
5 AUGUST THE 20TH, 1989?

6 A I PERSONALLY DID NOT. BUT THEY WERE  
7 CHECKED, YES.

8 Q THAT'S A ROUTINE FUNCTION AT ANY  
9 HOMICIDE SCENE, IS IT NOT, TO CHECK WITH EVERY  
10 SINGLE NEIGHBOR IN THE NEIGHBORHOOD?

11 A YES.

12 Q AND EVEN IF SOMEBODY IS NOT HOME, A  
13 BUSINESS CARD WILL BE LEFT AND THERE'LL BE A  
14 FOLLOW-UP CONTACT TO THAT HOUSE TO CHECK TO SEE  
15 WHETHER ANYONE SAW ANYTHING; CORRECT?

16 A YES.

17 Q NOW, DID YOU DISCOVER ANY WITNESS IN THE  
18 AREA OF THE MENENDEZ ESTATE THAT SAW TWO FIGURES  
19 RUNNING FROM THE MENENDEZ ESTATE WITH OR WITHOUT  
20 GUNS IN THEIR HANDS?



21 A I DID NOT DISCOVER ANY.  
22 Q AND DID ANYONE EVER CALL THE POLICE  
23 DEPARTMENT AND SAY SOMETHING TO THE EFFECT THAT I  
24 WAS DRIVING DOWN THE STREET, OR WALKING DOWN THE  
25 STREET, AND I SAW TWO FIGURES WITH OR WITHOUT  
26 SHOTGUNS, RUNNING DOWN THE STREET?  
27 A I DIDN'T GET ONE OF THOSE CALLS.  
28 Q A LOT OF PEOPLE DID CALL IN THOUGH,

49456

1 DIDN'T THEY, WITH INFORMATION?  
2 A ABOUT WHAT?  
3 Q STRIKE THAT.  
4 JUST SO THAT I'M CLEAR, AFTER CRAIG  
5 CIGNARELLI TOLD YOU IN MARCH OF 1990 THAT -- WELL,  
6 YOU WERE PRESENT IN MARCH OF 1990 FOR THAT  
7 INTERVIEW?  
8 A I WAS NOT IN THE ROOM, NO.  
9 Q YOU REVIEWED THE STATEMENT?  
10 A YES.  
11 Q AND THE ONLY THING THAT CRAIG CIGNARELLI  
12 SAID IN MARCH OF 1990 THAT HE SAID WAS NOT TRUTHFUL  
13 WAS THE STATEMENT BACK IN NOVEMBER OF 1989, WHERE HE  
14 ADDED "IT COULD HAVE HAPPENED," CORRECT, OR "IT COULD  
15 HAPPEN"?

16 A CORRECT. BUT THEN HE GAVE THE STATEMENT

17 AS RELATED BY ERIK MENENDEZ.

18 Q WHAT I'M SAYING IS: THE ONLY THING THAT

19 CRAIG CIGNARELLI SAID WASN'T TRUTHFUL WAS HIS

20 STATEMENT THAT HE HAD ADDED IN NOVEMBER OF 1989

21 ATTRIBUTED TO ERIK MENENDEZ, "IT COULD HAVE HAPPENED,"

22 CORRECT?

23 A THAT'S CORRECT.

24 Q BUT HE DIDN'T SAY THAT HE MADE UP "IT

25 COULD HAVE HAPPENED" IN MARCH OF 1990. HE SAID THAT

26 ERIK MENENDEZ TOLD HIM BACK IN NOVEMBER THAT IT'S

27 POSSIBLE, IN QUOTES, CORRECT? HE EVEN GAVE A

28 DIFFERENT ACCOUNT OF THE RETRACTION?

49457

1 A YES.

2 Q AND CRAIG CIGNARELLI NEVER SAID, IN

3 MARCH OF 1990, THAT HE WAS UNTRUTHFUL WITH RESPECT

4 TO HIS NOVEMBER STATEMENT, THAT ERIK MENENDEZ TOLD

5 HIM THAT HE COULD NOT SHOOT HIS MOTHER AND THAT LYLE

6 MENENDEZ SHOT HIS MOTHER, CORRECT?

7 A HE NEVER UTTERED THOSE WORDS, THAT'S

8 CORRECT.

9 Q HE JUST GAVE ANOTHER STORY?

10 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

11 Q BY MR. LEVIN: CORRECT?

12 THE COURT: AS PHRASED IT'S ARGUMENTATIVE.

13 Q BY MR. LEVIN: HE JUST GAVE YOU

14 DIFFERENT FACTS, CORRECT?

15 A THAT'S CORRECT.

16 Q AND IT WAS AFTER MARCH OF 1990, TO JUNE

17 OF 1993, WHERE AGAIN, YOU INTERVIEWED CRAIG

18 CIGNARELLI ABOUT HIS RECALL OF WHAT HE REMEMBERED

19 ERIK MENENDEZ TELLING HIM, AND HE TOLD YOU IN 1993

20 THAT THE MOST ACCURATE STATEMENT HE GAVE WAS BACK IN

21 NOVEMBER OF 1989?

22 A THAT'S WHAT HE STATED; THAT'S CORRECT.

23 Q NOW, WOULD YOU AGREE, DETECTIVE ZOELLER,

24 THAT IT'S AN IMPORTANT FACT AS TO WHETHER OR NOT,

25 WHEN YOU INTERVIEWED CRAIG CIGNARELLI ON AUGUST THE

26 24TH, 1989, WHETHER OR NOT CRAIG CIGNARELLI RECEIVED

27 THE INFORMATION THAT HE'S TELLING YOU ERIK MENENDEZ

28 GAVE HIM -- WHETHER OR NOT THAT WAS ON THE TELEPHONE

49458

1 OR IN PERSON?

2 A I'M SORRY. REPEAT THAT.

3 Q YES.

4 A I HAVE YOUR DATES MIXED UP.

5 Q OKAY. I'M TALKING ABOUT ON AUGUST THE

6 24TH, 1989, WHEN YOU INTERVIEWED CRAIG CIGNARELLI,  
7 AND HE GAVE YOU A STATEMENT ABOUT WHAT IT WAS ERIK  
8 MENENDEZ TOLD HIM BEFORE AUGUST THE 24TH, 1989.

9 DO YOU REMEMBER THAT?

10 A YES.

11 Q AND WOULD YOU AGREE THAT IT'S AN  
12 IMPORTANT FACT AS TO WHERE CRAIG CIGNARELLI RECEIVED  
13 THE INFORMATION THAT HE WAS TELLING YOU HE GOT FROM  
14 ERIK MENENDEZ?

15 A YES.

16 Q AND IT WOULD BE IMPORTANT TO THE  
17 INVESTIGATION IF IT HAPPENED ON THE 27TH (SIC) -- IT  
18 WOULD BE AN IMPORTANT FACT OF YOUR INVESTIGATION IF  
19 HE HAD VISITED THE MENENDEZ HOME, CORRECT?

20 A THAT'S CORRECT.

21 Q NOW, YOU ALSO TOOK NOTES, DID YOU NOT,  
22 OF THE INTERVIEW?

23 A YES.

24 Q AND YOU ALSO, FROM YOUR NOTES -- YOUR  
25 NOTES WERE ACTUALLY TAKEN AT THE -- CONTEMPORANEOUSLY,  
26 OR AT THE SAME TIME THAT LYLE -- I'M SORRY -- THAT  
27 CRAIG CIGNARELLI WAS TALKING TO YOU, CORRECT?

28 A THAT'S CORRECT. THESE AREN'T MY NOTES.

1 THESE ARE DETECTIVE LINEHAN'S NOTES.

2 Q AND YOU WERE THERE?

3 A YES.

4 Q AND YOU SAW LINEHAN WRITING?

5 A YES, OF COURSE; AND I MOST LIKELY TOOK  
6 NOTES TOO.

7 Q WELL, DO YOU HAVE YOUR NOTES?

8 A NOT WITH ME, NO.

9 Q DID YOU EVER TURN THEM OVER TO ANYONE?

10 A I'M SURE I DID.

11 Q NOW, FROM YOUR NOTES, THIS TYPED REPORT  
12 IS PREPARED, CORRECT?

13 A THAT'S CORRECT.

14 Q AND THE DATE ON THE REPORT, FROM THE  
15 AUGUST 24TH, 1989 INTERVIEW, DO YOU REMEMBER WHEN  
16 YOU WROTE IT?

17 A NO, I DON'T.

18 Q YOU WROTE IT IN OCTOBER, DIDN'T YOU?

19 A THAT'S CORRECT.

20 Q SO YOU HAD WRITTEN DOWN THE STATEMENT  
21 THAT WAS GIVEN TO YOU BY CRAIG CIGNARELLI ON AUGUST  
22 THE 24TH, IN HANDWRITTEN NOTES WHEN HE GAVE YOU THE  
23 STATEMENT, CORRECT?

24 A THAT'S CORRECT.

25 Q AND THEN TWO MONTHS LATER YOU TYPED, OR  
26 YOU HAD A REPORT TYPED, THAT WAS MORE DETAILED THAN  
27 THE NOTES THAT YOU HAD PREPARED AND LINEHAN HAD  
28 PREPARED?

1 A THAT'S CORRECT.

2 Q AND YOU WERE TRYING TO GET AS ACCURATE  
3 AND COMPLETE, THE INFORMATION THAT YOU RECALL GIVEN  
4 TO YOU BY CRAIG CIGNARELLI, WHEN YOU HAD THE TYPED  
5 REPORT PREPARED, CORRECT?

6 A THAT'S CORRECT.

7 Q AND THE TYPED REPORT HAS GOT MORE  
8 INFORMATION IN IT THAN THE NOTES?

9 A THAT'S CORRECT.

10 Q BUT THE NOTES ARE WRITTEN AT THE VERY  
11 MOMENT THAT CRAIG CIGNARELLI IS TALKING, CORRECT?

12 A CORRECT.

13 Q WOULD YOU LOOK AT DETECTIVE LINEHAN'S  
14 NOTES AND SEE IF AT ANY PLACE IN THOSE NOTES IT  
15 REFLECTS THAT CRAIG CIGNARELLI WAS ON THE TELEPHONE  
16 WHEN HE GOT THAT INFORMATION FROM ERIK MENENDEZ?

17 MS. NAJERA: I'M GOING TO OBJECT TO ANYTHING  
18 REGARDING LINEHAN'S NOTES AS IRRELEVANT AS TO THIS  
19 WITNESS. HE HAS NO FOUNDATION.

20 THE COURT: JUST READ IT THROUGH AND SEE IF  
21 IT REFRESHES YOUR RECOLLECTION.

22 THE WITNESS: (WITNESS COMPLIES.) OKAY.

23 Q BY MR. LEVIN: DOES IT?

24 MS. NAJERA: I'M GOING TO OBJECT TO ANY

25 QUESTION AS TO LINEHAN'S NOTES.

26 THE COURT: THE QUESTION IS VAGUE AS TO WHAT

27 YOU MEAN BY "DOES IT".

28 Q BY MR. LEVIN: DOES IT -- DOES THE TYPED

49461

1 REPORT, WHICH IS MORE COMPLETE THAN THE HANDWRITTEN

2 NOTES, REFLECT THAT CRAIG CIGNARELLI RECEIVED THE

3 INFORMATION THAT HE RELATED TO YOU FROM ERIK

4 MENENDEZ ON THE TELEPHONE?

5 A THE NOTES OF LINEHAN DO NOT INDICATE

6 THAT, NO.

7 Q THE NOTES DON'T, NOR DOES THE TYPED

8 REPORT?

9 A THAT'S CORRECT.

10 Q AND THE TYPED REPORT, IF YOU HAVE NOTES,

11 WOULD BE INCLUDED IN THE TYPED REPORT, CORRECT?

12 A CORRECT.

13 Q SO, WOULD IT BE FAIR TO SAY THAT

14 LIKEWISE, YOUR PERSONAL NOTES, IF THEY DO EXIST,

15 WOULD NOT CONTAIN INFORMATION THAT CRAIG CIGNARELLI

16 SAID HE WAS ON THE TELEPHONE OR IN PERSON WHEN HE

17 GOT THAT INFORMATION FROM ERIK MENENDEZ?

18 A I DON'T KNOW THAT UNTIL I LOOK AT THE

19 NOTES.

20 Q BUT THE TYPED REPORT DOESN'T REFLECT

21 THAT, RIGHT?

22 A THAT'S CORRECT.

23 (ALL DEFENSE COUNSEL CONFER

24 SOTTO VOCE.)

25

26 Q MR. LEVIN: AS A HOMICIDE INVESTIGATOR,

27 ONE OF YOUR MOST IMPORTANT DUTIES IS NOT TO MAKE

28 ASSUMPTIONS, CORRECT?

49462

1 A CORRECT.

2 Q AND YOU GO -- YOUR INVESTIGATION WILL GO

3 WHEREVER THE INVESTIGATION TAKES YOU, CORRECT?

4 A THAT'S CORRECT.

5 Q SO, IF YOU HAD INFORMATION THAT CRAIG

6 CIGNARELLI HAD EITHER MADE OR RECEIVED A TELEPHONE

7 CALL FROM ERIK MENENDEZ, YOU WOULDN'T ASSUME THAT HE

8 DID IT FROM A PAY PHONE, WOULD YOU?

9 MS. NAJERA: I'M GOING TO OBJECT.

10 IRRELEVANT.

11 THE COURT: OVERRULED.

12 Q BY MR. LEVIN: WOULD YOU?

13 A NO.

14 Q AND YOU WOULDN'T ASSUME HE MADE IT FROM



15 HIS HOUSE PHONE, WOULD YOU?

16 A THAT'S CORRECT.

17 Q YOU'D ASK HIM?

18 A THAT'S CORRECT.

19 Q DID YOU ASK CRAIG CIGNARELLI?

20 A I DON'T RECALL.

21 MR. LEVIN: OKAY.

22 (ATTORNEYS ABRAMSON AND LEVIN

23 CONFER SOTTO VOCE.)

24

25 MR. LEVIN: YOUR HONOR, I WOULD ASK FOR A

26 BREAK AT THIS TIME, BECAUSE I NEED TO FAMILIARIZE

27 MYSELF WITH A DOCUMENT.

28 THE COURT: OKAY. RELATING TO THIS WITNESS'

49463

1 TESTIMONY?

2 MR. LEVIN: YES.

3 THE COURT: YOU NEED A BREAK UNTIL AFTER

4 LUNCH?

5 MR. LEVIN: I BELIEVE SO.

6 THE COURT: WE'LL RESUME AT 1:30.

7 DON'T DISCUSS THE MATTER WITH ANYONE,

8 AND DON'T FORM ANY FINAL OPINIONS ABOUT IT, AND

9 WE'LL RESUME AT 1:30.

10 (AT 11:50 A.M. PROCEEDINGS WERE  
11 ADJOURNED UNTIL 1:30 P.M. OF  
12 THE SAME DAY.)

-16072

1 VAN NUYS, CALIFORNIA; MONDAY, FEBRUARY 5, 1996

2 1:45 P.M.

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

4 (APPEARANCES AS HERETOFORE NOTED)

5 (MARY LU MURPHY, OFFICIAL REPORTER)

6 (MARILYN A. FADALE, OFFICIAL REPORTER)

7

8 THE COURT: ARE WE READY TO RESUME WITH THE JURY?

9 MR. LEVIN: YES, YOUR HONOR.

10 (THE JURY ENTERS THE COURTROOM

11 AND THE FOLLOWING PROCEEDINGS

12 WERE HELD:)

13

14 THE COURT: THE JURY IS BACK IN COURT.

15 YOU MAY CONTINUE YOUR CROSS-EXAMINATION.

16 MR. LEVIN: THANK YOU.

17

18 CROSS-EXAMINATION (CONTINUED)

19 BY MR. LEVIN:

20 Q. DETECTIVE ZOELLER, SINCE THE BREAK AT THE

21 NOON HOUR, HAVE YOU MADE ANY ATTEMPT TO LOOK FOR ANY

22 NEWSPAPER ARTICLES OR NEWS RELEASES CONCERNING

23 INFORMATION IN THE PUBLIC DOMAIN CONCERNING THE FACTS OF

24 THIS CASE?

25 A. YES.

26 Q. AND HAVE YOU LOCATED ANY?

27 A. I LOCATED SOME NEWSPAPER ARTICLES IN

28 REFERENCE TO THE CASE, YES.

-16071

1 MR. LEVIN: ALL RIGHT.

2 YOUR HONOR, I HAVE A NEWSPAPER ARTICLE.

3 IT'S FROM THE LOS ANGELES TIMES DATED AUGUST THE 30TH,

4 1989. I ASK THAT IT BE MARKED I THINK EXHIBIT 425.

5 IT'S TWO PAGES.

6 THE COURT: 425.

7 MS. NAJERA: YOUR HONOR, WE HAVEN'T SEEN THIS

8 EXHIBIT, AND WE WOULD OBJECT TO ANYTHING UNTIL WE DO.

9 MR. LEVIN: SURE.

10 DETECTIVE ZOELLER, I AM SHOWING YOU EXHIBIT

11 425.

12 DOES THAT APPEAR TO BE AN ORIGINAL ARTICLE

13 FROM THE LOS ANGELES TIMES WITH THE DATE ON IT OF AUGUST

14 THE 30TH, 1989?

15 MS. NAJERA: I AM GOING TO OBJECT. CALLS FOR

16 HEARSAY.

17 THE COURT: WELL, HE CAN TESTIFY WHAT IT APPEARS

18 TO BE, BUT BEYOND THAT THE CONTENTS OF IT WOULD BE

19 HEARSAY. HE CAN ANSWER THIS QUESTION.

20 THE WITNESS: YES.

21 Q. BY MR. LEVIN: AND AUGUST THE 30TH, 1989 IS  
22 ALMOST TWO AND A HALF MONTHS BEFORE CRAIG CIGNARELLI  
23 GAVE YOU ANY STATEMENT THAT ERIK MENENDEZ CONFESSED TO  
24 HIM?

25 A. THAT'S CORRECT.

26 Q. AND AUGUST 30TH, 1989 IS TWO AND A HALF  
27 MONTHS BEFORE CRAIG CIGNARELLI TOLD YOU ANY OF THE  
28 DETAILS THAT WERE CONTAINED IN THE NOVEMBER 19TH, 1989

-16070

1 INTERVIEW?

2 A. THAT'S CORRECT.

3 Q. NOW, WE HAD TALKED BRIEFLY ABOUT NEWSPAPER  
4 ARTICLES AND WHAT KIND OF INFORMATION WAS IN THE PUBLIC  
5 DOMAIN AS A RESULT OF REPORTERS WRITING ARTICLES IN THIS  
6 CASE.

7 DOES EXHIBIT 425 APPEAR TO BE SUCH AN  
8 ARTICLE?

9 A. YES.

10 Q. WOULD YOU TAKE A LOOK AT THE FIRST  
11 PARAGRAPH, PLEASE.

12 DOES THAT ARTICLE INDICATE THAT  
13 INVESTIGATORS BELIEVE THAT AT LEAST TWO HIT MEN,  
14 WIELDING .12-GAUGE SHOTGUNS, CONFRONTED JOSE MENENDEZ  
15 AND KITTY MENENDEZ AS THEY WATCHED TELEVISION IN THEIR

16 HOME ON THE EVENING OF AUGUST 20TH AND SHOT THEM AT

17 CLOSE RANGE?

18 MS. NAJERA: OBJECTION. CALLS FOR HEARSAY.

19 THE COURT: ALL RIGHT. YOU'RE NOT OFFERING THIS

20 FOR THE TRUTH OF THE MATTER ASSERTED?

21 MR. LEVIN: NO, YOUR HONOR, I AM NOT.

22 THE COURT: THIS IS JUST AN ARTICLE THAT APPEARED

23 IN THE PAPER?

24 MR. LEVIN: YES.

25 THE COURT: FIRST LET'S ESTABLISH A FOUNDATION.

26 HAVE YOU SEEN THE ARTICLE BEFORE?

27 THE WITNESS: YES.

28 THE COURT: AND THIS APPEARED ON OR ABOUT THE

-16069

1 DATE IT APPEARS TO BEAR?

2 THE WITNESS: YES.

3 THE COURT: DOES THE PARAGRAPH READ THAT WAY?

4 THE WITNESS: YES, IT DOES.

5 Q. BY MR. LEVIN: DETECTIVE ZOELLER, DID YOU

6 HAVE THIS ARTICLE IN MIND WHEN I WAS ASKING YOU

7 PREVIOUSLY ABOUT WHAT SPECIFIC INFORMATION YOU RECALL

8 WAS IN THE PUBLIC DOMAIN BEFORE YOU INTERVIEWED CRAIG

9 CIGNARELLI?

10 A. NO.

11 Q. BUT YOU RECOGNIZE IT NOW?

12 A. I DO.

13 Q. WAS THIS ONE OF THE ARTICLES THAT YOU  
14 DISCOVERED AT THE LUNCH BREAK?

15 A. NOT THIS ONE IN PARTICULAR, NO.

16 Q. NOW, THIS ARTICLE ON AUGUST THE 30TH  
17 INDICATES TWO HIT MEN?

18 A. IT STATES THAT, YES.

19 Q. AND IT DESCRIBES --

20 A. IT SAYS "AT LEAST TWO HIT MEN."

21 Q. AND IT DESCRIBES SHOTGUNS AS THE WEAPON  
22 USED?

23 A. YES.

24 Q. MORE SPECIFICALLY .12-GAUGE SHOTGUNS?

25 A. YES.

26 Q. AND IT INDICATES THAT JOSE AND KITTY  
27 MENENDEZ WERE WATCHING TELEVISION IN THEIR HOME?

28 A. YES.

-16068

1 Q. IS THAT CORRECT?

2 AND IT HAS A DATE AND THAT THEY WERE SHOT  
3 AT CLOSE RANGE; IS THAT CORRECT?

4 A. THAT'S WHAT IT STATES, THAT'S CORRECT.

5 Q. NOW, GOING DOWN TO THE NEXT AREA, THERE IS  
6 A SMALL CAPTION, AND I AM ASKING YOU TO DIRECT YOUR  
7 ATTENTION TO THE SECOND PARAGRAPH.

8 THE LAST LINE IN THAT PARAGRAPH READS, DOES  
9 IT NOT: "AND A FINAL BLAST BLEW OFF THE BACK OF HIS  
10 HEAD"; REFERRING TO JOSE MENENDEZ?

11 A. THAT'S WHAT IT STATES, YES.

12 Q. AND GOING DOWN THREE MORE PARAGRAPHS, IT  
13 SAYS: "MENENDEZ AND HIS WIFE WERE FOUND SLAIN BY THEIR  
14 TWO COLLEGE-AGE SONS, LYLE, 21 AND ERIK, 18, WHO HAD  
15 BEEN OUT FOR THE EVENING."

16 A. THAT'S CORRECT. IT STATES THAT.

17 Q. AND DOES IT NOT STATE ON THE NEXT PARAGRAPH  
18 THAT: "WHEN DETECTIVES ARRIVED AT THE FAMILY HOME, THEY  
19 FOUND MENENDEZ SLUMPED ON A COUCH IN THE FAMILY'S FIRST  
20 FLOOR LIBRARY, HIS WIFE WAS ON THE FLOOR NEARBY"?

21 A. THAT'S CORRECT.

22 Q. AND THEN DOES IT SAY: "BOTH APPARENTLY HAD  
23 BEEN WATCHING TELEVISION"?

24 A. YES.

25 Q. DOES IT EVEN SAY, DETECTIVE ZOELLER:  
26 "FRESH BOWLS OF BERRIES AND CREAM WERE STILL ON A COFFEE  
27 TABLE"?

28 A. IT DOES.

-16067

1 Q. AND TWO PARAGRAPHS DOWN IT BEGINS WITH --  
2 WHERE IT SAYS "HIS WIFE," REFERRING TO KITTY MENENDEZ,  
3 IT SAYS: "HIS WIFE, WHO APPARENTLY TRIED TO FLEE AFTER

4 HER HUSBAND WAS SHOT."

5 DOESN IT SAY THAT?

6 A. IT DOES.

7 Q. AND WOULD YOU FLIP TO THE NEXT PAGE.

8 STILL PART OF THE SAME ARTICLE, ON AUGUST

9 THE 30TH, 1989 IN THE CENTER COLUMN AT THE BOTTOM, DOES

10 THE NAME MORRIS LEVY APPEAR?

11 A. IT DOES.

12 Q. AND DOES IT TALK ABOUT MORRIS LEVY BEING

13 SENTENCED LAST YEAR IN NEW JERSEY TO 10 YEARS IN FEDERAL

14 PRISON FOR EXTORTION?

15 A. YES.

16 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

17 THE COURT: OVERRULED.

18 Q. BY MR. LEVIN: AND DOES IT THEN INDICATE

19 THAT MORRIS LEVY HAD A LONG ASSOCIATION WITH VINCENT

20 "THE CHIN" GIGANTE, REPUTED BOSS OF THE GENOVESE FAMILY?

21 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

22 THE COURT: SUSTAINED.

23 Q. BY MR. LEVIN: WELL, WAS PART OF THE

24 INFORMATION THAT WAS IN THE PUBLIC DOMAIN BEFORE YOU

25 TALKED TO CRAIG CIGNARELLI INFORMATION THAT JOSE

26 MENENDEZ HAD AN INVOLVEMENT WITH ORGANIZED CRIME?

27 MS. NAJERA: OBJECTION. IRRELEVANT.

28 THE COURT: OVERRULED.



1 THE WITNESS: YES.

2 Q. BY MR. LEVIN: AND DOES THIS ARTICLE  
3 INDICATE THAT ASSOCIATION?

4 A. IT DOES.

5 Q. YOUR HONOR, I HAVE ANOTHER ARTICLE. I ASK  
6 THAT IT BE MARKED EXHIBIT 426. IT'S TWO PAGES FROM THE  
7 LOS ANGELES TIMES, AND I AM ONLY REFERRING TO THE FIRST  
8 PAGE.

9 MS. ABRAMSON: DATE, COUNSEL?

10 MR. LEVIN: YEAH. THE DATE IS AUGUST THE 22ND,  
11 1989.

12 Q. DETECTIVE ZOELLER, SHOWING YOU WHAT  
13 PURPORTS TO BE A XEROXED COPY OF A TIMES ARTICLE FROM  
14 AUGUST THE 22ND, 1989, THIS WOULD BE JUST TWO DAYS AFTER  
15 THE DEATH OF -- DEATHS OF JOSE AND KITTY MENENDEZ; IS  
16 THAT CORRECT?

17 A. THAT'S CORRECT.

18 Q. AND DOES IT INDICATE IN THE FIRST PARAGRAPH  
19 THAT THEY WERE SHOT TO DEATH?

20 A. IT DOES.

21 Q. AND DOES IT INDICATE IN THE SECOND  
22 PARAGRAPH THAT THEIR TWO COLLEGE-AGE SONS HAD BEEN OUT  
23 FOR THE EVENING?

24 A. YES.

25 Q. AND DOES IT INDICATE IN A PARAGRAPH DOWN  
26 NEAR THE CENTER WHERE IT STARTS OFF WITH: "OFFICERS  
27 VERIFIED THAT THE BODIES WERE IN THE FAMILY ROOM."

28 A. YES.

1 Q. AND TURNING IT ONTO ITS SIDE, DOES THE  
2 FIRST FULL PARAGRAPH ON THE AUGUST 22ND, 1989 ARTICLE  
3 INDICATE "HE," REFERRING TO JOSE MENENDEZ, "WAS FOUND  
4 SLUMPED AT ONE END OF AN L-SHAPED SECTIONAL COUCH. HIS  
5 WIFE'S BODY WAS FOUND ON THE FLOOR AT THE OTHER END OF  
6 THE SOFA"?

7 A. THAT'S CORRECT. THAT'S WHAT IT STATES.

8 Q. AND THEN IT SAYS "HARVEY SAID," REFERRING  
9 TO CRAIG HARVEY; IS THAT CORRECT?

10 A. THAT'S CORRECT.

11 Q. WHO IS CRAIG HARVEY?

12 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

13 THE COURT: OVERRULED.

14 IF YOU KNOW.

15 THE WITNESS: WELL, I KNOW ONLY BY READING THE  
16 ARTICLE.

17 THE COURT: WELL THEN, THE OBJECTION IS  
18 SUSTAINED.

19 Q. BY MR. LEVIN: IT ALSO INDICATES, DOES IT  
20 NOT, ON THE BOTTOM OF THE FIRST COLUMN THAT LYLE AND  
21 ERIK MENENDEZ WERE TAKEN TO THE POLICE HEADQUARTERS AND  
22 QUESTIONED?

23 A. THAT'S CORRECT.

24 Q. AND IN THE SECOND COLUMN IT SAYS, DOES IT  
25 NOT:

26 "IN THEIR SEARCH FOR A MOTIVE, A  
27 KNOWLEDGEABLE SOURCE SAID BEVERLY HILLS  
28 DETECTIVES CALLED THE LOS ANGELES POLICE

-16064

1 DEPARTMENT'S ORGANIZED CRIME INTELLIGENCE  
2 DIVISION ON MONDAY."

3 MS. NAJERA: YOUR HONOR, I AM GOING TO OBJECT TO  
4 ANY STATEMENTS THAT DON'T GO TO WHAT WE ARE DISCUSSING.

5 MR. LEVIN: IT GOES TO WHO HAD KNOWLEDGE OF THIS  
6 INVESTIGATION.

7 MS. NAJERA: I AM GOING TO OBJECT THAT THIS IS  
8 IRRELEVANT.

9 THE COURT: OVERRULED.

10 YOU MAY ANSWER THE QUESTION.

11 THE WITNESS: THAT'S WHAT IT STATES.

12 Q. BY MR. LEVIN: AND TO YOUR KNOWLEDGE, DID  
13 BEVERLY HILLS DETECTIVES CALL AND DISCUSS THIS CASE WITH  
14 THE LOS ANGELES POLICE DEPARTMENT'S ORGANIZED CRIME  
15 INTELLIGENCE DIVISION?

16 MS. NAJERA: OBJECTION. IRRELEVANT.

17 THE COURT: OVERRULED.

18 THE WITNESS: THEY DID. I AM NOT SURE IF IT WAS  
19 BEFORE THE MORNING OF AUGUST 22ND, THOUGH. I DIDN'T DO  
20 IT BY THEN, I WILL PUT IT THAT WAY.

21 Q. BY MR. LEVIN: BUT THERE WERE 20 SOMETHING

22 DETECTIVES ON THIS, CORRECT?

23 A. THAT'S CORRECT.

24 Q. I HAVE ONE MORE ARTICLE FROM THE TIMES.

25 IT'S AN ARTICLE FROM AUGUST THE 25TH, 1989. I ASK THAT

26 IT BE MARKED 427.

27 SHOWING YOU WHAT'S JUST BEEN MARKED EXHIBIT

28 427, DOES THAT APPEAR TO BE A XEROX COPY OF A LOS

-16063

1 ANGELES TIMES ARTICLE?

2 A. YES.

3 Q. AND --

4 MS. NAJERA: YOUR HONOR, WE WOULD ASK TO

5 APPROACH.

6 THE COURT: OKAY.

7 (THE FOLLOWING PROCEEDINGS WERE

8 HELD OUT OF THE PRESENCE OF THE

9 JURY:)

10

11 MS. NAJERA: YOUR HONOR --

12 THE COURT: OKAY, YES.

13 MS. NAJERA: FIRST OF ALL, NONE OF THESE ARTICLES

14 WERE SHOWN TO US BEFORE MR. LEVIN PULLED THEM ALL OUT.

15 AND SECONDLY, IT APPEARS MR. LEVIN IS USING

16 THIS ARTICLE TO BASICALLY PULL A CHARACTER ASSASSINATION

17 ON JOSE MENENDEZ, AND THERE IS NOTHING IN THAT ARTICLE

18 THAT HAS TO DO WITH WHAT CRAIG CIGNARELLI COULD OR COULD  
19 NOT HAVE KNOWN.

20 THE WHOLE BASIS OR THRUST OF THAT ARGUMENT  
21 IS WHETHER OR NOT ORGANIZED CRIME IS INVOLVED WITH JOSE  
22 MENENDEZ. AND MR. LEVIN ALSO ASKED A BUNCH OF QUESTIONS  
23 CONCERNING WHETHER OR NOT JOSE MENENDEZ IS INVOLVED WITH  
24 ORGANIZED CRIME, AND THAT HAS NOTHING TO DO WITH WHAT  
25 CRAIG CIGNARELLI IS IMPEACHED ON OR NOT.

26 THE COURT: WHAT IS THE PURPOSE OF THAT INQUIRY?

27 MR. LEVIN: I THINK IT GOES BEYOND WHAT EVEN  
28 CRAIG CIGNARELLI HAD TESTIFIED TO. IT GOES TO THE

-16062

1 PROSECUTION'S QUESTIONS OF ERIK MENENDEZ CONCERNING AN  
2 ASSOCIATION WITH CRAIG CIGNARELLI AND WHERE HE MAY HAVE  
3 GOTTEN THAT INFORMATION, AND WE WANT TO SHOW THAT ALL OF  
4 THIS WAS OUT THERE IN THE PUBLIC DOMAIN.

5 MS. NAJERA: NONE OF THAT IS PROPER IMPEACHMENT  
6 FOR THIS WITNESS.

7 THE COURT: WELL, AS FAR AS ANYTHING TO DO WITH  
8 THE DEFENDANT AND HIS AWARENESS OF THIS, IT COULD COME  
9 THROUGH IN HIS TESTIMONY. THE FACT THAT DETECTIVE  
10 ZOELLER SAYS HE CAN READ THIS IN THE NEWSPAPER DOESN'T  
11 REALLY PROVE ANYTHING IN REGARD TO THE DEFENDANT.

12 IT'S TRUE THAT CIGNARELLI HAS NOT SPOKEN  
13 ABOUT ORGANIZED CRIME CONNECTIONS IN ANY STATEMENTS HE

14 ATTRIBUTED TO THE DEFENDANT.

15 MS. ABRAMSON: I AM TRYING TO REMEMBER, YOUR  
16 HONOR, DOES THE COURT RECALL, WAS MY CLIENT  
17 CROSS-EXAMINED ABOUT -- THE COURT MAY RECALL ON THE  
18 NOVEMBER 29TH TAPED DISCUSSION AT THE RESTAURANT THAT  
19 CIGNARELLI BRINGS UP THE GENOVEVE (SIC) FAMILY, AND  
20 THAT -- GENOVESE IS THE REAL NAME, IS IN THIS ARTICLE.

21 THE COURT: I DON'T RECALL THAT BEING BROUGHT UP  
22 DURING THE CROSS-EXAMINATION OF YOUR CLIENT IN THIS  
23 TRIAL. IT DOES RING A BELL.

24 MS. ABRAMSON: IT CAME IN IN THE FIRST ONE.

25 THE COURT: THERE WAS CERTAINLY EXAMINATION OF  
26 THE DEFENDANT, LYLE MENENDEZ, IN THE FIRST TRIAL  
27 REGARDING THESE ISSUES, AND ALSO OF GLENN STEVENS, I  
28 BELIEVE, TO SOME EXTENT. BUT I DON'T RECALL IT BEING

-16061

1 BROUGHT OUT IN REGARD TO YOUR CLIENT.

2 MS. ABRAMSON: I THINK IT WAS IN THIS TRIAL,  
3 BECAUSE MY CLIENT WAS CROSS-EXAMINED.

4 THE COURT: YES. BUT AS FAR AS THESE PARTICULAR  
5 NAMED PEOPLE, I DON'T RECALL.

6 MS. ABRAMSON: OKAY.

7 THE COURT: JUST BECAUSE MR. LEVIN LIKES THE  
8 NICKNAME "THE CHIN."

9 MS. ABRAMSON: YOU KNOW, IT'S THAT OLD POLICE

10 OFFICER PART OF HIM, YOUR HONOR. HE CAN'T GET PAST THE  
11 LIKING COPS AND ROBBERS.

12 MS. NAJERA: I AM GOING TO ASK THE COURT TO  
13 PRECLUDE ANY QUESTIONING ON THIS THIRD ARTICLE.

14 THE COURT: I DON'T SEE ANYTHING HERE THAT YOU  
15 HAVEN'T GOTTEN OUT OF THE OTHERS, LOOKING AT WHAT YOU'VE  
16 HIGHLIGHTED HERE.

17 MR. LEVIN: OKAY.

18 THE COURT: LET'S GO BACK.

19 (THE FOLLOWING PROCEEDINGS WERE  
20 HELD IN OPEN COURT IN THE PRESENCE  
21 OF THE JURY:)

22

23 Q. BY MR. LEVIN: DETECTIVE ZOELLER, DO I  
24 REMEMBER YOUR TESTIMONY ACCURATELY WHEN QUESTIONED BY  
25 MS. NAJERA THAT YOU COULD RECALL NO INFORMATION IN THE  
26 PUBLIC DOMAIN CONCERNING SHOTGUNS?

27 A. THAT'S CORRECT.

28 Q. AND YOU ALSO TESTIFIED IN RESPONSE TO

-16060

1 MS. NAJERA'S QUESTIONS THAT YOU COULD RECALL NO NEWS  
2 RELEASES ON THE NUMBER OF WEAPONS OR SHOTGUNS, CORRECT?

3 A. THAT'S CORRECT.

4 Q. NOW, DIRECTING YOUR ATTENTION TO THE  
5 ARTICLE DATED AUGUST THE 30TH, 1989, THE ORIGINAL, DOES

6 IT NOT INDICATE CLEARLY IN THIS ARTICLE THE REPORTER  
7 SAYING THAT "INVESTIGATORS BELIEVE THAT AT LEAST TWO HIT  
8 MEN WIELDING .12-GAUGE SHOTGUNS"?

9 A. THAT'S CORRECT.

10 Q. SO WERE YOU MISTAKEN?

11 A. THAT'S CORRECT.

12 Q. NOW, ALL THESE FACTS THAT ARE CONTAINED IN  
13 THE AUGUST 30TH, 1989 ARTICLE AND THE OTHER ARTICLE THAT  
14 I HAVE SHOWN YOU, AS WELL AS THOSE OTHER ARTICLES THAT  
15 YOU HAVE EXAMINED OVER THE NOON HOUR, DO THEY NOT  
16 CONTAIN ALL OF THE ENTIRETY OF THESE STATEMENTS GIVEN TO  
17 YOU BY CRAIG CIGNARELLI AS PURPORTED TO BE A CONFESSION  
18 BY ERIK MENENDEZ?

19 A. IT HAS A GOOD PORTION OF IT, YES.

20 MR. LEVIN: WELL, THANK YOU.

21 I HAVE NOTHING FURTHER.

22 THE COURT: OKAY. ANY REDIRECT?

23

24 REDIRECT EXAMINATION

25 BY MS. NAJERA:

26 Q. DETECTIVE ZOELLER, ON NOVEMBER 17TH WHEN  
27 YOU SPOKE TO CRAIG CIGNARELLI, DID HE TELL YOU WHAT ERIK  
28 MENENDEZ TOLD YOU -- TOLD CRAIG CIGNARELLI HE DID AFTER

1 HE AND HIS BROTHER SHOT THEIR PARENTS?



2 A. YES.

3 Q. AND DID YOU WRITE THAT DOWN IN YOUR REPORT?

4 A. YES.

5 Q. AND DID HE TELL YOU THAT: "I", MEANING

6 ERIK MENENDEZ, "RAN OUT THE BACK DOOR AND JUMPED THE

7 FENCE TO THE FRONT"?

8 A. YES.

9 Q. AND THAT'S WHAT CRAIG CIGNARELLI TOLD YOU

10 ON NOVEMBER 17, 1989?

11 A. THAT'S CORRECT.

12 Q. AND IS THERE A GATE SEPARATING THE FRONT

13 FROM THE BACK AT THE MENENDEZ HOUSE?

14 A. THERE IS.

15 Q. AND IS THAT DOWN BY THE LIVING ROOM AREA,

16 AS ON THE CHART IN FRONT OF YOU? AND I APOLOGIZE, I

17 DON'T KNOW WHAT THE EXHIBIT NUMBER IS.

18 A. IT'S EXHIBIT 2, AND YES.

19 Q. AND WOULD THAT BE IN THE AREA WHERE --

20 THE COURT: WHY DON'T YOU SHOW US WHERE IT IS.

21 THE WITNESS: OKAY. THE GATE IS LOCATED -- IT'S

22 A SIX-FOOT WROUGHT IRON GATE IN THIS AREA, AT THE

23 SOUTHWEST CORNER OF THE HOUSE TO THE PROPERTY LINE.

24 Q. BY MS. NAJERA: THANK YOU, SIR.

25 NOW -- AND APART FROM THAT ONE LINE THAT IS

26 IN YOUR REPORT, IS THAT THE ONLY THING HE TOLD YOU ABOUT

27 WHAT ERIK MENENDEZ TOLD HIM CONCERNING WHAT THEY DID

28 IMMEDIATELY AFTER SHOOTING THEIR PARENTS?

1 MR. LEVIN: OBJECTION, IT'S VAGUE.

2 THE COURT: DO YOU UNDERSTAND THE QUESTION?

3 THE WITNESS: NOT EXACTLY, YOUR HONOR.

4 THE COURT: OKAY.

5 REPHRASE THE QUESTION.

6 Q. BY MS. NAJERA: REFERRING TO WHAT ERIK

7 MENENDEZ -- EXCUSE ME.

8 REFERRING TO WHAT CRAIG CIGNARELLI TOLD YOU

9 CONCERNING WHAT ERIK MENENDEZ TOLD HIM ABOUT WHAT HE DID

10 IMMEDIATELY AFTER ERIK MENENDEZ AND LYLE MENENDEZ SHOT

11 THEIR PARENTS, DID HE TELL YOU ANYTHING ELSE BESIDES THE

12 FACT THAT ERIK MENENDEZ TOLD HIM THAT: "I RAN OUT THE

13 BACK DOOR AND JUMPED THE FENCE TO THE FRONT"?

14 A. NO, THAT'S NOT ALL.

15 Q. OKAY. AND WHAT ELSE DID HE TELL YOU?

16 A. THAT THEY WENT TO THE FRONT AND THAT --

17 MAYBE I DON'T UNDERSTAND YOUR QUESTION.

18 Q. WHAT ELSE DID HE TELL YOU CONCERNING WHAT

19 ERIK MENENDEZ TOLD HIM?

20 A. I DON'T RECALL.

21 Q. CONCERNING -- WOULD IT HELP YOU TO REFRESH

22 YOUR MEMORY TO LOOK AT YOUR REPORT?

23 A. PLEASE.

24 MR. LEVIN: WHAT REPORT ARE YOU REFERRING TO,

25 MS. NAJERA?

26 MS. NAJERA: NOVEMBER 17, 1989.

27 THE WITNESS: YES, IT DOES REFRESH MY MEMORY.

28 Q. BY MS. NAJERA: AND WHAT ELSE DID HE TELL

-16057

1 YOU?

2 A. HE STATED THAT THEY LEFT AND AN HOUR LATER

3 THEY CAME BACK AND CALLED THE POLICE.

4 Q. AND DID HE TELL YOU ANYTHING FURTHER

5 CONCERNING JUST GOING OUT THE BACK DOOR AND JUMPING THE

6 FENCE TO THE FRONT? DID HE ELABORATE ON THAT ANY

7 FURTHER, OR WAS THAT ALL HE TOLD YOU?

8 A. THAT'S ALL HE SAID.

9 Q. NOW, CALLING YOUR ATTENTION TO WHAT HAS

10 BEEN MARKED 425 FOR IDENTIFICATION, THIS IS A NEWSPAPER

11 ARTICLE THAT APPEARS TO BE FROM THE L.A. TIMES AUGUST

12 30TH, 1989.

13 HAVE YOU HAD AN OPPORTUNITY TO LOOK AT THIS

14 NEWSPAPER WHEN IT WAS UP ON THE STAND?

15 A. YES.

16 Q. NOW, THIS NEWSPAPER ARTICLE -- THERE IS

17 NOTHING IN THIS NEWSPAPER ARTICLE THAT SAYS THAT LYLE

18 MENENDEZ SHOT HIS FATHER, IS THERE?

19 A. NO, THERE IS NOT.

20 Q. AND THERE IS NOTHING IN THIS NEWSPAPER

21 ARTICLE THAT SAYS THAT THE KILLERS OF JOSE AND KITTY

22 MENENDEZ CAME THROUGH THE FRONT FOYER DOORS, IS THERE?

23 A. NO, THERE IS NOT.

24 Q. AND THERE IS NOTHING IN THIS ARTICLE THAT

25 SAYS ABSOLUTELY THAT ONLY TWO SHOTGUNS WERE USED IN THE

26 CRIME; IS THAT RIGHT?

27 A. IT JUST STATES "AT LEAST TWO".

28 Q. AND DOES THIS ARTICLE ON AUGUST 30TH, 1989

-16056

1 IMPLY THAT SOMEONE OTHER THAN ERIK AND LYLE MENENDEZ

2 COMMITTED THE CRIME?

3 A. IT DOES.

4 MR. LEVIN: OBJECTION, YOUR HONOR. IT'S

5 ARGUMENTATIVE. THE ARTICLE SPEAKS FOR ITSELF.

6 THE COURT: OVERRULED.

7 THE ANSWER WILL STAND.

8 Q. BY MS. NAJERA: AND DOES THIS ARTICLE

9 STATE, THAT WITH REGARDS TO JOSE MENENDEZ, THAT A

10 SHOTGUN BARREL WAS THRUST INTO MENENDEZ' MOUTH AND THE

11 FINAL BLAST BLEW OFF THE BACK OF HIS HEAD?

12 A. IT DOES.

13 Q. AND IS THAT FACT CORRECT OR NOT?

14 MR. LEVIN: OBJECTION. IT'S ARGUMENTATIVE. IT'S

15 BEYOND THIS WITNESS' EXPERTISE, AND IT'S IRRELEVANT.

16 THE COURT: WELL, THE MEDICAL TESTIMONY IS IN IN

17 REGARD TO THE NATURE OF THE WOUNDS.

18 Q. BY MS. NAJERA: WITH REGARDS TO THAT

19 STATEMENT, DID CRAIG CIGNARELLI TELL YOU THAT ON AUGUST  
20 17TH, 1989?

21 A. HE DID NOT, NO.

22 Q. AND DID HE EVER TELL YOU THAT THAT WAS HOW  
23 ERIK MENENDEZ TOLD HIM THE CRIME TOOK PLACE?

24 A. NO, HE DIDN'T.

25 Q. AND WHEN THIS ARTICLE STATES THAT ERIK AND  
26 LYLE MENENDEZ WERE OUT FOR THE EVENING, DOES IT SAY THAT  
27 THEY WERE OUT AT THE MOVIES?

28 A. IT DOES NOT.

-16055

1 Q. AND DOES IT SAY ANYTHING ABOUT THEIR  
2 STATEMENT THAT THEY CAME BACK TO LOOK FOR FALSE. I.D.'S?

3 A. IT DOES NOT.

4 Q. DID CRAIG CIGNARELLI TELL YOU ALL OF THIS  
5 IN 1989?

6 A. HE DID.

7 Q. THIS ARTICLE STATES THAT JOSE MENENDEZ --  
8 THAT MENENDEZ -- IT DOESN'T STATEMENT WHICH MENENDEZ,  
9 HAD BEEN SHOT EIGHT TIMES WITH A .12-GAUGE SHOTGUN FROM  
10 A DISTANCE OF THREE FEET -- I AM SORRY. MR. MENENDEZ  
11 WAS SHOT EIGHT TIMES FROM A DISTANCE OF THREE FEET.

12 DID CRAIG CIGNARELLI TELL YOU THAT ERIK  
13 MENENDEZ TOLD HIM JOSE MENENDEZ HAD BEEN SHOT EIGHT  
14 TIMES?

15 A. NO.

16 Q. AND IS THAT A FACT THAT'S IN THIS ARTICLE?

17 MR. LEVIN: OBJECTION, YOUR HONOR. IT'S

18 IRRELEVANT.

19 THE COURT: OVERRULED.

20 THE WITNESS: IT'S SOMETHING THAT'S STATED IN THE

21 ARTICLE, THAT'S CORRECT.

22 Q. BY MS. NAJERA: AND DOES THIS ARTICLE SAY

23 THAT KITTY MENENDEZ WAS SHOT FIVE TIMES?

24 A. THAT'S CORRECT.

25 Q. AND DID CRAIG CIGNARELLI TELL YOU THIS?

26 A. NO, HE DID NOT.

27 Q. AND DOES THIS ARTICLE SAY THAT ONE OF THE

28 SHOTS NEARLY SEVERED ONE OF HER WRISTS?

-16054

1 A. IT DOES.

2 Q. AND DID CRAIG CIGNARELLI VOLUNTEER THAT

3 INFORMATION?

4 A. NO, HE DID NOT.

5 Q. AND DID HE EVER ATTRIBUTE THAT INFORMATION

6 TO ERIK MENENDEZ?

7 A. NO.

8 Q. AND WITH REGARDS TO SOME OF THE QUESTIONS

9 THAT MR. LEVIN -- MAY I HAVE A MOMENT, YOUR HONOR?

10 THE COURT: SURE.

11 Q. BY MS. NAJERA: AND CALLING YOUR ATTENTION  
12 TO THE NEXT ARTICLE THAT HAS BEEN MARKED 426 FOR  
13 IDENTIFICATION, I BELIEVE MR. LEVIN ASKED YOU IF IT  
14 STATED IN THIS ARTICLE THAT THE TWO COLLEGE-AGE SONS HAD  
15 BEEN OUT FOR THE EVENING.

16 DO YOU REMEMBER THAT?

17 A. YES.

18 Q. AND DID IT GIVE ANY DETAILS OF WHERE THE  
19 DEFENDANTS WERE THAT EVENING?

20 A. NO, IT DOES NOT.

21 Q. AND DOES -- DOES EITHER ARTICLES GIVE ANY  
22 DETAILS AS TO THE DEFENDANTS COMING HOME, GOING INTO THE  
23 FOYER AREA, AND GOING UP TO THE DOOR AND LOOKING IN?

24 A. NO, IT DOES NOT.

25 Q. DOES EITHER ARTICLE STATE THAT ERIK WAS ON  
26 THE LEFT, AND LYLE WAS ON THE RIGHT?

27 A. IT DOES NOT, NO.

28 Q. AND DOES EITHER ARTICLE STATE THAT THE

-16053

1 DEFENDANTS BURST THROUGH THE FRONT DOORS OF THE DEN?

2 A. NO.

3 Q. AND DOES EITHER ARTICLE STATE THAT LYLE  
4 MENENDEZ SHOT HIS FATHER AND ERIK MENENDEZ SHOT HIS  
5 MOTHER?

6 A. NO.

7 MS. NAJERA: I DON'T BELIEVE I HAVE ANYTHING

8 FURTHER, YOUR HONOR

9

10 RECROSS-EXAMINATION

11 BY MR. LEVIN:

12 Q. DETECTIVE ZOELLER, THIS MORNING BEFORE YOU

13 HAD AN OPPORTUNITY TO BE CONFRONTED WITH THESE ARTICLES,

14 WAS IT THE INTENTION OF YOUR TESTIMONY TO INFORM THIS

15 JURY THAT YOU BELIEVED THAT THE ONLY WAY THAT CRAIG

16 CIGNARELLI COULD HAVE KNOWN THE DETAILS THAT HE

17 PURPORTED TO KNOW WAS FROM ERIK MENENDEZ AND NO OTHER

18 SOURCE?

19 MS. NAJERA: YOUR HONOR, I AM GOING TO OBJECT.

20 THIS IS ARGUMENTATIVE.

21 THE COURT: SUSTAINED.

22 Q. BY MR. LEVIN: THE FACT IS, DETECTIVE

23 ZOELLER, THAT THE ARTICLES THAT I'VE SHOWN YOU IN COURT

24 ONLY REPRESENT TWO OF MANY ARTICLES THAT DETAILED

25 SPECIFIC FACTS OR REPORT SPECIFIC FACTS OF THIS CASE

26 MONTHS BEFORE YOU SPOKE TO CRAIG CIGNARELLI REGARDING

27 ANY CONFESSION OF ERIK MENENDEZ.

28 MS. NAJERA: I AM GOING TO OBJECT. THAT ASSUMES

-16052

1 FACTS NOT IN EVIDENCE.

2 THE COURT: WELL, IT'S A QUESTION. HE CAN ANSWER



3 IT.

4 THE WITNESS: THAT'S CORRECT.

5 Q. BY MR. LEVIN: AND IS IT A FACT THAT THE  
6 ARTICLE THAT I SHOWED YOU THAT'S BEEN MARKED 425  
7 CONTAINS MANY OF THE FACTS THAT CRAIG CIGNARELLI  
8 REPORTED THAT ERIK MENENDEZ TOLD HIM?

9 A. GENERALLY, YES.

10 Q. AND YOU DON'T KNOW, DO YOU, AS YOU SIT HERE  
11 NOW, THE ENTIRE FUND OF INFORMATION THAT THE PUBLIC HAD  
12 BEEN EXPOSED TO BEFORE CRAIG CIGNARELLI REPORTED A  
13 CONFESSION TO YOU?

14 A. THAT'S CORRECT.

15 Q. SO, WERE YOU HERE WHEN ERIK MENENDEZ  
16 TESTIFIED THAT HE HAD TOLD CRAIG CIGNARELLI, TAKING HIM  
17 INTO THE DEN, TALKING TO CRAIG CIGNARELLI ABOUT WHAT  
18 ERIK MENENDEZ BELIEVED THE POLICE THOUGHT THE KILLERS  
19 DID.

20 DO YOU REMEMBER ERIK MENENDEZ TESTIFYING TO  
21 THAT?

22 MS. NAJERA: I AM GOING TO OBJECT. I THINK THAT  
23 MISSTATES THE TESTIMONY.

24 THE COURT: OVERRULED.

25 THE WITNESS: I DON'T RECALL THAT PRECISELY, NO.

26 Q. BY MR. LEVIN: DO YOU REMEMBER ERIK  
27 MENENDEZ TESTIFYING THAT HE GAVE CRAIG CIGNARELLI A  
28 WALK-THROUGH, AND SHOWING HIM WHAT IT WAS THAT HE SAW

1 WHEN HE RETURNED TO THE HOUSE AFTER THE SHOOTING?

2 A. I DON'T RECALL WHETHER THAT'S EXACTLY THE  
3 WAY HE STATED IT. HE DID STATE THAT HE DID TELL CRAIG,  
4 CONFESS TO CRAIG.

5 Q. AND THEN RETRACTED IT, CORRECT?

6 A. I BELIEVE AT A LATER TIME, THAT'S CORRECT.

7 Q. WERE YOU HERE IN COURT WHEN CRAIG  
8 CIGNARELLI TESTIFIED THAT ERIK MENENDEZ TOLD HIM THAT  
9 LYLE MENENDEZ AND HE JUMPED THE BACK FENCE?

10 MS. NAJERA: I AM GOING TO OBJECT. I BELIEVE  
11 THAT MISSTATES THE TESTIMONY.

12 THE COURT: SUSTAINED.

13 Q. BY MR. LEVIN: WERE YOU HERE FOR THE  
14 ENTIRETY OF CRAIG CIGNARELLI'S TESTIMONY?

15 A. I THINK I WAS HERE FOR THE MAJORITY OF HIS  
16 TESTIMONY, YES.

17 Q. DID YOU -- WERE YOU PRESENT WHEN CRAIG  
18 CIGNARELLI WAS DESCRIBING IN DETAIL WHAT IT WAS HE SAID  
19 LYLE AND ERIK MENENDEZ DID AFTER THE SHOOTING?

20 A. YES.

21 Q. AND HE STATED, DID HE NOT, THAT ERIK  
22 MENENDEZ TOLD HIM THAT LYLE --

23 THE COURT: LET ME INTERRUPT FOR A SECOND,  
24 BECAUSE WHAT WE'RE DOING IS GETTING INTO THIS WITNESS'  
25 RECOLLECTION OF WHAT SOMEONE ELSE HAS TESTIFIED, AND THE  
26 JURY HAS HEARD THAT. SO IT REALLY IS NOT APPROPRIATE.

27 MR. LEVIN: I'M SORRY, YOUR HONOR. YOU'RE

-16050

1 Q. DID CRAIG CIGNARELLI EVER TELL YOU THAT  
2 LYLE -- OR THAT ERIK MENENDEZ TOLD HIM THAT HE AND LYLE  
3 MENENDEZ JUMPED THE FRONT GATE?

4 A. HE DIDN'T SPECIFICALLY SAY THE FRONT GATE,  
5 NO.

6 Q. YOU, I BELIEVE ON REDIRECT, INDICATED THAT  
7 THE ARTICLE INDICATED AT LEAST TWO -- IN RESPONSE TO  
8 MS. NAJERA'S QUESTION ABOUT HOW MANY SHOTGUNS WERE  
9 USED -- CORRECT?

10 A. CORRECT.

11 Q. THAT'S NOT WHAT THE ARTICLE SAYS, DOES IT?  
12 IT SAYS "AT LEAST TWO HIT MEN", CORRECT?

13 A. THAT'S CORRECT.

14 Q. AND IT SAYS "AT LEAST TWO HIT MEN WIELDING  
15 SHOTGUNS", CORRECT?

16 A. THAT'S CORRECT. THAT'S CORRECT.

17 Q. DO YOU ENVISION EACH HIT MAN HOLDING TWO  
18 SHOTGUNS IN EACH HAND?

19 NOTHING FURTHER.

20 THE COURT: ALL RIGHT.

21 ANYTHING ELSE?

22 MS. NAJERA: NO.

23 THE COURT: OKAY.

24           THANK YOU, SIR. YOU MAY STEP DOWN.

25           YOUR NEXT WITNESS.

26        MS. NAJERA: YOUR HONOR, COULD WE HAVE LIKE FIVE  
27 MINUTES?

28        THE COURT: OKAY.

-16049

1        MS. NAJERA: THANK YOU.

2        THE COURT: WE'LL TAKE A SHORT RECESS, AND WE  
3 WILL RESUME APPROXIMATELY AT 2:30.

4           (A RECESS WAS TAKEN FROM

5        2:15 P.M. UNTIL 2:25 P.M.)

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49488

1 THE COURT: ARE WE READY FOR THE JURY TO COME  
2 IN?

3 MS. NAJERA: WE'RE READY, YOUR HONOR.

4 THE COURT: OKAY. LET'S GET THE JURY,  
5 PLEASE.

6 (THE JURY ENTERED THE COURTROOM  
7 AND THE FOLLOWING PROCEEDINGS  
8 WERE HELD:)

9

10 THE COURT: WE'LL RESUME. YOU MAY CALL YOUR  
11 NEXT WITNESS.

12 MS. NAJERA: THANK YOU, YOUR HONOR.

13 THE PEOPLE CALL JAMIE PISARCIK. I  
14 SHOULD SAY RECALL.

15

16 JAMIE PISARCIK,

17 WAS RECALLED AS A WITNESS BY THE PEOPLE, WAS DULY

18 SWORN, AND TESTIFIED AS FOLLOWS:

19 THE CLERK: RAISE YOUR RIGHT HAND TO BE

20 SWORN.

21 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY

22 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS

23 COURT, SHALL BE THE TRUTH, THE WHOLE TRUTH, AND

24 NOTHING BUT THE TRUTH, SO HELP YOU GOD.

25 THE WITNESS: I DO.

26 THE CLERK: PLEASE TAKE THE STAND AND STATE

27 YOUR NAME FOR THE RECORD.

28 THE WITNESS: JAMIE PISARCIK.

49489

1 THE CLERK: SPELL YOUR LAST NAME.

2 THE WITNESS: P-I-S-A-R-C-I-K.

3 THE COURT: YOU MAY EXAMINE THE WITNESS.

4 MS. NAJERA: THANK YOU, YOUR HONOR.

5

6 DIRECT EXAMINATION

7 BY MS. NAJERA:

8 Q GOOD AFTERNOON, MS. PISARCIK.

9 A GOOD AFTERNOON.

10 Q MS. PISARCIK, IN MAY OF 1987, YOU

11 TESTIFIED PREVIOUSLY THAT YOU WERE DATING THE

12 DEFENDANT, LYLE MENENDEZ; IS THAT CORRECT?

13 A YES, IT IS.

14 Q AND AT THAT TIME I BELIEVE YOU STATED  
15 THAT YOU WERE LIVING IN BIRMINGHAM, ALABAMA; WAS  
16 THAT CORRECT?

17 A CORRECT.

18 Q AND DID THE DEFENDANT, IN MAY OF 1987,  
19 DEFENDANT, LYLE MENENDEZ, VISIT YOU IN BIRMINGHAM,  
20 ALABAMA?

21 A YES, HE DID.

22 Q AND WAS THIS BEFORE HE WAS TO START  
23 PRINCETON IN SEPTEMBER?

24 A YES.

25 Q AND, SPECIFICALLY, IN JUNE OF 1987, DID  
26 YOU ACCOMPANY THE DEFENDANT, LYLE MENENDEZ, TO A  
27 PLACE CALLED APOLLO HAIR?

28 A YES.

49490

1 Q AND WHAT WAS APOLLO HAIR?

2 A IT WAS A HAIR REPLACEMENT CENTER.

3 Q AND AT THAT TIME DID THE DEFENDANT, LYLE  
4 MENENDEZ, GET A WIG?

5 A YES, HE DID.

6 Q AND WAS THIS THE FIRST TIME, TO YOUR  
7 KNOWLEDGE, THAT HE HAD EVER GOTTEN A WIG?

8 A YES.

9 Q NOW, SOMETIME BETWEEN JUNE OF 1987, WHEN  
10 THE DEFENDANT, LYLE MENENDEZ -- MAY-JUNE OF 1987 --  
11 WHEN DEFENDANT, LYLE MENENDEZ, GOT THIS WIG, TO  
12 APRIL OF 1989, WHEN YOU TESTIFIED YOU BROKE UP WITH  
13 HIM, DID YOU HAVE A CONVERSATION WITH THE DEFENDANT,  
14 ERIK MENENDEZ, CONCERNING LYLE MENENDEZ' WIG?

15 A YES, I DID.

16 Q DO YOU RECALL WHERE THIS CONVERSATION  
17 TOOK PLACE?

18 A YES.

19 Q WHERE DID THIS CONVERSATION TAKE PLACE?

20 A IN THE BEVERLY HILLS HOUSE ON ELM  
21 STREET.

22 Q AND DID THE MENENDEZ FAMILY MOVE TO THE  
23 ELM STREET ADDRESS IN OCTOBER OF 1988?

24 A YES, THEY DID.

25 Q SO THE CONVERSATION THAT YOU HAD WITH  
26 ERIK MENENDEZ CONCERNING LYLE MENENDEZ' WIG WOULD  
27 HAVE OCCURRED BETWEEN OCTOBER OF 1988 AND APRIL OF  
28 1989; IS THAT CORRECT?

49491

1 A CORRECT.

2 Q AND DO YOU RECALL WHICH PARTICULAR AREA



3 OF THE HOUSE THIS CONVERSATION TOOK PLACE?

4 A YES.

5 Q WHERE WAS THAT?

6 A I WAS WALKING THROUGH THE HALLWAY AND I  
7 STOPPED BY ERIK'S BEDROOM. I WAS STANDING IN THE  
8 DOORWAY. ERIK WAS IN HIS ROOM, WHICH WAS ON THE  
9 SECOND FLOOR OF THE HOUSE.

10 Q WHERE WAS HE SPECIFICALLY IN HIS ROOM  
11 WHEN YOU SAW HIM?

12 A HE WAS AT HIS DESK.

13 Q DO YOU RECALL WHAT HE WAS DOING?

14 A LOOKED LIKE HE WAS WRITING. THERE WAS  
15 ALSO SOME BOOKS AROUND. HE COULD HAVE BEEN READING.

16 Q AND DO YOU RECALL HOW THIS CONVERSATION  
17 BEGAN?

18 A YES.

19 Q HOW DID THIS CONVERSATION BEGIN?

20 A I WAS -- IT WAS KIND OF CASUAL. I JUST  
21 KIND OF WALKED BY, POKED MY HEAD IN TO SAY HI, HOW  
22 ARE YOU DOING, ERIK? WHAT'S GOING ON? THAT TYPE OF  
23 THING.

24 Q AND DID HE RESPOND?

25 A YES.

26 Q AND HOW DID ERIK MENENDEZ RESPOND?

27 A HE BASICALLY -- IT WAS, YOU KNOW, AGAIN,  
28 VERY CASUAL, JUST CASUAL SMALL TALK.

1 Q NOW, AT SOME POINT DID THIS CONVERSATION  
2 TURN TO THE SUBJECT OF LYLE MENENDEZ' WIG?

3 A YES.

4 Q AND, SPECIFICALLY, WHAT DID THE  
5 DEFENDANT, ERIK MENENDEZ, TELL YOU CONCERNING LYLE  
6 MENENDEZ' WIG?

7 A WELL, AS FAR AS WHAT HE TOLD ME, WE WERE --  
8 AGAIN, IT WAS KIND OF LIKE HOW ARE YOU DOING? WHAT  
9 ARE YOU AND LYLE DOING?

10 THAT'S HOW THE CONVERSATION TURNED TO  
11 LYLE.

12 BUT THEN IT WAS KIND OF -- ERIK BROUGHT  
13 IT UP AS, YOU KNOW, I'M REALLY SURPRISED ABOUT  
14 LYLE'S WIG, AND JUST THE FACT THAT HE HAD THE WIG,  
15 AND ERIK WAS VERY SURPRISED.

16 MS. ABRAMSON: OBJECTION, YOUR HONOR,  
17 SPECULATION ON THE PART OF THE WITNESS. CONCLUSION.

18 THE COURT: SUSTAINED AS TO WHETHER THE  
19 DEFENDANT REALLY WAS SURPRISED.

20 Q BY MS. NAJERA: DID THE DEFENDANT  
21 APPEAR -- DID HE APPEAR SURPRISED WHEN HE TOLD YOU  
22 ABOUT THIS?

23 A WELL --

24 MS. ABRAMSON: OBJECTION. CALLS FOR A  
25 CONCLUSION.

26 THE COURT: SUSTAINED.

27 Q BY MS. NAJERA: WHAT DID HE TELL YOU?

28 A HE DID SAY HE WAS SURPRISED BECAUSE

49493

1 LYLE'S HAIR HAD ALWAYS BEEN SO PERFECT AND NOW HE  
2 KNEW WHY.

3 Q WAS ANYTHING ELSE SAID IN THE COURSE OF  
4 THIS CONVERSATION ABOUT LYLE MENENDEZ' WIG?

5 A NO. I MEAN, IT WAS, AGAIN, KIND OF A  
6 CASUAL CONVERSATION.

7 Q AND DO YOU KNOW, OR DO YOU RECALL --  
8 WELL, FIRST OF ALL, DO YOU KNOW HOW IT WAS THAT ERIK  
9 MENENDEZ FOUND OUT THAT LYLE MENENDEZ WORE A WIG?

10 A I REALLY CAN'T REMEMBER EXACTLY HOW HE  
11 FOUND OUT.

12 Q AND HAVE YOU LOOKED AT REPORTS IN AN  
13 ATTEMPT TO REFRESH YOUR MEMORY ON THIS SUBJECT?

14 A YES.

15 Q AND AS YOU SIT THERE TODAY, CAN YOU  
16 REMEMBER HOW HE FOUND OUT, OR IF YOU EVEN KNEW HOW  
17 HE FOUND OUT?

18 A NO.

19 Q NOW, DURING THIS PARTICULAR TIME THAT  
20 YOU HAD THIS CONVERSATION AT THE BEVERLY HILLS HOME

21 WITH ERIK MENENDEZ, CONCERNING LYLE MENENDEZ' WIG,

22 WERE YOU OUT VISITING IN BEVERLY HILLS?

23 A YES.

24 Q AND WHERE WERE YOU STAYING DURING THIS

25 VISIT?

26 A PROBABLY IN THE GUESTHOUSE. THAT'S

27 WHERE LYLE AND I USUALLY STAYED, ALTHOUGH I HAVE

28 STAYED IN OTHER BEDROOMS IN THAT HOUSE. BUT I WOULD

49494

1 SAY IT WAS PROBABLY THE GUESTHOUSE.

2 Q AND DO YOU RECALL WHETHER YOU WERE

3 ENGAGED IN ANY ACTIVITIES, GOING OUT OR ANYTHING,

4 WHEN YOU WERE VISITING AT THE MENENDEZ HOUSE ON THE

5 TIME THAT YOU HAD THIS CONVERSATION WITH ERIK

6 MENENDEZ?

7 A YES.

8 Q WHAT ACTIVITIES WERE YOU INVOLVED IN?

9 A WE DID EVERYTHING FROM -- WE PLAYED

10 TENNIS. WE SAW THE PLAY "HURLEY-BURLEY"." I WENT

11 SHOPPING WITH MRS. MENENDEZ. WE HAD LUNCH AT CAFE

12 RODEO IN BEVERLY HILLS TOGETHER.

13 THOSE TYPES OF THINGS.

14 Q NOW, DID YOU TESTIFY IN THE FIRST TRIAL

15 OF THIS MATTER?

16 A YES, I DID.

17 MS. ABRAMSON: OBJECTION. IRRELEVANT.

18 THE COURT: OVERRULED.

19 Q BY MS. NAJERA: AND DURING THAT -- FIRST

20 OF ALL, WERE YOU ASKED ABOUT THE QUESTION THAT I

21 JUST ASKED YOU CONCERNING ACTIVITIES THAT YOU WERE

22 INVOLVED IN WITH LYLE MENENDEZ WHEN YOU WERE OUT

23 DURING THIS VISIT WHEN THIS CONVERSATION BETWEEN YOU

24 AND ERIK MENENDEZ TOOK PLACE?

25 MS. ABRAMSON: OBJECTION. CALLS FOR

26 HEARSAY. NO FOUNDATION.

27 THE COURT: OVERRULED.

28 THE WITNESS: YES.

49495

1 Q BY MS. NAJERA: AND DID YOU TESTIFY AT

2 THE FIRST TRIAL THAT DURING THAT VISIT YOU WENT TO

3 SEE THE PLAY, "HURLEY-BURLEY"?

4 MS. ABRAMSON: OBJECTION. CALLS FOR

5 HEARSAY. NO FOUNDATION.

6 THE COURT: OVERRULED.

7 THE WITNESS: YES, I DID TESTIFY TO THAT.

8 Q BY MS. NAJERA: AND AS YOU SIT HERE,

9 YOU'VE TESTIFIED ALSO TODAY, THAT DURING THAT VISIT,

10 WHERE ERIK MENENDEZ TOLD YOU ABOUT LYLE MENENDEZ'

11 WIG, YOU WENT TO SEE THE PLAY, "HURLEY-BURLEY"; IS

12 THAT CORRECT?

13 MS. ABRAMSON: OBJECTION, YOUR HONOR. IT'S

14 LEADING. THE WITNESS JUST TESTIFIED TO WHAT SHE

15 TESTIFIED TO.

16 THE COURT: OVERRULED.

17 THE WITNESS: YES.

18 Q BY MS. NAJERA: NOW, WHEN YOU TESTIFIED

19 IN THE FIRST TRIAL, WERE YOU SURE WHEN IT WAS YOU

20 WERE OUT HERE?

21 A NO. I WAS NOT EXACTLY SURE.

22 Q DID YOU HAVE A BELIEF ABOUT WHEN IT WAS

23 YOU WERE AT THE BEVERLY HILLS ESTATE WHEN YOU HAD

24 THIS CONVERSATION WITH ERIK MENENDEZ?

25 A YES.

26 Q AND WHAT WAS IT THAT YOU BELIEVED BACK

27 THEN?

28 A BACK THEN I THOUGHT, BECAUSE OF THE

49496

1 WEATHER BEING SO NICE OUT HERE, AND WHERE I'M FROM,

2 FROM BACK EAST, IT'S OBVIOUSLY KIND OF COLD, I

3 THOUGHT IT WAS SPRING.

4 Q NOW, AS YOU SIT HERE AND TESTIFY TO THIS

5 JURY TODAY, DO YOU STILL BELIEVE THAT?

6 A NO.

7 Q WHAT TIME DO YOU BELIEVE IT WAS THAT YOU

8 WERE OUT HERE WHEN YOU HAD THAT CONVERSATION WITH

9 ERIK MENENDEZ?

10 A I BELIEVE IT WAS DECEMBER OR FAIRLY

11 CLOSE TO CHRISTMAS, AROUND THE HOLIDAYS.

12 Q AND IS THERE A REASON WHY NOW YOU

13 BELIEVE IT WAS AROUND THE HOLIDAYS, AT CHRISTMAS

14 TIME?

15 A YES.

16 Q AND WHAT IS THAT REASON?

17 A I'VE SEEN AN AD THAT HAD THE PLAY,

18 "HURLEY-BURLEY".

19 MS. ABRAMSON: I'M GOING TO OBJECT TO THIS

20 YOUR HONOR. CALLS FOR HEARSAY.

21 THE COURT: WELL, TO THE EXTENT THAT IT

22 INTRODUCES SOME OTHER MATERIAL OUTSIDE THIS WITNESS'

23 PERSONAL KNOWLEDGE, IT DOES CALL FOR HEARSAY.

24 SO SUSTAINED.

25 Q BY MS. NAJERA: LET ME ASK YOU THIS:

26 DID YOU HAVE YOUR MEMORY REFRESHED AS TO WHEN THE

27 PLAY "HURLEY-BURLEY" WAS PLAYING HERE IN SOUTHERN

28 CALIFORNIA WHEN YOU CAME OUT HERE?

1 MS. ABRAMSON: I'M STILL GOING TO OBJECT,

2 YOUR HONOR. CALLS FOR HEARSAY.

3 THE COURT: OVERRULED.

4 YOU CAN ANSWER THAT QUESTION YES OR NO.

5 THE WITNESS: YES.

6 Q BY MS. NAJERA: AND DO YOU RECALL WHERE

7 IT WAS THAT YOU SAW THE PLAY "HURLEY-BURLEY" WHEN

8 YOU CAME OUT HERE?

9 A YES.

10 Q WHERE WAS THAT?

11 A IT WAS AT THE "WESTWOOD PLAYHOUSE,"

12 WHICH IS NOW "THE GEFFEN".

13 Q AND IS THAT WHAT YOU TESTIFIED TO IN THE

14 FIRST TRIAL?

15 MS. ABRAMSON: OBJECTION. CALLS FOR HEARSAY.

16 THE COURT: OVERRULED.

17 YOU CAN ANSWER THE QUESTION.

18 THE WITNESS: YES.

19 MS. NAJERA: YOUR HONOR, I HAVE TWO DOCUMENTS

20 WHICH I'D LIKE MARKED NEXT IN ORDER. ONE APPEARS TO

21 BE --

22 MS. ABRAMSON: I'M GOING TO OBJECT. COUNSEL

23 HASN'T SHOWN US ANYTHING PRIOR TO TRYING TO MARK

24 IT.

25 THE COURT: SHOW IT TO OPPOSING COUNSEL,

26 PLEASE.

27 MS. ABRAMSON: YOUR HONOR, THERE WILL BE AN

28 OBJECTION TO BOTH OF THESE AND ASK TO APPROACH.



1 THE COURT: OKAY. WE'LL GO OVER TO THE SIDE  
2 AND DISCUSS THE TESTIMONY.

3 (THE FOLLOWING PROCEEDINGS WERE  
4 HELD OUT OF THE PRESENCE OF THE  
5 JURY:)

6

7 THE COURT: YES.

8 MS. ABRAMSON: COUNSEL JUST SHOWED ME TWO  
9 XEROX COPIES. ONE IS AN ADVERTISEMENT, AND ONE IS  
10 SOME KIND OF REVIEW. AND WE OBJECT. THEY'RE  
11 HEARSAY. THERE'S NO PROPER FOUNDATION LAID THAT  
12 THESE ARE AUTHENTIC BUSINESS RECORDS OF ANYBODY.

13 IT'S ALSO OUR UNDERSTANDING THAT THIS  
14 PARTICULAR PLAY RAN FOR A VERY LONG TIME. THERE'S  
15 NO INDICATION OF WHEN IT BEGAN AND WHEN IT ENDED.

16 I DON'T CARE IF IT SAYS "LAST THREE  
17 WEEKS." WHEN DID IT BEGIN?

18 MS. NAJERA: CERTAINLY BEFORE SPRING OF 1989.

19 THE COURT: WELL, IT COULD HAVE BEEN EXTENDED  
20 BEYOND THAT AD.

21 MS. ABRAMSON: THAT'S RIGHT.

22 THE COURT: YOU HAVE TO HAVE SOMETHING MORE  
23 THAN JUST AN AD TO DOCUMENT THIS.

24 MS. NAJERA: WHAT THIS IS ALL ABOUT IS SHE

25 REFRESHED HER MEMORY WITH THESE.

26 THE COURT: SHE CAN SAY SHE'S REFRESHED HER  
27 MEMORY. SHE'S ALREADY SAID THAT.

28 MS. ABRAMSON: SHE ALREADY SAID SHE REFRESHED

49499

1 HER MEMORY BY SOMETHING CONCERNING THE PLAY  
2 "HURLEY-BURLEY." BUT ANYTHING BEYOND THAT --

3 THE COURT: SHE SAID IT WAS DECEMBER.

4 SO SHOWING HER THE DOCUMENT ISN'T GOING  
5 TO GET THOSE ADMITTED.

6 SO IF YOU WANT TO HAVE SOMEONE TESTIFY  
7 TO WHEN THAT PLAY OPENED AND WHEN IT CLOSED, YOU GET  
8 SOMEONE FROM THE PLAYHOUSE, OR SOMEBODY WITH SOME  
9 KNOWLEDGE FROM SOMEWHERE ELSE.

10 MS. NAJERA: I CAN DO THAT. I CAN DO THAT.

11 THE COURT: LET'S GO.

12 (THE FOLLOWING PROCEEDINGS WERE  
13 RESUMED IN OPEN COURT IN THE  
14 PRESENCE OF THE JURY:)

15

16 THE COURT: YOUR NEXT QUESTION, PLEASE.

17 MS. NAJERA: OKAY. THANK YOU, YOUR HONOR.

18 Q MS. PISARCIK, WHEN YOU SAW THE PLAY  
19 "HURLEY-BURLEY", WAS THAT STARRING SEAN PENN AND

20 DANNY AIELLO?

21 A YES.

22 Q AND YOU SAID THAT -- YOU TESTIFIED

23 PREVIOUSLY THAT YOU SAW SOMETHING WHICH REFRESHED

24 YOUR MEMORY THAT, IN FACT, THIS WAS IN THE CHRISTMAS

25 HOLIDAYS OF 1988; IS THAT CORRECT?

26 MS. ABRAMSON: YOUR HONOR, ASKED AND

27 ANSWERED.

28 THE COURT: OVERRULED.

49500

1 YOU CAN ANSWER THE QUESTION.

2 THE WITNESS: CORRECT.

3 Q BY MS. NAJERA: AND JUST TO CLARIFY,

4 WHEN YOU HAD THIS CONVERSATION WITH ERIK MENENDEZ

5 CONCERNING LYLE MENENDEZ' WIG WHERE HE EXPRESSED

6 SURPRISE AT THIS BECAUSE HIS HAIR WAS ALWAYS SO

7 PERFECT, DID HE TELL YOU ANYTHING ABOUT WHY HE

8 THOUGHT HIS HAIR WAS SO PERFECT?

9 A WELL, HE TOLD ME THAT HE NOW KNEW THAT

10 HE HAD A WIG, AND THAT'S WHY HIS HAIR WAS SO

11 PERFECT.

12 Q AND IN THE FIRST TRIAL OF THIS MATTER,

13 DID YOU -- WHEN YOU TESTIFIED THAT YOU WERE NOT

14 SURE, BUT YOU FELT IT WAS IN THE SPRING OF 1989 THAT

15 YOU HAD THIS CONVERSATION -- BUT THAT YOU HAD SEEN  
16 "HURLEY-BURLEY" WHEN YOU WERE OUT THERE -- DID YOU  
17 LOOK AT YOUR WORK RECORDS FROM THE SPRING OF 1989?

18 A YES.

19 Q AND WERE THERE -- DID YOU WORK FOR A  
20 GOOD BULK OF THE SPRING OF 1989 OUTSIDE THE STATE OF  
21 CALIFORNIA?

22 A YES, I DID.

23 Q DO YOU RECALL, AS YOU SIT THERE TODAY,  
24 HOW LONG THIS VISIT WAS?

25 A I WILL SAY PROBABLY AT LEAST ABOUT A  
26 WEEK.

27 MS. NAJERA: THANK YOU. I HAVE NOTHING  
28 FURTHER.

49501

1 THE COURT: CROSS-EXAMINATION.

2 MS. ABRAMSON: THANK YOU, YOUR HONOR.

3

4 CROSS-EXAMINATION

5 BY MS. ABRAMSON:

6 Q ON WHAT DATE, MS. PISARCIK, DID YOU  
7 TESTIFY IN THE FIRST TRIAL?

8 A ON WHAT DATE DID I TESTIFY?

9 Q UH-HUH.

10 A I DON'T KNOW THE EXACT DATE.  
11 Q YOU DON'T REMEMBER?  
12 A NO, I DON'T KNOW THE EXACT DATE.  
13 Q WHAT MONTH?  
14 A I BELIEVE -- THE FIRST TRIAL? I THINK  
15 IT WAS NOVEMBER, AROUND THANKSGIVING.  
16 Q NOVEMBER OF 1993, CORRECT?  
17 A CORRECT.  
18 Q AND HOW LONG BEFORE THE DATE IN NOVEMBER  
19 1993 WHEN YOU FIRST TESTIFIED, DID YOU FIRST TELL  
20 ANYONE ON THIS PLANET ABOUT THIS SUPPOSED  
21 CONVERSATION YOU HAD WITH ERIK MENENDEZ?  
22 MS. NAJERA: YOUR HONOR, I'M GOING TO OBJECT  
23 TO COUNSEL'S TONE. IT'S ARGUMENTATIVE.  
24 THE COURT: IT'S ARGUMENTATIVE AS PHRASED.  
25 REPHRASE THE QUESTION.  
26 Q BY MS. ABRAMSON: WHEN WAS FIRST TIME  
27 YOU TOLD ANYBODY ABOUT THIS CONVERSATION YOU CLAIM  
28 YOU HAD WITH ERIK MENENDEZ?

49502

1 MS. NAJERA: I'M GOING TO OBJECT. ARGUMENTATIVE.  
2 THE COURT: OVERRULED.  
3 YOU CAN ANSWER THE QUESTION.  
4 THE WITNESS: IN ONE OF THE TIMES THAT I WAS

5 QUESTIONED BY THE PROSECUTION.

6 Q BY MS. ABRAMSON: AND HOW LONG BEFORE  
7 THE DAY THAT YOU TOOK THE WITNESS STAND DID YOU HAVE  
8 THAT CONVERSATION WITH THE PROSECUTION?

9 A I DON'T RECALL.

10 Q DO YOU HAVE ANY IDEA?

11 A I'M NOT SURE OF THE EXACT DATES. I  
12 BELIEVE THEY WERE IN EARLY NOVEMBER THAT I WAS  
13 QUESTIONED.

14 Q SO IT WAS THE SAME MONTH THAT YOU TOOK  
15 THE WITNESS STAND, NOVEMBER 1993, THAT YOU FIRST  
16 TOLD ANYBODY ABOUT THIS CONVERSATION; IS THAT RIGHT?

17 A YOU'D HAVE TO GO BACK TO THE PREVIOUS  
18 RECORDS TO FIND OUT EXACTLY WHEN IT WAS. UP HERE,  
19 RIGHT NOW, I DON'T REMEMBER.

20 Q SO YOU DON'T REMEMBER?

21 A NO.

22 Q YOU DON'T REMEMBER WHAT PERIOD OF TIME  
23 ELAPSED BETWEEN YOUR FIRST TELLING SOMEONE ABOUT  
24 THIS AND YOUR TAKING THE OATH AND TESTIFYING ABOUT  
25 IT, CORRECT?

26 A I JUST -- WHEN I WAS QUESTIONED IS WHEN  
27 I --

28 Q MY QUESTION IS YOUR MEMORY, OKAY? WE DO

1 HAVE RECORDS. I KNOW ANSWER.

2 MS. NAJERA: I'M GOING TO OBJECT TO COUNSEL  
3 MAKING GRATUITOUS STATEMENTS.

4 THE COURT: SUSTAINED.

5 COUNSEL'S REMARKS ARE STRICKEN. ASK THE  
6 QUESTION.

7 Q BY MS. ABRAMSON: CONCERNING YOUR  
8 MEMORY, DO YOU HAVE A MEMORY OF HOW LONG BEFORE THE  
9 DAY YOU FIRST CAME AND TESTIFIED ABOUT THIS  
10 CONVERSATION WAS IT THAT YOU FIRST TOLD SOMEONE THE  
11 INFORMATION?

12 A ONLY WHEN I WAS ASKED IN THE ORIGINAL  
13 TIMES I WAS ASKED QUESTIONS BY THE PROSECUTION.

14 Q MY QUESTION HAS TO DO WITH TIME,  
15 MS. PISARCIK.

16 DO YOU UNDERSTAND THE QUESTION?

17 A YES, I DO.

18 Q AND YOUR MEMORY OF TIME.

19 DO YOU UNDERSTAND THAT?

20 A YES, I DO.

21 Q WOULD YOU AGREE THAT YOUR MEMORY OF TIME  
22 IS RATHER CRUCIAL CONCERNING THIS TESTIMONY OF  
23 YOURS?

24 MR. NAJERA: I'M GOING TO OBJECT. THAT'S  
25 ARGUMENTATIVE.

26 THE COURT: SUSTAINED.

27 Q BY MS. ABRAMSON: HOW MANY DAYS OR WEEKS

49504

1 TESTIFIED ABOUT THE CONVERSATION WITH ERIK MENENDEZ  
2 WAS IT WHEN YOU TOLD SOMEONE ON THE PROSECUTION  
3 ABOUT THE CONVERSATION?

4 A WELL, IF I WAS QUESTIONED IN EARLY  
5 NOVEMBER, AND I TESTIFIED IN LATE NOVEMBER, THEN I'M  
6 ASSUMING IT WAS PROBABLY A MONTH.

7 Q DO YOU REMEMBER NOW THAT YOU TESTIFIED  
8 IN LATE NOVEMBER?

9 A I BELIEVE I STATED THAT IT WAS AROUND  
10 THANKSGIVING.

11 Q DID YOU RECEIVE, PRIOR TO BEING CALLED  
12 BACK AS A WITNESS IN THIS TRIAL, COPIES OF YOUR  
13 PREVIOUS TESTIMONY?

14 A YES, I DID.

15 Q AND DID THE COPIES OF YOUR PREVIOUS  
16 TESTIMONY HAVE THE DATE ON THEM?

17 A I'M SURE THEY DID.

18 Q WHEN DID YOU LAST LOOK AT THE COPIES OF  
19 YOUR PREVIOUS TESTIMONY?

20 A PARTS OF THE PREVIOUS TESTIMONY, SEVERAL  
21 DAYS AGO.

22 Q AND SEVERAL DAYS AGO WHEN YOU LOOKED AT



23 IT, DID YOU PAY ATTENTION TO THE DATE?

24 A NO, NOT PARTICULARLY, I DID NOT.

25 Q WHEN DO YOU BELIEVE YOU LAST PAID

26 ATTENTION TO THE DATE?

27 MS. NAJERA: OBJECTION. IRRELEVANT.

28 THE COURT: OVERRULED.

49505

1 THE WITNESS: I DON'T KNOW. I REALLY WASN'T

2 WORRIED ABOUT THE DATE OF MYSELF TESTIFYING. I WAS

3 MORE CONCERNED WITH THE CONTENTS.

4 Q BY MS. ABRAMSON: IF I WERE TO TELL YOU

5 THAT YOU TESTIFIED ON NOVEMBER 22ND, 1993 WOULD THAT

6 REFRESH YOUR RECOLLECTION AS TO WHEN YOU FIRST

7 TESTIFIED IN THE FIRST TRIAL?

8 A YES.

9 Q AND IF I WERE TO TELL YOU THAT THE FIRST

10 TIME YOU EVER TOLD ANYBODY ABOUT THIS CONVERSATION

11 WITH ERIK MENENDEZ WAS NOVEMBER 2ND, 1993, WOULD

12 THAT REFRESH YOUR MEMORY?

13 MS. NAJERA: I'M GOING TO OBJECT. THAT'S

14 ARGUMENTATIVE AND ASSUMES FACTS NOT IN EVIDENCE AS

15 TO TELLING ANYONE.

16 THE COURT: OVERRULED.

17 YOU MAY ANSWER THE QUESTION.

18 THE WITNESS: YES.

19 Q BY MS. ABRAMSON: AND ON NOVEMBER 2ND,  
20 1993, WHO WERE YOU TALKING TO WHEN YOU FIRST  
21 MENTIONED THIS CONVERSATION THAT YOU SAID YOU HAD  
22 WITH ERIK MENENDEZ?

23 A IN 1993?

24 Q ON NOVEMBER 2ND, WHEN YOU FIRST  
25 MENTIONED THIS.

26 A I'M ASSUMING THAT DETECTIVE ZOELLER WAS  
27 THERE, PAM BOZANICH, AND LESTER KURIYAMA.

28 Q AND MRS. BOZANICH AND MR. KURIYAMA WERE

49506

1 THE PREVIOUS PROSECUTORS IN THIS CASE, CORRECT?

2 A THAT IS CORRECT.

3 Q AND YOU KNEW WHEN YOU WERE TALKING TO  
4 THEM, ON NOVEMBER 2ND, 1993, DID YOU NOT,  
5 MS. PISARCIK, THAT LYLE MENENDEZ AND ERIK MENENDEZ  
6 HAD BOTH ALREADY TESTIFIED IN THEIR TRIAL?

7 A YOU KNOW, I DON'T KNOW, AS FAR AS WHEN  
8 EXACTLY LYLE AND ERIK MENENDEZ TESTIFIED.

9 Q LET ME SEE IF I UNDERSTAND SOMETHING.  
10 YOU WERE ENGAGED TO LYLE MENENDEZ TWICE IN YOUR  
11 LIFE, CORRECT?

12 MS. NAJERA: OBJECTION. IRRELEVANT.

13 THE COURT: OVERRULED.

14 Q BY MS. ABRAMSON: CORRECT?

15 A OH, YES.

16 Q AND YOU LIVED WITH HIM FOR VARIOUS

17 PERIODS OF TIME BETWEEN 1987 AND 1990, CORRECT?

18 MS. NAJERA: OBJECTION. IRRELEVANT.

19 THE COURT: OVERRULED.

20 THE WITNESS: YES.

21 Q BY MS. ABRAMSON: AND AFTER HE WAS

22 ARRESTED IN MARCH OF 1990, YOU WERE HIS LOYAL AND

23 FAITHFUL GIRLFRIEND FOR A YEAR, WERE YOU NOT?

24 MS. NAJERA: YOUR HONOR, I'M GOING TO OBJECT

25 AS IRRELEVANT AND ALSO ARGUMENTATIVE.

26 THE COURT: SUSTAINED.

27 Q BY MS. ABRAMSON: DIDN'T YOU VISIT HIM

28 FIVE TIMES A WEEK IN THE LOS ANGELES COUNTY JAIL FOR

49507

1 A YEAR AFTER HE WAS ARRESTED?

2 MS. NAJERA: I'M GOING TO OBJECT AS BOTH

3 IRRELEVANT AND OUTSIDE THE SCOPE OF DIRECT.

4 THE COURT: OVERRULED.

5 YOU CAN ANSWER THE QUESTION.

6 THE WITNESS: I VISITED LYLE MENENDEZ FROM

7 MARCH, FROM WHEN HE WAS ARRESTED, UNTIL

8 APPROXIMATELY DECEMBER OF THAT YEAR.

9 Q BY MS. ABRAMSON: FIVE TIMES A WEEK?

10 A SOMETIMES, YES.

11 Q AND IS IT YOUR TESTIMONY THAT AFTER --

12 THAT WAS VERY BURDENSOME AND ODIOS VISITING SOMEONE

13 IN THE JAIL, ISN'T IT?

14 MS. NAJERA: OBJECTION. IRRELEVANT.

15 THE COURT: OVERRULED.

16 THE WITNESS: IT WASN'T PLEASANT.

17 Q BY MS. ABRAMSON: YOU HAVE TO WAIT IN

18 LINE?

19 A THAT'S CORRECT.

20 Q IN CROWDS, WITH CROWDS OF PEOPLE?

21 A THAT'S TRUE.

22 Q NO PRIVACY WHEN YOU GET INSIDE?

23 A CORRECT.

24 Q TWENTY-MINUTE VISITS SOMETIMES?

25 MS. NAJERA: OBJECTION. IRRELEVANT.

26 THE COURT: SUSTAINED.

27 Q BY MS. ABRAMSON: IN ADDITION TO

28 VISITING HIM AT THE COUNTY JAIL, YOU ALSO ATTENDED

49508

1 VARIOUS COURT APPEARANCES THAT HE HAD TO MAKE ON

2 THIS CASE, CORRECT?

3 A CORRECT.

4 Q AND IS IT YOUR TESTIMONY NOW THAT AFTER  
5 HAVING DONE ALL THAT AND HAVING THAT RELATIONSHIP  
6 WITH HIM, YOU IGNORED HIS TRIAL?

7 A I --

8 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

9 THE COURT: SUSTAINED.

10 Q BY MS. ABRAMSON: YOU KNEW YOU WERE  
11 GOING TO BE A WITNESS IN HIS TRIAL, DIDN'T YOU?

12 A NO. I WAS HOPING I WOULD NOT BE A  
13 WITNESS IN THIS TRIAL.

14 Q BUT YOU GAVE STATEMENTS TO THE  
15 PROSECUTION BEFORE HIS TRIAL BEGAN, DID YOU NOT?

16 A ONLY UPON SUBPOENA.

17 Q WELL, HOWEVER IT HAPPENED, YOU WERE  
18 GIVING THE PROSECUTION INFORMATION, CORRECT?

19 A WHEN I WAS SUBPOENAED, YES.

20 Q AND YOU HAD EVERY REASON TO BELIEVE, DID  
21 YOU NOT, THAT YOU WOULD BE CALLED AS A WITNESS IN  
22 HIS TRIAL?

23 MS. NAJERA: OBJECTION. CALLS FOR  
24 SPECULATION FROM THIS WITNESS.

25 THE COURT: AT WHAT POINT DID SHE HAVE THAT  
26 BELIEVE.

27 Q BY MS. ABRAMSON: AT THE TIME WHEN THE  
28 TRIAL BEGAN?

1 A I WAS I WAS HOPING THAT --

2 MS. NAJERA: OBJECTION. CALLS FOR SPECULATION.

3 THE COURT: OVERRULED. GOES TO STATE OF  
4 MIND.

5 YOU CAN ANSWER THE QUESTION.

6 THE WITNESS: I WAS HOPING I WOULD NOT HAVE  
7 TO TESTIFY HERE.

8 Q BY MS. ABRAMSON: BUT YOU THOUGHT YOU  
9 WOULD, CORRECT?

10 A WELL, WHEN I RECEIVED THE SUBPOENA, YES.

11 Q EVEN BEFORE YOU RECEIVED THE SUBPOENA  
12 YOU WERE CONCERNED ABOUT WHETHER YOU WOULD OR  
13 WOULDN'T BE CALLED AS A WITNESS, CORRECT?

14 A YES. I DID NOT WANT TO BE A WITNESS  
15 HERE.

16 Q AND YOU WERE KEPT APPRISED OF WHAT WAS  
17 GOING ON IN THE TRIAL THROUGH NEWS CLIPS ON,  
18 TELEVISION, WERE YOU NOT?

19 A NO. I DID NOT FOLLOW THIS TRIAL. I GOT  
20 ON WITH MY LIFE AND TRIED NOT TO PAY ANY ATTENTION  
21 TO IT.

22 Q DIDN'T YOU SPECIFICALLY TESTIFY IN THE  
23 LAST TRIAL THAT YOU WERE -- THAT YOU HEARD ABOUT THE  
24 CASE FROM NEWS CLIPS DURING THE COURSE OF THE TRIAL?

25 A WELL, OCCASIONALLY -- OBVIOUSLY, BUT  
26 IT'S HARD NOT TO -- IT WAS HARD NOT TO AT THAT TIME.

27 Q IT WAS VIRTUALLY IMPOSSIBLE NOT TO AT  
28 THAT TIME, WASN'T IT?

49510

1 A UH-HUH.

2 Q THE TRIAL WAS TELEVISED?

3 A YES.

4 Q AND THERE WERE NEWS REPORTS ABOUT IT  
5 VIRTUALLY DAILY, WERE THERE NOT?

6 A CORRECT.

7 Q WASN'T IT FEATURED IN THOSE NEWS REPORTS  
8 THAT ERIK MENENDEZ TESTIFIED THAT HE SAW HIS MOTHER  
9 RIP OFF LYLE'S HAIRPIECE?

10 A I DON'T KNOW. I DID NOT PAY ATTENTION  
11 AT THAT POINT.

12 AS A MATTER OF FACT, I WOULD TURN THE TV  
13 OFF.

14 Q IS YOUR ANSWER NO?

15 MS. NAJERA: MAY THE WITNESS FINISH?

16 THE COURT: HAVE YOU FINISHED?

17 THE WITNESS: NO. I WOULD TURN THE  
18 TELEVISION OFF, AND I WOULD MAKE APPOINT NOT TO READ  
19 ARTICLES.

20 Q BY MS. ABRAMSON: DIDN'T WANT TO KNOW  
21 ANYTHING ABOUT THIS MAN YOU WERE TWICE ENGAGED TO?

22 MS. NAJERA: OBJECTION.  
23 THE COURT: REPHRASE THE QUESTION.  
24 Q BY MS. ABRAMSON: IS THAT YOUR  
25 TESTIMONY, YOU DIDN'T WANT TO KNOW WHAT WAS  
26 HAPPENING TO THIS MAN YOU WERE TWICE ENGAGED TO?  
27 MS. NAJERA: OBJECTION.  
28 THE COURT: OVERRULED.

49511

1 THE WITNESS: I WAS TRYING TO FORGET I EVER  
2 KNEW LYLE MENENDEZ.  
3 Q BY MS. ABRAMSON: IT'S YOUR TESTIMONY,  
4 AND YOU'RE SAYING THIS UNDER OATH, THAT YOU HAD NO  
5 IDEA THAT ERIK MENENDEZ HAD TESTIFIED TO THIS VERY  
6 DRAMATIC CONFRONTATION BETWEEN LYLE AND HIS MOTHER  
7 OVER HIS HAIRPIECE; IS THAT YOUR STATEMENT?  
8 A YES.  
9 Q DID LYLE MENENDEZ REFER TO HIS HAIRPIECE  
10 AS A WIG?  
11 A YEAH. I BELIEVE AT TIMES.  
12 Q HE CALLED IT A WIG?  
13 A WIG, HAIRPIECE.  
14 Q TOUPEE IS REALLY WHAT THE WORD IS, ISN'T  
15 IT?  
16 A I DON'T THINK HE REALLY CALLED IT A



17 TOUPEE ALL THAT MUCH. EITHER WIG OR HAIRPIECE, TO

18 MY RECOLLECTION.

19 Q AND YOU REFERRED TO IT, WHEN YOU TOLD  
20 OTHER PEOPLE ABOUT IT, AS A WIG OR A HAIRPIECE?

21 A I REALLY DIDN'T DISCUSS IT WITH ANYBODY.

22 Q NOBODY?

23 A NOT THAT I REMEMBER, ANYTHING SPECIFIC.

24 Q NEVER TOLD ANYONE, DID YOU?

25 A REALLY WASN'T MY BUSINESS TO TELL  
26 ANYBODY ELSE.

27 Q AND HE WAS VERY PRIVATE ABOUT IT, WASN'T  
28 HE?

49512

1 A YEAH.

2 Q HE DIDN'T TELL PEOPLE ABOUT IT EITHER?

3 MS. NAJERA: OBJECTION. CALLS FOR  
4 SPECULATION FROM THE WITNESS.

5 THE COURT: SUSTAINED.

6 Q BY MS. ABRAMSON: WASN'T LYLE MENENDEZ  
7 SENSITIVE ABOUT THE FACT THAT AS A VERY YOUNG MAN HE  
8 WAS LOSING HIS HAIR?

9 MS. NAJERA: OBJECTION. CALLS FOR  
10 SPECULATION FROM THE WITNESS.

11 THE COURT: REPHRASE THE QUESTION, PLEASE.

12 Q BY MS. ABRAMSON: DIDN'T LYLE MENENDEZ  
13 EXPRESS SENSITIVITY ABOUT THE FACT THAT HE HAD LOST  
14 HIS HAIR WHEN HE WAS VERY YOUNG?

15 MS. NAJERA: VAGUE AS TO WHAT IS MEANT BY  
16 "SENSITIVITY."

17 THE COURT: ALSO VAGUE AS TO TIME.

18 Q BY MS. ABRAMSON: WHEN HE FIRST GOT THE  
19 HAIRPIECE, IN 1987, YOU WERE THE ONLY PERSON WHO  
20 ACCOMPANIED HIM TO THE HAIR PLACE?

21 A WELL, IT WAS IN BIRMINGHAM, ALABAMA, AND  
22 I WAS REALLY THE ONLY ONE THAT HE KNEW THERE.

23 Q WAS YOUR FAMILY THERE?

24 A MY SISTER WAS THERE. I DON'T KNOW IF --  
25 I DON'T KNOW IF MY SISTER WAS ACTUALLY THERE AT THAT  
26 TIME, IF SHE HAD MOVED THERE YET OR NOT.

27 Q AND HOW LONG DID HE STAY WITH YOU IN  
28 BIRMINGHAM, ALABAMA AFTER HE OBTAINED IT?

49513

1 A I DON'T RECALL. HE WAS IN AND OUT OF  
2 BIRMINGHAM.

3 Q WELL, HOW LONG DID IT TAKE FOR HIM TO  
4 GET FITTED AND TO HAVE THEM MAKE UP THE HAIRPIECE?  
5 THIS WAS CUSTOM-MADE, WASN'T IT?

6 A YES, IT WAS.

7 Q HE DIDN'T JUST TAKE SOMETHING OFF A HEAD  
8 BLOCK AT A SHOP AND SNAP IT ON, DID HE?

9 A NO. I DON'T THINK SO.

10 Q SO HOW LONG DID IT TAKE FOR THIS THING  
11 TO BE MANUFACTURED?

12 A I DON'T RECALL.

13 Q SO YOU HAVE NO IDEA HOW LONG HE WAS IN  
14 BIRMINGHAM WITH YOU IN '87 DURING THE TIME HE  
15 OBTAINED A HAIR PIECE; IS THAT A FAIR STATEMENT?

16 A WELL, LYLE -- LIKE I SAID, HE CAME IN  
17 AND OUT OF BIRMINGHAM AT TIMES. SO HE COULD HAVE  
18 BEEN THERE FOR A COUPLE OF DAYS AND LEFT FOR A WEEK  
19 AND CAME BACK.

20 Q YOU DON'T KNOW?

21 A I DON'T REMEMBER.

22 Q YOU'RE JUST GUESSING?

23 A YEAH. ACTUALLY, I DON'T REMEMBER.

24 Q OKAY. AND YOU SAID THIS WAS IN WHAT  
25 MONTH IN 1987?

26 A MAY OR JUNE, WHEN HE ACTUALLY GOT -- WAS  
27 FITTED FOR HIS HAIRPIECE.

28 Q AND YOU DON'T REMEMBER IF IT WAS MAY OR

2       A    I BELIEVE HE MADE AN APPOINTMENT IN MAY,  
3 AND IT WAS EITHER MAY OR JUNE THAT HE ACTUALLY GOT  
4 IN TO SEE APOLLO HAIR PEOPLE.

5       Q    YOU DON'T KNOW IF HE HAD TO WAIT AND  
6 STAYED IN BIRMINGHAM DURING THAT TIME PERIOD OR  
7 WHETHER HE CAME BACK ON ANOTHER TRIP. YOU DON'T  
8 HAVE THOSE DETAILS IN YOUR MEMORY, CORRECT?

9       A    I REMEMBER BEING THERE WITH HIM, TALKING  
10 TO CARMEN, THE HAIR PERSON THAT ACTUALLY DID THE  
11 HAIRPIECE FOR HIM. BUT AGAIN, I DON'T REMEMBER IF  
12 IT TOOK A WEEK OR A MONTH FOR HIM TO GET IT.

13      Q    OKAY. AND WHAT HAPPENED AFTER HE GOT  
14 THE HAIRPIECE? DID YOU REMAIN IN BIRMINGHAM AND HE  
15 WENT OFF TO PARTS UNKNOWN?

16      A    NO. I WAS IN BIRMINGHAM UNTIL THE END  
17 OF THAT YEAR, AND IT WAS, I BELIEVE, SEPTEMBER WHEN  
18 LYLE WENT BACK TO PRINCETON.

19      Q    SO YOU STAYED IN BIRMINGHAM AND HE, AS  
20 FAR AS YOU KNOW, CONTINUED TO RESIDE IN NEW JERSEY?

21      A    WELL, HE SPENT A LOT OF TIME, THOUGH, IN  
22 BIRMINGHAM. LIKE I SAID, HE WASN'T GOING TO SCHOOL,  
23 PLAYING TENNIS. HE PLAYED SOME TENNIS TOURNAMENTS  
24 THERE.

25      Q    DURING THE SUMMER OF 1987?

26      A    I BELIEVE SO. MUST HAVE BEEN.

27      Q    WHEN YOU FIRST MET HIM HE WAS LIVING IN  
28 NEW JERSEY, CORRECT?

1 A CORRECT.

2 Q HE WAS LIVING AT THE FAMILY HOME ON  
3 MOUNTAIN AVENUE, CORRECT?

4 A YES.

5 Q AND THEN HE WENT TO TRENTON STATE,  
6 CORRECT?

7 A YEAH.

8 Q AND THAT'S IN NEW JERSEY ALSO, CORRECT?

9 A YES, IT IS.

10 Q AND THEN HE I -- DID YOU AND HE TRAVEL  
11 TOGETHER IN THAT SPRING OF 1987?

12 MS. NAJERA: OBJECTION. IRRELEVANT.

13 THE COURT: OVERRULED.

14 THE WITNESS: I DID PLAY SOME TENNIS  
15 TOURNAMENTS ON THE WOMEN'S TENNIS TOURNAMENT, BUT I  
16 WAS WORKING IN BIRMINGHAM ALL OF 1987. IT WAS 1988  
17 THAT I DID A LOT OF MY TRAVELING.

18 Q BY MS. ABRAMSON: LET'S STAY WITH 1987  
19 IF WE CAN.

20 A OKAY.

21 Q SO YOU SAW HIM THROUGHOUT THAT SUMMER;  
22 IS THAT CORRECT?

23 A I BELIEVE SO, YES.

24 Q IN BIRMINGHAM?

25 A CORRECT. I WAS WORKING FULL-TIME THERE.

26 Q AND HE WAS LIVING IN NEW JERSEY,

27 CORRECT?

28 A I BELIEVE SO. NEW JERSEY, BUT HIS

49516

1 FAMILY WAS IN CALIFORNIA.

2 Q RIGHT. BUT HE WAS LIVING IN NEW JERSEY,

3 CORRECT?

4 A I BELIEVE SO.

5 Q AND AS YOU UNDERSTOOD IT, HE BEGAN

6 COLLEGE AT PRINCETON UNIVERSITY IN SEPTEMBER OF

7 1987, CORRECT?

8 A THAT WOULD BE CORRECT.

9 Q AND YOU CONTINUED TO LIVE IN BIRMINGHAM?

10 A YES.

11 Q AND DID YOU EVER VISIT HIM IN NEW JERSEY

12 IN THAT FALL SEMESTER OF 1987?

13 A I MAY --

14 MS. NAJERA: OBJECTION. IRRELEVANT.

15 THE COURT: OVERRULED.

16 THE WITNESS: I MAY HAVE BEEN UP THERE ONCE

17 OR TWICE.

18 Q BY MS. ABRAMSON: DID HE COME DOWN TO

19 BIRMINGHAM TO SEE YOU WHILE HE WAS ATTENDING

20 PRINCETON THAT FIRST SEMESTER?

21 A AGAIN, I CAN'T BE SURE.

22 Q AND THEN IN JANUARY OF 1988, WERE YOU  
23 STILL -- WELL, WERE YOU GOING WITH HIM WHILE YOU  
24 WERE LIVING IN BIRMINGHAM AND HE WAS LIVING IN NEW  
25 JERSEY?

26 A YEAH. OBVIOUSLY.

27 Q NOT SO OBVIOUSLY.

28 MS. NAJERA: YOUR HONOR, I'D OBJECT AND ASK

49517

1 THAT THE COMMENTS BY COUNSEL BE STRICKEN.

2 THE COURT: THE REMARK IS STRICKEN.

3 MS. NAJERA: THANK YOU, YOUR HONOR.

4 Q BY MS. ABRAMSON: IN JANUARY OF 1980 YOU  
5 ARE AWARE THAT LYLE MENENDEZ HAD LEFT PRINCETON?

6 A I BELIEVE HE WAS ASKED TO LEAVE  
7 PRINCETON. I'M NOT SURE OF THE EXACT TIME.

8 Q AND WHERE WERE YOU LIVING IN JANUARY OF  
9 1988?

10 A JANUARY --

11 MS. NAJERA: OBJECTION. IRRELEVANT.

12 THE COURT: OVERRULED.

13 THE WITNESS: JANUARY OF 1988 IS WHEN I WENT  
14 BACK ON THE WOMEN'S PROFESSIONAL TENNIS TOUR, AND I

15 WAS TRAVELING, PLAYING TENNIS TOURNAMENTS.

16 Q BY MS. ABRAMSON: AND HOW LONG DID YOU  
17 REMAIN ON THE WOMEN'S PROFESSIONAL TENNIS TOUR?

18 A I WAS ON AND OFF THE TOUR FOR THREE  
19 YEARS, BUT THROUGHOUT MOST OF 1998 (SIC) I WAS  
20 PLAYING FULL TIME.

21 Q MOST OF WHAT YEAR?

22 A 1988.

23 Q AND WHAT IS THE WOMEN'S PROFESSIONAL  
24 TENNIS TOURNAMENT?

25 A IT IS A TOUR OF PROFESSIONAL  
26 TOURNAMENTS.

27 Q IT'S A SERIES OF TOURNAMENTS?

28 A THERE'S TOURNAMENTS ALL OVER THE WORLD,

49518

1 YES.

2 Q AND ALL OVER THE COUNTRY AND ALL OVER  
3 THE WORLD?

4 A YES.

5 MS. NAJERA: OBJECTION. IRRELEVANT.

6 THE COURT: OVERRULED.

7 Q BY MS. ABRAMSON: AND YOU COMPETED IN  
8 HOW MANY OF THOSE TOURNAMENTS IN THE YEAR 1988?

9 MS. NAJERA: OBJECTION. IRRELEVANT.



10 THE COURT: OVERRULED.

11 THE WITNESS: I DON'T KNOW MY EXACT SCHEDULE,  
12 BUT QUITE A FEW TOURNAMENTS.

13 Q BY MS. ABRAMSON: YOU HAD NO OTHER WORK  
14 THAT YEAR?

15 A CORRECT.

16 Q AND DO YOU COMPETE IN THE PROFESSIONAL  
17 TOURNAMENT TO EARN MONEY?

18 A YES. IT WAS A FULL-TIME JOB.

19 Q AND ARE THE TOURNAMENTS ON THAT TOUR  
20 REGULAR IN THE SENSE THAT THERE'S THE SAME  
21 TOURNAMENTS EACH YEAR IN THE SAME PLACES AT THE SAME  
22 TIME OF YEAR?

23 A THERE ARE. I MEAN, THERE'S, YOU KNOW,  
24 YOU CAN PLAY A TOURNAMENT IN ISRAEL, BUT THE NEXT  
25 YEAR YOU COULD PLAY THE EXACT SAME WEEK IN ITALY IF  
26 YOU WANTED TO. IT DEPENDS ON WHICH TOURNAMENTS YOU  
27 ELECT TO PLAY IN.

28 Q BUT THERE'S ONE GOING ON IN ISRAEL THE

49519

1 SAME WEEK BUT, ONE GOING ON IN ITALY?

2 A THERE MAY BE, YEAH.

3 Q WHAT I'M ASKING IS -- LET'S SAY -- IF

4 THERE'S A FEBRUARY TOUR IN ISRAEL IN 1988, IS THAT

5 THE SAME TOURNAMENT -- STRIKE THAT.

6 IF THERE'S A TOURNAMENT IN ISRAEL IN  
7 FEBRUARY OF 1988, IS THERE A TOURNAMENT IN ISRAEL IN  
8 FEBRUARY OF 1989 AND 1990 AND SO ON? ARE THEY SORT  
9 OF SET?

10 A THEY MAY BE. THERE MAY BE A REASON THAT  
11 TOURNAMENTS, YOU KNOW, ARE NOT THERE THE NEXT YEAR,  
12 EVEN THOUGH THEY HAVE BEEN THERE THE YEAR BEFORE.  
13 THEY MAY BE CANCELED OR SOMETHING LIKE THAT.

14 Q ARE SOME OF THEM STANDARD, THE SAME  
15 TOURNAMENT YEAR AFTER YEAR?

16 A WHEN I WAS PLAYING, YOU KNOW, THERE WAS  
17 A LOT OF DIFFERENT TOURS. BUT, YEAH, THERE WERE  
18 SOME.

19 BUT I WOULD HAVE TO SAY I'VE ONLY PLAYED  
20 THOSE TOURNAMENTS ONE YEAR. I COULDN'T VERIFY THEY  
21 WERE THERE THE NEXT YEAR BECAUSE I DON'T KNOW.

22 Q YOU ONLY PLAYED ON THE TOUR FULL-TIME  
23 FOR ONE YEAR?

24 A WELL, THAT CIRCUIT. THE EUROPEAN  
25 CIRCUIT I DID FOR THAT YEAR AND PARTS OF OTHER  
26 YEARS.

27 Q AND '88 WAS THE YEAR YOU PLAYED THE  
28 EUROPEAN CIRCUIT?

1 A I WAS OVER IN EUROPE IN 1988.

2 Q THE WHOLE YEAR?

3 A NO. I PLAYED IN OTHER PARTS OF THE  
4 WORLD AS WELL, THE UNITED STATES AND MEXICO.

5 Q WHAT TOURNAMENTS DID YOU PLAY IN IN THE  
6 FALL OF 1988?

7 A I DON'T REMEMBER AT THIS TIME.

8 Q HOW LONG WOULD THESE TOURNAMENTS LAST  
9 TYPICALLY?

10 A EACH TOURNAMENT IS APPROXIMATELY A WEEK.

11 Q WHAT STATES DID YOU PLAY IN IN  
12 TOURNAMENTS IN THE FALL OF 1988?

13 A LIKE I SAID, I REALLY DON'T KNOW MY --  
14 WHAT MY SCHEDULE WAS IN 1988.

15 Q CAN YOU RECALL A SINGLE TOURNAMENT THAT  
16 YOU PLAYED IN BETWEEN SEPTEMBER 1ST OF 1988 AND  
17 DECEMBER 31ST OF 1988?

18 A NOT HERE IN FRONT OF ME. I MEAN, NOT  
19 RIGHT NOW, NO.

20 Q COULD YOU REMEMBER IT YESTERDAY?

21 A NO. I DON'T KNOW WHAT MY SCHEDULE WAS.  
22 I'M SORRY.

23 Q SO YOU HAVE NO IDEA WHATSOEVER OF ANY  
24 TOURNAMENT THAT YOU PLAYED IN IN THE SECOND HALF OF  
25 1988; IS THAT CORRECT?

26 A I DO KNOW IN THE SUMMER. SPRING WAS  
27 PRETTY MUCH EUROPEAN; SUMMER WAS MEXICO. I DON'T  
28 REMEMBER -- THE FALL WOULD HAVE BEEN A BREAK, YOU

1 KNOW. I MAY HAVE TAKEN A WEEK OR A MONTH OFF. I

2 DON'T REALLY REMEMBER.

3 Q MY QUESTION WAS: YOU HAVE NO

4 RECOLLECTION WHATSOEVER OF ANY TOURNAMENT THAT YOU

5 PLAYED IN BETWEEN SEPTEMBER 1ST, 1988 AND DECEMBER

6 31ST, 1980; IS THAT CORRECT?

7 A NO. I COULD NOT BE EXACT, NO.

8 Q WELL, COULD YOU GUESS?

9 MS. NAJERA: I'D OBJECT, YOUR HONOR.

10 THE COURT: SUSTAINED.

11 Q BY MS. ABRAMSON: DO YOU HAVE SOME IDEA,

12 WHETHER EXACT OR NOT?

13 A THERE MAY HAVE ACTUALLY BEEN A PRO

14 TOURNAMENT IN NEW JERSEY. AND THE REASON I REMEMBER

15 IS BECAUSE I REMEMBER MY FATHER ATTENDED.

16 Q WHEN WAS THAT?

17 A ACTUALLY, PROBABLY AROUND THE U.S. OPEN

18 TIME. IT WAS PROBABLY A TOURNAMENT.

19 Q ISN'T THE U.S. OPEN IN THE SUMMER?

20 A AUGUST AND SEPTEMBER.

21 Q WELL, ALL RIGHT. LET'S FORGET AUGUST

22 AND SEPTEMBER. LET'S TALK ABOUT NOVEMBER AND

23 DECEMBER.

24 ANYTHING THEN THAT YOU REMEMBER?

25 A NO, NOT IN PARTICULAR. IT'S A SLOWER  
26 TIME ON THE CIRCUIT AT THAT TIME SO...

27 Q IS THERE ANYTHING SPECIFICALLY,, OTHER  
28 THAN WHAT YOU'VE TESTIFIED TO HERE, SOMETHING

49522

1 SPECIFICALLY YOU REMEMBER ABOUT NOVEMBER AND  
2 DECEMBER OF 1988?

3 MS. NAJERA: OBJECTION. CALLS FOR A  
4 NARRATIVE AND VAGUE AS TO --

5 THE COURT: OVERRULED.

6 THE WITNESS: I REMEMBER THAT I CAME AND  
7 WATCHED A PLAY OUT HERE CALLED "HURLEY-BURLEY".

8 MS. ABRAMSON: YES. WE'VE HEARD THAT.

9 MS. NAJERA: YOUR HONOR, MAY THE WITNESS  
10 FINISH ANSWERING THE QUESTION?

11 THE COURT: ANYTHING ELSE?

12 THE WITNESS: NO. I REMEMBER THAT.

13 Q BY MS. ABRAMSON: THAT MUST HAVE BEEN A  
14 WONDERFUL PLAY.

15 WAS THIS THE BEST PLAY YOU'D EVER SEEN  
16 IN YOUR LIFE?

17 MS. NAJERA: YOUR HONOR, I WOULD OBJECT.  
18 COUNSEL IS BEING ARGUMENTATIVE.

19 THE COURT: REPHRASE THE QUESTION.  
20 Q BY MS. ABRAMSON: IS THIS THE BEST PLAY  
21 YOU'VE EVER SEEN IN YOUR LIFE?  
22 A I HAPPEN TO BE VERY FOND OF SEVERAL  
23 ACTORS IN THAT PLAY. SO I DO REMEMBER IT.  
24 Q THAT'S ONE YOU REMEMBER. WHAT OTHER  
25 PLAYS DID YOU SEE THAT YEAR?  
26 MS. NAJERA: OBJECTION. IRRELEVANT.  
27 THE COURT: SUSTAINED.  
28 Q BY MS. ABRAMSON: DID YOU EVER SEE ANY

49523

1 OTHER PLAYS?  
2 MS. NAJERA: OBJECTION. IRRELEVANT.  
3 THE COURT: SUSTAINED.  
4 Q BY MS. ABRAMSON: WHAT WAS THE LAST PLAY  
5 YOU SAW BEFORE YOU SAW "HURLEY-BURLEY"?  
6 MS. NAJERA: OBJECTION. IRRELEVANT.  
7 THE COURT: SUSTAINED.  
8 Q BY MS. ABRAMSON: HAD YOU EVER GONE TO  
9 ANOTHER PLAY AT THE WESTWOOD PLAYHOUSE?  
10 A NO, I HADN'T. THAT WAS MY FIRST.  
11 Q WAS IT ALSO YOUR LAST?  
12 A NO. I HAVE BEEN THERE AFTERWARDS.  
13 Q SO YOU CAN NOT REMEMBER ANY OTHER THINGS

14 THAT YOU DID DURING THE MONTHS OF NOVEMBER AND  
15 DECEMBER 1988 OTHER THAN WHAT YOU'VE TESTIFIED TO IN  
16 THIS COURT?

17 A NOT RIGHT NOW, NO.

18 Q WHERE DID YOU SPEND THANKSGIVING OF  
19 1980?

20 A I'M ASSUMING AT HOME. BUT I CAN'T  
21 REMEMBER. AGAIN, I WAS TRAVELING A LOT. I KNOW I  
22 SPENT CHRISTMAS AT HOME. BUT I DO NOT RECALL  
23 THANKSGIVING.

24 Q AND WHERE WAS HOME AT THAT TIME?

25 A PENNSYLVANIA.

26 Q AND WHOSE HOME -- WHEN YOU REFER TO HOME,  
27 WHICH PARENT'S HOME ARE YOU REFERRING TO?

28 A BOTH.

49524

1 Q THEY BOTH LIVE IN THE SAME CITY?

2 A WITHIN ABOUT AN HOUR OF EACH OTHER, YES.

3 Q AND THAT'S IN PENNSYLVANIA?

4 A YES, CORRECT.

5 Q SO YOU REMEMBER THAT CHRISTMAS OF '88  
6 YOU WERE IN PENNSYLVANIA, CORRECT?

7 A I'M ALWAYS AT HOME AT CHRISTMAS TIME.

8 Q BUT YOU HAVE NO RECOLLECTION OF WHERE

9 YOU WERE THANKSGIVING OF '88?

10 A I DON'T ALWAYS SPEND THAT THANKSGIVING  
11 AT HOME.

12 Q I'M NOT ASKING ABOUT ALWAYS. I'M ASKING  
13 ABOUT 1988?

14 A NO, I DON'T RECALL.

-16011

1 Q. BY MS. ABRAMSON: NOW, YOU SAID THAT DURING  
2 THE TIME YOU WERE HERE -- WELL, FIRST OF ALL, WHEN WAS  
3 THE FIRST TIME YOU EVER CAME TO CALIFORNIA IN YOUR LIFE?

4 MS. NAJERA: OBJECTION. IRRELEVANT.

5 THE COURT: OVERRULED.

6 YOU MAY ANSWER THE QUESTION.

7 THE WITNESS: I CAME OUT HERE IN COLLEGE,  
8 ACTUALLY, TO PLAY IN A TENNIS TOURNAMENT.

9 Q. AND WHAT YEAR WAS THAT?

10 A. PROBABLY 1984 OR '85.

11 Q. AND WHAT TENNIS TOURNAMENT WAS THAT THAT  
12 YOU CAME TO PLAY?

13 A. IT WAS JUST A COLLEGE MATCH.

14 Q. WITH WHOM?

15 A. IT WAS A -- AGAINST U.C.L.A. IT WAS A  
16 TOURNAMENT THEY WERE HAVING.

17 Q. AND WHAT COLLEGE WERE YOU IN AT THE TIME?

18 A. UNIVERSITY OF NEBRASKA.

19 Q. SO YOU REMEMBER -- WHEN WAS THAT?

20 A. LIKE I SAID, 1984, '85. I DON'T RECALL



21 EXACTLY WHAT YEAR.

22 Q. WHAT TIME OF YEAR?

23 A. WE PLAY TENNIS ALL YEAR 'ROUND, BUT -- I

24 DON'T KNOW.

25 Q. WELL, WAS IT SNOWING IN NEBRASKA WHEN YOU

26 PLAYED THIS TOURNAMENT?

27 A. I DON'T RECALL.

28 Q. SNOWS A LOT IN NEBRASKA IN THE WINTER, DOES

-16010

1 IT NOT?

2 MS. NAJERA: OBJECTION. IRRELEVANT.

3 THE COURT: WELL, IT IS IRRELEVANT.

4 LET'S TAKE A RECESS AND RESUME AT 3:30.

5 (THE JURY EXITED THE COURTROOM

6 AND THE FOLLOWING PROCEEDINGS

7 WERE HELD:)

8

9 THE COURT: HOW MUCH LONGER IS YOUR CROSS GOING

10 TO BE?

11 MS. ABRAMSON: AN HOUR.

12 THE COURT: WHAT IS THE ARRANGEMENT WITH

13 DR. DIETZ?

14 MR. CONN: HE IS GOING TO BE HERE AT 4:30.

15 MS. ABRAMSON: HE IS SUPPOSED TO BE HERE AT 4:30

16 FOR ME TO CONDUCT THE INTERVIEW.

17 THE COURT: OKAY. WE WILL BE IN RECESS.

18 MS. ABRAMSON: THANK YOU, YOUR HONOR.

19 (A RECESS WAS TAKEN FROM  
20 3:15 P.M. TO 3:30 P.M.)

21

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

23 MS. ABRAMSON: YOUR HONOR, BEFORE THE JURY COMES

24 IN, I WOULD LIKE TO TELL YOU WHAT I HAVE JUST BEEN TOLD.

25 I JUST GOT AN EMERGENCY CALL. APPARENTLY

26 JUDGE REAL HAS ORDERED ME INTO HIS COURTROOM WEDNESDAY

27 AT 4:00 O'CLOCK.

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

-16009

1 MS. ABRAMSON: DO WHAT YOU WILL.

2 (THE JURY ENTERS THE COURTROOM AND

3 THE FOLLOWING PROCEEDINGS WERE

4 HELD:)

5

6 THE COURT: OKAY. THE JURY IS BACK, AND WE WILL

7 NOW RESUME WITH THE CROSS-EXAMINATION.

8 Q. BY MS. ABRAMSON: MS. PISARCIK, WHEN YOU

9 CAME TO CALIFORNIA FOR THE FIRST TIME IN 1984, 1985, IS

10 IT YOUR TESTIMONY THAT YOU DON'T RECALL WHAT TIME OF

11 YEAR IT WAS?

12 A. NO, I DO NOT.

13 Q. WAS IT DURING THE SCHOOL YEAR OR DURING A  
14 BREAK?

15 MS. NAJERA: I AM GOING TO OBJECT AS IRRELEVANT.

16 THE COURT: SUSTAINED.

17 Q. BY MS. ABRAMSON: DO YOU KNOW IF IT WAS IN  
18 THE SUMMER OR NOT?

19 MS. NAJERA: OBJECTION. IRRELEVANT.

20 THE COURT: SUSTAINED.

21 Q. BY MS. ABRAMSON: HOW MANY TIMES HAD YOU  
22 BEEN TO CALIFORNIA BETWEEN 1984 AND 1988?

23 MS. NAJERA: OBJECTION. IRRELEVANT.

24 THE COURT: YOU CAN ANSWER THE QUESTION.

25 THE WITNESS: I DON'T REMEMBER. IT'S BEEN -- YOU  
26 KNOW -- TEN YEARS AGO. WITHOUT RECORDS IN FRONT OF ME,  
27 I REALLY CAN'T ANSWER THAT QUESTION.

28 Q. BY MS. ABRAMSON: WELL, WERE YOU IN

-16008

1 CALIFORNIA BETWEEN 1984 AND 1988?

2 A. YES.

3 Q. AND FOR WHAT PURPOSES?

4 MS. NAJERA: OBJECTION. IRRELEVANT.

5 THE COURT: SUSTAINED.

6 MS. ABRAMSON: WELL, YOUR HONOR, I CAN MAKE AN  
7 OFFER.

8 THE COURT: OKAY. WELL, WE'LL SEE YOU AT SIDE

9 BAR AND YOU CAN DO THAT.

10 (THE FOLLOWING PROCEEDINGS WERE  
11 HELD OUT OF THE PRESENCE OF THE  
12 JURY:)

13

14 THE COURT: YES.

15 MS. ABRAMSON: IN THE MOST RECENT STATEMENT THAT  
16 THIS WITNESS HAS GIVEN ON THIS PARTICULAR SUBJECT  
17 MATTER, SHE CLAIMS THAT THE REASON SHE WAS CONFUSED IN  
18 HER PREVIOUS TESTIMONY IN BELIEVING THAT SHE WAS HERE IN  
19 THE SPRING OR SUMMER IS BECAUSE THE WEATHER IN  
20 CALIFORNIA IS SO DIFFERENT THAN THE WEATHER AT HOME, AND  
21 SHE JUST ASSOCIATES BALMY WEATHER WITH SPRING OR SUMMER.

22 I THINK I SHOULD BE ABLE TO SHOW THAT SHE  
23 WAS WELL-FAMILIAR WITH THE CLIMATE OF CALIFORNIA BEFORE  
24 1988, HAVING BEEN HERE MANY TIMES PREVIOUS, AND  
25 THAT'S --

26 THE COURT: WELL, THAT CAN BE DONE IN ONE OR TWO  
27 QUESTIONS, BUT TO GO INTO AN INQUIRY OF FOR SEVERAL  
28 YEARS WHAT SHE DID AND WHO SHE SAW AND THINGS SHE DID --

-16007

1 MS. ABRAMSON: I WASN'T DOING THAT. I ASKED HER  
2 WHEN SHE WAS HERE BETWEEN '84 AND '88.

3 THE COURT: OKAY. EVEN THAT, THE SPECIFIC DATES,  
4 IT JUST BECOMES A TEST OF MEMORY OF EARLIER YEARS, AND I

5 DON'T THINK IT'S RELEVANT. SO IF YOU CAN JUST PIN IT  
6 DOWN.

7 MS. ABRAMSON: IF SHE WAS EVER HERE DURING THE  
8 WINTER.

9 THE COURT: ASK HER THAT SO WE DON'T GET INTO  
10 THIS OTHER STUFF. IT JUST BOGS US DOWN.

11 MS. NAJERA: MAY I INQUIRE OF COUNSEL IF THERE  
12 ARE ANY EXHIBITS THAT WE SHOULD KNOW ABOUT?

13 MS. ABRAMSON: I THINK YOU SHOULD KNOW ABOUT ALL  
14 OF THEM.

15 MS. NAJERA: DO YOU HAVE ANY NEW ONES THAT YOU  
16 MIGHT WANT TO SHOW US?

17 MS. ABRAMSON: NO. NO, NOT YET. NOT WITH THIS  
18 WITNESS.

19 MS. NAJERA: JUST CHECKING.

20 (THE FOLLOWING PROCEEDINGS WERE  
21 HELD IN OPEN COURT IN THE PRESENCE  
22 OF THE JURY:)

23

24 THE COURT: ALL RIGHT.

25 Q. BY MS. ABRAMSON: DO YOU HAVE AN ESTIMATE,  
26 MS. PISARCIK, OF HOW MANY TIMES YOU WERE IN THE STATE OF  
27 CALIFORNIA BETWEEN 1984 AND 1988?

28 A. NO, I DO NOT.

1 Q. HOW MANY TIMES WERE YOU IN SOUTHERN  
2 CALIFORNIA IN THAT TIME PERIOD?

3 A. LIKE I SAID, I REALLY CAN'T ANSWER THAT  
4 QUESTION.

5 Q. MORE THAN ONCE?

6 MS. NAJERA: I AM GOING TO OBJECT.

7 THE COURT: OVERRULED.

8 YOU MAY ANSWER THE QUESTION.

9 THE WITNESS: I DON'T KNOW.

10 Q. BY MS. ABRAMSON: YOU HAVE NO IDEA IF YOU  
11 WERE EVER HERE THEN BETWEEN '84 AND '88; IS THAT WHAT  
12 YOU'RE SAYING?

13 A. NO. I DO KNOW I WAS HERE.

14 Q. WHEN DO YOU KNOW YOU WERE HERE?

15 A. I VISITED THE MENENDEZ FAMILY IN THEIR  
16 CALABASAS CONDO. I MEAN, THAT'S SEVERAL OCCASIONS. BUT  
17 LIKE I SAID, I CAN'T BE ACCURATE WITH THAT.

18 Q. LET'S FOCUS ON THAT.

19 YOU VISITED THE MENENDEZ FAMILY WHEN THEY  
20 WERE LIVING IN AN APARTMENT IN CALABASAS?

21 A. THEY HAD A HOUSE THERE -- NOT THEIR  
22 CALABASAS HOUSE THAT THEY WERE BUILDING, BUT THEY HAD --  
23 I DON'T BELIEVE THEY OWNED IT. I BELIEVE THEY JUST  
24 RENTED IT.

25 Q. YOU CALLED IT A CONDO.

26 IS THAT WHAT YOU THOUGHT IT WAS?

27 A. IT WAS CLOSE QUARTERS. I DON'T KNOW IF IT  
28 WAS A CONDO ASSOCIATION OR IF IT WAS ACTUALLY A HOME. I

1 DON'T RECALL.

2 Q. IS THAT THE HOUSE THAT WAS ON PARK LIVORNO  
3 STREET?

4 A. YES, THAT'S CORRECT.

5 Q. AND HOW MANY TIMES DID YOU VISIT THERE?

6 A. I DON'T KNOW.

7 Q. MORE THAN THREE?

8 A. I CAN'T BE ACCURATE WITH THAT INFORMATION.

9 I CANNOT BE ACCURATE WITH THAT INFORMATION.

10 Q. SO YOU DON'T KNOW HOW MANY TIMES YOU  
11 VISITED THERE?

12 A. NO.

13 Q. DO YOU KNOW IF YOU EVER VISITED THERE IN  
14 THE WINTER?

15 A. I DON'T KNOW. AGAIN, THE WEATHER IS PRETTY  
16 NICE OUT HERE YEAR-ROUND, SO I CAN'T BE SPECIFIC.

17 Q. WELL, YOU ACTUALLY LIVED HERE FOR SOME  
18 TIME, DID YOU NOT?

19 A. I HAVE LIVED HERE IN THE STATE OF  
20 CALIFORNIA SINCE 1989.

21 Q. AND YOU LIVED HERE IN THE STATE OF  
22 CALIFORNIA WITH LYLE MENENDEZ FOR SOME PERIOD OF TIME,  
23 DID YOU NOT?

24 MS. NAJERA: OBJECTION. IRRELEVANT.

25 THE COURT: OVERRULED.

26 THE WITNESS: AFTER HIS PARENTS DIED, YES.  
27 Q. BY MS. ABRAMSON: HAD YOU EVER LIVED HERE  
28 IN CALIFORNIA BEFORE HIS PARENTS DIED?

-16004

1 A. NOT PERMANENTLY. YOU KNOW, JUST VISITING.  
2 Q. YOU VISITED FRIENDS HERE?  
3 A. WELL, YES, AND THE MENENDEZ FAMILY.  
4 Q. OTHER FRIENDS AS WELL?  
5 A. I DON'T RECALL.  
6 Q. NOW, APART FROM VISITING THE MENENDEZ  
7 FAMILY WHEN THEY LIVED IN CALABASAS, HOW MANY TIMES DID  
8 YOU VISIT THEM WHEN THEY LIVED IN BEVERLY HILLS?  
9 A. I DON'T REMEMBER.  
10 Q. MORE THAN ONCE?  
11 A. AGAIN, I CAN'T BE ACCURATE WITH THAT  
12 INFORMATION.  
13 Q. YOU DON'T KNOW?  
14 A. NO, I DON'T REMEMBER.  
15 Q. AND THEN IN 1989 YOU STARTED LIVING HERE,  
16 AND YOU HAVE LIVED HERE CONTINUOUSLY SINCE?  
17 A. YES, THAT WOULD BE CORRECT.  
18 Q. AND WHEN YOU STARTED LIVING HERE IN 1989,  
19 YOU STARTED LIVING AT THE MARINA CITY CLUB WITH LYLE  
20 MENENDEZ, CORRECT?  
21 A. YES, MA'AM.



22 Q. AND WHO LIVED RIGHT NEXT DOOR TO YOU AND  
23 LYLE MENENDEZ WHEN YOU LIVED AT THE MARINA CITY CLUB?  
24 A. ERIK.  
25 Q. AND WAS HE LIVING RIGHT NEXT DOOR WITH A  
26 ROOMMATE NAMED NOEL NEDLI?  
27 MS. NAJERA: OBJECTION. IRRELEVANT.  
28 THE COURT: OVERRULED. YOU CAN ANSWER THE

-16003

1 QUESTION.  
2 THE WITNESS: YES.  
3 Q. BY MS. ABRAMSON: WERE YOU PERMITTED IN  
4 ERIK MENENDEZ' APARTMENT AT THE MARINA CITY CLUB?  
5 MS. NAJERA: OBJECTION. IRRELEVANT.  
6 THE COURT: SUSTAINED.  
7 Q. BY MS. ABRAMSON: WERE YOU EVER IN ERIK  
8 MENENDEZ' APARTMENT AT THE MARINA CITY CLUB?  
9 MS. NAJERA: OBJECTION. IRRELEVANT.  
10 THE COURT: SUSTAINED.  
11 MS. ABRAMSON: WELL, YOUR HONOR, I WOULD MAKE AN  
12 OFFER ON THIS AS WELL.  
13 THE COURT: OKAY. IF YOU CAN GO ON TO SOMETHING  
14 ELSE SO WE DON'T HAVE TO BREAK UP THE EXAMINATION, THAT  
15 WOULD BE A HELP.  
16 Q. BY MS. ABRAMSON: DID YOU EVER TALK TO ERIK  
17 MENENDEZ DURING THE TIME THAT YOU WERE LIVING NEXT DOOR

18 TO HIM AT THE MARINA CITY CLUB?

19 MS. NAJERA: OBJECTION. IRRELEVANT.

20 THE COURT: OVERRULED.

21 YOU CAN ANSWER THE QUESTION.

22 THE WITNESS: I LIVED AT THE MARINA CITY CLUB FOR

23 ABOUT A MONTH AND A HALF. SO, I MEAN, YEAH, THERE WERE

24 OCCASIONS. I DIDN'T LIVE THERE FOR A LONG TIME.

25 Q. BY MS. ABRAMSON: BUT YOU DID TALK TO ERIK

26 MENENDEZ WHILE YOU LIVED THERE?

27 A. OF COURSE.

28 Q. AND OF COURSE HE TALKED TO YOU?

-16002

1 A. YES.

2 Q. AND WHAT MONTH AND A HALF WAS IT THAT YOU

3 LIVED AT THE MARINA CITY CLUB?

4 A. DECEMBER AND JANUARY.

5 Q. DECEMBER '89 AND JANUARY '90?

6 A. YEAH. I MOVED OUT SOMETIME IN JANUARY, I

7 BELIEVE.

8 Q. AND AFTER YOU MOVED OUT IN JANUARY, DID YOU

9 STILL SEE LYLE MENENDEZ?

10 MS. NAJERA: OBJECTION. IRRELEVANT.

11 THE COURT: OVERRULED.

12 YOU CAN ANSWER THE QUESTION.

13 THE WITNESS: YEAH -- YES.

14 Q. BY MS. ABRAMSON: AND DID YOU STILL SEE  
15 ERIK MENENDEZ FROM TIME TO TIME?  
16 MS. NAJERA: OBJECTION. IRRELEVANT.  
17 THE COURT: YOU CAN ANSWER THE QUESTION.  
18 THE WITNESS: NOT THAT MUCH, NO.  
19 Q. BY MS. ABRAMSON: BUT YOU SAW HIM?  
20 A. I DON'T RECALL.  
21 Q. AND IN MARCH BOTH ERIK AND LYLE MENENDEZ  
22 WERE PLACED IN CUSTODY?  
23 A. IN 1990, YES.  
24 Q. AND WERE THERE OCCASIONS WHEN YOU VISITED  
25 LYLE MENENDEZ IN THE JAIL THAT YOU ALSO SAW ERIK  
26 MENENDEZ?  
27 A. WELL, ERIK WAS SEPARATED FROM LYLE FOR A  
28 GOOD PART OF THAT TIME. MY -- OBVIOUSLY MY MAIN PERSON

-16001

1 THERE TO SEE WAS LYLE.  
2 MS. ABRAMSON: I MOVE TO STRIKE THE ANSWER, YOUR  
3 HONOR, AS NOT RESPONSIVE.  
4 THE COURT: SUSTAINED.  
5 THE ANSWER IS STRICKEN.  
6 Q. BY MS. ABRAMSON: DID YOU EVER SEE ERIK  
7 MENENDEZ WHILE YOU WERE VISITING THE JAIL?  
8 A. MAYBE A FEW TIMES.  
9 Q. NOW, I THOUGHT YOU TESTIFIED HERE ON DIRECT

10 EXAMINATION THAT YOU BELIEVED THAT YOU WERE HERE FOR THE

11 CHRISTMAS HOLIDAYS OF 1988.

12 WAS THAT YOUR TESTIMONY?

13 A. I SAID AROUND -- LIKE THE MONTH OF

14 DECEMBER, AROUND THE HOLIDAYS. I DID NOT SAY CHRISTMAS

15 SPECIFICALLY.

16 Q. SO IT'S YOUR TESTIMONY NOW THAT CHRISTMAS

17 SPECIFICALLY, JANUARY 25TH (SIC), YOU WERE IN

18 PITTSBURGH?

19 THE COURT: DECEMBER 25.

20 MS. ABRAMSON: I AM SORRY.

21 Q. DECEMBER 25TH?

22 A. I DON'T -- I BELIEVE I WAS.

23 Q. WELL, ARE YOU NOT SURE ABOUT THAT?

24 A. NO. I'M PRETTY SURE THAT I WAS HOME AT

25 CHRISTMAS TIME.

26 Q. PRETTY SURE?

27 A. I'VE BEEN HOME -- I'VE ONLY MISSED ONE

28 CHRISTMAS AT HOME, SO --

-16000

1 Q. WHAT YEAR WAS THAT?

2 A. A LONG TIME AGO.

3 Q. DO YOU KNOW WHERE YOU WERE CHRISTMAS EVE?

4 A. OF WHAT YEAR NOW ARE YOU ASKING?

5 Q. '88?

6 A. I BELIEVE SO, YES.

7 Q. WHERE WERE YOU CHRISTMAS EVE?

8 A. I BELIEVE I WAS AT HOME.

9 Q. AND THE DAY BEFORE THAT, DECEMBER 23RD?

10 A. I DON'T REMEMBER EXACTLY WHEN I ARRIVED  
11 HOME.

12 Q. AND WHEN YOU ARRIVED HOME, WERE YOU  
13 ARRIVING HOME FROM CALIFORNIA?

14 A. I DON'T RECALL.

15 Q. SO YOU DON'T REMEMBER EVEN HOW YOU GOT HOME  
16 THAT YEAR; IS THAT FAIR TO SAY?

17 A. I DON'T UNDERSTAND WHAT YOU'RE ASKING, HOW  
18 I GOT HOME. PLANE, TRAIN, BUS. IS THAT WHAT YOU'RE  
19 ASKING?

20 Q. PLANE, TRAIN, BUS, ALONE, WITH SOMEONE?

21 A. NO, I DON'T RECALL.

22 Q. AND IS IT YOUR BELIEF THAT YOU WERE IN  
23 CALIFORNIA BEFORE YOU WENT HOME, JUST BEFORE YOU WENT  
24 HOME TO PITTSBURGH FOR CHRISTMAS?

25 A. YES.

26 Q. AND YOUR FIRST MEMORY OF BEING AT HOME WAS  
27 CHRISTMAS EVE, CORRECT?

28 MS. NAJERA: I AM GOING TO OBJECT. MISSTATES HER

2 THE COURT: SUSTAINED.

3 Q. BY MS. ABRAMSON: IS YOUR FIRST MEMORY OF  
4 BEING HOME THAT YEAR AROUND THE CHRISTMAS HOLIDAYS THAT  
5 YOU WERE HOME CHRISTMAS EVE?

6 A. NO.

7 Q. WHEN DO YOU THINK WAS THE FIRST DAY YOU  
8 WERE HOME?

9 A. I DON'T REMEMBER.

10 Q. IS IT YOUR BELIEF, MS. PISARCIK, THAT YOU  
11 WERE IN CALIFORNIA THE WEEK BEFORE CHRISTMAS?

12 A. I DON'T -- AGAIN, I BELIEVE IT WAS SOMETIME  
13 IN DECEMBER. I DON'T KNOW IF IT WAS THE WEEK BEFORE. I  
14 DON'T KNOW IF IT WAS DECEMBER 1ST.

15 Q. COULD HAVE BEEN DECEMBER 1ST; IS THAT WHAT  
16 YOU'RE SAYING?

17 A. YEAH. I WAS -- YOU KNOW, CHRISTMAS TO ME  
18 USUALLY STARTS AROUND THANKSGIVING -- CHRISTMAS  
19 HOLIDAYS. PEOPLE START GETTING EXCITED ABOUT CHRISTMAS,  
20 SO --

21 Q. SO YOU CALL THANKSGIVING CHRISTMAS?

22 A. NO, I DID NOT SAY THAT, BUT THAT'S AROUND  
23 WHEN THE HOLIDAYS ARE.

24 Q. BUT YOU SAID IT WAS THE CHRISTMAS HOLIDAYS,  
25 DID YOU NOT?

26 A. I DON'T REMEMBER IF I SAID HOLIDAYS OR  
27 CHRISTMAS HOLIDAYS.

28 Q. AND YOU SAID YOU STAYED ONE WEEK; IS THAT

1 CORRECT?

2 A. I DON'T -- I CAN'T BE EXACT, BUT

3 APPROXIMATELY. I USUALLY CAME OUT HERE FOR -- YOU KNOW,

4 AN EXTENDED PERIOD OF TIME, NOT JUST A DAY OR TWO DAYS.

5 Q. WELL, ARE YOU SAYING NOW THAT YOU DON'T

6 KNOW IF IT WAS A WEEK, OR ARE YOU SAYING IT WAS A WEEK?

7 A. IT COULD HAVE BEEN A WEEK.

8 Q. IT COULD HAVE BEEN A MONTH?

9 A. PROBABLY NOT.

10 Q. TWO WEEKS?

11 A. IT COULD HAVE BEEN TWO WEEKS ALSO.

12 Q. FOUR DAYS?

13 A. I DON'T KNOW.

14 Q. A LONG WEEKEND?

15 A. NO, I DON'T KNOW.

16 Q. SO THEN, YOU CAN'T SAY NO, YOU SAY YOU

17 DON'T KNOW?

18 A. YEAH. I CAN'T BE EXACT WITH THAT. I AM

19 SORRY, MS. ABRAMSON.

20 Q. NOW, WHAT YOU TOLD THE PROSECUTION IN YOUR

21 MOST RECENT INTERVIEW DATED OCTOBER 26, 19 -- WELL,

22 STRIKE THAT.

23 YOUR INTERVIEW ON OCTOBER 12TH, 1995 WAS

24 THAT YOU MUST HAVE BEEN HERE BEFORE CHRISTMAS, BECAUSE

25 YOU WENT CHRISTMAS SHOPPING WITH MRS. MENENDEZ.

26 DO YOU REMEMBER TELLING THEM THAT?

27 A. I DO.

28 Q. AND DO YOU THINK MRS. MENENDEZ WAS DOING

-15997

1 HER CHRISTMAS SHOPPING DECEMBER 1ST?

2 MS. NAJERA: OBJECTION -- WITHDRAWN.

3 THE COURT: YOUR MAY ANSWER.

4 THE WITNESS: OH, I'M SORRY.

5 POSSIBLY. I DON'T KNOW.

6 Q. BY MS. ABRAMSON: WHAT CHRISTMAS SHOPPING  
7 DID YOU DO WITH MRS. MENENDEZ?

8 A. WELL, AS I SAID, WE HAD LUNCH AT CAFE  
9 RODEO --

10 MS. ABRAMSON: YOUR HONOR, MOVE TO STRIKE AS  
11 NONRESPONSIVE.

12 THE COURT: SUSTAINED.

13 Q. BY MS. ABRAMSON: LET'S TALK ABOUT  
14 SHOPPING, OKAY?

15 WHEN YOU TOLD DETECTIVE ZOELLER AND  
16 MS. NAJERA ON OCTOBER 12TH THAT YOU WENT CHRISTMAS  
17 SHOPPING, WHAT SHOPPING WERE YOU THINKING OF?

18 A. WELL, WE SHOPPED ALL UP AND DOWN RODEO  
19 DRIVE. WE LOOKED IN ALL THE SHOPS, YOU KNOW, THAT TYPE  
20 OF THING.

21 Q. AND WHAT DID MRS. MENENDEZ BUY ON RODEO  
22 DRIVE?



23 A. I DON'T RECALL.

24 Q. DID SHE BUY ANYTHING?

25 A. I DON'T KNOW. I DO REMEMBER WE HAD SOME

26 BAGS, BUT I CAN'T -- YOU KNOW, BE SPECIFIC AS TO EXACTLY

27 WHAT EVERYTHING WAS.

28 Q. WELL, DO YOU RECALL WHAT ANYTHING WAS?

-15996

1 A. NO. I DO REMEMBER THE LUNCH, THOUGH. AS I

2 STATED, WE HAD LUNCH THAT SAME DAY.

3 Q. WHY DON'T WE FOCUS ON THE SHOPPING AGAIN

4 FOR A MOMENT?

5 A. OKAY.

6 Q. DO YOU REMEMBER WHETHER OR NOT THE STREETS

7 WERE DECORATED?

8 A. I DON'T, YOU KNOW, SPECIFICALLY REMEMBER

9 ANY DECORATIONS, BUT THEY COULD HAVE VERY WELL BEEN.

10 Q. WELL, YOU'VE LIVED HERE NOW LONG ENOUGH TO

11 KNOW THAT BEVERLY HILLS DECORATES FOR CHRISTMAS, DON'T

12 THEY?

13 A. I DON'T FREQUENT THAT AREA.

14 Q. SO YOU DON'T KNOW?

15 A. NO, I DON'T.

16 Q. AND IS IT YOUR TESTIMONY THAT IN SPITE OF

17 THE FACT THAT YOUR FULL-TIME EMPLOYMENT WAS THE

18 PROFESSIONAL TENNIS CIRCUIT, YOU DIDN'T PLAY ANY TENNIS

19 THE ENTIRE MONTH OF DECEMBER?

20 MS. NAJERA: OBJECTION. MISSTATES THE TESTIMONY.

21 THE COURT: REPHRASE THE QUESTION, PLEASE.

22 Q. BY MS. ABRAMSON: DID YOU PLAY ANY TENNIS

23 THE ENTIRE MONTH OF DECEMBER 1988?

24 A. I WAS ALWAYS PLAYING TENNIS, WHETHER IT BE

25 IN A TOURNAMENT OR PRACTICING. I CAN'T ANSWER THAT

26 QUESTION.

27 Q. MY QUESTION HAS TO DO WITH TOURNAMENTS.

28 DO YOU KNOW IF YOU WENT AN ENTIRE MONTH

-15995

1 WITHOUT PARTICIPATING IN A TOURNAMENT?

2 A. I DON'T RECALL.

3 Q. WOULD THAT HAVE BEEN UNUSUAL?

4 A. NO. LIKE I STATED BEFORE, IT'S A PRETTY

5 SLOW TIME OF THE YEAR ANYWAY.

6 Q. WHAT WAS THE LAST YEAR THAT YOU WERE

7 EMPLOYED ON THE PROFESSIONAL WOMEN'S TOURNAMENT TOUR?

8 A. IT WOULD HAVE BEEN 1989. I PLAYED -- MY

9 LAST CIRCUIT WAS OVER IN ISRAEL. I WAS THERE FOR

10 APPROXIMATELY A MONTH.

11 Q. AND WHAT MONTH WAS THAT?

12 A. I BELIEVE IT WAS RIGHT BEFORE I MOVED HERE.

13 OCTOBER, NOVEMBER -- PROBABLY MAINLY OCTOBER.

14 Q. SO YOU REMEMBER THAT OCTOBER 1989 YOU

15 PLAYED IN ISRAEL?

16 A. YES, I DO REMEMBER THAT.

17 Q. DID YOU PLAY IN ISRAEL IN OCTOBER OF 1988?

18 MS. NAJERA: OBJECTION. IRRELEVANT.

19 THE COURT: OVERRULED.

20 THE WITNESS: THAT WAS MY FIRST TIME TO ISRAEL.

21 Q. BY MS. ABRAMSON: WHAT WAS?

22 A. IN 1989.

23 Q. DO YOU REMEMBER PLAYING ANYWHERE IN OCTOBER  
24 OF 1988?

25 A. NO. AGAIN, WITHOUT LOOKING AT A CALENDAR,  
26 I CAN'T REMEMBER THAT.

27 Q. DO YOU REMEMBER PLAYING ANYWHERE IN  
28 NOVEMBER OF 1988?

-15994

1 A. NO.

2 Q. DO YOU REMEMBER PLAYING ANYWHERE IN JANUARY  
3 OF 1989?

4 A. NO, I DON'T.

5 Q. SO WAS YOUR BEST ESTIMATION TODAY OF WHAT  
6 WEEK -- WELL, STRIKE THAT.

7 WHAT IS YOUR BEST ESTIMATE OF WHAT DAYS YOU  
8 WERE HERE IN CALIFORNIA FOR THIS TRIP DURING WHICH YOU  
9 SAY YOU SAW "HURLEY-BURLEY" AND WENT CHRISTMAS SHOPPING  
10 WITH MRS. MENENDEZ?

11 A. WELL, I -- YOU KNOW, THE INFORMATION ABOUT  
12 "HURLEY-BURLEY" STATED THAT IT RAN FROM --  
13 Q. WELL, I AM NOT ASKING YOU WHAT THE  
14 INFORMATION STATED. I AM ASKING YOU FOR YOUR MEMORY.  
15 WHAT IS YOUR MEMORY? GIVE US A DATE, IF  
16 YOU CAN.  
17 A. I CANNOT.  
18 Q. HOW DID YOU GET HERE --  
19 MS. NAJERA: OBJECTION, VAGUE AS TO --  
20 Q. BY MS. ABRAMSON: -- THAT TRIP?  
21 MS. NAJERA: -- TIME.  
22 THE COURT: OVERRULED.  
23 YOU MAY ANSWER THE QUESTION.  
24 THE WITNESS: I DON'T REMEMBER.  
25 Q. BY MS. ABRAMSON: WHERE DID YOU COME FROM?  
26 A. I DON'T REMEMBER.  
27 Q. WHO DID YOU COME WITH?  
28 A. I DON'T REMEMBER.

-15993

1 Q. WHO PAID FOR THE TRIP?  
2 A. I DON'T REMEMBER.  
3 Q. WHEN YOU LEFT, WHERE DID YOU LEAVE TO?  
4 A. I DON'T KNOW EXACTLY. ALL I DID SAY BEFORE  
5 WAS THAT I WAS HOME AT CHRISTMAS. I DON'T KNOW IF  
6 THAT'S EXACTLY WHERE I WENT AFTER CALIFORNIA OR NOT.

7 Q. DO YOU THINK IT WAS?

8 A. I DON'T KNOW.

9 Q. WAS THE MENENDEZ HOUSE DECORATED WHEN YOU  
10 CAME?

11 A. DECORATED, YOU MEAN WITH CHRISTMAS  
12 DECLARATIONS, OR DO YOU MEAN LIKE DECORATED AS IN THE  
13 HOUSE, INTERIOR?

14 Q. AS IN CHRISTMAS.

15 A. I DON'T -- ACTUALLY, I BELIEVE IT WAS  
16 DECORATED.

17 Q. RATHER ELABORATELY, WASN'T IT?

18 A. AGAIN, I DON'T RECALL.

19 Q. WAS THERE A TREE?

20 A. YES.

21 Q. WAS THERE A GARLAND LEADING UP THE MAIN  
22 STAIRCASE?

23 A. THERE COULD HAVE BEEN.

24 Q. WERE THERE ARRANGEMENTS OF CHRISTMAS  
25 DECORATIONS LIKE FLORAL AND CANDLE ARRANGEMENTS?

26 A. I DON'T KNOW.

27 Q. DID ANYONE EXPLAIN TO YOU WHY THE HOUSE WAS  
28 DECORATED?

-15992

1 A. EXPLAIN?

2 Q. YES.

3 A. NOT THAT I REMEMBER.

4 Q. WERE YOU AWARE THAT THERE WAS A VERY  
5 ELABORATE CHRISTMAS PARTY THAT YEAR?

6 A. I DON'T RECALL.

7 Q. WERE YOU AT THE PARTY?

8 A. I WAS AT A PARTY AT THE MENENDEZ HOUSE,  
9 YES.

10 Q. THAT YEAR?

11 A. I DON'T RECALL IF IT WAS THAT -- THAT WAS  
12 REALLY THE ONLY YEAR, SO IT'S POSSIBLE.

13 Q. THAT'S THE ONLY YEAR YOU WERE AT THAT  
14 HOUSE, CORRECT?

15 A. WELL --

16 Q. UNTIL AFTER THE PARENTS DIED?

17 A. SINCE THEY MOVED IN IN 1988, THAT REALLY  
18 WOULD HAVE BEEN THE ONLY YEAR I COULD HAVE BEEN THERE.

19 Q. DID YOU GO TO A CHRISTMAS PARTY AT THE  
20 MENENDEZ HOME THAT YEAR?

21 A. IT'S POSSIBLE.

22 Q. WELL, IS IT -- I'M NOT ASKING YOU TO GUESS.

23 A. I DO REMEMBER A PARTY AT THE MENENDEZ  
24 HOUSE. SO YEAH, PROBABLY AT CHRISTMAS TIME.

25 Q. A CHRISTMAS PARTY?

26 A. MM-HMM.

27 Q. AND WHO WERE THE GUESTS, DO YOU REMEMBER?

28 A. NO, I DON'T.

1 Q. AND WAS THE HOUSE DECORATED FOR THAT PARTY?

2 A. I'M ASSUMING IT WAS. YOU KNOW, I DON'T

3 RECALL EXACTLY IF IT WAS JUST FOR THAT PARTY.

4 Q. AND ASSUMING, HYPOTHETICALLY, YOU STAYED A

5 WEEK AND THEN LEFT AND WENT HOME TO PITTSBURGH, DO YOU

6 REMEMBER WHEN THAT PARTY WAS?

7 A. NO, I DON'T.

8 Q. HOW LONG BEFORE CHRISTMAS?

9 A. NO, I DO NOT KNOW. I DON'T RECALL.

10 Q. WAS THIS A DRESS-UP PARTY?

11 A. I BELIEVE IT WAS.

12 Q. WERE THERE BUSINESS PEOPLE THERE?

13 MS. NAJERA: OBJECTION. CALLS FOR SPECULATION.

14 THE COURT: IF YOU KNOW.

15 THE WITNESS: PARDON ME? I'M SORRY.

16 THE COURT: IF YOU KNOW.

17 THE WITNESS: NO, I DON'T KNOW.

18 Q. BY MS. ABRAMSON: AND YOU DON'T RECALL AT

19 WHAT POINT DURING YOUR TRIP THIS PARTY OCCURRED; IS THAT

20 RIGHT?

21 A. AT WHAT PART DURING MY TRIP?

22 Q. YES.

23 A. NO, I DON'T.

24 Q. IT WAS BEFORE YOU WENT TO SEE

25 "HURLEY-BURLEY" OR AFTER?

26 A. I DON'T REMEMBER.

27 Q. WAS THE PARTY BEFORE YOU WENT SHOPPING WITH

-15990

1 A. I AM JUST REMEMBERING THAT THERE WAS EVEN A  
2 PARTY RIGHT NOW AS YOU'RE TALKING, SO I CAN'T ANSWER  
3 THAT QUESTION.

4 Q. SO THIS IS THE FIRST TIME THAT YOU'VE  
5 THOUGHT THAT THERE WAS PARTY THAT YOU ATTENDED?

6 A. WELL, IT'S THE FIRST TIME ANYONE'S BROUGHT  
7 THAT INFORMATION TO MY ATTENTION. YES, IT WOULD BE THE  
8 FIRST REASON FOR ME TO EVEN REMEMBER IT.

9 Q. DO YOU KNOW WHAT YOU DID AFTER CHRISTMAS OF  
10 1988?

11 A. NO, I DON'T RECALL.

12 Q. YOU SAID YOU WERE HOME FOR CHRISTMAS,  
13 CORRECT?

14 A. I BELIEVE SO, YES.

15 Q. AND WERE YOU LIVING IN PITTSBURGH THEN?

16 A. I WAS JUST GETTING FINISHED WITH A YEAR  
17 BEING ON THE TOUR. SO, YOU KNOW, PITTSBURGH IS ALWAYS  
18 HOME.

19 Q. YOU WEREN'T REALLY LIVING ANYWHERE, YOU  
20 WERE ON TOUR?

21 A. I WAS ON TOUR.

22 Q. AND WHAT DID YOU DO BETWEEN CHRISTMAS AND  
23 NEW YEAR'S?



24 MS. NAJERA: OBJECTION. IRRELEVANT.  
25 THE COURT: OVERRULED.  
26 THE WITNESS: AT THIS TIME, WITHOUT A CALENDAR OR  
27 THOSE RECORDS IN FRONT OF ME, I DON'T KNOW.  
28 Q. BY MS. ABRAMSON: WELL, THEY'RE YOUR

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1 RECORDS YOU'RE TALKING ABOUT, CORRECT?  
2 A. YES.  
3 Q. AND DID YOU GIVE YOUR RECORDS TO ANYBODY?  
4 A. I HAD NO REASON TO LOOK AT INFORMATION THAT  
5 LONG AGO.  
6 Q. DO YOU STILL HAVE THE RECORDS?  
7 A. NO. I MEAN -- NO, I DON'T HAVE THAT  
8 INFORMATION.  
9 Q. WHEN DID YOU GET RID OF THE RECORDS?  
10 MS. NAJERA: OBJECTION. IRRELEVANT.  
11 THE COURT: OVERRULED.  
12 THE WITNESS: I MEAN, I AM NOT SAYING THEY'RE  
13 RECORDS, BUT YOU KNOW, A CALENDAR TO LOOK AT THE DATES  
14 AND ALL THAT KIND OF STUFF. I DON'T HAVE THAT  
15 INFORMATION.  
16 Q. BY MS. ABRAMSON: YOU DON'T HAVE IT WITH  
17 YOU?  
18 A. NO.  
19 Q. ALL RIGHT. DID YOU HAVE IT AT THE TIME OF

20 THE LAST TRIAL?

21 A. NO.

22 Q. WHEN HAD YOU GOTTEN RID OF IT?

23 A. I MEAN -- I DON'T KNOW. I DON'T KNOW THAT.

24 YOU KNOW, I THINK YOU'RE MISUNDERSTANDING WHAT I'M

25 SAYING. I AM SAYING LIKE DATE CALENDAR-WISE, NOT MY

26 PERSONAL CALENDAR.

27 Q. YOU THINK IF YOU SAW A CALENDAR FOR 1988

28 THAT WOULD SOMEHOW HELP YOU KNOW WHERE YOU WERE BETWEEN

-15988

1 CHRISTMAS AND NEW YEAR'S?

2 A. WELL, YOU GUYS SHOWED ME MY WORK RECORDS

3 LAST TIME, AND THAT HELPED, SO --

4 Q. YOUR WORK RECORDS LAST TIME PROVED THAT YOU

5 WERE LYING WHEN YOU TOOK THE STAND, DIDN'T THEY?

6 MS. NAJERA: OBJECTION, YOUR HONOR. THAT IS

7 ARGUMENTATIVE, AND ASK TO APPROACH.

8 THE COURT: ALL RIGHT.

9 THE COMMENT OF COUNSEL IS STRICKEN.

10 COUNSEL IS ADMONISHED NOT TO SAY THINGS THAT ARE OUTSIDE

11 THE RECORD AND IMPROPER, AND THAT IS EXACTLY WHAT YOU

12 DID.

13 MS. ABRAMSON: NO. IT'S INSIDE THE RECORD, YOUR

14 HONOR.

15 THE COURT: COUNSEL, IT'S OUTSIDE THE RECORD, AND

16 YOU KNOW IT. SO YOU'RE ADMONISHED NOT TO DO THAT

17 ANYMORE.

18 MS. ABRAMSON: WAIT A MINUTE.

19 THE COURT: AND IF YOU DO --

20 MS. ABRAMSON: I HEAR THE COURT, BUT IF I MAY BE

21 PERMITTED, YOUR HONOR, TO FOLLOW UP.

22 THE COURT: NO, YOU MAY NOT.

23 YOU MAY QUESTION THE WITNESS.

24 Q. BY MS. ABRAMSON: YOU TESTIFIED AT THE LAST

25 TRIAL AND TOOK THE STAND, AND YOU SAID YOUR LAST VISIT

26 WHEN YOU CAME TO CALIFORNIA AND ERIK MENENDEZ MADE A

27 STATEMENT TO YOU OCCURRED IN THE SUMMERTIME, DIDN'T YOU?

28 A. NO.

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1 MS. NAJERA: THAT MISSTATES THE TESTIMONY, YOUR

2 HONOR.

3 THE COURT: SUSTAINED. THE ANSWER IS STRICKEN.

4 Q. BY MS. ABRAMSON: AT PAGE 22,250 OF THE

5 PRIOR RECORD, YOUR HONOR.

6 MS. NAJERA: YOUR HONOR, I OBJECT. I BELIEVE SHE

7 SAID THAT SHE WASN'T SURE.

8 THE COURT: WELL, AT THIS POINT, COUNSEL IS

9 REFERRING TO A -- YOU ARE NOW REFERRING TO THE RECORD

10 FROM THE FIRST TRIAL; IS THAT RIGHT?

11 MS. ABRAMSON: THAT'S CORRECT, YOUR HONOR.

12 THE COURT: OKAY. AND YOU NOW WANT TO BRING  
13 BEFORE THIS JURY SOMETHING THAT OCCURRED IN THE PREVIOUS  
14 TRIAL?

15 MS. ABRAMSON: CORRECT, YOUR HONOR.

16 THE COURT: OKAY. NOW, WHAT RECORD IS IT YOU  
17 WANT TO BRING BEFORE THE JURY?

18 MS. ABRAMSON: STARTING WITH THE LAST QUESTION ON  
19 22,249, LINE 28.

20 THE COURT: AND WHAT DO YOU WANT TO DO WITH THAT?

21 MS. ABRAMSON: I WANT TO READ IT TO THE WITNESS.

22 THE COURT: ALL RIGHT. LET COUNSEL FIND WHAT  
23 YOU'RE REFERRING TO.

24 MS. ABRAMSON: AND I WANT TO READ IT TO LINE 4 OF  
25 22,250.

26 MS. NAJERA: LINE 4?

27 MS. ABRAMSON: CORRECT.

28 MS. NAJERA: I'M GOING TO OBJECT. THAT DOESN'T

-15986

1 PURPORT -- I BELIEVE WE'RE TALKING ABOUT SPRING OF --

2 THE COURT: WHAT IS THE PURPOSE OF ASKING THE  
3 QUESTION?

4 MS. ABRAMSON: TO IMPEACH THE WITNESS. SHE  
5 TESTIFIED IT WAS EITHER SUMMER -- PROBABLY THE SUMMER  
6 BREAK. THAT'S WHAT SHE SAID IN THE RECORD.

7 THE COURT: OKAY. YOU MAY ASK -- FIRST OF ALL,

8 SHOW IT TO HER AND SEE IF THAT REFRESHES HER

9 RECOLLECTION.

10 MS. ABRAMSON: I AM NOT ASKING TO REFRESH HER

11 RECOLLECTION, YOUR HONOR. I PREFER TO IMPEACH.

12 MS. NAJERA: YOUR HONOR, IF I MAY, I BELIEVE THE

13 RECORDS COUNSEL IS REFERRING TO ARE THE SPRING OF '89

14 AND NOT THE SUMMER OF '89. THAT'S THE BASIS OF MY

15 OBJECTION.

16 MS. ABRAMSON: READ THE TRANSCRIPT.

17 THE COURT: OKAY. THE OBJECTION IS OVERRULED.

18 YOU MAY ASK THE QUESTION.

19 MS. ABRAMSON: THANK YOU.

20 THE COURT: AGAIN, THIS IS REFERENCE TO THE

21 WITNESS' TESTIMONY FROM THE FIRST TRIAL, WHICH AT THIS

22 POINT HAS YET TO BE PRESENTED IN ANY FASHION TO THIS

23 JURY. SO IT IS BEYOND THE RECORD OF THE PROCEEDINGS IN

24 THIS TRIAL.

25 MS. ABRAMSON: I UNDERSTAND.

26 READING FROM PAGE 22,249, LINE 28:

27

28 "QUESTION: BUT WHEN YOU HAD THIS

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1 CONVERSATION --

2 "ANSWER: RIGHT.

3 "QUESTION: YOU WERE IN BEVERLY

4 HILLS.

5 "ANSWER: SO IT WOULD HAVE BEEN

6 EITHER SUMMER BREAK -- PROBABLY THE SUMMER  
7 BREAK."

8 DO YOU REMEMBER THAT TESTIMONY?

9 A. I REMEMBER THAT I TESTIFIED NOT KNOWING  
10 EXACTLY WHEN IT WAS.

11 MS. ABRAMSON: MOVE TO STRIKE THE ANSWER AS NOT  
12 RESPONSIVE.

13 THE COURT: SUSTAINED.

14 THE ANSWER IS STRICKEN.

15 Q. BY MS. ABRAMSON: DO YOU REMEMBER THAT  
16 TESTIMONY?

17 A. NO, I DO NOT.

18 Q. THAT I JUST READ?

19 A. NO, I DO NOT.

20 Q. NOW, DO YOU REMEMBER AFTER TESTIFYING THAT  
21 IT WAS SUMMER BREAK ON FURTHER DIRECT EXAMINATION --  
22 CALLING COURT AND COUNSEL'S ATTENTION TO  
23 PAGE 22,252.

24 DO YOU REMEMBER AFTER BEING ASKED AGAIN,  
25 YOU THEN CHANGED YOUR ANSWER TO "LATE SPRING, EARLY  
26 SUMMER"?

27 DO YOU REMEMBER THAT?

28 A. I DO RECALL STATING THAT I WASN'T SURE WHEN

1 IT WAS. I COULD NOT BE SPECIFIC WITH THE TIME.

2 MS. ABRAMSON: MOVE TO STRIKE THE ANSWER AS NOT  
3 RESPONSIVE, YOUR HONOR.

4 THE COURT: SUSTAINED. THE ANSWER IS STRICKEN.

5 MS. ABRAMSON: I PROPOSE TO READ FROM LINE 1  
6 THROUGH LINE 7 OF 22,252.

7 MS. NAJERA: NO OBJECTION.

8 Q. BY MS. ABRAMSON:

9 (READING)

10 "QUESTION: NOW, WHEN YOU HAD THE  
11 CONVERSATION WITH ERIK MENENDEZ AT THE  
12 BEVERLY HILLS HOUSE SOMETIME, I BELIEVE  
13 YOU SAID YOU THINK IT MIGHT HAVE BEEN THE  
14 SUMMER?

15 "ANSWER: CLOSE TO THE SUMMER. IT  
16 WOULD HAVE HAD TO HAVE BEEN ACTUALLY PRIOR  
17 TO THAT. LATE SPRING, EARLY SUMMER."

18 DO YOU REMEMBER THAT TESTIMONY?

19 A. NO, I DO NOT.

20 Q. THEN DO YOU REMEMBER MRS. BOZANICH POINTING  
21 OUT TO YOU THAT YOU HAD ALREADY TESTIFIED THAT YOU BROKE  
22 UP WITH LYLE MENENDEZ IN APRIL OF 1989?

23 DO YOU REMEMBER MS. BOZANICH POINTING THAT  
24 OUT TO YOU?

25 A. YES, I DO.

26 Q. AND DO YOU REMEMBER MRS. BOZANICH ASKING  
27 YOU:

28 "DID YOU GO TO THE HOUSE IN BEVERLY

1 HILLS AT ANY TIME AFTER THAT, BETWEEN  
2 APRIL OF '89 AND WHEN THE PARENTS WERE  
3 KILLED? DID YOU HAVE ANY OTHER TRIPS TO  
4 THE BEVERLY HILLS HOUSE?"

5 DO YOU REMEMBER MRS. BOZANICH ASKING YOU  
6 THAT?

7 A. I DO.

8 Q. AND THEN YOU SAID: "NO, I DID NOT,"  
9 CORRECT?

10 DO YOU REMEMBER THAT?

11 A. YES.

12 Q. AND THEN DO YOU REMEMBER BEING ASKED ON  
13 CROSS-EXAMINATION -- CALLING COURT AND COUNSEL'S  
14 ATTENTION TO PAGE 22,277, LINE 27.

15 DO YOU REMEMBER BEING ASKED --

16 MS. NAJERA: EXCUSE ME. WHAT ARE YOU GOING TO  
17 READ, COUNSEL? I WOULD ASK THAT YOU READ TO THE NEXT  
18 PAGE, LINE 10.

19 MS. ABRAMSON: CERTAINLY. THAT'S EXACTLY WHERE  
20 I'M GOING.

21 MS. NAJERA: FINE.

22 Q. BY MS. ABRAMSON: DO YOU REMEMBER BEING  
23 ASKED BY ATTORNEY, JILL LANSING, WHO WAS THEN LEAD  
24 COUNSEL FOR LYLE MENENDEZ, THE FOLLOWING QUESTION."

25 "QUESTION: AND CAN YOU TELL ME, TO



26 THE BEST OF YOUR RECOLLECTION, WHEN THAT  
27 CONVERSATION TOOK PLACE?  
28 "ANSWER: THE SPRING OF 1989."

-15982

1 MS. NAJERA: YOUR HONOR, EXCUSE ME. I WOULD ASK  
2 THAT COUNSEL GO TO LINE 13.  
3 MS. ABRAMSON: WELL, I'M GOING TO COVER IT ALL,  
4 MS. NAJERA. DON'T WORRY.

5  
6  
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1 THE COURT: OKAY. LINE 13.

2 MS. NAJERA: THANK YOU, YOUR HONOR.

3 MS. ABRAMSON: LET ME REREAD THAT, SINCE I  
4 GOT INTERRUPTED.

5 THE COURT: ALL RIGHT.

6 MS. ABRAMSON: STARTING AT PAGE 22,277, LINE  
7 27.

8 "AND CAN YOU TELL ME, TO THE BEST  
9 OF YOUR RECOLLECTION, WHEN THAT  
10 CONVERSATION TOOK PLACE.

11 "ANSWER: THE SPRING OF 1989.

12 "QUESTION: OKAY. NOW, YOU HAD  
13 SAID EARLIER SPRING OR SUMMER; IS THAT  
14 CORRECT?

15 "ANSWER: YES, THAT IS CORRECT.

16 "QUESTION: AND -- BUT YOU THINK

17 NOW IT WASN'T SUMMER, BUT THAT IT WAS  
18 SPRING?  
19 "ANSWER: I THINK IT WAS THE  
20 SPRING.  
21 "QUESTION: AND WHEN YOU SAY  
22 SPRING, WHAT MONTHS ARE YOU TALKING  
23 ABOUT?  
24 "ANSWER: I'M NOT SURE, TO BE  
25 EXACT.  
26 "QUESTION: OKAY. WELL, CAN YOU  
27 GET CLOSE FOR US?  
28 "ANSWER: IT COULD HAVE BEEN

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1 AROUND SPRING BREAK, SO MARCH, OR  
2 APRIL."  
3 Q DO YOU RECALL THAT TESTIMONY?  
4 A YES, I DO.  
5 Q AND DO YOU FURTHER REMEMBER BEING  
6 ASKED -- THIS IS 22,278, STARTING AT LINE 28; AND I  
7 PROPOSE TO GO TO LINE 19 OF 22,279.  
8 MS. NAJERA: TO LINE?  
9 MS. ABRAMSON: 19.  
10 MS. NAJERA: NO OBJECTION.  
11 MS. ABRAMSON:

12 "QUESTION: AND DO YOU THINK IT  
13 WAS EITHER MARCH OR APRIL?  
14 "ANSWER: THAT COULD HAVE BEEN,  
15 YES.  
16 "QUESTION: WELL, COULD HAVE  
17 BEEN? YOU SAID SPRING OR SUMMER.  
18 "ANSWER: RIGHT.  
19 "QUESTION: SO I TAKE IT WE'RE  
20 LATE SPRING, EARLY SUMMER?  
21 "ANSWER: SOMETIME BEFORE APRIL.  
22 I DO NOT KNOW.  
23 "QUESTION: SO IT WOULDN'T HAVE  
24 BEEN --  
25 "ANSWER: COULD HAVE BEEN IN THE  
26 MONTH OF APRIL, BECAUSE LYLE AND I DID  
27 BREAK UP IN LATE APRIL.  
28 "QUESTION: SO YOU BELIEVE THAT

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1 IT WAS -- YOU WERE HERE IN APRIL.  
2 THAT'S YOUR BEST ESTIMATE AT THIS  
3 POINT IN TIME?  
4 "ANSWER: IT COULD HAVE BEEN  
5 MARCH OR IT COULD HAVE BEEN APRIL.  
6 "QUESTION: OKAY. BUT ONE OF

7 THOSE TWO MONTHS; IS THAT CORRECT?

8 "ANSWER: YES."

9 Q DO YOU RECALL THAT TESTIMONY?

10 A YES, I DO.

11 Q AND THEN DO YOU RECALL --

12 MS. ABRAMSON: YOUR HONOR, I HAVE A LARGE

13 YELLOW MANILA ENVELOPE PREVIOUSLY MARKED EXHIBIT 367

14 IN THE FIRST TRIAL.

15 I'D LIKE TO REMARK IT AS --

16 THE COURT: ^ (index) 430.

17 MS. NAJERA: I'D LIKE TO APPROACH AND BE

18 HEARD ON THIS.

19 THE COURT: ABOUT MARKING IT OR USING IT?

20 MS. NAJERA: USING IT.

21 THE COURT: OKAY. WE'LL DISCUSS THE MATTER.

22 (THE FOLLOWING PROCEEDINGS

23 WERE HELD OUT OF THE PRESENCE

24 OF THE JURY:)

25

26 THE COURT: ALL RIGHT.

27 MS. NAJERA: YOUR HONOR, I BELIEVE WHAT

28 COUNSEL WANTS TO DO IS IMPROPER IMPEACHMENT. SHE

2 WITNESS HASN'T TESTIFIED TO HERE TODAY. THIS  
3 WITNESS TESTIFIED SHE WAS HERE IN CHRISTMAS OF  
4 1988. THIS WITNESS -- THIS GROUP OF DOCUMENTS SAYS  
5 THAT SHE WAS WORKING IN MARCH, APRIL AND MAY OF  
6 1989.

7 I BELIEVE THAT IT WOULD BE A LENGTHY  
8 PROCESS, MUCH LIKE THE FIRST TRIAL, THAT COUNSEL IS  
9 GOING TO TRY TO GO THROUGH THESE DOCUMENTS TO  
10 IMPEACH HER THAT SHE WASN'T HERE IN MARCH, APRIL, OR  
11 MAY OF 1989.

12 THE COURT: SHE'S CERTAINLY ENTITLED TO GO  
13 THROUGH AND ESTABLISH THAT THE WITNESS TESTIFIED TO  
14 A CERTAIN TIME FRAME IN THE FIRST TRIAL --

15 MS. NAJERA: RIGHT.

16 THE COURT: -- AND THEN HAS RETRACTED THAT  
17 TESTIMONY AND CHANGED THE DATE.

18 MS. NAJERA: RIGHT.

19 THE COURT: AND THE DEFENSE IS ENTITLED TO  
20 ESTABLISH THAT IN THE FIRST TRIAL SHE WAS CONFRONTED  
21 WITH EMPLOYMENT RECORDS THAT SHOW SHE COULD NOT HAVE  
22 BEEN HERE DURING TIME THAT SHE ORIGINALLY TESTIFIED  
23 THAT SHE WAS HERE.

24 NOW, IT DOESN'T OPEN THE DOOR TO GOING  
25 INTO THE DETAILS OF IT. I THINK IT COULD BE  
26 ACCOMPLISHED IN A RATHER SUMMARY FASHION, WITHOUT US  
27 GOING THROUGH ALL THE RECORDS.

28 MS. ABRAMSON: CORRECT. I HAD NO INTENTION

1 OF GOING THROUGH ALL THE RECORDS. COUNSEL, OVER MY  
2 REPEATED OBJECTIONS, HAS INDICATED THAT AT THE FIRST  
3 TRIAL THE WITNESS SAID SHE WAS NOT SURE IF IT WAS  
4 THE SPRING OF '89, AND SHE LOOKED AT HER WORK  
5 RECORDS AND REALIZED IT COULDN'T HAVE BEEN.

6 THE COURT: THERE'S NO DOUBT YOU CAN BRING IT  
7 OUT, BUT YOU HAVE TO DO IT WITHOUT MAKING SPEECHES  
8 TO THE JURY. THIS IS THE APPROPRIATE WAY OF DOING  
9 SO.

10 MS. NAJERA: ALSO, YOUR HONOR, I'D ASK THAT  
11 COUNSEL BE ADMONISHED NOT CALL MY WITNESSES LIARS.  
12 THAT'S SOMETHING YOU CAN GET SANCTIONED FOR IN  
13 FEDERAL COURT. YOU CALLED HER A LIAR.

14 MS. ABRAMSON: SHE KNOWS SHE LIED AND THAT'S  
15 WHY SHE --

16 MS. NAJERA: YOU HAVE NO RIGHT --

17 THE COURT: NUMBER ONE, BOTH OF YOU STOP  
18 BICKERING.

19 MS. NAJERA: THIS IS --

20 THE COURT: STOP IT. JUST STOP IT. IT IS  
21 IMPROPER TO DO THIS.

22 NOW, FOR SOME REASON, LAWYERS IN  
23 LITIGATION SEEM TO THINK -- ESPECIALLY CERTAIN  
24 LAWYERS, THAT THEY CAN ACCUSE PEOPLE OF BEING LIARS

25 WITH IMPUNITY BECAUSE THEY'RE IN A COURTROOM. THAT  
26 IS NOT TRUE. IN ARGUMENT YOU CAN SAY WHAT YOU  
27 WANT. BUT WHEN YOU HAVE A WITNESS ON THE WITNESS  
28 STAND YOU HAVE TO BEHAVE IN A CERTAIN FASHION SO AS

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1 NOT TO TREAT THE WITNESS WITH DISRESPECT, ANY MORE  
2 THAN YOU WOULD TREAT ANYONE ELSE.

3 NOW, THAT'S THE RULE. IF YOU WANT TO  
4 PLAY BY A DIFFERENT RULE, YOU GO OUT IN THE STREET.

5 MS. ABRAMSON: I WOULD LIKE THE PROSECUTION  
6 TO PLAY BY THAT RULE. THEY CALLED MY WITNESS A  
7 LIAR -- MY CLIENT A LIAR TO HIS FACE 15 OR 20 TIMES,  
8 AND I DIDN'T HEAR ANY OBJECTION BY THE COURT, WITH  
9 ALL DUE RESPECT.

10 THE COURT: I'M NOT OBJECTING TO ANYTHING.

11 MS. ABRAMSON: MR. CONN CALLED MY CLIENT A  
12 LIAR. "DIDN'T YOU LIE. DIDN'T YOU MAKE IT UP?  
13 ISN'T IT TRUE THAT" --

14 THE COURT: THAT'S DIFFERENT THAN --

15 MS. ABRAMSON: I ASKED HER IF SHE LIED  
16 BEFORE.

17 THE COURT: YOU MADE A SPEECH THE WAY YOU  
18 PHRASED IT.

19 MS. ABRAMSON: THE RULES ARE DIFFERENT.



20 THE COURT: NO, NO. YOU JUST HAVE TO LOOK AT  
21 THE RECORD. HERE YOU MADE A SPEECH IS WHAT YOU  
22 DID. YOU DIDN'T FRAME A QUESTION.

23 MS. ABRAMSON: I SAID: THE REASON YOU  
24 CHANGED THE DATE IS BECAUSE YOU LIED.

25 THE COURT: NO. YOU WERE MAKING A LITTLE  
26 SPEECH IS WHAT YOU'RE DOING. THAT'S HOW IT CAME  
27 OUT.

28 MS. ABRAMSON: I THOUGHT MAYBE SHE'D ADMIT

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1 IT.

2 ALL RIGHT. DOES THAT MEAN I CAN'T ASK  
3 HER IF SHE LIED?

4 THE COURT: OF COURSE, YOU CAN ASK THE  
5 WITNESS IF SHE LIED. THAT'S NOT THE POINT. THE WAY  
6 TO DO IT IS IN THE PROPER FASHION. IF YOU CAN'T DO  
7 THAT, OBVIOUSLY YOU RUN AFOUL OF WHAT IS NORMAL  
8 DECORUM IN A COURTROOM; AND IF EITHER SIDE DOES  
9 THAT, THEN THEY'RE GOING TO FACE THE CONSEQUENCES.

10 MS. ABRAMSON: OKAY. BUT I'M DOING IT  
11 PROPERLY NOW.

12 MS. NAJERA: I'LL TELL YOU, IF THIS HAD  
13 HAPPENED IN FRONT OF JUDGE REAL IN FEDERAL COURT,  
14 YOU'D BE IN JAIL.

15 MS. ABRAMSON: WHO CARES, CAROL. I'D PREFER  
16 TO BE IN FRONT OF JUDGE WEISBERG ANYWAY, THANK YOU.

17 (THE FOLLOWING PROCEEDINGS WERE  
18 RESUMED IN OPEN COURT IN THE  
19 PRESENCE OF THE JURY:)

20

21 THE COURT: OKAY. YOU MAY RESUME.

22 MS. ABRAMSON: THANK YOU.

23 Q BY MS. ABRAMSON: MS. PISARCIK, DO YOU  
24 REMEMBER SEEING THIS ENVELOPE AND ITS CONTENTS AT  
25 THE LAST TRIAL?

26 A IS THAT MY WORK RECORDS? IS THAT WHAT  
27 THAT IS? I DON'T KNOW WHAT IT IS.

28 Q YOU CAN'T ASK QUESTIONS.

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1 DO YOU RECALL SEEING THESE ENVELOPES AND  
2 THEIR CONTENTS DURING THE FIRST TRIAL?

3 A I REMEMBER THAT I WAS SHOWN SPECIFIC  
4 WORK RECORDS.

5 Q IF YOU WANT TO PICK ANY ONE OF THEM AND  
6 TAKE A LOOK TO VERIFY THESE ARE YOUR WORK RECORDS  
7 FROM SPRING, FEBRUARY THROUGH MARCH, THE END OF --  
8 STRIKE THAT. FEBRUARY THROUGH THE END OF APRIL,  
9 1989?

10 A UH-HUH.

11 Q YOU DO REMEMBER YOU WERE CONFRONTED WITH  
12 THESE RECORDS AT THE PREVIOUS TRIAL?

13 A THAT'S CORRECT.

14 Q AND ISN'T IT TRUE THAT MS. LANSING WENT  
15 THROUGH THOSE RECORDS WEEK BY WEEK AND DAY BY DAY  
16 AND DEMONSTRATED TO YOU THAT, EXCEPT FOR THE PERIOD  
17 OF MARCH 22ND THROUGH MARCH 27TH, THERE WAS NO TIME  
18 FOR YOU TO HAVE BEEN IN CALIFORNIA DURING THE SPRING  
19 OF 1989?

20 A YES, SHE DID SAY THAT THERE WAS VERY FEW  
21 DAYS THAT I WASN'T WORKING AT THAT TIME.

22 Q WELL, SHE, IN FACT, PREPARED A CHART  
23 BASED ON THOSE RECORDS, WHICH YOU ACKNOWLEDGED WERE  
24 YOUR RECORDS, CORRECT?

25 A CORRECT, UH-HUH.

26 Q YOU ACKNOWLEDGED THOSE RECORDS WERE  
27 ACCURATE, CORRECT?

28 A YES.

49563

1 MS. ABRAMSON: AND SHE PREPARED A CHART.

2 I'D LIKE TO MARK THIS, YOUR HONOR, NEXT  
3 IN ORDER, WHICH WOULD BE 431.

4 THE COURT: 431.

5 MS. ABRAMSON: FORMERLY 369.

6 Q DO YOU RECALL SHE PREPARED A CHART FOR  
7 THE MONTHS OF MARCH AND APRIL 1989?

8 A YES.

9 Q AND EVERY "X" ON THAT CHART INDICATED A  
10 DAY WHEN YOU WERE WORKING.

11 A CORRECT.

12 Q AND AS A CONSEQUENCE, SINCE YOU HAD  
13 TESTIFIED IN THAT TRIAL THAT THE MINIMUM NUMBER OF  
14 DAYS YOU WERE IN CALIFORNIA WAS FOUR, INCLUDING A  
15 WEEKEND, THE CHART SHOWED THAT THE ONLY TIME YOU  
16 COULD HAVE BEEN HERE FOR FOUR DAYS CONSECUTIVELY WAS  
17 MARCH 22ND THROUGH MARCH 27TH, CORRECT?

18 A YES, CORRECT.

19 Q AND THEN IN HER EXAMINATION OF YOU, DO  
20 YOU RECALL THAT MS. LANSING SUGGESTED TO YOU THAT  
21 ERIK MENENDEZ WAS NOT IN CALIFORNIA MARCH 22ND TO  
22 MARCH 27TH?

23 MS. NAJERA: I'M GOING TO OBJECT AS HEARSAY  
24 TO ANYTHING MS. LANSING SUGGESTED.

25 THE COURT: SUSTAINED.

26 Q BY MS. ABRAMSON: DO YOU RECALL THAT IT  
27 WAS ONLY AFTER YOU WERE ASKED QUESTIONS ABOUT THE  
28 EASTER BOWL TENNIS TOURNAMENT IN FLORIDA, WHICH

1 TAKES PLACE DURING THAT WEEK IN MARCH, THAT YOU  
2 THEN, FOR THE FIRST TIME, SAID THAT IT WASN'T IN  
3 MARCH OR APRIL?

4 A YEAH. I MEAN, THIS WAS THE FIRST TIME I  
5 HAD SEEN ANY OF THIS INFORMATION SO...

6 Q SO WHEN YOU WERE CONFRONTED WITH THE  
7 INFORMATION THAT ERIK MENENDEZ --

8 MS. NAJERA: I'M GOING TO OBJECT AS HEARSAY  
9 TO ANY INFORMATION OUTSIDE THE RECORD TO --

10 MS. ABRAMSON: IT'S NOT BEING OFFERED FOR THE  
11 TRUTH.

12 MS. NAJERA: THEN IT'S IRRELEVANT.

13 THE COURT: ALL RIGHT. I HAVEN'T HEARD THE  
14 QUESTION YET.

15 SO LET'S HEAR THE QUESTION.

16 Q BY MS. ABRAMSON: YOU ADMIT, DO YOU NOT,  
17 MISS PISARCIK, WHEN MS. LANSING CONFRONTED YOU WITH  
18 THE FACT THAT ERIK MENENDEZ PLAYED IN THE EASTER  
19 BOWL DURING THAT WEEK, YOU THEN CHANGED YOUR  
20 TESTIMONY AND INDICATED THAT YOUR TRIP TO CALIFORNIA  
21 WOULD HAVE HAD TO HAVE BEEN BEFORE MARCH, CORRECT?

22 A YES.

23 Q AND, IN FACT, YOU SUGGESTED, THEREFORE,  
24 THAT IT MUST HAVE BEEN IN FEBRUARY.

25 DO YOU RECALL THAT?

26 A WELL, I COULD NOT BE SPECIFIC AS TO THE  
27 TIME. THAT'S WHAT I TESTIFIED TO.

28 Q DO YOU RECALL THAT YOU THEN SUGGESTED IT

1 MUST HAVE BEEN IN FEBRUARY?

2 MS. NAJERA: OBJECTION. ASKED AND ANSWERED.

3 THE COURT: OVERRULED.

4 ANSWER THE QUESTION.

5 THE WITNESS: YOU KNOW, I SAID THAT I WAS NOT

6 SURE WHEN IT WAS, WHETHER IT WOULD BE --

7 MS. ABRAMSON: MOVE TO STRIKE THE ANSWER AS

8 NONRESPONSIVE.

9 THE WITNESS: -- FEBRUARY OR MARCH.

10 THE COURT: DO YOU RECALL SAYING IT MIGHT

11 HAVE BEEN FEBRUARY?

12 THE WITNESS: YES. I'M SURE I PROBABLY DID,

13 BECAUSE I WAS UNSURE.

14 Q BY MS. ABRAMSON: AND THEN DO YOU RECALL

15 MS. LANSING TELLING YOU THAT SHE WOULD GO THROUGH

16 THE FEBRUARY RECORDS WITH YOU AND SHOW YOU THAT YOU

17 WORKED EVERY WEEKEND IN FEBRUARY?

18 A YES.

19 Q AND THEN YOU BACKED OFF OF FEBRUARY AND

20 SAID: THEN IT MUST HAVE BEEN JANUARY?

21 MS. NAJERA: I'M GOING TO OBJECT AS

22 ARGUMENTATIVE.

23 THE COURT: REPHRASE THE QUESTION, PLEASE.

24 Q BY MS. ABRAMSON: DO YOU RECALL THAT YOU  
25 THEN BACKED OFF FEBRUARY AND SAID IT MUST HAVE BEEN  
26 JANUARY?

27 MS. NAJERA: YOUR HONOR, THAT'S THE SAME  
28 QUESTION. I OBJECT. IT'S ARGUMENTATIVE.

49566

1 THE COURT: REPHRASE THE QUESTION.

2 Q BY MS. ABRAMSON: DO YOU RECALL THEN  
3 STATING: IF IT WASN'T FEBRUARY, IT MUST HAVE BEEN  
4 JANUARY?

5 A YES, I DO, BECAUSE I WAS UNSURE.

6 Q NOW, WHEN WAS THE FIRST TIME THAT YOU  
7 DECIDED IT WAS DECEMBER?

8 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

9 THE COURT: OVERRULED.

10 THE WITNESS: IS WHEN I TESTIFIED DURING THAT  
11 TRIAL THAT I HAD SEEN "HURLEY-BURLEY" ON THE TRIP,  
12 THAT ERIK AND I HAD THAT CONVERSATION.

13 Q BY MS. ABRAMSON: WELL, THE FIRST TIME  
14 YOU TESTIFIED ABOUT THAT YOU SAID, DID YOU NOT, ON  
15 CROSS-EXAMINATION BY ME -- WELL, STRIKE THAT.

16 AT THE TIME THAT MS. LANSING WAS  
17 CROSS-EXAMINING YOU, IT WAS YOUR TESTIMONY, WAS IT  
18 NOT, THAT IT COULD HAVE BEEN ANY TIME FROM JANUARY

19 TO APRIL.

20 DO YOU RECALL THAT?

21 A I DON'T RECALL EXACTLY THAT, BUT IT

22 COULD HAVE BEEN, BECAUSE, AGAIN, I WAS UNSURE OF THE

23 DATE.

24 Q THEN I GOT UP AND CROSS-EXAMINED YOU,

25 AND WHEN I CROSS-EXAMINED YOU, YOU SAID THE DATE

26 COULD HAVE BEEN CHRISTMAS TO JANUARY.

27 DO YOU RECALL THAT?

28 A YES.

49567

1 Q AND THEN YOU SAID IT COULD HAVE EVEN

2 BEEN THANKSGIVING.

3 DO YOU RECALL THAT?

4 A IF THAT'S WHAT'S IN THE RECORDS. I

5 DON'T KNOW.

6 Q NOW, ON OCTOBER 12TH YOU TOLD DETECTIVE

7 ZOELLER AND MS. NAJERA THAT IT MUST HAVE BEEN BEFORE

8 CHRISTMAS 1988 BECAUSE, DURING THAT SAME TRIP YOU

9 WENT CHRISTMAS SHOPPING?

10 THE COURT: OCTOBER 12TH WHEN?

11 MS. ABRAMSON: EXCUSE ME? OCTOBER 12, 1995

12 YOUR HONOR.

13 Q THAT'S WHEN YOU FIRST LINKED IT TO



14 CHRISTMAS SHOPPING; IS THAT CORRECT?

15 A WELL, I HAD A LOT OF TIME TO THINK ABOUT  
16 IT, AND THE VERY FIRST TIME THAT YOU ASKED ME THESE  
17 QUESTIONS, WITH ALL OF THIS INFORMATION, WAS THE  
18 FIRST TIME I HAD SEEN THIS INFORMATION, SO, YES.

19 MS. ABRAMSON: MOVE TO STRIKE THE ANSWER,  
20 OTHER THAN "YES," AS NOT RESPONSIVE.

21 THE COURT: THE ENTIRE ANSWER WILL STAND.

22 Q BY MS. ABRAMSON: NOW, YOU SAID THAT YOU  
23 ATE LUNCH WITH MRS. MENENDEZ AT THE CAFE RODEO?

24 A YES, THAT IS CORRECT.

25 Q AND WAS THAT THE ONLY TIME THAT YOU EVER  
26 WENT SHOPPING AND HAD LUNCH WITH MRS. MENENDEZ?

27 A NO.

28 Q WHEN WERE THE OTHER TIMES?

49568

1 MS. NAJERA: OBJECTION. IRRELEVANT.

2 THE COURT: OVERRULED.

3 THE WITNESS: I'VE SHOPPED WITH MRS. MENENDEZ  
4 ON SEVERAL OCCASIONS, WHETHER IT BE GROCERY SHOPPING  
5 OR SHOPPING AT CENTURY CITY MALL. I MEAN, I'VE DONE  
6 IT SEVERAL TIMES. I COULDN'T -- YOU KNOW.

7 Q WHEN DID YOU SHOP WITH MRS. MENENDEZ AT  
8 THE CENTURY CITY MALL?

9 A I DON'T -- I JUST REMEMBER BEING THERE

10 WITH HER. I DON'T REMEMBER WHEN IT WAS.

11 Q WHEN DO YOU REMEMBER HAVING LUNCH WITH

12 HER ON SOME OTHER OCCASION?

13 A AGAIN, USUALLY WHEN WE WERE OUT DOING

14 STUFF LIKE THAT. BUT I CAN'T BE SPECIFIC.

15 Q WELL, WHAT TRIPS DID YOU GO SHOPPING

16 WITH MRS. MENENDEZ?

17 A I DON'T RECALL EXACTLY.

18 Q DID YOU GO SHOPPING AND GO OUT TO LUNCH

19 WITH HER SEVERAL TIMES?

20 A I'M SURE WE, YOU KNOW, DID, YES.

21 Q AND HOW CAN YOU BE SURE THAT THIS ONE

22 TIME THAT YOU WENT SHOPPING WITH HER AND HAD LUNCH

23 WITH HER WAS THE TRIP DURING WHICH THE STATEMENT WAS

24 MADE?

25 A BECAUSE THAT I DO REMEMBER.

26 Q SO NOW DO YOU REMEMBER DEFINITELY IT WAS

27 THAT TIME; IS THAT CORRECT?

28 A YES, UH-HUH.

49569

1 Q HOW MANY TRIPS HAD YOU MADE TO

2 CALIFORNIA IN YOUR LIFE?

3 A I THINK I'VE STATED THAT I'M NOT SURE

4 ABOUT THAT.

5 Q DID YOU STATE 30?

6 A I DON'T RECALL.

7 MS. ABRAMSON: CALLING THE COURT AND

8 COUNSEL'S ATTENTION TO 22,411.

9 DO YOU RECALL BEING ASKED THIS

10 QUESTION?

11 MS. NAJERA: WHOA.

12 MS. ABRAMSON: LINE 3 TO LINE 5.

13 MS. NAJERA: WHAT LINES, COUNSEL?

14 MS. ABRAMSON: THREE TO FIVE.

15 MS. NAJERA: NO OBJECTION.

16 MS. ABRAMSON:

17 "QUESTION: OKAY. HOW MANY TRIPS

18 TO CALIFORNIA WOULD YOU SAY YOU'VE HAD

19 IN YOUR LIFE?

20 "ANSWER: THIRTY."

21 Q DO YOU REMEMBER THAT TESTIMONY FROM THE

22 PREVIOUS TRIAL?

23 A YEAH. I GUESS IT'S IN THE RECORDS.

24 Q WELL, THERE'S A DIFFERENCE BETWEEN IF

25 IT'S IN THE RECORD VERSUS IF YOU REMEMBER.

26 THE QUESTION IS: DO YOU REMEMBER IT?

27 A YEAH, I GUESS.

28 Q NOW, DID YOU TELL DETECTIVE ZOELLER ON

1 OCTOBER 12TH, THAT THE REASON YOU CONFUSED THE  
2 SPRING AND THE WINTER IS BECAUSE THE WEATHER WAS  
3 REALLY PLEASANT AND IT SEEMED LIKE SPRING TIME IN  
4 COMPARISON TO PITTSBURG?

5 A WELL, WHAT I WAS TRYING TO SAY WAS THAT  
6 THE WEATHER OUT HERE IS NICE ALL YEAR ROUND. SO  
7 IT'S HARD TO TELL WHETHER IT'S SPRING OR SUMMER.

8 Q UH-HUH. DID YOU TELL DETECTIVE ZOELLER  
9 THAT THE WEATHER WAS REALLY PLEASANT AND SEEMED LIKE  
10 SPRING TIME IN COMPARISON TO PITTSBURG? DID YOU  
11 TELL HIM THAT?

12 A YES.

13 Q AND YOU'RE SAYING THAT YOU CAN'T TELL  
14 THE DIFFERENCE BETWEEN THE TIMES OF THE YEAR UNLESS  
15 THE WEATHER CHANGES?

16 MS. NAJERA: OBJECTION. MISSTATES THE  
17 TESTIMONY. ARGUMENTATIVE.

18 THE COURT: OVERRULED.

19 THE WITNESS: ALL I WAS TRYING TO SAY IS THAT  
20 THE WEATHER IS VERY SIMILAR HERE YEAR ROUND, AND SO  
21 THAT IT'S DIFFICULT FOR ME TO REMEMBER, YOU KNOW.  
22 THERE WAS NOTHING LIKE SNOW ON THE GROUND OUT HERE  
23 IN CALIFORNIA TO TELL ME THAT IT WAS CHRISTMAS TIME.

24 Q RIGHT. SO THE WEATHER DOESN'T TELL YOU  
25 THAT IT WAS CHRISTMAS TIME, DOES IT?

26 A NO.

27 Q THE WEATHER COULD HAVE BEEN SPRING OR  
28 SUMMER?

49571

1 A UH-HUH.

2 THE COURT: WHAT'S YOUR ANSWER?

3 THE WITNESS: OH. I'M SORRY. YES.

4 Q BY MS. ABRAMSON: WHAT WAS THE WEATHER  
5 LIKE WHEN YOU WERE OUT HERE THAT TIME BEFORE  
6 CHRISTMAS IN 1988?

7 A I DON'T REMEMBER EXACTLY, BUT I'M SURE  
8 IT WAS PRETTY MUCH LIKE IT IS YEAR ROUND.

9 Q SO YOU DON'T REMEMBER ANYTHING SPECIFIC  
10 ABOUT THE WEATHER?

11 A NO.

12 Q DO YOU RECOGNIZE, NOW THAT YOU'VE LIVED  
13 HERE SEVERAL YEARS, THAT SOME WINTERS ARE VERY WARM  
14 AND SOME WINTERS ARE COOLER?

15 MS. NAJERA: OBJECTION. IRRELEVANT.

16 THE COURT: OVERRULED.

17 THE WITNESS: WELL, IT'S PRETTY NICE COMPARED  
18 TO WHAT IT IS BACK EAST RIGHT NOW SO...

19 MS. ABRAMSON: THAT WASN'T THE QUESTION.

20 Q DO YOU RECOGNIZE THAT SOME CHRISTMAS  
21 SEASONS ARE WARM AND SOME CHRISTMAS SEASONS ARE

22 COOLER?

23 MS. NAJERA: OBJECTION. IRRELEVANT.

24 THE COURT: OVERRULED.

25 THE WITNESS: YES. SLIGHTLY.

26 Q BY MS. ABRAMSON: WAS THIS A WARM

27 CHRISTMAS SEASON OR A COOL ONE?

28 A I DON'T RECALL.

49572

1 Q WAS IT A WET ONE OR A DRY ONE?

2 A I DON'T KNOW.

3 Q WELL, IF IT WAS WET AND COLD, WOULD IT

4 SEEM AS MUCH LIKE SPRING TO YOU?

5 A IF IT WAS WET AND COLD?

6 Q YES.

7 A YEAH. PROBABLY WOULD SEEM LIKE SPRING

8 TIME BACK EAST. BUT, I MEAN, I DON'T REALLY

9 UNDERSTAND WHAT YOU'RE ASKING ME.

10 Q WELL, YOU SAY THE REASON YOU WERE

11 CONFUSED WAS BECAUSE THE WEATHER WAS REALLY

12 PLEASANT.

13 A YEAH.

14 Q DO YOU CALL WET AND COLD REALLY

15 PLEASANT?

16 A I DON'T REMEMBER -- I MEAN, I DON'T KNOW

17 WHAT YOU'RE SAYING. I REALLY DON'T KNOW WHAT YOU'RE  
18 INDICATING.

19 MS. NAJERA: I'D OBJECT. VAGUE AS TO WHAT IS  
20 REALLY PLEASANT, DEPENDING ON WHAT PART OF THE  
21 COUNTRY YOU'RE COMING FROM.

22 MS. ABRAMSON: MOVE TO STRIKE COUNSEL'S  
23 REMARKS. I DON'T BELIEVE IT'S A LEGAL OBJECTION.

24 MS. NAJERA: VAGUE.

25 THE COURT: ASK YOUR NEXT QUESTION.

26 Q BY THE WAY, HAVE YOU EVER HAD A CHANCE  
27 TO -- HAVE YOU HAD AN OPPORTUNITY TO REVIEW THE  
28 POLICE REPORTS OF VARIOUS STATEMENTS THAT YOU'VE

49573

1 GIVEN TO DETECTIVE ZOELLER OVER THE YEARS?

2 A YES, I HAVE READ THEM.

3 Q LET ME CALL YOUR ATTENTION TO PAGE ONE  
4 OF THE REPORT. THE REPORT IS DATED OCTOBER 26TH,  
5 1995. IT RELATES AN INTERVIEW WITH YOU ON OCTOBER  
6 12TH, 1995.

7 HAVE YOU LOOKED THAT OVER?

8 A YES.

9 Q I CALL YOUR ATTENTION TO THIS PARAGRAPH  
10 WITH THE HIGHLIGHTING.

11 DO YOU SEE THE SENTENCE THAT BEGINS:

12 "JAMIE FURTHER SAID THAT, LOOKING  
13 BACK AT THAT VISIT, THE WEATHER WAS  
14 REAL PLEASANT AND SEEMED LIKE SPRING  
15 TIME IN COMPARISON TO PITTSBURG, WHERE  
16 THE WEATHER AT THE SAME TIME IS GREY  
17 AND COLD, AS SHE THINKS OF HOW WINTER  
18 NORMALLY IS."  
19 A YES.  
20 Q AND WOULD YOU CALL COOL AND RAINY  
21 WEATHER REALLY PLEASANT?  
22 A MORE PLEASANT THAN IT WAS IN PITTSBURG,  
23 YES.  
24 Q IS THAT WHAT YOU'RE TALKING ABOUT THERE,  
25 COLD AND RAINY, OR WERE YOU TALKING ABOUT IT BEING  
26 SUNSHINE AND WARM?  
27 A I DON'T REMEMBER WHAT IT WAS LIKE DURING  
28 THAT TIME.

49574

1 Q SO IF YOU DON'T REMEMBER WHAT IT WAS  
2 LIKE AT THAT TIME, WHY DID YOU TELL DETECTIVE  
3 ZOELLER THAT IT WAS BECAUSE THE WEATHER WAS REALLY  
4 PLEASANT THAT YOU CONFUSED THE TIME OF YEAR WITH  
5 SPRING?  
6 A WELL, IT MUST HAVE BEEN MORE PLEASANT --



7 I THINK I'VE SAID THIS. MAYBE YOU'RE NOT

8 UNDERSTANDING ME.

9 IT MUST HAVE BEEN MORE PLEASANT THAN IT

10 WAS IN PITTSBURG WHERE I'M FROM.

11 Q YOU WERE JUST TRYING TO THINK OF AN

12 EXCUSE, WERE YOU NOT, FOR WHY IT IS YOU --

13 MS. NAJERA: OBJECTION, ARGUMENTATIVE.

14 MS. ABRAMSON: IF I COULD FINISH THE

15 QUESTION, PLEASE.

16 THE COURT: LET'S HEAR THE QUESTION.

17 Q BY MS. ABRAMSON: ISN'T IT TRUE THAT YOU

18 WERE JUST TRYING TO THINK OF AN EXCUSE FOR THE FACT

19 THAT YOU HAD BEEN SHOWN AT THE LAST TRIAL TO NOT BE

20 TELLING THE TRUTH ABOUT THE DATE OF THIS

21 CONVERSATION?

22 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

23 THE COURT: OVERRULED.

24 YOU CAN ANSWER THE QUESTION.

25 THE WITNESS: THAT IS NOT TRUE AT ALL.

26 Q BY MS. ABRAMSON: WELL, LET'S TALK ABOUT

27 THIS CONVERSATION.

28 DO YOU KNOW WHO ED FENNO IS?

49575

1 A YES, I DO.

2 Q WAS HE LIVING THERE AT THE TIME THAT YOU  
3 WERE HERE FOR THAT VISIT?

4 A EDWARD WAS HERE, I THINK, FOR A WHILE,  
5 BUT I'M NOT SURE EXACTLY WHEN HE WAS HERE.

6 Q WAS HE HERE AT THE TIME OF THAT  
7 CONVERSATION THAT YOU RELAYED TO US THAT YOU CLAIM  
8 YOU HAD WITH ERIK MENENDEZ?

9 A I DON'T KNOW. HE COULD HAVE BEEN.

10 Q AND DID YOU, IN FACT, SAY ON OCTOBER  
11 12TH, 1995, THAT YOU MAY HAVE BEEN TALKING TO ED  
12 BEFORE YOU PASSED BY ERIK'S ROOM?

13 A LIKE I SAID, HE COULD HAVE BEEN HERE.

14 Q THAT'S NOT MY QUESTION.

15 DID YOU TELL DETECTIVE ZOELLER ON  
16 OCTOBER 12TH, 1995 THAT YOU BELIEVED THAT ED FENNO  
17 WAS LIVING AT THE MENENDEZ HOUSE, STAYING UPSTAIRS  
18 IN THE GREY ROOM? DID YOU TELL HIM THAT?

19 A I DID SAY THAT, YES.

20 Q DID YOU FURTHER TELL HIM THAT YOU MAY  
21 HAVE BEEN TALKING TO ED?

22 A THAT I MAY HAVE BEEN, YES.

23 Q WHAT DID YOU DO BEFORE YOU STOPPED BY  
24 ERIK'S ROOM?

25 A I DON'T REMEMBER EXACTLY.

26 Q WHAT DID YOU DO AN HOUR BEFORE?

27 A I DO NOT RECALL.

28 Q WHAT DAY OF THE WEEK WAS IT?

1 A I DO NOT KNOW.

2 Q WHAT TIME OF THE DAY WAS IT?

3 A I BELIEVE IT WAS DAYLIGHT.

4 Q WHERE WAS LYLE?

5 A I'M -- DON'T KNOW. I DON'T REMEMBER.

6 Q WHEN HAD YOU LAST SEEN ERIK BEFORE THAT  
7 POINT?

8 A ALL THIS WAS A LONG TIME AGO. I CAN  
9 ASSUME A LOT OF THINGS, BUT I DON'T RECALL EXACTLY.

10 Q SO YOU DON'T KNOW?

11 A NO, I DON'T.

12 Q AND WHERE WERE YOU COMING FROM AS YOU  
13 PASSED BY ERIK'S ROOM?

14 THE COURT: YOU'RE REFERRING TO YOUR CLIENT?

15 MS. ABRAMSON: I'M SORRY. AS YOU PASSED BY  
16 ERIK MENENDEZ' ROOM.

17 THE WITNESS: I DON'T REMEMBER EXACTLY WHERE  
18 I WAS COMING FROM.

19 Q WHERE WERE YOU GOING TO?

20 A I BELIEVE DOWNSTAIRS.

21 Q YOU WERE GOING DOWNSTAIRS?

22 A YES.

23 Q FROM WHERE?

24 A FROM UPSTAIRS.

25 Q WHAT WERE YOU DOING UPSTAIRS?

26 A I DON'T REMEMBER EXACTLY. I REMEMBER  
27 THE CONVERSATION I HAD WITH ERIK UPSTAIRS.  
28 Q WELL, THAT'S WHAT YOU SAY, BUT THE

49577

1 QUESTION IS, WHAT WERE YOU DOING UPSTAIRS?  
2 MS. NAJERA: I'D OBJECT TO COUNSEL'S COMMENT  
3 AS ARGUMENTATIVE.  
4 THE COURT: IT'S ARGUMENTATIVE AS PHRASED.  
5 REPHRASE THE QUESTION.  
6 Q BY MS. ABRAMSON: YOU'VE NEVER BEEN ABLE  
7 TO GIVE ANY INFORMATION ABOUT WHERE YOU WERE, WHY  
8 YOU WERE THERE, WHAT DAY IT WAS, WHAT TIME IT WAS,  
9 OR WHAT BROUGHT YOU TO THE SECOND FLOOR, HAVE YOU,  
10 MS. PISARCIK?  
11 A I DON'T REMEMBER THOSE EXACT DETAILS.  
12 Q IN FACT, THE ONLY THING YOU CAN TELL US  
13 IS WHAT YOU SAY WAS THIS BRIEF CONVERSATION WITH  
14 ERIK MENENDEZ, CORRECT?  
15 A YES. IT STUCK IN MY MIND.  
16 Q BUT YOU NEVER MENTIONED IT TO ANYBODY  
17 UNTIL AFTER ERIK MENENDEZ HAD TESTIFIED THAT HE  
18 FOUND OUT THAT HIS BROTHER WORE A HAIRPIECE WHEN HE  
19 OVERSAW AN ALTERCATION BETWEEN HIS MOTHER AND HIS  
20 BROTHER, CORRECT?

21 MS. NAJERA: OBJECTION. ASSUMES FACTS NOT IN  
22 EVIDENCE THAT SHE KNEW HE TESTIFIED TO THAT.  
23 THE COURT: SUSTAINED.  
24 Q BY MS. ABRAMSON: NOW, YOU TOLD  
25 DETECTIVE ZOELLER, ON OCTOBER 2ND -- STRIKE THAT --  
26 ON NOVEMBER 2ND, 1993, THAT ERIK HAD OVERHEARD THEIR  
27 MOTHER -- MEANING ERIK AND LYLE MENENDEZ' MOTHER --  
28 TALKING ABOUT THE HAIRPIECE, DIDN'T YOU?

49578

1 A I DON'T REMEMBER THAT.  
2 Q YOU DO KNOW THAT DETECTIVE ZOELLER WROTE  
3 THAT IN A POLICE REPORT THAT HE PREPARED REFLECTING  
4 HIS CONVERSATION WITH YOU, DON'T YOU?  
5 A YES.  
6 Q CAN YOU THINK OF ANY REASON WHY  
7 DETECTIVE ZOELLER WOULD HAVE WRITTEN THAT DOWN IF  
8 YOU HADN'T TOLD HIM THAT?  
9 MS. NAJERA: OBJECTION. CALLS FOR  
10 SPECULATION.  
11 THE COURT: OVERRULED.  
12 THE WITNESS: I THOUGHT LONG AND HARD ABOUT  
13 THAT, AND I CANNOT REMEMBER THAT INFORMATION. I'M  
14 SORRY.  
15 Q BY MS. ABRAMSON: WELL, THAT WASN'T MY

16 QUESTION.

17 MY QUESTION WAS: CAN YOU THINK OF ANY  
18 REASON WHY DETECTIVE ZOELLER WOULD HAVE MADE THIS UP  
19 IF YOU HADN'T TOLD IT TO HIM?

20 A NO.

21 Q AND DO YOU KNOW WHEN IT WAS -- WELL,  
22 STRIKE THAT.

23 IS YOUR TESTIMONY NOW THAT YOU HAVE NO  
24 INFORMATION WHATSOEVER CONCERNING HOW IT WAS THAT  
25 ERIK MENENDEZ EVER LEARNED THAT HIS BROTHER WORE A  
26 HAIRPIECE?

27 A I DON'T REMEMBER.

28 Q WELL, DURING THIS CONVERSATION THAT YOU

49579

1 SAY YOU HAD WITH ERIK MENENDEZ, DID YOU EVER ASK

2 HIM: GEE, HOW DO YOU KNOW?

3 MS. NAJERA: OBJECTION. ARGUMENTATIVE.

4 THE COURT: OVERRULED.

5 THE WITNESS: I DON'T RECALL SAYING THAT TO  
6 HIM.

7 Q BY MS. ABRAMSON: DO YOU RECALL ASKING  
8 HIM, EVEN, DID LYLE TELL YOU?

9 A I RECALL THE SURPRISE IN HIS VOICE, AND  
10 I RECALL HIM BEING SURPRISED THAT HE HAD KNOWN. BUT

11 I DON'T RECALL ANY OF THOSE OTHER DETAILS, NO.

12 Q HE WAS SURPRISED IN HIS VOICE WHEN HE  
13 MENTIONED THIS TO YOU?

14 A YEAH. AND AS I TESTIFIED PREVIOUSLY, I  
15 MEAN, HE WAS ALMOST JOKING ABOUT IT, LIKE HE  
16 COULDN'T BELIEVE THAT ALL THIS TIME LYLE HAD HAD A  
17 HAIRPIECE, AND THAT'S WHY HIS HAIR ALWAYS LOOKED SO  
18 GOOD.

19 Q SO WAS HE LIKE ON THE PHONE WHEN YOU  
20 FIRST GOT TO HIS ROOM, AND HE PUT DOWN THE PHONE,  
21 AND IN SURPRISE SAID: WOW, I JUST FOUND OUT LYLE'S  
22 GOT A WIG?

23 MS. NAJERA: YOUR HONOR, I'D OBJECT TO  
24 COUNSEL'S DEemeanOR AND THEATRICALS.

25 THE COURT: OVERRULED.

26 MS. ABRAMSON: I'D LIKE THE EVIDENCE CODE  
27 SECTION ON THAT ONE, YOUR HONOR.

28 THE COURT: LET'S MOVE ON. LET'S JUST GET AN

49580

1 ANSWER TO THE QUESTION WITHOUT COUNSEL'S REMARKS.

2 THE WITNESS: I NEVER SAID ANYTHING ABOUT A  
3 PHONE.

4 Q BY MS. ABRAMSON: OKAY. SO IS IT -- IN  
5 FACT, YOU NEVER SAID ANYTHING BEFORE ABOUT THERE

6 BEING ANY SMALL TALK PRECEDING ERIK'S BLURTING OUT  
7 TO YOU THAT HE WAS SURPRISED THAT LYLE WORE A  
8 HAIRPIECE; ISN'T THAT TRUE?

9 A WELL, I SAID -- I BELIEVE I SAID IT WAS  
10 JUST KIND OF CASUAL SMALL TALK; HOW ARE YOU DOING?  
11 I POPPED MY HEAD IN TO SAY HI TO HIM. I MEAN, THAT  
12 TYPE OF THING.

13 Q IN FACT, YOU'VE NEVER TESTIFIED THAT  
14 THERE WAS ANY TALK AT ALL BEFORE HE SAID THIS; ISN'T  
15 IT TRUE?

16 A NO, I DON'T KNOW THAT TO BE TRUE.

17 THE COURT: HOW MUCH LONGER IS YOUR  
18 EXAMINATION?

19 MS. ABRAMSON: I HAVE A WHILE.

20 THE COURT: WE'LL RESUME TOMORROW AT 8:30.

21 DON'T DISCUSS THE MATTER WITH ANYONE.

22 DON'T FORM ANY FINAL OPINIONS IT. WE'LL RESUME  
23 TOMORROW AT 8:30.

24 (THE JURY ENTERED THE JURY ROOM

25 AND THE FOLLOWING PROCEEDINGS

26 WERE HELD:)

27

28 MS. ABRAMSON: COULD WE REMAIN TO DISCUSS



1 SCHEDULING?

2 THE COURT: SURE.

3 WHAT IS IT YOU WANT TO TALK ABOUT?

4 MS. ABRAMSON: IT WAS MY UNDERSTANDING THAT  
5 BECAUSE WE HAVE NO REPORT WHATSOEVER FROM DR. DIETZ,  
6 THAT I WAS GOING TO BE GIVEN A BREAK BETWEEN MY  
7 ASKING HIM SOME QUESTIONS AND THE INTERVIEW, WHICH  
8 IS SUPPOSED TO HAPPEN NOW, AND THE PEOPLE PUTTING  
9 HIM ON. I WAS ASKING FOR A DAY IN BETWEEN, JUST AS  
10 THE PEOPLE GOT A DAY IN BETWEEN --

11 THE BAILIFF: READY?

12 (THE JURY EXITED THE COURTROOM AND  
13 THE FOLLOWING PROCEEDINGS WERE HELD:)

14

15 THE COURT: OKAY.

16 MS. ABRAMSON: (CONTINUING) THE INTERVIEW  
17 WITH DR. WILSON, BEFORE I WAS ABLE TO PUT DR. WILSON  
18 ON. AND I DO NEED THAT DAY'S BREAK.

19 NOW, I EXPECT DR. DIETZ IS HERE NOW FOR  
20 US TO TALK TO HIM, AND WITH THIS WITNESS RETURNING  
21 TOMORROW, MY REQUEST WOULD BE THAT WE BREAK AFTER  
22 THIS WITNESS TOMORROW SO I CAN COMPLETE MY  
23 PREPARATION FOR DR. DIETZ. I DON'T THINK THE PEOPLE  
24 HAVE ANY OTHER WITNESSES ANYWAY AT THIS POINT.

25 IS THAT RIGHT?

26 THE COURT: PEOPLE WANT TO BE HEARD?

27 MR. CONN: AS I UNDERSTAND IT, COUNSEL IS  
28 PROPOSING WE PROCEED WITH DR. DIETZ ON WEDNESDAY.

1 THE COURT: THAT'S WHAT SHE SAID.

2 MS. ABRAMSON: THAT'S WHAT I'VE BEEN  
3 PROPOSING ALL ALONG.

4 MR. CONN: I HAVE NO OBJECTION TO THAT.

5 THE COURT: HOW MUCH LONGER IS PISARCIK GOING  
6 TO TAKE?

7 MS. ABRAMSON: I HAVE ABOUT 15 OR 20 MINUTES  
8 MORE, AND I ASSUME THERE WILL BE SOME  
9 REHABILITATING. I MEAN, I THOUGHT WE SHOULD HAVE  
10 COMMUNICATED BEFORE YOU LET THE JURY GO, BECAUSE WE  
11 COULD HAVE GIVEN THE JURY THE DAY OFF AND FINISHED  
12 HER UP FIRST THING WEDNESDAY MORNING. WE CAN  
13 PROBABLY COLLECT THEM. THEY'RE GOING TO THE  
14 COLLECTION POINT.

15 MR. CONN: I WOULD ASK, SO WE DON'T HAVE THE  
16 JURY COME IN FOR JUST 15 MINUTES, PERHAPS COUNSEL  
17 CAN PUT ON SOME OF HER REBUTTAL WITNESSES IN THE  
18 MORNING.

19 MS. ABRAMSON: I CAN'T DO TWO THINGS AT  
20 ONCE. THE REBUTTAL WITNESSES RIGHT NOW -- WE'RE  
21 LINING PEOPLE UP FOR FRIDAY. I DON'T HAVE ANYBODY  
22 YET FOR TOMORROW.

23 THE COURT: OKAY. WE'LL COMMUNICATE WITH THE

24 JURORS AND LET THEM KNOW THAT THEY WON'T BE HERE  
25 VERY LONG TOMORROW. LET THEM KNOW SO THEY CAN MAKE  
26 OTHER PLANS.  
27 SO WE'LL BE IN RECESS UNTIL TOMORROW.  
28 MR. CONN: AS FAR AS SCHEDULING OUR FINAL

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1 WITNESS, WE WANT TO CALL IN DR. RESTAK. MY  
2 EXAMINATION OF DR. DIETZ, I'M SURE, IS NOT GOING TO  
3 TAKE MORE THAN AN HOUR OR TWO. PERHAPS COUNSEL CAN  
4 GIVE SOME INDICATION TO THE COURT, SO WE CAN  
5 SCHEDULE --

6 MS. ABRAMSON: WE STILL DON'T HAVE A REPORT  
7 FROM DR. RESTAK. I GOT A ONE-PARAGRAPH GARBLED  
8 STATEMENT OF SOME KIND. I DON'T HAVE A REPORT.  
9 WE'RE OBJECTING TO HIS TESTIMONY UNDER 801 AND  
10 CUMULATIVE.

11 I THINK, BY THE TIME THEY'RE DONE WITH  
12 DR. DIETZ, DR. RESTAK IS SIMPLY GOING TO BE  
13 CUMULATIVE TO HIM.

14 MR. CONN DID CALL ME THIS WEEKEND AND  
15 GIVE ME SOME ROUGH OUTLINE OF WHAT --

16 THE COURT: DO YOU HAVE A REPORT FOR RESTAK?

17 MR. CONN: I ASKED HIM TO PUT TOGETHER  
18 SOMETHING CONCERNING WHAT HE WOULD BE TESTIFYING

19 TO. AND HE DID SEND A ONE-PARAGRAPH REPORT TO US.  
20 BEYOND THAT, WE'RE GOING TO QUESTION HIM  
21 SIMPLY IN REGARD TO THOSE AREAS FOR WHICH DR. WILSON  
22 TESTIFIED, TO THE SO-CALLED BIOLOGY OF FEAR; THAT  
23 IS, TO EXPLAIN, SIMPLY, THE BIOLOGICAL ASPECT OF THE  
24 DEFENSE THAT WAS PRESENTED.  
25 THE COURT: WHY DON'T YOU TENTATIVELY  
26 SCHEDULE HIM FOR FRIDAY, FRIDAY MORNING.  
27 MR. CONN: ALL RIGHT.  
28 THE COURT: ALL RIGHT. WE'LL BE IN RECESS

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1 UNTIL TOMORROW AT 8:30.  
2 (AT 4:35 P.M. PROCEEDINGS WERE  
3 ADJOURNED UNTIL 8:30 A.M. THE  
4 FOLLOWING DAY.)

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  
5 THE PEOPLE OF THE STATE OF )  
6 CALIFORNIA, )  
7 )  
8 PLAINTIFFS, )  
9 )  
10 )

VS. ) NO. BA 068880

8 )

ERIK GALEN MENENDEZ, AND )

9 JOSEPH LYLE MENENDEZ, )

)

10 DEFENDANTS. )

)

11

12 REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

13 MONDAY, FEBRUARY 5, 1996

14 VOLUME 290

15

16

17

18

19

20

APPEARANCES:

21 (SEE APPEARANCE PAGE)

22

23

24

25

26

27

28

1 APPEARANCES:

2

FOR THE PEOPLE: GIL GARCETTI  
DISTRICT ATTORNEY  
BY: DAVID CONN, DEPUTY  
AND  
CAROL NAJERA, DEPUTY  
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FOR THE DEFENDANT

JOSEPH LYLE MENENDEZ: MICHAEL P. JUDGE,  
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BY: CHARLES GESSLER, DEPUTY  
AND  
TERRI TOWERY, DEPUTY  
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MARY LU MURPHY  
CSR NO. 5178  
MARILYN FADALE,  
CSR NO. 4547  
OFFICIAL REPORTERS

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3 DAY	DATE	SESSION	PAGE	VOL.
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6  
7                    PROCEEDINGS

8  
9                    CHRONOLOGICAL INDEX OF WITNESSES

10 WITNESSES:   DIRECT   CROSS   REDIRECT   RECROSS   VOL.

11 ZOELLER,  
12    LESLIE    49384-N   49396-L   49434-N   49449-L   290  
13 (CON'D)   49464-L   49476-N   49483-L            290

14 PISARCIK,  
15    JAMIE    49489-N   49501-A            290

16

17

18

19

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23

24

25 LEGEND:

A = MS. ABRAMSON  
C = MR. CONN

26 G = MR. GESSLER  
K = MS. TOWERY  
27 L = MR. LEVIN  
N = MS. NAJERA  
28

1 EXHIBITS INDEX

2 EXHIBITS: MARKED RECEIVED VOL.

3	425- NEWSPAPER ARTICLE		
	DATED 8/30/89	49465	290
4	426- NEWSPAPER ARTICLE		
5	DATED 8/22/89	49470	290
6	427- NEWSPAPER ARTICLE		
	DATED 8/25/89	49472	290
7	428- COPY OF NEWSPAPER		
8	ADVERTISEMENT	49498	290
9	429- COPY OF NEWSPAPER		
	ADVERTISEMENT	49498	290
10	430- PISARCIK WORK		
11	RECORDS		
	(PREVIOUSLY EX.367)	49557	290
12	431- CHART		
13	(PREVIOUSLY EX. 369)	49563	290



