

1 VAN NUYS, CALIFORNIA; THURSDAY, NOVEMBER 2, 1995

2 9:05 A.M.

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

4 (APPEARANCES AS HERETOFORE NOTED.)

5 (THE FOLLOWING PROCEEDINGS WERE

6 HELD IN OPEN COURT, OUT OF THE

7 PRESENCE OF THE JURY:)

8

9 THE COURT: YES.

10 MS. ABRAMSON: I JUST WANTED THE COURT TO

11 KNOW THAT I WAS GIVEN NOTES WRITTEN BY MR. CONN OF

12 DR. LAWRENCE'S POSITION SUPPOSEDLY SUPPORTING

13 FAILURE ANALYSIS. I JUST WANT TO SUBMIT THIS TO THE

14 COURT, SO IF THIS COMPORTS WITH WHAT THE COURT HAD

15 INDICATED IT WOULD HAVE TO SHOW IN ORDER TO SUPPORT

16 HIS TESTIMONY --

17 THE COURT: NO, NO. I HAVE NEVER INDICATED

18 ANY PARTICULAR THING THAT WOULD HAVE TO BE SHOWN.

19 YOU WERE THE ONE ALLEGING, IN SPEAKING WITH HIM,

20 THAT HIS OPINIONS DON'T CONFORM WITH MC CARTHY'S

21 TESTIMONY. I HAVE NO WAY OF EVALUATING THAT.

22 MS. ABRAMSON: I'LL HAVE ANOTHER CHAT WITH

23 MR. LAWRENCE, UNLESS HE NO LONGER WISHES TO SPEAK TO

24 US.

25 THE OTHER THING THE PEOPLE HAVE TOLD US

26 VERBALLY -- ORALLY, I GUESS IS THE RIGHT WORD --

27 THAT THEY HAVE, QUOTE, NEW INFORMATION FROM BRIAN

28 ANDERSEN, WHO'S A WITNESS SCHEDULED, I BELIEVE FOR

1 TODAY.

2 MY UNDERSTANDING WAS BRIAN ANDERSEN WAS
3 ONLY BEING CALLED IN THIS PART OF THE CASE TO
4 ESTABLISH ONE FACT CONCERNING A CAMCORDER AND A
5 CONVERSATION HE HAD WITH MR. MENENDEZ ABOUT
6 MR. MENENDEZ GOING TO TALK TO LYLE ABOUT IT AND THAT
7 IT WAS ADMISSIBLE ONLY AGAINST LYLE MENENDEZ.
8 THEREFORE, I DIDN'T EVEN BOTHER TRYING TO PREPARE
9 FOR THAT WITNESS. AND NOW WE'VE BEEN TOLD ABOUT A
10 STATEMENT --

11 THE COURT: WAIT, WAIT.

12 (THE JURY ENTERED THE JURYROOM.)

13

14 THE COURT: OKAY. GO AHEAD.

15 MS. ABRAMSON: YES, YOUR HONOR. NOW THE
16 PEOPLE -- I DON'T KNOW IF THE PEOPLE INTEND TO USE
17 THIS IN THIS PART OF THE CASE -- I ASSUME SO -- OR
18 THEY WOULDN'T BE TELLING ME ABOUT IT. NOW THEY WANT
19 TO INTRODUCE INFORMATION FROM MR. ANDERSEN
20 CONCERNING CONVERSATIONS HE HAD WITH BOTH DEFENDANTS
21 RIGHT AFTER THE HOMICIDES HERE IN CALIFORNIA
22 CONCERNING THE WILL AND WHETHER THEY'RE IN IT OR
23 NOT.

24 APPARENTLY HIS STATEMENT, ALTHOUGH I
25 HAVEN'T SEEN IT IN WRITING YET, IS THAT THEY TOLD
26 HIM THEY KNEW THEY WERE IN THE WILL ET CETERA,
27 ET CETERA, AND SO FORTH. AND JUST FLIPPING THROUGH
28 MY NOTEBOOK ON HIM -- AS I SAY, I HAD NOT PREPARED TO

39507

1 DEAL WITH THIS WITNESS BECAUSE HE WAS NOT BEING USED
2 AGAINST US. LET'S SEE. HE HAD A POLICE INTERVIEW
3 ON SEPTEMBER 14TH, 1989. HE HAD AN INTERVIEW WITH
4 MS. BOZANICH AND MR. KURIYAMA ON NOVEMBER 21ST AND
5 NOVEMBER 22ND, 1993. HE HAD AN INTERVIEW ON
6 FEBRUARY 22ND AND FEBRUARY 23RD, 1994, WITH THE
7 PROSECUTION; AND THIS HAS NEVER COME UP BEFORE.

8 AND WE FEEL THAT THIS IS WAY TOO LATE
9 FOR DISCOVERY OF THIS KIND. I AM CERTAINLY NOT
10 PREPARED TO -- I STILL HAVEN'T SEEN IT IN WRITING.
11 I'M WAITING FOR DETECTIVE ZOELLER'S NOTES, AND I'M
12 CERTAINLY NOT PREPARED TO DEAL WITH THIS KIND OF
13 ISSUE FROM THIS WITNESS.

14 AS THE COURT IS WELL AWARE, THERE WERE
15 NUMEROUS FAMILY MEMBERS WHO WERE HERE IN CALIFORNIA
16 AFTER THE HOMICIDES. AND BEFORE MR. ANDERSEN SHOULD
17 BE PERMITTED TO TESTIFY TO ANY EVENTS DURING THAT
18 WEEK, WHICH HE HAS NEVER GIVEN INFORMATION ABOUT

19 BEFORE, WE WOULD WANT TO INTERVIEW ALL OF THOSE
20 WITNESSES AND GO THROUGH ALL OF OUR RECORDS OF OUR
21 CLIENTS' WHEREABOUTS AND THOSE WITNESSES'
22 WHEREABOUTS DURING THAT PERIOD OF TIME, ET CETERA.

23 SO, I HAVEN'T EVEN SEEN THE DISCOVERY
24 YET. IT'S KIND OF WEIRD TO OBJECT TO SOMETHING YOU
25 HAVEN'T SEEN. I TAKE MR. CONN'S WORD FOR IT THAT IT
26 IS OF THE CHARACTER THAT HE HAS REPRESENTED.

27 THE COURT: OKAY. MR. CONN.

28 MR. CONN: YES. WE DO INTEND TO INTRODUCE

39508

1 THIS. THIS IS SOMETHING HE JUST TOLD US FOR THE
2 FIRST TIME LAST NIGHT, SOMETHING THAT HE RECALLED.
3 IT'S NOT CORRECT TO SAY THE ONLY REASON HE'S BEING
4 CALLED IS IN REGARD TO THE CAMCORDER. WE HAVE NOW
5 LEARNED HE WAS PRESENT DURING TWO OTHER SIGNIFICANT
6 ACTIVITIES.

7 ONE WAS THE SEARCH FOR THE SAFE AT THE
8 HOME OF THE ATTORNEY, RANDY WRIGHT; AND THE OTHER
9 WAS FOR THE SEARCH OF THE WILL AT THE SAFETY DEPOSIT
10 BOX. WE'LL BE ASKING HIM ABOUT THE SEARCH FOR THE
11 WILL, AS WELL AS THE CAMCORDER INCIDENT; AND WE
12 PROPOSE TO ASK HIM ABOUT THIS CONVERSATION WITH THE
13 DEFENDANTS AS WELL.

14 MS. ABRAMSON: WELL, YOUR HONOR, THIS IS THE
15 FIRST WE'VE HEARD THEY'RE OFFERING HIM FOR THOSE
16 PURPOSES. I MEAN, WE HAVE ALL THESE PROFFERS.
17 WE'VE LITIGATED ALL THESE WITNESSES. WE'VE LINE BY
18 LINED WHAT THEY'D SAY AND THIS IS THE FIRST WE'VE
19 HEARD, AND THEY'VE KNOWN ALL ALONG THAT HE WAS HERE
20 AT THE TIME AND HAD SOMETHING TO DO WITH THE SAFE
21 DEPOSIT BOX AND THE WILL AND THEY'VE NEVER PROFFERED
22 THAT BEFORE. AND WE DON'T KNOW WHAT STATEMENTS HE'S
23 GOING TO NOW TRY TO ATTRIBUTE TO OUR CLIENTS DURING
24 THOSE ACTIVITIES.

25 SO WE WOULD OBJECT TO ANYTHING BEYOND
26 WHAT WE LITIGATED WAS GOING TO BE THE SCOPE OF HIS
27 TESTIMONY AT THIS STAGE OF THE CASE.

28 THE COURT: WELL, CERTAINLY LITIGATION HAD TO

39509

1 DO WITH OUT-OF-COURT STATEMENTS OF ONE DEFENDANT AND
2 HOW IT WOULD BE DEALT WITH IN THE JOINT TRIAL. IT
3 WAS NEVER THE FOCUS OF OTHER TESTIMONY OF THE
4 WITNESS, ONE WAY OR THE OTHER, AS TO WHAT HE WOULD
5 OR WOULD NOT BE PERMITTED TO SAY. IT WAS CLEAR TO
6 ME, QUITE FRANKLY, FROM HOW THE EXAMINATION WAS
7 CONDUCTED OF THE WRIGHTS AND MR. BARALT, I ASSUMED
8 THAT MR. ANDERSEN WAS GOING TO BE CALLED TO TESTIFY

9 ABOUT THE INCIDENT AT THE WRIGHT HOUSE, AT THE VERY
10 LEAST, JUST FROM THE WAY THE EXAMINATION WAS
11 CONDUCTED.

12 SO FROM MY PERSPECTIVE -- AND I KNOW
13 LESS ABOUT THE DISCUSSIONS THAT YOU HAVE WITH THE
14 LAWYERS. I DON'T KNOW ANYTHING ABOUT THEM AND I
15 DON'T KNOW ANYTHING ABOUT THE DISCOVERY THAT'S BEEN
16 TURNED OVER. I JUST ASSUMED THAT WAS GOING TO
17 HAPPEN.

18 MS. ABRAMSON: WE DID NOT, AND NONE OF US ARE
19 PREPARED TO DEAL WITH THAT AT THIS POINT IN TIME, AT
20 LEAST NOT AT THIS POINT. AND I DON'T
21 KNOW -- AND I WANT A 402 WITH THAT WITNESS --
22 WHETHER HE'S GOING TO TESTIFY TO ANY STATEMENTS MADE
23 BY EITHER OF THE DEFENDANTS.

24 THE COURT: I THINK YOU'RE ENTITLED TO
25 DISCOVERY OF ANY STATEMENTS MADE BY EITHER DEFENDANT
26 AT ANY TIME PERTINENT TO THE WITNESSES.

27 MS. ABRAMSON: WITH RESPECT TO THIS NEW
28 STATEMENT WHERE THEY'RE DISCUSSING THE WILL, YOUR

39510

1 HONOR, WE WOULD OBJECT TO THAT COMING IN AT ALL AT
2 THIS POINT BECAUSE THIS IS THE FIRST WE'VE HEARD OF
3 IT. WE DON'T KNOW ANY OF THE SPECIFICS OR DETAILS

4 AT THIS POINT.

5 THE COURT: FIRST OF ALL, LET'S HAVE A
6 WRITTEN REPORT OF WHAT IT IS THAT THE WITNESS WILL
7 SAY BEFORE WE GET FURTHER ALONG. I THINK YOU'RE
8 ENTITLED TO THAT, AND IT'S UNCLEAR TO ME HOW IT CAME
9 ABOUT THAT THE WITNESS DISCLOSED THAT TODAY, OR LAST
10 NIGHT, VERSUS SOME EARLIER OCCASION, WHETHER HE HAD
11 EVER BEEN ASKED ABOUT THIS BEFORE, AS FAR AS
12 INHERITANCE, THE DEFENDANTS' STATE OF MIND IN REGARD
13 TO INHERITANCE. ONE WOULD THINK THAT HE HAD BEEN,
14 AND WHAT HIS RESPONSES WERE BEFORE AND HOW IT CAME
15 ABOUT THAT HE DISCLOSED TODAY OR YESTERDAY OR LAST
16 NIGHT, WHENEVER IT WAS, I THINK THESE THINGS ARE ALL
17 THINGS YOU'RE ENTITLED TO BEFORE HE TESTIFIES.

18 IS THERE A REPORT BEING PREPARED IN THIS
19 REGARD?

20 MR. CONN: NOT A REPORT, BUT DETECTIVE
21 ZOELLER WILL BE BRINGING HIS NOTES WITH HIM THIS
22 MORNING AND WE WILL HAVE COPIES OF HIS NOTES FOR
23 COUNSEL.

24 THE COURT: AND DO THESE NOTES REFLECT ANY
25 STATEMENTS THAT WERE MADE BY THE DEFENDANTS DURING
26 THE TIME -- I THINK THERE ALREADY ARE SOME REPORTS
27 SHOWING SOME STATEMENTS BY THE DEFENDANTS AT THE
28 TIME THE SAFE WAS SEARCHED, AS I RECALL, THE NOTES

1 THAT WERE SHOWN TO THE COURT RELATED TO THE HEARING
2 INVOLVING MR. WRIGHT, NOT BY MR. ANDERSEN.

3 THE COURT: DETECTIVE ZOELLER TESTIFIED -- I
4 DON'T KNOW IF I SAW THE NOTES OR IN HIS TESTIMONY --
5 THAT -- IT WAS ALSO IN HIS REPORT, BECAUSE I SAW HIS
6 REPORT AS PART OF THE OFFER OF PROOF, THAT HE SPOKE
7 WITH MR. ANDERSEN ABOUT THAT SITUATION AND THERE
8 WERE CERTAIN STATEMENTS, I BELIEVE, ATTRIBUTED TO
9 THE DEFENDANTS DURING THAT TIME OR AT LEAST THEIR
10 ACTIVITIES.

11 NOW, IF THERE'S MORE THAT'S GOING TO BE
12 BROUGHT OUT THAN IS IN THAT REPORT, THEN THE PEOPLE
13 SHOULD TURN THAT OVER.

14 MR. CONN: YES. AND WE WILL TURN THAT OVER
15 THIS MORNING, YOUR HONOR.

16 THE COURT: IT'S PREMATURE AT THIS POINT FOR
17 ME TO DO ANYTHING OTHER THAN RULE THAT MR. ANDERSEN
18 WON'T BE PERMITTED TO TESTIFY ABOUT ANYTHING BESIDES
19 THE CAMCORDER INCIDENT UNTIL SUCH TIME AS DISCOVERY
20 IS TURNED OVER TO THE DEFENSE AND THEY HAVE AN
21 OPPORTUNITY TO EVALUATE IT AND I HEAR FURTHER FROM
22 THEM.

23 I'D WANT TO HEAR WHY IT IS NOW THIS
24 INFORMATION HAS BEEN DEVELOPED THAT DIDN'T OCCUR
25 EARLIER.

26 ANY HEARINGS OR ANY MATTERS THAT WE HAVE
27 TO DEAL WITH IN REGARD TO THE REDIRECT EXAMINATION

39512

1 MS. TOWERY: YES, YOUR HONOR, VERY BRIEFLY.

2 I'D ASK THAT THE WITNESS BE EXCUSED.

3 THE COURT: OKAY. PLEASE WAIT OUT IN THE
4 HALL.

5 (WITNESS EXITS THE COURTROOM.)

6

7 MS. TOWERY: I DON'T KNOW WHAT THE AREAS OF
8 REDIRECT WILL BE; HOWEVER, MS. NAJERA DID INDICATE
9 TO ME YESTERDAY THAT IN REDIRECT SHE DOES INTEND TO
10 INQUIRE OF MS. PISARCIK ABOUT THE NIGHT THAT SHE
11 SPENT WITH LYLE MENENDEZ BEFORE THE MEMORIAL SERVICE
12 IN PRINCETON; AND, BASICALLY, INTENDS TO ELICIT
13 TESTIMONY FROM MS. PISARCIK THAT LYLE MENENDEZ
14 ATTEMPTED TO MANIPULATE HER INTO HAVING SEX WITH HIM
15 THAT EVENING. THIS IS NEW INFORMATION FIRST
16 DISCLOSED TO THE DEFENSE YESTERDAY. IT'S ALSO A
17 CONCLUSION ON THE PART OF THE WITNESS. IT'S ALSO
18 INFLAMMATORY, IRRELEVANT, AND RAISES ALL KINDS OF
19 RIDICULOUS SIDE ISSUES REGARDING THE SEXUAL
20 RELATIONSHIP BETWEEN THE WITNESS AND LYLE MENENDEZ.

21 I WOULD ASK THAT THE COURT EXCLUDE THAT
22 UNDER 352, AND ALSO UNDER THE DISCOVERY VIOLATION.

23 SHE'S TALKED ABOUT THAT EVENING ON NUMEROUS
24 OCCASIONS AND HAS NEVER MENTIONED THAT PARTICULAR
25 CONCLUSION ON HER PART.

26 THE OTHER ISSUE THAT I IMAGINE WILL COME
27 UP IS -- I BELIEVE THAT THE PROSECUTION MAY TAKE THE
28 POSITION THAT BECAUSE MS. PISARCIK VOLUNTEERED IN

39513

1 RESPONSE TO QUESTIONS REGARDING LYLE MENENDEZ'
2 EMOTIONAL CONDITION DURING THE FALL AND JANUARY OF
3 19 -- FALL OF 1989 AND JANUARY -- MS. PISARCIK
4 VOLUNTEERED THAT HE WAS EMOTIONALLY SPENDING MONEY.
5 AND I EXPECT THAT THE PROSECUTION WILL NOW TAKE THE
6 POSITION THAT THE DOOR HAS BEEN OPEN TO EVIDENCE OF
7 SPENDING BY LYLE MENENDEZ AND THAT WAS PRECLUDED IN
8 HER DIRECT EXAMINATION BECAUSE OF NO DISCOVERY ON
9 THAT ISSUE. AND WE STILL DON'T HAVE ANY DISCOVERY
10 ON THAT ISSUE. THERE STILL IS NOTHING SPECIFIC THAT
11 HAS BEEN PROVIDED TO THE DEFENSE. SO I WOULD ASK
12 THAT THE COURT ALSO PRECLUDE THAT AREA OF
13 CROSS-EXAMINATION (SIC).

14 OTHERWISE, I HAVEN'T BEEN ADVISED AS TO
15 ANYTHING THAT MS. NAJERA INTENDS TO GO INTO.

16 THE COURT: WHAT IS THE PEOPLE'S RESPONSE?

17 MS. NAJERA: AS TO THE FIRST ISSUE REGARDING,

18 I BELIEVE, THE DEFENSE TRIED TO BASICALLY ELICIT
19 TESTIMONY TO PROVIDE A PICTURE OF LYLE MENENDEZ THE
20 NIGHT BEFORE THE MEMORIAL SERVICE IN PRINCETON THAT
21 HE WAS EMOTIONAL AND BROKEN UP, AND THIS WOULD ONLY
22 BE RELEVANT TO HIS STATE OF MIND AND, YOU KNOW, HOW
23 THIS ALL AFFECTED HIM. AND THEY TRY TO PRESENT HIM
24 AS BEING SOMEHOW VERY EMOTIONAL ABOUT THIS AND IT
25 WAS ALL A PART OF THIS WHOLE EMOTIONAL DEFENSE THAT
26 I THINK THEY'RE GOING TO TRY TO DEVELOP, OBVIOUSLY,
27 AT A LATER TIME. THIS WITNESS' RECOLLECTION DOES
28 NOT REFLECT THE TRUE STATE OF EVENTS. TRUE STATE OF

39514

1 EVENTS THAT NIGHT IS HE DID CRY, HE DID LIE TO HER,
2 AND HE DID, IN HER OPINION, AS SHE WAS THE BEST
3 PERSON TO JUDGE -- SHE WAS THERE AND SHE CAN
4 DESCRIBE HE WAS NOT BROKEN UP AND DISTRAUGHT ABOUT
5 THIS. HE ACTUALLY WANTED TO HAVE SEX, AND THAT IS
6 REAL -- THIS IS NOT THE PICTURE OF SOMEBODY WHO'S
7 DISTRAUGHT ABOUT HIS PARENTS' DEATH AND THAT WAS THE
8 PICTURE THE DEFENSE TRIED TO PAINT. I THINK WE'RE
9 ENTITLED TO SHOW ANY EVIDENCE THAT DISPELS THAT
10 IMAGE AND THAT'S WHAT THAT EVIDENCE IS PERTINENT AND
11 RELEVANT TO.

12 AS TO THE SPENDING, YOUR HONOR, I

13 BELIEVE SHE WAS ASKED WHETHER OR NOT IT CAME UP WITH
14 REGARDS TO HER BREAK-UP WITH THE DEFENDANT AND WHY,
15 AND QUESTIONS WERE ASKED ABOUT HIS EMOTIONALITY.
16 AND I BELIEVE SHE TESTIFIED THAT SHE DID NOT
17 APPRECIATE OR -- THE REASON SHE BROKE UP WITH HIM WAS
18 BECAUSE HE WAS EMOTIONAL AND OUT OF CONTROL AND SHE
19 SAID PART OF THAT WAS REFLECTED IN HIS SPENDING AND
20 HIS LIFE-STYLE AND THERE WAS AN INDIRECT RESPONSE TO
21 QUESTIONS THAT WERE ASKED OF THE DEFENSE THAT WERE
22 NOT OBJECTED TO AS NONRESPONSIVE AND THAT WOULD OPEN
23 UP THE DOOR TO, WELL, WHAT EXACTLY WAS IT HE WAS
24 DOING?

25 THE COURT: LIKE WHAT?

26 MS. TOWERY: THAT WAS MY QUESTION.

27 MS. NAJERA: LIKE SPENDING OUT OF CONTROL.

28 SHE OBSERVED HIS SPENDING.

39515

1 THE COURT: LIKE WHAT?

2 MS. NAJERA: THE BEDROOM FURNITURE -- THIS
3 HAS ALL BEEN DISCLOSED TO THEM -- THE BEDROOM
4 FURNITURE THAT WAS BOUGHT FROM A FURNITURE STORE ON
5 LA BREA; A SOUND SYSTEM, AND ALL THE STUFF BOUGHT
6 FOR THE MARINA CITY CONDO.

7 MS. TOWERY: THERE IS NO SUCH FURNITURE STORE

8 ON LA BREA. AND THE WITNESS HAS NO RECOLLECTION OF
9 SPECIFICALLY WHAT WAS PURCHASED. IT WAS JUST SORT
10 OF A GENERIC FURNITURE AT THIS NONEXISTENT STORE ON
11 LA BREA.

12 ALSO -- EXCUSE ME. A LARGE TV AT A
13 NONEXISTENT STORE ON WESTWOOD BOULEVARD.

14 MS. ABRAMSON: WE HAVE DONE A LITTLE
15 INVESTIGATING, YOUR HONOR.

16 THE COURT: REGARDLESS OF THE DETAILS OF THE
17 INVESTIGATION OR THE POTENTIAL REBUTTAL, IT JUST
18 SEEMS TO ME THAT THE WITNESS HAS GIVEN THESE
19 ANSWERS -- THEY HAVEN'T BEEN IMPEACHED BY THE
20 DEFENSE -- I DON'T SEE THERE'S ANY PROBATIVE VALUE IN
21 GOING INTO THE DETAILS OF IT. IN HER OPINION HE WAS
22 SPENDING TOO MUCH, AND THAT WAS HER OPINION. IT'S
23 BEEN UNIMPEACHED THAT WAS HER OPINION SO AS TO THE
24 BASIS OF HER OPINION AT THIS POINT. I THINK UNDER
25 SECTION 352 THE PROBATIVE VALUE OF IT WOULD BE
26 OUTWEIGHED BY ITS POTENTIAL FOR UNDUE CONSUMPTION OF
27 TIME AND CONFUSION OF ISSUES HERE AT THIS POINT.

28 AND AS TO THE REFERENCE TO SEXUAL

39516

1 ACTIVITY THAT NIGHT, I DON'T FIND FROM WHAT'S BEEN
2 PRESENTED TO ME THAT THE OFFER OF PROOF HERE MEETS

3 THE PURPOSE FOR WHICH IT IS BEING MADE. IT DOESN'T
4 SUPPORT THE POSITION. IT'S NOT PROBATIVE OF THE
5 ISSUE THAT THE PROSECUTION SEEKS; AND, THEREFORE,
6 THE COURT FINDS THAT UNDER SECTION 352 OF THE
7 EVIDENCE CODE THE PROBATIVE VALUE OF THAT EVIDENCE
8 IS SUBSTANTIALLY OUTWEIGHED BY ITS POTENTIAL FOR
9 PREJUDICE AND UNDUE CONSUMPTION OF TIME.

10 SO ANY OTHER ISSUES THAT RELATE TO THE
11 TESTIMONY OF THE WITNESS?

12 MS. ABRAMSON: NOT THAT WE KNOW OF.

13 MS. NAJERA: NOT THAT I'M AWARE OF, YOUR
14 HONOR.

15 THE COURT: OKAY. LET'S GET THE JURY OUT AND
16 THE WITNESS IN.

17 (THE JURY ENTERED THE COURTROOM
18 AND THE FOLLOWING PROCEEDINGS
19 WERE HELD:)

20

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

22 GOOD MORNING, LADIES AND GENTLEMEN.

23 WE'RE READY TO RESUME WITH THE TRIAL.

24 THE WITNESS IS STILL ON THE WITNESS
25 STAND.

26 WOULD YOU STATE YOUR NAME FOR THE
27 RECORD.

28

1 JAMIE PISARCIK,

2 THE WITNESS AT THE TIME OF ADJOURNMENT, RESUMED THE
3 STAND, AND TESTIFIED FURTHER AS FOLLOWS:

4 THE WITNESS: JAMIE PISARCIK.

5 THE COURT: I'LL REMIND YOU YOU'RE STILL
6 UNDER OATH.

7 AND THIS IS REDIRECT.

8

9 REDIRECT EXAMINATION

10 BY MS. NAJERA:

11 Q GOOD MORNING, MS. PISARCIK.

12 A GOOD MORNING.

13 Q MS. PISARCIK, YESTERDAY YOU WERE ASKED

14 ABOUT SOME CONTACTS THAT YOU HAD WITH THE DEFENSE IN

15 THIS CASE, THE PREVIOUS DEFENSE ATTORNEYS AND THE

16 PREVIOUS PROSECUTORS.

17 DO YOU RECALL THAT?

18 A YES.

19 Q NOW, THE FIRST TIME THAT YOU WERE

20 CONTACTED BY ANYONE IN THIS CASE, WHO WAS IT WHO

21 CONTACTED YOU FIRST?

22 A THAT WOULD HAVE BEEN JILL LANSING WITH

23 THE LETTER.

24 Q AND THIS LETTER, I BELIEVE YOU TESTIFIED

25 YESTERDAY THAT IT CAME SOMETIME AROUND SEPTEMBER

26 25TH, 1992; IS THAT CORRECT?

27 A CORRECT.

28 Q AND THERE WAS AN EXHIBIT 162; IS THAT

39518

1 RIGHT?

2 SHOWING YOU EXHIBIT 162, IS THAT WHAT

3 WE'RE TALKING ABOUT?

4 A YES, IT IS.

5 Q NOW, YOU WROTE BACK TO HER ON OCTOBER

6 11TH, 1992; IS THAT RIGHT?

7 A CORRECT.

8 Q AND THAT WOULD BE THE LETTER THAT'S BEEN

9 MARKED 163; IS THAT RIGHT?

10 A YES, IT IS.

11 Q SO, LET'S SEE. LESS THAN A MONTH AFTER

12 YOU GOT THE LETTER YOU CONTACTED HER AND STATED THAT

13 YOU DID NOT WANT TO BE INVOLVED IN THIS CASE; IS

14 THAT RIGHT?

15 A THAT IS CORRECT.

16 Q AND WAS THAT YOUR FEELING AT THE TIME,

17 THAT YOU DID NOT WANT TO BE INVOLVED IN THIS CASE?

18 A YES, IT WAS.

19 Q ABOUT 17 DAYS LATER, ON OCTOBER 28TH,

20 1992, WERE YOU CONTACTED BY THE FORMER PROSECUTORS

21 IN THIS CASE?

22 A YES, I WAS.

23 Q NOW, WAS THAT THE FIRST TIME YOU HAD
24 EVER BEEN CONTACTED BY THE PROSECUTION SIDE OF THIS
25 CASE?

26 A YES, IT WAS.

27 Q AND AT THAT MEETING DID YOU WANT TO BE
28 INVOLVED IN THIS CASE?

39519

1 A NO, I DID NOT.

2 Q DID YOU TELL THEM ANYTHING TO THAT
3 EFFECT?

4 A YES, I DID.

5 Q WHAT DID YOU TELL THEM?

6 A THEY SHOWED UP UNANNOUNCED AT MY FRONT
7 DOOR. I ANSWERED THE FRONT DOOR, AND THEN THEY
8 STARTED TO ASK A FEW QUESTIONS; AND AT THAT TIME I
9 MAY HAVE ANSWERED THE QUESTIONS, BUT I ALSO STATED
10 THAT I DID NOT WANT TO BE INVOLVED IN THIS AND THAT
11 I WOULD LIKE TO SEEK COUNSEL AND TALK TO AN
12 ATTORNEY, TO FIND OUT WHAT MY RIGHTS WERE, SINCE I
13 HAD NOT BEEN CONTACTED IN YEARS, YOU KNOW, BY
14 ANYBODY, AND THAT I DIDN'T KNOW IF I HAD TO SPEAK TO
15 THEM OR NOT.

16 SO...

17 Q SO THIS ALL STARTED IN SEPTEMBER. AND
18 BY OCTOBER YOU'D BEEN CONTACTED BY BOTH PARTIES?

19 A CORRECT.

20 Q AND YOU HAD TOLD BOTH PARTIES THAT YOU
21 DIDN'T WANT TO BE INVOLVED?

22 A THAT'S CORRECT.

23 Q NOW, DID SOMETHING HAPPEN AT THAT
24 MEETING THAT FORCED YOU TO BE INVOLVED IN THIS CASE?

25 A WELL, THEY SAID I WOULD BE SUBPOENAED.

26 Q AND WERE YOU SUBPOENAED?

27 A YES, I WAS.

28 Q AND WERE YOU SUBPOENAED TO COME TO THE

39520

1 D.A.'S OFFICE ON NOVEMBER 30TH, 1992 AND GIVE A
2 STATEMENT?

3 A YES, I WAS.

4 Q AND IS THAT THE REASON YOU GAVE THAT
5 STATEMENT?

6 A YES.

7 Q AND THAT WAS BECAUSE YOU WERE UNDER
8 COURT ORDER AND YOU DIDN'T WANT TO GO AGAINST THE
9 LAW?

10 A CORRECT.

11 Q NOW, YOU'VE BEEN ASKED SOME QUESTIONS

12 ABOUT THAT PREVIOUS STATEMENT THE OTHER DAY.

13 DO YOU RECALL THAT ON CROSS-EXAMINATION?

14 A YES.

15 Q NOW, GOING BACK TO WHAT WAS DISCUSSED ON

16 THAT STATEMENT -- THAT WAS THE ONE -- THE FIRST REAL

17 CONVERSATION THAT YOU HAD WITH ANYBODY -- WAS THAT

18 THAT THE NOVEMBER 30TH STATEMENT?

19 A YES, CORRECT.

20 Q THIS IS NOVEMBER 30TH, 1992?

21 A CORRECT.

22 Q NOW, BACK IN 1992 WHEN YOU WERE PUT

23 UNDER OATH AND ASKED QUESTIONS, WERE YOU ASKED ABOUT

24 THE STATEMENT THAT LYLE MENENDEZ MADE TO YOU IN THE

25 JAIL WHERE HE TOLD YOU THAT HE HAD KILLED HIS

26 PARENTS?

27 A YES.

28 Q AND BACK THEN DID YOU TELL THE

39521

1 PROSECUTORS THAT, BASICALLY, IN DECEMBER OF 1990, HE

2 WROTE -- AND YOU WERE IN THE WITNESS AREA OF THE

3 L.A. COUNTY JAIL -- AND HE HELD THAT UP. HE SAID HE

4 HAD KILLED HIS PARENTS, THAT HE HAD KILLED HIS

5 PARENTS?

6 A YES, THAT IS CORRECT.

7 Q AND YOU SAID THAT BACK IN NOVEMBER OF
8 '92.

9 A YES.

10 Q AND BACK IN NOVEMBER OF 1992, WHEN YOU
11 FIRST HAD THE FIRST BIG STATEMENT THAT YOU GAVE
12 ABOUT THIS CASE, DID YOU SAY AT THAT TIME THAT IT
13 WAS A LETTER AND IT WAS VERY APOLOGETIC; AND,
14 BASICALLY, HE SAID HE WAS SORRY BECAUSE HE HADN'T
15 TOLD YOU THIS BEFORE?

16 A YES, THAT'S CORRECT.

17 Q AND YOU HAD BELIEVED IN HIS TOTAL
18 INNOCENCE --

19 A YES.

20 Q AND THAT IS WHY IT WAS VERY APOLOGETIC?

21 A YES.

22 Q AND ALL OF THIS WAS STATED AS A RESULT
23 OF YOUR BEING SUBPOENAED IN TO GIVE THIS STATEMENT?

24 A THAT IS CORRECT.

25 Q NOW, BACK IN NOVEMBER OF 1992, DID YOU
26 ALSO STATE THAT HE -- THAT THE DEFENDANT, LYLE
27 MENENDEZ, HAD TOLD YOU BACK AT THE BEGINNING ABOUT
28 THE MOB OR THE MAFIA?

1 A YES, I DID.

2 Q THIS WAS IN THAT STATEMENT THAT YOU MADE
3 WAY BACK IN NOVEMBER?

4 A CORRECT.

5 Q NOW, BACK WHEN YOU SPOKE TO THE
6 PROSECUTORS IN NOVEMBER, WAS DETECTIVE ZOELLER THERE
7 AS WELL?

8 A YES, HE WAS.

9 Q NOW, DID YOU TELL THEM BACK IN NOVEMBER
10 1992, FOR THE FIRST TIME, THAT PREVIOUS TO TELLING
11 YOU THAT HE HAD KILLED HIS PARENTS, THAT HE HAD
12 ASKED YOU -- THAT HE HAD TOLD YOU THAT HE WAS WORKING
13 ON HIS OWN DEFENSE TYPE OF THING?

14 MS. TOWERY: OBJECTION. LEADING.

15 THE COURT: SUSTAINED.

16 Q BY MS. NAJERA: DID HE TELL YOU
17 SOMETHING ABOUT WORKING ON HIS OWN DEFENSE?

18 A YES, HE DID.

19 Q DID YOU TELL THAT TO THE PROSECUTORS
20 BACK IN 1992?

21 A YES, I THINK I DID.

22 Q AND WITH REGARDS TO WHAT YOU HAD
23 TESTIFIED TO PREVIOUSLY, THAT THE DEFENDANT, LYLE
24 MENENDEZ, HAD ASKED YOU TO WATCH THE MOVIE "AT CLOSE
25 RANGE," WATCH THE SCENE WHERE THERE WAS A SCENE
26 WHERE THE FATHER ATTACKED A SON'S DAUGHTER -- DID YOU
27 TELL PROSECUTORS BACK THEN THAT HE HAD ASKED YOU TO
28 WATCH THAT?

1 A YES. IT WAS THE SON'S GIRLFRIEND,
2 THOUGH.

3 Q SO BACK THEN DID YOU TELL HIM THAT HE
4 HAD ASKED YOU TO WATCH THAT AND SAY THAT HIS FATHER
5 HAD TRIED TO DO THAT TO YOU?

6 A YES.

7 Q WHAT WAS DESCRIBED IN THE SCENE?

8 A YES.

9 Q AND ALL OF THAT WAS SAID AT THIS FIRST
10 BIG INTERVIEW IN NOVEMBER?

11 A THAT'S CORRECT.

12 Q AND THE SCENE THAT YOU WERE ASKED ABOUT
13 YESTERDAY IN THE MOVIE, THE SCENE THAT YOU DESCRIBED
14 HERE IN COURT, IS THAT THE ONLY SCENE IN THAT MOVIE
15 WHERE THE FATHER BASICALLY COMES ON TO THE SON'S
16 GIRLFRIEND?

17 MS. TOWERY: OBJECTION. NOT WITHIN THE
18 PERSONAL KNOWLEDGE OF THE WITNESS.

19 THE COURT: HAVE YOU SEEN -- WELL, SHE SAYS
20 SHE'S SEEN THE MOVIE.

21 SO OBJECTION OVERRULED.

22 THE WITNESS: YES. I REMEMBER, YES.

23 Q BY MS. NAJERA: AND THE WAY -- THE
24 DESCRIPTION THAT YOU GAVE YESTERDAY IN COURT, WAS

25 THAT THE DESCRIPTION OF THE SCENE THAT YOU HAD SEEN?

26 A CORRECT.

27 Q AND THAT WAS AN ACCURATE DESCRIPTION?

28 A YES, IT WAS.

39524

1 Q NOW, WHEN THE DEFENDANT TOLD YOU THAT HE
2 HAD MURDERED HIS PARENTS, HE ALSO TOLD YOU THAT HE
3 HAD BEEN --

4 MR. LEVIN: OBJECTION TO THE USE OF THE TERM
5 "MURDER".

6 THE COURT: MS. TOWERY, YOUR VOICE HAS
7 CHANGED AGAIN.

8 MS. TOWERY: I'M A LITTLE HOARSE TODAY.

9 THE COURT: WAS THAT YOUR OBJECTION, MS. TOWERY?

10 MS. TOWERY: YES, THAT'S IT.

11 THE COURT: REPHRASE THE QUESTION.

12 Q BY MS. NAJERA: WHEN HE TOLD YOU THAT HE
13 HAD KILLED HIS PARENTS, HE ALSO TOLD YOU THAT HE HAD
14 BEEN ABUSED?

15 A THAT'S CORRECT.

16 Q AND AT THAT TIME YOU TESTIFIED YOU
17 DIDN'T BELIEVE HIM; IS THAT RIGHT?

18 A THAT IS CORRECT.

19 Q AND HE TOLD YOU THAT HE HAD BEEN

20 SEXUALLY ABUSED; IS THAT RIGHT?

21 A YES.

22 Q AND PREVIOUSLY TO THAT, THAT WAS WHEN HE

23 HAD ASKED YOU TO LIE ABOUT HIS FATHER SEXUALLY

24 ASSAULTING YOU; IS THAT RIGHT?

25 A THAT'S CORRECT.

26 Q AND YOU KNEW THAT THAT WAS A LIE AND YOU

27 BELIEVED THAT HE WAS LYING AGAIN WHEN HE TOLD YOU

28 ABOUT IT, WHEN HE TOLD YOU HE'D KILLED HIS PARENTS?

39525

1 MS. TOWERY: OBJECTION. COMPOUND.

2 THE COURT: SUSTAINED.

3 MS. TOWERY: ALSO HEARSAY.

4 THE COURT: IT'S ALSO LEADING.

5 MS. NAJERA: OKAY.

6 Q NOW, HE ASKED YOU TO LIE ABOUT THE

7 SEXUAL ABUSE; IS THAT RIGHT?

8 A THAT IS CORRECT.

9 Q AND WHEN HE TOLD YOU -- WHEN HE TOLD YOU

10 HE KILLED HIS PARENTS AND HE TOLD YOU THE ABUSE, HE

11 STARTED TO CRY; IS THAT RIGHT?

12 A YES.

13 Q AND WHEN YOU WERE WITH HIM THE NIGHT

14 BEFORE THE MEMORIAL SERVICE IN PRINCETON HE CRIED

15 THAT NIGHT TOO, DIDN'T HE?

16 A YES, HE DID.

17 Q AND HE ALSO LIED TO YOU THAT NIGHT ABOUT

18 WHO MURDERED HIS PARENTS?

19 A THAT'S RIGHT.

20 MS. TOWERY: OBJECT TO THE USE OF THE TERM

21 "MURDERED." ALSO, "LYING" IS A CONCLUSION ON THE

22 PART OF THE WITNESS.

23 THE COURT: REPHRASE THE QUESTION, PLEASE.

24 OBJECTION SUSTAINED. THE ANSWER'S

25 STRICKEN.

26 Q BY MS. NAJERA: THE NIGHT BEFORE THE

27 MEMORIAL SERVICE AT PRINCETON YOU WERE WITH THE

28 DEFENDANT; IS THAT RIGHT?

39526

1 A YES.

2 Q AND HE LIED TO YOU THAT NIGHT ABOUT WHO

3 MURDERED HIS PARENTS?

4 MS. TOWERY: SAME OBJECTION. IT'S THE SAME

5 QUESTION.

6 THE COURT: SUSTAINED.

7 MS. NAJERA: DID HE TELL YOU THAT HE MURDERED

8 HIS PARENTS OR THAT HE KILLED HIS PARENTS THAT

9 NIGHT?

10 A NO, HE DID NOT.

11 Q DID HE TELL YOU THAT HE BELIEVED

12 SOMEBODY ELSE KILLED HIS PARENTS THAT NIGHT?

13 A YES, HE DID.

14 Q DID YOU LATER DETERMINE THAT WAS A LIE?

15 A YES.

16 MS. TOWERY: OBJECTION. CALLS FOR HEARSAY.

17 THE COURT: OVERRULED. THE ANSWER WILL

18 STAND.

19 MS. TOWERY: ALSO A CONCLUSION ON THE PART OF

20 THE WITNESS.

21 THE COURT: OVERRULED. THE ANSWER WILL

22 STAND.

23 Q BY MS. NAJERA: DID HE ALSO CRY THAT

24 NIGHT WHEN HE TOLD YOU THESE THINGS?

25 A YES, HE DID.

26 Q AND DID YOU BELIEVE HIM THAT NIGHT WHEN

27 HE WAS CRYING AND HE WAS LYING?

28 A YES.

39527

1 Q AND THEN WHEN HE TOLD YOU THAT HE HAD

2 BEEN ABUSED, HE WAS CRYING AGAIN; IS THAT RIGHT?

3 A YES, HE WAS.

4 Q AND YOU HAD KNOWN THAT HE HAD ASKED YOU

5 TO LIE ABOUT ABUSE BEFORE; IS THAT RIGHT?

6 A THAT'S CORRECT.

7 Q AND YOU DIDN'T BELIEVE THE LIE THEN; IS
8 THAT RIGHT?

9 A THAT'S CORRECT.

10 MS. NAJERA: NOTHING FURTHER.

11 THE COURT: RECROSS?

12

13 RECROSS-EXAMINATION

14 BY MS. TOWERY:

15 Q SO, MS. PISARCIK, WHAT YOU SAID IN 1992
16 REGARDING LYLE MENENDEZ' ADMISSION TO YOU THAT HE
17 HAD KILLED HIS PARENTS, THAT WAS IN 1992, WASN'T IT?

18 A YES.

19 Q AND ALSO, WHAT YOU SAID IN 1992 ABOUT
20 LYLE MENENDEZ' REQUEST OF YOU TO TESTIFY FALSELY,
21 THAT WAS TRUE, WASN'T IT?

22 A YES.

23 Q AND WHAT YOU SAID IN COURT ABOUT THE
24 SCENE OF THE MOVIE, THAT WASN'T WHAT LYLE MENENDEZ
25 SAID TO YOU, WAS IT?

26 A WELL, YES, IT WAS. I MEAN, IT WAS WHAT
27 HE WAS ASKING ME TO DO.

28 Q HE DESCRIBED THAT SCENE TO YOU.

1 A HE DID NOT DESCRIBE THE SCENE. HE ASKED
2 ME TO WATCH THE SCENE.

3 Q AND YOU DIDN'T DO IT, DID YOU?

4 A I HAD SEEN THE MOVIE PREVIOUSLY. I
5 DIDN'T NEED TO.

6 Q AND YOU SAID YESTERDAY THAT LYLE
7 MENENDEZ NEVER ASKED YOU TO SAY THAT HIS FATHER
8 RAPED YOU; ISN'T THAT RIGHT?

9 A HE ASKED ME TO DO WHAT THE FATHER HAD
10 DONE TO THE GIRLFRIEND IN THAT SCENE, IN THE SCENE
11 OF THE MOVIE. HE ASKED ME IF I KNEW WHAT SCENE HE
12 WAS TALKING ABOUT. I KNEW WHAT SCENE HE WAS TALKING
13 ABOUT.

14 Q YOU TESTIFIED YESTERDAY THAT LYLE
15 MENENDEZ NEVER ASKED YOU TO SAY THAT HIS FATHER
16 RAPED YOU, DIDN'T YOU?

17 A HE ASKED ME TO DO -- I THOUGHT IN THAT
18 MOVIE THAT THE GIRL WAS RAPED, SO THAT'S WHAT HE WAS
19 ASKING ME TO DO, TO SAY.

20 Q LET ME REMIND YOU AGAIN WHAT YOU SAID IN
21 1992, MS. PISARCIK.

22 MS. NAJERA: OBJECT. IF THIS IS BEING USED
23 TO REFRESH HER MEMORY, I THINK SHE CAN READ IT.

24 THE COURT: OVERRULED.

25 MS. TOWERY:

26 "QUESTION: WHAT HAPPENED IN 'AT
27 CLOSE RANGE'?

39529

1 THE MOVIE BEFORE. I DID NOT GO HOME
2 AND WATCH IT. I HAD NOT SEEN IT. BUT
3 IN THAT MOVIE THE FATHER, I GUESS,
4 MAKES PASSES OR -- I DON'T BELIEVE HE
5 RAPES THE ONE CHARACTER, THE -- SEAN
6 PENN'S GIRLFRIEND. HE ASKED ME TO SAY
7 THAT'S WHAT HAPPENED."

8 Q IS THAT WHAT YOU SAID IN 1992?

9 A YES, THAT'S CORRECT.

10 Q AND YESTERDAY MORNING, BEFORE YOU
11 TESTIFIED, THE PROSECUTORS SHOWED YOU A CLIP FROM
12 WHAT YOU BELIEVE IS THE MOVIE "AT CLOSE RANGE"; IS
13 THAT RIGHT?

14 A YES.

15 Q AND YOU WATCHED THAT CLIP THAT THE
16 PROSECUTORS SELECTED BEFORE YOU CAME IN TO COURT TO
17 TESTIFY, DIDN'T YOU?

18 A THAT'S CORRECT.

19 Q AND THEN YOU CAME INTO COURT AND YOU
20 TESTIFIED AS TO WHAT YOU HAD SEEN ON THAT CLIP,
21 DIDN'T YOU?

22 A YES, I DID.

23 Q NOW, YOU SAID THAT YOU CAME TO THE -- OR
24 YOU WENT TO THE D.A.'S OFFICE IN 1992 TO GIVE THAT
25 STATEMENT UNDER OATH, CORRECT?
26 A THAT'S CORRECT.
27 Q AND YOU WERE SUBPOENAED TO THEIR OFFICE
28 TO GIVE THAT STATEMENT?

39530

1 A YES, I WAS.
2 Q YOU RECEIVED A SUBPOENA SAYING COME TO
3 THE OFFICE OF THE DISTRICT ATTORNEY?
4 A I WAS LEAVING MY HOUSE IN MARINA DEL
5 REY, AND AN OFFICER PULLED UP WITH FLASHING LIGHTS
6 BEHIND ME AND SUBPOENAED ME.
7 Q DO YOU STILL HAVE THAT SUBPOENA?
8 A NO, I DON'T.
9 Q AND WAS THE SUBPOENA IN CONNECTION WITH
10 PEOPLE VERSUS MENENDEZ?
11 A YES, IT WAS.
12 Q AND YOU WERE ABSOLUTELY CERTAIN THAT YOU
13 RECEIVED A SUBPOENA TO GO TO THE D.A.'S OFFICE TO
14 GIVE A STATEMENT; IS THAT CORRECT?
15 A I WAS ASKED -- WELL, WHEN THE POLICEMAN
16 CAME UP WITH FLASHING LIGHTS AND CAME UP AND TOLD ME
17 I HAD TO APPEAR AT COURT, YEAH.

18 Q AND THERE'S NO QUESTION IN YOUR MIND
19 THAT YOU RECEIVED A SUBPOENA TO GO TO THE D.A.'S
20 OFFICE TO GIVE A STATEMENT UNDER OATH; IS THAT
21 CORRECT?

22 A WELL, IF IT WASN'T A SUBPOENA, I DON'T
23 KNOW WHAT IT WOULD HAVE BEEN. BUT I WAS CALLED TO
24 COME TO COURT TO GIVE THAT STATEMENT.

25 Q YOU WERE GIVEN A PIECE OF PAPER WITH
26 YOUR NAME ON IT, CORRECT?

27 A I BELIEVE I WAS, YEAH.

28 Q AND IT HAD PEOPLE VERSUS MENENDEZ ON IT;

39531

1 IS THAT RIGHT?

2 A I DON'T REMEMBER EXACTLY WHAT IT SAID ON
3 IT.

4 Q WERE YOU CALLED TO GO TO COURT OR THE
5 D.A.'S OFFICE?

6 A I WAS CALLED TO GO TO THE OFFICE IN
7 NORWALK AND GIVE A SWORN --

8 Q THE D.A.'S OFFICE IN NORWALK?

9 A AND GIVE A SWORN STATEMENT.

10 Q ON A SPECIFIC DAY?

11 A I BELIEVE SO, YES.

12 Q AND TO GIVE A SWORN STATEMENT IN THE

13 D.A.'S OFFICER; IS THAT RIGHT?

14 A I BELIEVE SO.

15 Q DO YOU KNOW SO?

16 A WELL, IT WAS QUITE A LONG TIME AGO, AND

17 I WAS VERY SURPRISED WHEN SOMEBODY CAME UP BEHIND ME

18 WITH FLASHING LIGHTS, SO... IT WAS --

19 Q YOU JUST TESTIFIED THAT YOU RECEIVED A

20 SUBPOENA TO GO TO THE D.A.'S OFFICE TO GIVE A SWORN

21 STATEMENT.

22 ARE YOU NOW NOT SURE?

23 A WELL, I WAS ASKED TO COME DOWN AND I DO

24 NOT HAVE THE SUBPOENA, OBVIOUSLY, NOW. BUT I WAS

25 ASKED, SO I'M ASSUMING THAT WAS A SUBPOENA.

26 Q YOU WERE SAYING YOU WERE ASKED BY THE

27 POLICEMAN?

28 A I'M ASSUMING IT WAS A SUBPOENA.

39532

1 Q YOU WERE GIVEN A PIECE OF PAPER; IS THAT

2 RIGHT?

3 A I BELIEVE SO, YES.

4 Q AND IT HAD YOUR NAME ON IT, RIGHT?

5 A I BELIEVE IT DID.

6 Q AND IT HAD A DATE, CORRECT?

7 A I THINK SO.

8 Q AND A TIME; IS THAT RIGHT?

9 A AGAIN, I DON'T RECALL.

10 Q WELL, HOW DID YOU KNOW WHERE TO GO?

11 A I'M ASSUMING THERE WAS AN ADDRESS OR

12 SOMETHING ON THERE. I DON'T KNOW.

13 Q AND YOU WENT TO THE ADDRESS THAT WAS ON

14 THE SUBPOENA, CORRECT?

15 A YES.

16 Q AND THAT WAS THE D.A.'S OFFICE, CORRECT?

17 A YES.

18 Q AND THE CASE THAT YOU WERE SUBPOENAED ON

19 WAS PEOPLE VERSUS MENENDEZ, CORRECT?

20 A THE ONLY CASE I'VE EVER BEEN -- I'VE BEEN

21 SUBPOENAED IN, YES.

22 Q I'M NOT ASKING YOU ABOUT YOUR BEING

23 ASKED. YOUR TESTIMONY WAS YOU WERE ORDERED BY A

24 SUBPOENA TO GO GIVE A SWORN STATEMENT; IS THAT

25 CORRECT?

26 A THAT'S AS I UNDERSTOOD IT, YES.

27 Q THANK YOU. NOW --

28 MS. TOWERY: MAY I APPROACH, YOUR HONOR?

39533

1 THE COURT: YES.

2 MS. TOWERY: NOW, IN TERMS OF THESE

3 CONVERSATIONS THAT YOU HAD -- LET'S SEE. WHERE IS
4 THAT -- IN TERMS OF THE CONVERSATIONS THAT YOU HAD
5 WITH LYLE MENENDEZ WHILE HE WAS IN JAIL, I JUST WANT
6 TO MAKE SURE THAT WE HAVE THE DATE CORRECT AND THE
7 ORDER CORRECT.

8 Q HE WAS ARRESTED IN MARCH OF 1990; IS
9 THAT RIGHT?

10 A CORRECT.

11 Q OKAY. AND THEN HE GAVE YOU A RING
12 AROUND SWEETEST DAY IN OCTOBER; IS THAT RIGHT?

13 A I BELIEVE THAT TO BE ACCURATE, YES.

14 Q DID YOU SAY SWEETEST DAY WAS IN OCTOBER?

15 A YES.

16 Q AND THEN HE ASKED YOU TO LIE ABOUT HIS
17 FATHER MAKING A PASS AT YOU IN LATE NOVEMBER OR
18 EARLY DECEMBER; IS THAT RIGHT?

19 A I BELIEVE SOMETIME TO BE AROUND THERE,
20 YES.

21 Q THAT WAS ABOUT THE MOVIE "AT CLOSE
22 RANGE"?

23 A CORRECT.

24 Q AND HE SAID THAT HE TOLD JOEL THAT YOU
25 WOULDN'T DO IT; IS THAT RIGHT?

26 A YES.

27 Q AND JOEL WAS HIS ATTORNEY AT THE TIME?

28 MS. NAJERA: I'M GOING TO OBJECT. NO

1 FOUNDATION AS TO WHO JOEL WAS.

2 THE COURT: SUSTAINED.

3 Q BY MS. TOWERY: THEN IN LATE DECEMBER HE
4 ADMITTED TO YOU THE TRUTH; IS THAT RIGHT?

5 A AT SOME POINT IN DECEMBER. I --

6 Q ALL RIGHT. WE'LL JUST PUT DECEMBER.

7 AND THEN IN JANUARY OF 1991 YOU BROKE UP
8 WITH HIM; IS THAT CORRECT?

9 A WELL, THAT'S WHEN I PRETTY MUCH STOPPED
10 GOING DOWN THERE TO SEE HIM.

11 MS. NAJERA: '91 MS. TOWERY.

12 MS. TOWERY: OH. I'M SORRY. THANK YOU.

13 Q SO IS THAT AN ACCURATE TIME LINE IN
14 TERMS OF THE DATES OF THOSE EVENTS?

15 A TO THE BEST OF MY MEMORY, YES.

16 MS. TOWERY: COULD I MARK THIS, YOUR HONOR,
17 AS EXHIBIT 164?

18 THE COURT: 164.

19 MS. TOWERY: THANK YOU. IF I MAY HAVE JUST A
20 MOMENT, I THINK I'M FINISHED.

21 (ATTORNEYS TOWERY AND LEVIN CONFER

22 SOTTO VOCE)

23

24 MS. TOWERY: THANK YOU. I HAVE NOTHING
25 FURTHER.

26 THE COURT: ANY MORE REDIRECT?

27 MS. NAJERA: BRIEFLY, YOUR HONOR. THANK

28 YOU.

39535

1

2 FURTHER REDIRECT EXAMINATION

3 BY MS. NAJERA:

4 Q JUST TO CLEAR UP ONE MATTER,

5 MS. PISARCIK, ACTUALLY TWO.

6 THE FIRST ONE IS THE STATEMENT MADE IN

7 NOVEMBER OF 1992. YOU DID NOT DESCRIBE THE SCENE

8 "AT CLOSE RANGE" AS, QUOTE, UNQUOTE, A RAPE SCENE.

9 WHY IS THAT?

10 A I THINK WHEN I INITIALLY TALKED TO THE

11 PROSECUTORS, ONE, I WAS EMBARRASSED ABOUT THE

12 SITUATION, BEING THAT IT WAS A RAPE; AND TWO, I HAD

13 NOT SEEN THE MOVIE IN A WHILE, AND ALTHOUGH I KNEW

14 EXACTLY WHAT IT WAS TALKING ABOUT, I DIDN'T REMEMBER

15 IN EXACT DETAIL WHAT THE SCENE WAS.

16 Q AND THE DEFENDANT HAD ASKED YOU TO

17 REVIEW THE MOVIE; IS THAT RIGHT?

18 A HE DID.

19 Q AND SECONDLY, YOU RECEIVED A SUBPOENA

20 THE DAY THAT DETECTIVE ZOELLER CAME OUT WITH PAMELA

21 BOZANICH AND LES ZOELLER; IS THAT RIGHT?

22 A I DO REMEMBER THAT, YES.

23 Q DID YOU TALK TO A LAWYER ABOUT WHETHER
24 OR NOT YOU HAD TO BE INVOLVED IN THIS CASE?

25 A YES, AS A MATTER OF FACT --

26 MS. TOWERY: OBJECTION. MOTION TO STRIKE,
27 NONRESPONSIVE.

28 THE COURT: EVERYTHING AFTER "YESTERDAY"

39536

1 WOULD BE NONRESPONSIVE.

2 Q BY MS. NAJERA: AND AFTER YOU SPOKE TO A
3 LAWYER ABOUT YOUR RIGHTS AND WHETHER OR NOT YOU HAD
4 TO BE INVOLVED IN THIS CASE, DID YOU BASICALLY LET
5 THE LAWYER HANDLE ANY CONVERSATIONS WITH THE
6 PROSECUTION?

7 MS. TOWERY: OBJECTION. CALLS FOR HEARSAY.
8 ALSO A CONCLUSION ON THE PART OF THE WITNESS.

9 THE COURT: OVERRULED.

10 THE WITNESS: THE LAWYER DID ACCOMPANY ME
11 DURING THAT SUBPOENA.

12 Q BY MS. NAJERA: AND DID YOU EMPOWER THE
13 ATTORNEY TO ENTER INTO ANY DISCUSSIONS ON YOUR
14 BEHALF WITH THE PROSECUTION CONCERNING YOUR
15 INVOLVEMENT WITH THIS CASE?

16 A YES.

17 Q AND AS FAR AS YOU KNOW, DID HE MAKE ANY
18 ARRANGEMENTS AS TO WHAT YOUR INVOLVEMENT WOULD BE
19 AND WHETHER OR NOT YOU HAD TO BE INVOLVED?

20 MS. TOWERY: OBJECTION. CALLS FOR HEARSAY.

21 ALSO, SPECULATION ON THE PART OF THE WITNESS.

22 THE COURT: SUSTAINED.

23 MS. NAJERA: I HAVE NOTHING FURTHER.

24 THE COURT: ANYTHING ELSE?

25 MS. TOWERY: JUST A COUPLE OF QUESTIONS, YOUR
26 HONOR.

27 FURTHER RECROSS-EXAMINATION

28 BY MS. TOWERY:

39537

1 Q WHAT'S THE NAME OF THIS ATTORNEY?

2 A STEVEN DAVIS.

3 Q AND HE ACCOMPANIED YOU ON THE DAY YOU
4 WERE SUBPOENAED TO THE DISTRICT ATTORNEY'S OFFICE TO
5 GIVE THE SWORN STATEMENT; IS THAT RIGHT?

6 A YES, HE DID.

7 Q AND YOU SAID THAT YOU DIDN'T DESCRIBE
8 THE RAPE SCENE WHEN THE PROSECUTORS ASKED YOU IN
9 1992 UNDER OATH BECAUSE YOU WERE EMBARRASSED?

10 A WELL, I WAS SLIGHTLY EMBARRASSED TO SAY
11 THAT LYLE HAD ASKED ME TO SAY THAT HIS FATHER RAPED

12 ME.

13 Q SO WHEN YOU SAID --

14 MS. NAJERA: EXCUSE ME, YOUR HONOR. I DON'T

15 BELIEVE SHE FINISHED THE ANSWER.

16 THE COURT: HAD YOU FINISHED?

17 THE WITNESS: NO.

18 MS. TOWERY: MOTION TO STRIKE.

19 NONRESPONSIVE. THE QUESTION CALLED FOR A YES-OR-NO

20 ANSWER.

21 THE COURT: I THINK IT CALLED FOR A LITTLE

22 MORE THAN THAT.

23 YOU CAN FINISH YOUR ANSWER.

24 THE WITNESS: BUT AS I STATED BEFORE, AT THE

25 SAME TIME, NOT HAVING VIEWED THE MOVIE THE WEEK

26 BEFORE, OR AT ANY TIME PRIOR TO THAT RECENT TIME, I

27 DIDN'T REMEMBER THE EXACT DETAIL. I DID NOT FEEL

28 COMFORTABLE TO GO INTO DETAIL WITHOUT HAVING VIEWED

39538

1 THE MOVIE A DAY OR TWO BEFORE.

2 Q BY MS. TOWERY: SO WHEN YOU SAID TO THE

3 PROSECUTORS UNDER OATH: I DON'T THINK THAT HE RAPES

4 HER, DESCRIBING THAT SCENE, YOU WERE LYING?

5 A NO. I WAS A LITTLE UNCLEAR BECAUSE I

6 HAD NOT HAD TIME TO REVIEW IT.

7 Q WHICH WAS IT? WERE YOU EMBARRASSED AND
8 NOT TELLING THEM, OR WERE YOU -- DID YOU NOT KNOW?

9 A I WANTED TO BE ACCURATE.

10 Q SO YOU DIDN'T LIE TO THEM?

11 MS. NAJERA: I'M GOING TO OBJECT. ARGUMENTATIVE.

12 THE COURT: OVERRULED.

13 THE WITNESS: NO. I DID NOT.

14 Q BY MS. TOWERY: YOU DIDN'T FAIL TO TELL
15 THEM ABOUT THE RAPE SCENE BECAUSE YOU WERE
16 EMBARRASSED. THAT WOULD BE LYING?

17 A I BELIEVE I USED THE WORD "RAPE" WHEN I
18 SAID I DON'T BELIEVE IT WAS A RAPE. OBVIOUSLY, IF
19 YOU WERE THERE, THE TONE OF MY VOICE WAS SOMEWHAT
20 UNCLEAR, BECAUSE I WANTED TO BE ACCURATE.

21 MS. TOWERY: THANK YOU. NOTHING FURTHER.

22 THE COURT: ANYTHING ELSE?

23 MS. NAJERA: JUST BRIEFLY.

24

25 FURTHER REDIRECT EXAMINATION

26 BY MR. NAJERA

27 Q MS. PISARCIK, AND WITH REGARDS TO THE
28 SCENE AND WHETHER OR NOT IT DEPICTED A RAPE SCENE,

1 WAS IT ALWAYS YOUR UNDERSTANDING THAT LYLE MENENDEZ

2 WANTED YOU TO STATE UNDER OATH THAT HIS FATHER

3 SEXUALLY ASSAULTED YOU?

4 A YES.

5 MS. NAJERA: THANK YOU.

6 THE COURT: ANYTHING ELSE ON THAT ONE

7 QUESTION?

8

9 FURTHER RECROSS-EXAMINATION

10 BY MS. TOWERY:

11 Q YOU SAID YESTERDAY THAT LYLE MENENDEZ

12 NEVER ASKED YOU TO SAY THAT HIS FATHER RAPED YOU.

13 A HE ASKED ME TO DO WHAT -- HE ASKED ME TO

14 SAY WHAT WAS DONE TO THE GIRL FROM THE MOVIE.

15 MS. TOWERY: THANK YOU. NOTHING FURTHER.

16 THE COURT: THANK YOU. YOU MAY STEP DOWN.

17 YOU WANT THIS WITNESS TO REMAIN ON

18 CALL?

19 MS. TOWERY: YES, PLEASE.

20 THE COURT: ALL RIGHT. YOU'RE EXCUSED TODAY,

21 BUT SUBJECT TO BEING RECALLED.

22 AND JUST TO REMIND THE JURY, AS I STATED

23 TO YOU BEFORE HER TESTIMONY BEGAN, OR AT THE TIME IT

24 BEGAN, THE TESTIMONY OF THE WITNESS PRESENTED TO

25 YOU, THIS WITNESS, MS. PISARCIK, THAT TESTIMONY THAT

26 YOU HEARD IS RECEIVED ONLY AS TO DEFENDANT, LYLE

27 MENENDEZ, AND IS TO BE CONSIDERED BY YOU ONLY IN THE

28 CASE OF PEOPLE VERSUS LYLE MENENDEZ.

1 ALL RIGHT. ARE THE PEOPLE READY WITH
2 THEIR NEXT WITNESS?

3 MS. NAJERA: YOUR HONOR, MAY WE HAVE A
4 MOMENT. WE HAVE SOMEONE HERE. I JUST DON'T KNOW
5 WHETHER OR NOT THEY'RE PHYSICALLY PRESENT IN THE
6 COURTHOUSE YET.

7 THE COURT: IN THE COURTHOUSE?

8 MS. NAJERA: IN THE COURTHOUSE, ACTUALLY. I
9 MAY HAVE MISSPOKE.

10 THE COURT: LET'S TAKE A RECESS AND WHEN WE
11 KNOW FOR SURE WE'LL HAVE EVERYBODY OUT. HOPEFULLY,
12 IT WILL BE BY 10:00 O'CLOCK.

13 MS. NAJERA: OKAY.

14 (A RECESS WAS TAKEN FROM
15 9:45 A.M. UNTIL 10:10 A.M.)

16

17 (THE FOLLOWING PROCEEDINGS WERE
18 HELD IN OPEN COURT, OUT OF THE
19 PRESENCE OF THE JURY:)

20

21 THE COURT: THE JURY'S NOT HERE.

22 SOMETHING COUNSEL WANTED TO DISCUSS?

23 MS. NAJERA: YES, YOUR HONOR, I WAS JUST
24 SPEAKING WITH MR. GESSLER, AND THERE WAS -- WITH
25 REGARDS --

26 WOULD YOU STEP OUTSIDE JUST ONE SECOND.

27 (MARZI EISENBERG EXITS THE COURTROOM.)

28

39541

1 MS. NAJERA: MARZI EISENBERG -- THE COURT HAD
2 PREVIOUSLY RULED THAT THE STATEMENT CONCERNING THE
3 SHOWER AND THE STATEMENT CONCERNING SHOES WAS
4 ADMISSIBLE. THERE WAS A THIRD STATEMENT WHICH,
5 QUITE FRANKLY, HAS BEEN OVERLOOKED; AND IT WAS
6 TESTIFIED TO IN THE FIRST TRIAL. AND WHAT THE
7 TESTIMONY WAS IN THE FIRST TRIAL WAS THAT THERE WAS
8 A SECOND CONVERSATION BESIDES THE CONVERSATION
9 CONCERNING THE SHOWER. AND THE SECOND CONVERSATION
10 DEALT WITH THE DEFENDANT, LYLE MENENDEZ, CALLING HER
11 AND ASKING HER WITH REFERENCE TO A WILL, WHAT WOULD
12 HAPPEN IF A WILL WASN'T FOUND. AND THAT WAS IN THE
13 TRANSCRIPT AT PAGE 22894.

14 AND I WAS TALKING TO MR. GESSLER ABOUT
15 THAT -- BECAUSE I TOLD HIM I WAS GOING TO ASK THE
16 COURT IF THIS COULD BE ADMITTED -- AND HE SAID IT
17 HAD BEEN STRICKEN IN THE FIRST TRIAL. AND I WAS
18 LOOKING AT PAGE 23268, AND THE REFERENCE WAS -- THE
19 LYLE MENENDEZ JURY WAS ADMONISHED TO DISREGARD THAT
20 REFERENCE TO THE WILL. BUT NO REASON IS GIVEN THAT

21 WE CAN FIND AS TO WHY. AND I THINK THERE WAS A
22 DIFFERENT FACT SITUATION THAN APPEARS NOW.
23 I THINK IT IS RELEVANT TO THE EVIDENCE
24 THAT'S BEEN PRESENTED IN THIS TRIAL, AND I'D ASK THE
25 COURT TO ALLOW US TO ELICIT THAT STATEMENT.
26 THE COURT: I HAVE NO RECOLLECTION OF IT AT
27 ALL, QUITE FRANKLY.
28 MS. NAJERA: OKAY.

39542

1 THE COURT: IS THERE ANYTHING ON THE RECORD
2 AS TO WHY IT WAS STRICKEN?
3 MR. GESSLER: I BELIEVE THAT IT CAME UP ON
4 CROSS-EXAMINATION, YOUR HONOR, AND THERE HAD NOT
5 BEEN A PROFFER MADE OF THAT AND SHOULD HAVE.
6 MR. BURT ASKED TO STRIKE IT AND YOU DID, AND THE
7 NEXT DAY -- I THINK IT WAS THE NEXT DAY -- THAT YOU
8 TOLD THE JURY TO DISREGARD WHAT THEY HAD HEARD.
9 I, LIKE OTHER COUNSEL, HAVE RELIED UPON
10 THE OFFERS OF PROOF AND THE PROFFERS GIVEN IN THIS
11 CASE, AND THERE WAS NO PROFFER OF THAT PARTICULAR
12 STATEMENT THIS TIME AT ALL. THE PROFFER IS THAT
13 THEY WOULD ASK; AND, IN FACT, AS LATE AS THIS
14 MORNING, WHEN I ASKED MS. NAJERA ABOUT IT SHE SAID,
15 YES, IT'S JUST TWO SUBJECTS: THE INFORMATION ABOUT

16 THE SHOWER AT THE TIME OF THE SHOOTINGS.

17 AND I DO NOT INTEND TO GO INTO A DEEP

18 CROSS-EXAMINATION AS TO NUMBER OF PHONE CALLS AND

19 SEQUENCE.

20 AND THE SECOND THING WAS THE REFERENCE

21 TO SHOES IN THE LIMOUSINE AT THE MEMORIAL SERVICE.

22 THOSE TWO THINGS, THOSE TWO THINGS ONLY. SHE SAID

23 IT WILL BE SHORT AND SWEET AND I SAID FINE.

24 AND UNTIL THE RECESS HERE, THAT WAS THE

25 STATUS OF DISCOVERY AND PROFFER, AND I'VE RELIED

26 UPON THAT, OBVIOUSLY.

27 THE COURT: WELL, I DON'T KNOW EXACTLY WHAT

28 WAS SAID. IS THIS IN A REPORT OR JUST SOMETHING

39543

1 THAT SHE BLURTED OUT DURING TESTIMONY, OR HOW DID

2 THAT HAPPEN IN THE FIRST TRIAL? I DON'T RECALL.

3 MS. NAJERA: THAT'S HOW IT HAPPENED IN THE

4 FIRST TRIAL. THERE WAS NO REPORT. IT WASN'T

5 ELICITED ON DIRECT. WHAT HAPPENED WAS IN RESPONSE

6 TO QUESTIONS ON CROSS-EXAMINATION CONCERNING WHEN

7 SHE HEARD THE CONVERSATION INVOLVING THE SHOWER, TO

8 GET THE TIME SEQUENCE STRAIGHT SHE WAS EXPLAINING

9 ABOUT THESE TWO CONVERSATIONS AND WHICH CAME FIRST

10 AND THE ORDER; AND WHEN HE STATED WAS THAT -- ON

11 LINE 22894 (SIC) IN RESPONSE TO A QUESTION, SHE
12 SAID:
13 "BECAUSE THE SECOND PHONE
14 CONVERSATION I HAD WITH LYLE WAS ABOUT
15 THE WILL. HE ASKED ME SOMETHING ABOUT
16 A WILL. HE WANTED TO KNOW WHAT WOULD
17 HAPPEN IF IT WASN'T FOUND. HE
18 WOULDN'T HAVE ASKED ME THAT ONCE THE
19 FAMILY ARRIVED. HE WOULD HAVE GONE TO
20 THEM. WHY ASK ME?"
21 THAT'S HOW SHE PUT THE TIMING WITH
22 REGARDS TO WHEN HE TOLD HER ABOUT THE SHOWER.
23 THE COURT: OKAY. SO?
24 MS. NAJERA: IT WAS NOT A REPORT.
25 THE COURT: COULD HAVE BEEN A NONRESPONSIVE
26 ANSWER AS TO WHY IT WAS STRICKEN. WHY IS IT ONLY
27 NOW THAT YOU'VE DECIDED YOU WANT TO OFFER IT?
28 MS. NAJERA: IN TALKING TO HER -- THIS WAS A

39544

1 VERY SMALL PIECE OF EVIDENCE, YOUR HONOR. AND IN
2 TALKING TO HER RIGHT NOW AND GOING OVER, ONCE AGAIN,
3 THE SEQUENCE -- AND I SHOULD TELL YOU, WHEN WE HAD
4 SPOKEN TO HER -- MR. MEJIA SPOKE TO HER AND I SPOKE
5 TO HER -- AND THIS IS THE FIRST TIME, WHEN SHE WENT

6 THROUGH WHAT WAS ASKED ON CROSS-EXAMINATION, THAT
7 SHE PUT IT IN ORDER IN REFERENCE TO THE WILL. AND I
8 LOOKED UP THE PASSAGE AND FOUND THIS AND WHAT THE
9 SIGNIFICANCE OF THIS ALL WAS.

10 THE COURT: SO THE ONLY SIGNIFICANCE IS TO
11 ASSIST HER IN DETERMINING THE ORDER IN WHICH SHE HAD
12 CERTAIN CONVERSATIONS?

13 MS. NAJERA: THAT WAS THE SIGNIFICANCE
14 ORIGINALLY, THOUGH, I REALIZE NOW, AS I THINK ABOUT
15 IT AND READ IT AGAIN, THAT THERE IS SIGNIFICANCE TO
16 THAT, AND THAT WOULD BE WHY WE WOULD OFFER IT, WHICH
17 IS THE SIGNIFICANCE THAT HE'S, ONCE AGAIN, ASKED
18 ABOUT THE WILL. GIVEN THE WAY THE TESTIMONY HAS
19 BEEN COMING OUT IN THIS TRIAL, THERE IS A REAL ISSUE
20 AS TO WHETHER OR NOT THE DEFENDANT, LYLE MENENDEZ,
21 WAS LOOKING FOR A WILL, BECAUSE HE THOUGHT HE WAS
22 GOING TO BE IN A WILL OR HE DIDN'T THINK HE WAS
23 GOING TO BE IN A WILL.

24 I THINK THE DEFENSE -- WHAT THEY'VE PUT
25 FORTH IS HE DIDN'T THINK HE WOULD BE IN A WILL. SO
26 IT BECOMES SIGNIFICANT NOW AND THAT IS WHY WE WOULD
27 LIKE TO PROFFER IT. IT ISN'T SOMETHING NEW. IT'S
28 SOMETHING THAT'S BEEN AROUND FOR A WHILE.

1 THE COURT: SO IS THE DEFENSE POSITION AS TO
2 WHETHER OR NOT THE DEFENDANT WAS OR DID BELIEVE HE
3 WAS OR WAS NOT IN THE WILL, IT'S NOT SOMETHING NEW.
4 IT'S SOMETHING YOU KNEW ABOUT BEFORE THE TRIAL
5 STARTED, DURING THE FIRST TRIAL. THAT WAS THE
6 DEFENSE POSITION. SO THAT IS NOTHING NEW EITHER.

7 MS. NAJERA: THAT -- YOUR HONOR, IT'S JUST
8 SOMETHING, AS I SIT HERE, IT'S SOMETHING I BELIEVE
9 IS RELEVANT AND I'D LIKE TO PROFFER. IT'S SOMETHING
10 THEY HAVE DISCOVERY ON.

11 THE COURT: WELL, THEY REALLY DON'T BECAUSE
12 IT CAME OUT AND THEN WAS RETRACTED AND NEVER
13 PURSUED. AND I ASSUME THAT IF THEY WANTED TO THEY
14 COULD HAVE INTERVIEWED HER AS WELL ON THAT SUBJECT
15 AND -- HAS SHE BEEN COOPERATIVE?

16 MS. NAJERA: YES. SHE'S BEEN AVAILABLE
17 FOR --

18 MS. ABRAMSON: NO. FOR THEM MAYBE.

19 MS. NAJERA: SHE'S VERY COOPERATIVE. SHE WAS
20 JUST TALKING AND LAUGHING WITH MR. GESSLER HERE
21 RIGHT NOW. I BELIEVE SHE AND MRS. ABRAMSON HAVE A
22 VERY CORDIAL RELATIONSHIP. THAT IS NOT TRUE.

23 THE COURT: SHE PROVIDED MR. GESSLER WITH
24 GOOD LAUGHTER.

25 MS. NAJERA: SHE WOULD TALK TO HIM RIGHT HOW
26 IF HE WANTED TO TALK TO HER. THAT ISN'T AN ISSUE.

27 THE COURT: I'M TALKING ABOUT BEFORE TODAY,
28 IF THEY KNEW THIS WAS SOMETHING THEY WANTED TO BRING

1 OUT.

2 MS. ABRAMSON: OF COURSE, WE'RE CORDIAL. WHY
3 NOT BE CORDIAL WITH A WITNESS. I HAVE TRIED TO TALK
4 TO HER THREE YEARS AGO TO INTERVIEW HER. SHE
5 REFUSED TO BE INTERVIEWED. SHE'S VERY CORDIAL AND
6 FRIENDLY. WE COULD TALK ABOUT THE WEATHER OR NEW
7 YORK CITY, BUT WE CANNOT TALK ABOUT THE CASE AND SHE
8 REFUSED TO BE INTERVIEWED. SHE'S STATED SHE NEVER
9 WANTED TO BE INTERVIEWED BY THE DEFENSE AND DIDN'T
10 WANT US TO CALL HER AND WE'VE RESPECTED THAT. SHE'S
11 NEVER BEEN WILLING TO SIT DOWN AND TALK ABOUT ANY
12 STATEMENTS WITH US.

13 CERTAINLY, SHE'S CORDIAL. AND I SAY HI
14 IN THE HALLWAY AND -- WHY NOT? I LIKE HER. SHE
15 LIKES ME. NO PROBLEM. BUT SHE WON'T GIVE US ANY
16 INFORMATION ABOUT THE CASE, AND I UNDERSTAND HER
17 FEELINGS. SHE FEELS VERY STRONGLY -- SHE'S VERY
18 LOYAL TO HER FORMER BOSS, JOSE MENENDEZ, AND SHE
19 DOESN'T WANT IN ANY WAY TO ASSIST US, EVEN BY GIVING
20 AN INTERVIEW.

21 MS. TOWERY: JUST TO ADD TO THAT, YOUR HONOR,
22 WHEN MR. GESSLER AND I WENT TO PRINCETON LAST YEAR
23 TO INTERVIEW WITNESSES WE ALSO SOUGHT TO INTERVIEW

24 MS. EISENBERG. AND I SPOKE TO HER ON THE PHONE AND
25 SHE INDICATED TO ME ALSO THAT SHE DID NOT WANT TO BE
26 INTERVIEWED AND WOULD NOT BE INTERVIEWED.
27 AGAIN, SHE WAS VERY POLITE ABOUT IT.
28 SHE IS VERY CORDIAL, BUT SHE DECLINED AN INTERVIEW

39547

1 WITH ME AS WELL LAST FALL IN PRINCETON.
2 THE COURT: OKAY. SO SHE WOULD NOT HAVE,
3 APPARENTLY, COOPERATED WITH AN INTERVIEW IF YOU HAD
4 KNOWN. SO WHAT WOULD YOU HAVE DONE IN PREPARATION
5 THEN, MR. GESSLER, FOR THAT?

6 MR. GESSLER: MY CROSS-EXAMINATION WOULD TAKE
7 TOTALLY DIFFERENT LINES THAN I'M NOT PREPARED TO
8 DO. IN FACT, MY CROSS-EXAMINATION IS DESIGNED NOT
9 TO GO INTO THE SEQUENCE OF CALLS AND THINGS LIKE
10 THAT AS TO WHEN THE SHOWER OCCURRED. AND I'M NOT
11 GOING INTO ANY POTENTIAL BIAS SHE MIGHT HAVE BECAUSE
12 OF HER LONG-TERM RELATIONSHIP AS AN EMPLOYEE WITH
13 MR. MENENDEZ. I WAS SIMPLY GOING TO ZERO IN ON THE
14 TWO SUBJECTS THAT ARE THE SUBJECTS TO WHICH SHE'S
15 GOING TO TESTIFY TO. IT WOULD PROBABLY BE A
16 FIVE-MINUTE OR LESS CROSS-EXAMINATION.

17 THE IDEA OF BRINGING IN THIS WILL, ALL
18 OF A SUDDEN, REQUIRES CONSIDERABLE EFFORT IN LOOKING

19 AT ALL THE TIMES SHE DID NOT SAY THAT TO THE POLICE
20 OFFICER DURING THE TIMES THAT SHE HAD TIME TO DO
21 THIS. TOTAL REWORKING OF THE CROSS-EXAMINATION.
22 MS. ABRAMSON: NUMEROUS, NUMEROUS SETS OF
23 NOTES, YOUR HONOR, OF INTERVIEWS WITH THIS WITNESS.
24 THIS DOES NOT APPEAR IN A SINGLE ONE OF THEM, AND
25 SOME OF THESE NOTES ARE HARD TO AUTHENTICATE BECAUSE
26 SOME OF THEM WERE MR. -- DETECTIVE ZOELLER'S; SOME OF
27 THEM ARE MS. BOZANICH'S, AND SOME OF THEM ARE THE
28 WITNESSES. AND JUST GOING THROUGH THEM ALL TO SHOW

39548

1 THAT SHE NEVER MENTIONED IT IS A MAJOR PROJECT.

2 THE COURT: AGAIN, WHAT IS THE STATEMENT THAT
3 SHE SAID THE DEFENDANT MADE?

4 MR. GESSLER: THE STATEMENT IS SUPPOSED TO BE
5 SOMETHING ABOUT WHAT WOULD HAPPEN IF A WILL WASN'T
6 FOUND?

7 THE COURT: WHEN WAS THAT SAID, ACCORDING TO
8 HER?

9 MS. NAJERA: YOUR HONOR, SHE STATED THAT THAT
10 WAS WITH REGARDS TO THE DAY OR TWO -- PLACING BOTH
11 CONVERSATIONS MONDAY OR TUESDAY AFTER THE SUNDAY
12 MORNING MURDER.

13 MR. GESSLER: THE REASON SHE'S DOING THAT IS

14 SHE'S AGAIN SPECULATING, SAYING HE ASKED ME
15 SOMETHING ABOUT A WILL. HE WANTED TO KNOW WHAT
16 WOULD HAPPEN IF IT WASN'T FOUND. HE WOULDN'T HAVE
17 ASKED ME THAT ONCE THE FAMILY ARRIVED. HE WOULD
18 HAVE GONE TO THEM. WHY ASK ME. THAT'S WHAT SHE'S
19 USING TO DATE THE CONVERSATION, WHICH IS TOTAL
20 SPECULATION.

21 THE COURT: I UNDERSTAND THAT.

22 WHAT DID SHE SAY WHEN HE ASKED THAT
23 QUESTION? HOW DID SHE RESPOND?

24 MR. GESSLER: WAS THERE ANY FURTHER
25 CONVERSATION?

26 MS. NAJERA: THERE'S NOTHING FURTHER VERIFIED
27 ON THE TESTIMONY.

28 THE COURT: WHEN YOU SPOKE TO HER --

39549

1 MS. NAJERA: WHEN I SPOKE WITH HER SHE SAID
2 SHE REALLY DIDN'T KNOW. SHE SAID IT MIGHT TAKE
3 LONG.

4 THE COURT: IT MIGHT TAKE LONG?

5 MS. NAJERA: MIGHT TAKE LONG TO PROBATE AND --
6 YOU CAN ASK HER RIGHT NOW. SHE DIDN'T REALLY KNOW.
7 BASICALLY, TALK TO A LAWYER.

8 MR. GESSLER: TO ASK HER NOW THE CONTENTS OF

9 THE CONVERSATION THAT WE BELIEVE NEVER TOOK PLACE
10 DOESN'T ANSWER THE FAILURE OF DISCOVERY, YOUR
11 HONOR. TO SHOW THIS NEVER TOOK PLACE REQUIRES A
12 MUCH MORE DETAILED CROSS-EXAMINATION THAN I WAS LED
13 TO BELIEVE I WOULD HAVE TO DO TODAY.

14 THE COURT: RIGHT.

15 MS. NAJERA: IT IS RELEVANT TO SHOW HIS
16 PREOCCUPATION WITH A WILL AND THAT'S SOMETHING THAT
17 HAS BEEN HIGHLIGHTED MORE IN THIS TRIAL THAN THE
18 FIRST TRIAL. I THINK WE ARE DEALING WITH A
19 DIFFERENT FACT PATTERN HERE.

20 MS. ABRAMSON: THERE BEING ONLY ONE SET OF
21 FACTS, HOWEVER, THE PEOPLE CHOOSE TO PRODUCE THEM.
22 THE SHOWER CONVERSATION, WHICH SHE'S TRYING TO PLACE
23 AT THE SAME TIME SHE DESCRIBED IT AS A QUIET
24 THROW-AWAY CONVERSATION SIMPLY SAID IN PASSING. SO
25 TO TRY TO OVER-EMPHASIZE SOMETHING THAT SHE REALLY
26 DOESN'T HAVE ANY RECOLLECTION ABOUT... AND THAT
27 SHE'S SIMPLY USING IT TO SPECULATE ON DATING THE
28 THROW-AWAY CONVERSATION, I THINK UNDER 352 IT'S NOT

39550

1 SUFFICIENTLY RELIABLE.

2 THE COURT: WELL, 352 DOESN'T REALLY RELATE
3 TO RELIABILITY OF EVIDENCE.

4 MS. ABRAMSON: IT HAS TO DO WITH PROBATIVE
5 VALUE, THOUGH, IF YOU WILL, WHAT ITS PROBATIVE VALUE
6 IS COMPARED TO ITS PREJUDICE.

7 THE COURT: THE PROBATIVE VALUE DOESN'T
8 NECESSARILY GO TO THE WEIGHT OF THE EVIDENCE, BUT
9 WHETHER IT PROVES ANYTHING. THIS IS TIED IN WITH
10 THE TESTIMONY OF THE WRIGHTS HAS RELEVANCE AND
11 PROBATIVE VALUE. IT'S JUST A QUESTION OF WHAT
12 UNFAIRNESS IT WORKS ON THE DEFENSE AT THIS STAGE --
13 I'M TALKING ABOUT THE DEFENSE FOR LYLE MENENDEZ,
14 SINCE IT'S ONLY OFFERED AGAINST HIM -- TO HAVE THIS
15 BROUGHT UP AT THIS STAGE WHEN THE DEFENSE HAS
16 PREPARED CERTAIN EXAMINATION -- OBVIOUSLY, LAWYERS
17 ARE EQUIPPED TO RESPOND TO SHIFTING CIRCUMSTANCES
18 AND CHANGING FACTS AND SURPRISES THAT OCCUR DURING
19 THE COURSE OF A TRIAL, AND IT'S PART OF THE SKILL OF
20 A LAWYER, IS JUST TO DO THAT, TO RESPOND TO SUCH
21 THINGS. BUT AT THE SAME TIME, PART OF THE
22 RESPONSIBILITY OF COUNSEL IN A TRIAL IN PROVIDING
23 THIS DISCOVERY -- THIS IS REALLY NOT A DISCOVERY
24 ISSUE SO MUCH AS AN ISSUE OF NOTICE. THE DISCOVERY
25 OCCURRED DURING THE WITNESS' TESTIMONY IN THE FIRST
26 TRIAL. BUT A QUESTION OF NOTICE AND COOPERATION
27 AMONG COUNSEL AT THE TIME OF THAT TRIAL COULD BE
28 DONE EFFECTIVELY AND FAIRLY, THAT PREPARATION COULD

1 BE DONE TO EXAMINE WITNESSES.

2 WHAT I WOULD DO IS DELAY THIS WITNESS'
3 TESTIMONY ABOUT THAT PARTICULAR REFERENCE. I DON'T
4 SEE HOW I COULD FORECLOSE, OR WOULD BE JUSTIFIED IN
5 FORECLOSING IT IF THAT GOES TO HER RECOLLECTION OF
6 THE DEFENDANT'S STATEMENT. BUT I'LL CERTAINLY DELAY
7 IT TO GIVE TIME TO COUNSEL TO PREPARE FOR A RESPONSE
8 TO IT IN CROSS-EXAMINATION AND GO FORWARD WITH THE
9 BALANCE OF HER TESTIMONY TODAY. I DON'T KNOW HOW
10 LONG IT WOULD TAKE YOU TO PREPARE FOR IT. YOU'D
11 HAVE TO REVIEW NOTES OF THE INTERVIEWS.

12 MR. GESSLER: YOUR HONOR, AS MS. ABRAMSON
13 SAYS, THERE ARE NUMEROUS NOTES OF THE INTERVIEWS OF
14 THIS WITNESS. SO IT WILL TAKE LONGER THAN IT MIGHT
15 FOR SOME OTHER WITNESSES.

16 THE COURT: WELL, I'LL GIVE YOU UNTIL
17 TOMORROW TO GET READY FOR THAT.

18 MR. GESSLER: I WOULD NEED AT LEAST UNTIL
19 TOMORROW TO DO THAT.

20 THE COURT: WE CAN CERTAINLY START NOW.

21 MR. GESSLER: SINCE THIS WITNESS HAS ONLY TWO
22 OTHER TOPICS TO TALK ABOUT, I THINK IT WOULD BE
23 EASIER AND MORE EFFICIENT IF WE USED ALL THREE AT
24 ONCE, BECAUSE THE CROSS-EXAMINATION THEN WOULD TIE
25 INTO ALL THREE OF THESE THINGS, RATHER THAN JUST THE
26 TWO THAT WERE PROFFERED.

27 THE COURT: TO THE EXTENT, ALSO, IT MIGHT

39552

1 PEOPLE INTEND TO PURSUE THIS, BECAUSE THE PEOPLE
2 GAVE SUCH LATE NOTICE THAT THIS IS SOMETHING YOU
3 WANTED TO BRING OUT, YOU ONLY DECIDED ON IT DURING
4 THE RECESS THIS MORNING -- IF YOU WANT TO PURSUE IT,
5 THEN THE WITNESS WILL HAVE TO TESTIFY TOMORROW ABOUT
6 EVERYTHING. THAT'S YOUR CALL.

7 (BOTH DISTRICT ATTORNEYS CONFER
8 SOTTO VOCE.)

9
10 MS. NAJERA: YOUR HONOR, MAY I HAVE A
11 MOMENT?

12 THE COURT: SURE.

13 MS. NAJERA: THANK YOU.

14 THE COURT: YOU HAVE ANOTHER WITNESS HERE?

15 MR. CONN: MR. ANDERSEN. BUT I THINK THEY
16 WANT A HEARING REGARDING MR. ANDERSEN.

17 MS. ABRAMSON: ALSO, I BELIEVE THE PEOPLE
18 HAVE A DEPUTY SHERIFF HERE WITH SOME RECORDS ON THE
19 459 MOTION THAT THEY FILED. I DON'T KNOW WHY THEY
20 BROUGHT THE WITNESS BUT...

21 THE COURT: NO. HE SAID HE WOULD. WELL, WE
22 CAN DO THAT. BUT I'D -- HOW LONG IS THE HEARING

23 GOING TO BE ON MR. ANDERSEN THEN?
24 MS. ABRAMSON: IT DEPENDS ON HOW MANY THINGS
25 WE'RE GOING TO HEAR FOR THE FIRST TIME.
26 THE COURT: YOU HAVE NOTES NOW OF HIS
27 INTERVIEW THAT DETECTIVE ZOELLER PREPARED.
28 MR. CONN: YES.

39553

1 MS. ABRAMSON: WE HAVE LIKE FOUR PAGES OF
2 NOTES. AND IT IS NOT VERY CLEAR FROM THESE NOTES --
3 FIRST OF ALL, THE NOTES ARE A LITTLE DIFFERENT THAN
4 WHAT MR. CONN TOLD ME, I THINK, BECAUSE IT'S NOT
5 VERY CLEAR WHO'S SAYING WHAT.
6 THE COURT: WAIT A SECOND. THEY'RE TALKING
7 SO.
8 MS. ABRAMSON: EXCUSE ME.
9 THE COURT: WAIT UNTIL THEY'RE FINISHED
10 TALKING.
11 MS. ABRAMSON: CERTAINLY.
12 THE COURT: WHAT IS THE PEOPLE'S POSITION
13 THEN ON MS. EISENBERG?
14 MS. NAJERA: WE CAN CALL HER TOMORROW
15 MORNING, YOUR HONOR.
16 THE COURT: WHAT THEN DO YOU WANT TO DO NOW
17 WITH MR. ANDERSEN? YOU WERE SAYING YOU HAD FOUR

18 PAGES OF NOTES.

19 MS. ABRAMSON: YES, YOUR HONOR. WE HAVE FOUR
20 PAGES OF NOTES WITH NEW TOPICS THAT WE'VE NEVER
21 HEARD OF BEFORE. I DON'T KNOW HOW MUCH OF THIS THE
22 PEOPLE ARE PROFFERING.

23 THE COURT: LET'S HAVE THE PROSECUTION THEN
24 UNDERLINE OR IDENTIFY -- YOU DON'T HAVE TO DO IT ON
25 THE RECORD -- JUST DO IT IN SOME FASHION SO THE
26 LAWYERS KNOW WHAT IT IS YOU WANT TO BRING OUT.

27 MS. ABRAMSON: MY CONCERN IS STATEMENTS THAT
28 APPEAR HERE IN QUOTES THAT HE IS ATTRIBUTING NOW ON

39554

1 THESE TOPICS SIX YEARS LATER TO ONE OF THE
2 DEFENDANTS OR THE OTHER, AND ALSO THE STATEMENT OF
3 THE CONVERSATION, WHAT MR. CONN TOLD ME I RELAYED TO
4 THE COURT EARLIER. WHAT APPEARS IN THE NOTES IS --
5 LET'S SEE. THE FOLLOWING QUOTE: "WHEN
6 LOOKING FOR A WILL HE, BRIAN, TOLD
7 THEM, ERIK AND LYLE, IN AN ASSUMPTIVE
8 WAY, WHILE IN JOSE AND KITTY'S
9 BEDROOM, THAT THEY WERE IN THE WILL.
10 JOSE AND KITTY WOULD WANT THAT, THEM
11 TO BE THEIR HEIRS."
12 AND THEN COMES THE FOLLOWING STATEMENT,

13 UNQUOTED AND UNATTRIBUTED. "WE EXPECT THAT YOU WILL
14 HELP US WITH SETTING THINGS UP." THEN THE
15 PHRASE: "THEY NEVER DISPUTED BEING IN THE WILL.
16 THEY TALKED TO HIM IN A WAY THAT THEY KNEW THEY WERE
17 IN THE WILL."

18 FIRST OF ALL, YOUR HONOR, ONE OF THE
19 PROBLEMS I HAVE WITH THIS KIND OF DISCOVERY COMING
20 IN THE MIDDLE OF TRIAL IS THAT CARLOS BARALT HAS
21 ALREADY TESTIFIED ABOUT THESE MATTERS, AND HERE'S A
22 SEQUENCE OF EVENTS THAT WE'RE HEARING FOR THE FIRST
23 TIME FROM MR. ANDERSEN, THAT WE COULD HAVE
24 ESTABLISHED CERTAIN FACTS FROM CARLOS BARALT, HAD WE
25 KNOWN IT WAS NECESSARY IN ORDER TO PUT THIS IN
26 CONTEXT.

27 THE COURT MAY RECALL, CARLOS BARALT
28 TESTIFIED THAT CARLOS MENENDEZ FOUND THE WILL WHEN

39555

1 NEITHER MR. BARALT NOR EITHER OF THE DEFENDANTS WERE
2 AT THE HOME. CARLOS BARALT WAS CALLED AT THE
3 BEL-AIR HOTEL AND HE AND LYLE MENENDEZ -- NOT
4 ERIK -- WENT TO THE HOUSE. HE DIDN'T REMEMBER ERIK
5 EVER BEING AT THE HOUSE THE DAY THE WILL WAS FOUND.

6 SO I DON'T KNOW IF MR. ANDERSEN'S GOING
7 TO CLAIM -- WHEN HE'S GOING TO SAY THIS TOOK PLACE,

8 THIS CONVERSATION THAT HE'S DESCRIBING, AND I DON'T
9 LIKE FINDING OUT ABOUT IT AFTER THE FIRST WITNESS
10 WHO TESTIFIED ON THIS SUBJECT HAS BEEN ON AND OFF
11 THE STAND AND LIVES ACROSS THE COUNTRY BECAUSE I
12 COULD -- I MEAN, IF I KNEW WHEN HE'S CLAIMING THIS
13 TOOK PLACE, THERE WOULD HAVE BEEN A WAY, PERHAPS, TO
14 USE MR. BARALT'S TESTIMONY TO ILLUMINATE THIS.

15 BUT BEYOND THAT, SINCE I DON'T KNOW, AND
16 SINCE I WANT TO FIND OUT, AND ONCE I DO FIND OUT, I
17 STILL WILL NEED TO INVESTIGATE FOR IMPEACHMENT,
18 BECAUSE I DON'T BELIEVE THIS CONVERSATION EVER
19 HAPPENED. I KNOW MY CLIENT WASN'T EVEN ALONE AROUND
20 MR. ANDERSEN UNTIL LATER IN THE WEEK. AND WE KNOW
21 THE WILL WAS FOUND ON WEDNESDAY, BEFORE THE HIKE
22 OVER TO MR. WRIGHT'S, BEFORE THE HIKE OVER TO THE
23 SAFE DEPOSIT BOX, AND I DON'T KNOW WHEN IT WAS THAT
24 MR. ANDERSEN IS GOING TO CLAIM HE HAD ACCESS TO MY
25 CLIENT FOR THIS CONVERSATION, WHEN MY CLIENT DIDN'T
26 SEEM TO BE AROUND BEFORE THE WILL WAS FOUND.

27 SO IT CREATES A SERIOUS DISCOVERY
28 PROBLEM. IT ALSO CREATES SERIOUS CREDIBILITY

39556

1 PROBLEMS, SIX YEARS LATER HE'S REMEMBERING THIS FOR
2 THE FIRST TIME. HE HAD AN INTERVIEW WITH THESE

3 PROSECUTORS IN FEBRUARY OF '94, THAT BASICALLY WAS
4 LIKE -- IT'S ENORMOUS. IT WAS A FAMILY HISTORY, AN
5 EIGHT-PAGE TYPED SINGLE-SPACE POLICE REPORT
6 INTERVIEW, IN WHICH NONE OF THIS WAS MENTIONED,
7 NOTHING ABOUT THIS CONVERSATION, NOTHING ABOUT HIS
8 BEING ALONE WITH THEM LOOKING AT A WILL.

9 AND THAT'S TRUE OF SOME OTHER THINGS
10 THAT APPEAR IN THIS REPORT FOR THE FIRST TIME
11 CONCERNING SOME THREATENING --

12 THE COURT: WELL, AGAIN, I WANTED THE
13 PROSECUTOR TO IDENTIFY THOSE THINGS THAT HE INTENDS
14 TO BRING OUT.

15 MS. ABRAMSON: FINE. ALL RIGHT.

16 THE COURT: RATHER THAN TALKING ABOUT THINGS
17 YOU DON'T LIKE, LET'S FIND OUT WHAT IT IS HE WANTS
18 TO BRING OUT.

19 MS. ABRAMSON: IT'S NOT A MATTER OF LIKING
20 IT. IT JUST DOESN'T SEEM APPROPRIATE IN A CASE --

21 THE COURT: I'M JUST RESPONDING TO HOW YOU
22 PHRASED IT. YOU DIDN'T LIKE IT.

23 WHAT I WANT TO DO IS SEE WHAT THE
24 PROSECUTION WANTS TO BRING OUT FIRST, NOT JUST
25 TALKING IN GENERAL.

26 MR. CONN: YES. WE'LL BE OFFERING THE
27 STATEMENT OF LYLE MENENDEZ THAT APPEARS ON THE FIRST
28 PAGE OF THE NOTES, WHICH IS THE STATEMENT THAT HE

1 MADE TO THE EFFECT THEY WENT --

2 MS. ABRAMSON: WHY DON'T YOU HIGHLIGHT THE
3 PAGE, MR. CONN.

4 MR. CONN: PAGE 1 IS PAGE 1.

5 MS. ABRAMSON: JUDGE, DOESN'T --

6 THE COURT: I DON'T HAVE THE REPORT AT ALL.

7 MS. ABRAMSON: THE JUDGE DOESN'T HAVE IT.

8 MR. CONN: MAY I APPROACH?

9 MS. ABRAMSON: IF IT'S HIGHLIGHTED IT MAKES A
10 RECORD. IF IT ISN'T, IT DOESN'T.

11 WOULD THE COURT LIKE A HIGHLIGHTER?

12 THE COURT: I HAVE ONE, ALTHOUGH I COULD
13 UNDERLINE IT TOO. THAT WOULD WORK JUST AS WELL.

14 MS. ABRAMSON: I BET YOU COULD.

15 THE COURT: WHAT IS IT YOU WANTED TO USE?

16 MR. CONN: WE WOULD LIKE TO USE THE STATEMENT
17 OF LYLE MENENDEZ AT THE TIME THAT HE WENT TO RANDY
18 WRIGHT'S HOME. AND THAT STATEMENT APPEARS ON THAT
19 FIRST PAGE MORE THAN HALFWAY DOWN THE PAGE. IT
20 BEGINS WITH THE NOTE: "LYLE..." AND THERE'S A
21 STATEMENT IN QUOTATION MARKS.

22 MS. ABRAMSON: WHY DON'T WE READ THAT INTO
23 THE RECORD, YOUR HONOR, SO THERE IS A RECORD.

24 THE COURT: WE DON'T HAVE TO DO IT RIGHT
25 NOW.

26 MR. CONN: ON THE SECOND PAGE THERE'S A
27 STATEMENT BY ERIK MENENDEZ. MR. ANDERSEN RECALLS,
28 THAT HE HAD A CONVERSATION WITH ERIK MENENDEZ IN

39558

1 WHICH ERIK MENENDEZ WAS SUGGESTING THAT PERHAPS THE
2 KILLING HAD BEEN DONE BY THE MAFIA BECAUSE HE HAD,
3 IN FACT, BEEN CONTACTED BY THE MAFIA, AND HE RELATES
4 TO BRIAN ANDERSEN A STATEMENT THAT WAS MADE TO HIM,
5 AND THAT IS WHAT APPEARS ON THE SECOND PAGE,
6 BEGINNING WITH THE WORD "ERIK."

7 MS. ABRAMSON: HUH?

8 MR. CONN: ON THE FIFTH LINE DOWN. THAT
9 EPISODE IS RECOUNTED, AS WELL AS THE CONVERSATION
10 THAT FOLLOWED, WHERE MR. ANDERSEN SUGGESTED THAT HE
11 SHOULD GO TO THE POLICE SO THAT THEY CAN TRACE THE
12 PHONE CALL AND ERIK MENENDEZ BACKED OFF AND SAID:
13 "NEVER MIND. I SHOULDN'T HAVE TOLD YOU."

14 SO WE WOULD BE OFFERING THE STATEMENT OF
15 ERIK MENENDEZ.

16 MS. ABRAMSON: WELL --

17 MR. CONN: THEN THERE'S THE STATEMENT OF LYLE
18 MENENDEZ THAT HE MADE AT THE TIME HE WENT TO THE
19 BANK TO LOOK AT THE --

20 THE COURT: YOU'LL HAVE TO WAIT OUTSIDE,

21 MR. ANDERSEN.

22 (MR. ANDERSEN EXITED THE COURTROOM.)

23

24 MR. CONN: AT THE TIME HE WENT TO THE BANK

25 AND WENT THROUGH THE SAFETY DEPOSIT BOX HE INDICATED

26 THAT LYLE ESSENTIALLY REPEATED --

27 THE COURT: WHAT PAGE?

28 MR. CONN: THIS IS STILL ON PAGE 2. HE

39559

1 BEGINS TALKING ABOUT THE SAFETY DEPOSIT BOX EPISODE

2 THERE AT THE BOTTOM OF THE PAGE, AND THAT CONTINUES

3 ON DOWN THROUGH THE BOTTOM OF THE PAGE AND CONTINUES

4 OVER INTO THE TOP HALF OF PAGE 3. AND THAT EPISODE

5 ENDS WITH THE LINE, SAME STATEMENT AS THE SAFE, AND

6 WHAT HE RELATED TO US THERE. AND LYLE MENENDEZ WAS

7 SAYING THE SAME THING THAT HE HAD SAID AT THE TIME

8 THEY WERE GOING THROUGH -- WANTED TO GO THROUGH THE

9 SAFE AT THE HOME; THAT HE DIDN'T WANT MR. ANDERSEN

10 PRESENT AT THE TIME THAT THE SAFE WAS OPENED.

11 AND THEN IN THE FOURTH AREA WE WOULD BE

12 GETTING INTO -- IT ALSO APPEARS ON PAGE 3 -- PICKS

13 UP WHERE I JUST LEFT OFF. THAT IS WHERE IT BEGINS:

14 "WHEN LOOKING FOR A WILL..."

15 HE REFERS IN THOSE TWO PARAGRAPHS THERE

16 TO THE OCCASION IN WHICH HE HAD A CONVERSATION WITH
17 BOTH DEFENDANTS INDICATING HIS BELIEF AND
18 EXPECTATION THAT THEY WERE IN THE WILL AND THEY
19 RESPONDED AFFIRMATIVELY TO THAT, INDICATING TO HIM
20 THAT --

21 MS. ABRAMSON: WHERE IS IT THEY RESPONDED
22 AFFIRMATIVELY?

23 MR. CONN: AND THAT THEY WOULD BE SEEKING HIS
24 HELP IN REGARDS TO FINANCIAL MATTERS.

25 MS. ABRAMSON: I DON'T SEE WHERE THEY
26 RESPONDED AFFIRMATIVELY. IS THERE SOMETHING LEFT
27 OUT?

28 (BRIEF PAUSE IN THE PROCEEDING.)

39560

1

2 THE COURT: THAT'S WHAT YOU INTEND TO OFFER?

3 MR. CONN: YES. FROM THE CONVERSATION THAT
4 WE HAD LAST NIGHT, YES.

5 THE COURT: LET'S HEAR THE RESPONSE OF THE
6 DEFENSE.

7 MS. ABRAMSON: WE OBJECT TO THESE STATEMENTS
8 ON THESE NEW TOPICS COMING IN THIS LATE IN THE GAME,
9 AND I'M NOT PREPARED TO EXAMINE THIS WITNESS ON THIS
10 TOPIC. MY UNDERSTANDING WAS THIS WITNESS WAS GOING

11 TO TESTIFY IN ACCORDANCE WITH PREVIOUS STATEMENTS
12 CONCERNING THREE THINGS: THE CAMCORDER DISCUSSION
13 IN KALAMAZOO, WHICH WAS TO BE ADMISSIBLE ONLY
14 AGAINST LYLE MENENDEZ. SO I WASN'T GOING TO EXAMINE
15 HIM AT ALL; THE TRIP TO THE SAFE DEPOSIT BOX AND THE
16 MR. WRIGHT'S HOUSE, AS APPEARS ON PAGE 6 OF THE
17 EIGHT-PAGE INTERVIEW WITH THIS WITNESS, WHICH WAS
18 CONDUCTED ON FEBRUARY 22ND AND FEBRUARY 23RD, 1994,
19 WHICH DOES NOT CONTAIN THE QUOTATIONS THAT HE NOW
20 REMEMBERS ATTRIBUTING THESE PARTICULAR STATEMENTS TO
21 LYLE MENENDEZ.

22 THOSE WERE THE ONLY THINGS THAT WE HAD
23 ANY NOTICE OF THAT HE WAS GOING TO TESTIFY TO, OR
24 ANY REASON TO BELIEVE HE WAS GOING TO TESTIFY TO, IN
25 THE PEOPLE'S CASE-IN-CHIEF.

26 SO NOW WE HAVE NEW CONVERSATIONS BY LYLE
27 MENENDEZ WHICH OBVIOUSLY SHOULD NOT BE ADMITTED
28 AGAINST MY CLIENT. AND THEN WE HAVE THIS REMARKABLE

39561

1 LITTLE CHAT ABOUT THE MAFIA, WHICH WE HAVE NO IDEA
2 WHEN IT TOOK PLACE, WHERE IT TOOK PLACE, WHAT THE
3 REFERENCE, QUOTE, MARTA KNEW ABOUT IT, UNQUOTE,
4 MEANS IN THE MIDDLE OF THAT PARAGRAPH ON PAGE 2.
5 NOTHING ABOUT THIS BEFORE.

6 I CAN ATTEST THAT MR. ANDERSEN CERTAINLY
7 WAS AWARE OF THE MAFIA ISSUE. IN FACT, MR. ANDERSEN
8 CALLED ME THE FIRST YEAR THAT I WAS REPRESENTING
9 ERIK MENENDEZ TO PURSUE THE MAFIA LINE. HE WAS
10 CONVINCED THE MAFIA DID IT. WHY WEREN'T WE
11 INVESTIGATING THE MAFIA, ET CETERA, ET CETERA? SO
12 IT'S NOT A TOPIC THAT ESCAPED HIS NOTICE, AND HERE
13 IT SHOWS UP AT 6:00 LAST NIGHT.

14 WE WOULD OBJECT. IT IS TOO LATE FOR THE
15 PEOPLE TO KEEP REWRITING THE SCRIPT OF THESE
16 WITNESSES, NO MATTER WHAT THE INSPIRATION, THE
17 WITNESSES THEMSELVES, OR THEIR ANIMOSITY, OR THE
18 FACT THEY'RE STILL SUING PEOPLE IN PROBATE LAWSUITS,
19 NONE OF WHICH I WAS INTENDING TO GO INTO BECAUSE --

20 THE COURT: YOU HAD ALREADY GONE INTO --

21 MS. ABRAMSON: I WENT INTO THEM IN THE FIRST
22 TRIAL.

23 THE COURT: IT WAS GONE INTO WITH
24 MR. BARALT'S CROSS-EXAMINATION.

25 MS. ABRAMSON: I WASN'T GOING DO A NUMBER ON
26 THIS WITNESS BECAUSE I DIDN'T THINK THERE WAS
27 ANYTHING THIS WITNESS WAS GOING TO SAY THAT
28 MATTERED.

1 THE COURT: WELL, YOU BROUGHT OUT IMPEACHING
2 EVIDENCE ABOUT HIS BIAS THROUGH BARALT.

3 MS. ABRAMSON: WELL, I WAS ALSO TRYING TO
4 BRING OUT SOMETHING THAT HAD TO DO WITH MR. BARALT,
5 NOT SO MUCH THAT HAD TO DO WITH MR. ANDERSEN.

6 IN ANY EVENT, THESE ARE ALL -- EVERY ONE
7 OF THESE ARE NEW STATEMENTS THAT WERE NOT GIVEN TO
8 US PREVIOUSLY, THAT THEY WANT TO DROP ON US TODAY
9 AFTER THIS INTERVIEW. THEY'VE NEVER HAD ANY
10 DIFFICULTY GETTING THIS WITNESS TO COME AND TALK TO
11 THEM AND TELL THEM WHATEVER IT IS HE KNEW. AND WE
12 SIMPLY THINK IT'S UNFAIR AND INAPPROPRIATE FOR THEM
13 TO BE COMING UP WITH THIS STUFF AT THIS POINT.

14 THE COURT: OKAY. MR. GESSLER.

15 MR. GESSLER: SAME OBJECTIONS, YOUR HONOR.

16 AGAIN, ON THIS WITNESS, I WAS PREPARED
17 TO CROSS-EXAMINE ONLY ON THAT ISSUE OF THE CAMCORDER
18 THAT WAS PROFFERED AND THE STATEMENTS PREVIOUSLY
19 MADE ABOUT RANDY WRIGHT'S GARAGE.

20 THIS WHOLE NEW STATEMENT ABOUT BEING IN
21 THE WILL, EXPECTING TO BE IN THE WILL, IS OF
22 CONSIDERABLE IMPORTANCE AND MEANS FURTHER
23 EXAMINATION THAT MUST BE DONE; NOT JUST LOOKING
24 THROUGH REPORTS AND THINGS, BUT TALKING TO OTHER
25 PEOPLE WHO WERE INVOLVED, RECONTACTING CARLOS BARALT
26 AND OTHER PEOPLE SO THAT WE'RE PREPARED FOR
27 CROSS-EXAMINATION ON THE SEQUENCE OF EVENTS WHICH,
28 UNTIL NOW, HAS NOT HAD CONSIDERABLE IMPORTANCE.

1 WHERE OR WHAT BRIAN ANDERSEN WAS DOING
2 IN THE HOUSE HAD VERY LITTLE IMPORTANCE WHEN TALKING
3 TO CARLOS BARALT WHEN HE WAS IN TOWN OR ON THE
4 STAND. IN FACT, CARLOS BARALT WASN'T EVEN PRESENT
5 WHEN THE WILL WAS FOUND. AND I THINK THE SEQUENCE
6 HERE BECOMES VERY IMPORTANT AS TO WHAT HE KNOWS AS
7 TO WHERE BRIAN WAS AND WHAT BRIAN WAS DOING DURING
8 THE VARIOUS DAYS THEY WERE HERE.

9 THE COURT: DIDN'T MR. ANDERSEN TESTIFY ABOUT
10 THIS IN THE FIRST TRIAL, ABOUT BEING IN THE HOUSE
11 AND LOOKING FOR A WILL?

12 MR. GESSLER: HE TESTIFIED GENERALLY ABOUT
13 LOOKING FOR A WILL, BUT NOTHING TOWARDS THESE
14 CONVERSATIONS.

15 THE COURT: LET ME HEAR FROM THE PROSECUTION
16 AS TO WHY THESE THINGS ARE ONLY BEING DISCLOSED
17 NOW.

18 MR. CONN: WELL, WE CAN'T GIVE IT TO THE
19 DEFENSE UNTIL WE LEARN ABOUT IT. AND THIS IS THE
20 FIRST -- FIRST OF ALL, AS FAR AS SOME OF THESE
21 STATEMENTS ARE CONCERNED, I THINK IT WAS CLEAR THAT
22 HE WOULD BE TESTIFYING, FOR EXAMPLE, TO
23 CONVERSATIONS WITH THE DEFENDANTS AT THE TIME OF
24 THE -- THEY WENT TO RANDY WRIGHT'S HOUSE AND WENT TO

25 THE SAFETY DEPOSIT BOX. I EVEN MENTIONED THAT IN MY
26 OPENING STATEMENT. BASED UPON WHAT WE HAVE IN THE
27 POLICE REPORTS THAT WE REPORTED TO THEM A LONG TIME
28 AGO, THAT HE WAS UPSET ABOUT THE FACT THAT HE WAS

39564

1 NOT PERMITTED TO BE PRESENT AT THE TIME THAT THE
2 SAFE WAS OPEN AND THE SAFETY DEPOSIT BOX WAS OPENED,
3 THAT'S CONTAINED IN THE POLICE REPORTS. ALL HE DID
4 HERE WAS FLESH OUT WHAT HE MEANT IN THE PRIOR POLICE
5 REPORT. YOU BRING THE WITNESS IN AND YOU ASK HIM
6 WHAT SPECIFICALLY DO YOU RECALL HEARING? I KNOW YOU
7 TOLD US ABOUT THIS PREVIOUSLY, BUT WHAT WERE THE
8 SPECIFIC WORDS USED? THESE ARE THE SPECIFIC WORDS.

9 SO THIS IS NOT NEW. THIS IS JUST
10 FLESHING OUT SOMETHING HE ALREADY TOLD US.

11 THE COURT: I ALREADY MADE THAT OBSERVATION
12 BEFORE THIS HEARING STARTED EARLIER THIS MORNING,
13 THAT I THOUGHT THAT WAS SOMETHING THAT WAS GOING TO
14 BE BROUGHT UP DURING HIS TESTIMONY.

15 MR. CONN: RIGHT.

16 THE COURT: FROM HOW THE TRIAL HAD PROCEEDED
17 SO FAR.

18 MS. ABRAMSON: WELL, YOUR HONOR --

19 THE COURT: LET'S GO ON TO SOME OF THESE

20 OTHER CONVERSATIONS. LET ME JUST SAY ONE THING.

21 THIS WAS NOT TESTIFIED TO IN THE LAST TRIAL. I HAVE
22 THE SUMMARY OF ALL THE TESTIMONY.

23 THE COURT: WHAT WASN'T?

24 MS. ABRAMSON: NOTHING ABOUT LOOKING FOR A
25 WILL, SAFETY DEPOSIT BOX, RANDY WRIGHT'S GARAGE,
26 NONE OF THAT WAS TESTIFIED TO.

27 THE COURT: NO, NO. WE LEARNED IN THE
28 HEARING INVOLVING MR. WRIGHT THAT THE POLICE FIRST

39565

1 DISCOVERED ANYTHING ABOUT MR. WRIGHT THROUGH A
2 FOLLOW-UP INTERVIEW WITH MR. ANDERSEN AFTER THE
3 FIRST TRIAL. THAT'S HOW THEY FOUND OUT ABOUT IT.
4 SO IT DIDN'T COME OUT IN THE FIRST TRIAL.

5 MS. ABRAMSON: I KNOW THAT. THAT'S NOT
6 TRUE. THEY KNEW ABOUT IT BEFORE THAT.

7 THE COURT: I'M TELLING YOU WHAT THE EVIDENCE
8 WAS THAT WAS PRESENTED TO ME AND THAT'S WHAT I
9 CONCLUDED FROM THAT EVIDENCE, NOT WHAT YOU BELIEVE.

10 MS. ABRAMSON: I HAVE MORE DISCOVERY THAN THE
11 COURT DOES, BUT I THINK THE ISSUE IS WHETHER
12 MR. ANDERSEN TESTIFIED TO THIS IN THE FIRST TRIAL.
13 HE DEFINITELY DID NOT, NOT TO ANY OF THIS, AND NONE
14 OF THESE CONVERSATIONS, THESE STATEMENTS OF EITHER

15 DEFENDANT CONCERNING EITHER BEING AT MR. WRIGHT'S
16 HOUSE, NOR AT THE SAFETY DEPOSIT BOX, HAVE EVER BEEN
17 PROFFERED IN OUR LITIGATION. ALL WE KNOW IS THAT
18 MR. WRIGHT SAID MR. ANDERSEN WAS AT HIS HOUSE, AND
19 MR. ANDERSEN HAS SAID HE WENT TO WRIGHT'S HOUSE, AND
20 HE WENT TO THE BANK, AND THAT THE DEFENDANTS WANTED
21 TO LOOK FIRST, AND THAT'S ABOUT IT.

22 NO SPECIFIC STATEMENTS HAVE EVER BEEN
23 GIVEN ATTRIBUTABLE TO EITHER OF THEM BY THIS
24 WITNESS. SO THERE IS -- EVERY BIT OF THIS HEARSAY
25 OR ADMISSION, DEPENDING UPON WHO IT'S BEING
26 INTRODUCED AGAINST, IS NEW. I WOULD LIKE TO SHOW
27 THE COURT WHAT WE HAVE, WHICH IS -- I'VE
28 HIGHLIGHTED -- THESE ARE THE TWO PAGES, YOUR HONOR.

39566

1 IF THE COURT CARES TO SEE IT -- OF THE EIGHT-PAGE
2 INTERVIEW WITH MR. ANDERSEN FROM '94. ALL HE'S EVER
3 SAID IS THERE WAS AN ARGUMENT BETWEEN LYLE, ERIK,
4 AND CARLOS BARALT AND HIMSELF OVER WHO WAS GOING TO
5 BE PRESENT WHEN THE SAFE WAS OPENED. THAT'S AS
6 SPECIFIC AS IT'S EVER GOTTEN. I HAD THOSE SECTIONS
7 HIGHLIGHTED ON THOSE TWO PAGES.

8 THE COURT: WELL, I ACCEPT THAT THAT'S HOW IT
9 WAS IN THE REPORT. I DON'T DOUBT THAT. BUT THE

10 PROSECUTION'S SAYING NOW WE'VE INTERVIEWED THE
11 FELLOW FURTHER AND WE'VE GOTTEN MORE DETAIL. THAT
12 HAPPENS. THAT OFTEN HAPPENS IN TRIAL. WHERE YOU
13 GET MORE INFORMATION IN A JOINT TRIAL WITH ONE JURY,
14 IT BEHOOVES THEM TO FIGURE OUT WHAT STATEMENTS
15 AGAINST EACH DEFENDANT THEY'RE GOING TO TRY TO
16 INTRODUCE BEFORE OPENING STATEMENT SO WE CAN DEAL
17 WITH IT ALL. IT'S FINE THAT MR. CONN MENTIONED
18 SOMETHING ABOUT IT, ALTHOUGH I DON'T THINK HE
19 INDICATED WHICH WITNESS WAS GOING TO TESTIFY ABOUT
20 GOING TO THE SAFE OR THE SAFE DEPOSIT BOX, AND HE'S
21 HAD THREE WITNESSES ON THIS SUBJECT. IT'S FINE THAT
22 HE CAN SAY SOMETHING, BUT WE NEED TO KNOW WHAT THE
23 EVIDENCE IS GOING TO BE SO WE CAN ADDRESS IT IF WE
24 THINK WE NEED TO IN OUR OPENING STATEMENT, AND WE
25 DID NOT HAVE THESE STATEMENTS TO DEAL WITH, NOR TO
26 DEAL WITH THAT --

27 THE COURT: THAT DOESN'T BAR EVIDENCE FROM
28 BEING DEVELOPED DURING THE COURSE OF THE TRIAL, THAT

39567

1 YOU DIDN'T HAVE A CHANCE TO BRING IT UP DURING
2 OPENING STATEMENTS. IF THAT WAS TRUE THE TRIAL
3 WOULD BE STATIC AND THE WHOLE OUTCOME OF THE TRIAL
4 WOULD BE DETERMINED ON OPENING STATEMENTS.

5 MS. ABRAMSON: IT'S NOT APPROPRIATE FOR THE
6 PROSECUTION TO LAY BACK AND ELICIT THINGS AT THE
7 LAST MINUTE FROM WITNESSES AND THEN PRESENT THEM.
8 AND THIS HAS BEEN GOING ON WITH EVERY WITNESS IN
9 THIS CASE. AND THERE IS NO EXCUSE FOR THAT. IT IS
10 A TACTIC. IT IS A STRATEGY. AND IT IS AN IMPROPER
11 ONE.

12 THE COURT: IF IT IS DELIBERATE, DONE
13 DELIBERATELY, WITH THE PROSECUTORS KNOWING IN
14 ADVANCE WHAT ADDITIONAL INFORMATION THE WITNESS HAS
15 AND NOT PUTTING IT IN A POLICE REPORT OR NOT PUTTING
16 IT IN THEIR NOTES, IT'S A VIOLATION OF THE DISCOVERY
17 RULE. IF THEY DON'T ASK THE QUESTION AND DON'T KNOW
18 WHAT THE WITNESS IS GOING TO SAY, THEN IT'S JUST
19 SLOPPY WORK.

20 MS. ABRAMSON: IT'S TACTICAL.

21 THE COURT: IF THEY DON'T KNOW WHAT THE
22 WITNESS IS GOING TO SAY, IT'S HARDLY TO THEIR
23 BENEFIT TO DELAY TALKING TO THEM.

24 MS. ABRAMSON: THEN THEY HAVE HOSTILE
25 WITNESSES WHO HAVE BEEN INCREASINGLY MORE INVENTIVE,
26 WAIT FOR THE NIGHT BEFORE, GO FOR THE JUGULAR, GET
27 WHAT YOU WANT. THEY HAVE NOTHING TO LOSE, SO LONG
28 AS THE COURT ALLOWS THEM TO PRESENT EVIDENCE

1 IMMEDIATELY THEREAFTER. THEY DON'T INTERVIEW A WEEK
2 BEFORE BECAUSE THAT GIVES THE DEFENSE NOTICE. THEY
3 INTERVIEW THE NIGHT BEFORE AND MAYBE WE CAN GET
4 SOMETHING GOOD AND WE CAN SPRING IT ON THEM, AND
5 THAT'S WHAT'S BEEN GOING ON.

6 THE COURT: I DON'T SEE THAT'S OCCURRING.
7 THEY HAVE WITNESSES COMING IN FROM OUT OF STATE.

8 MS. ABRAMSON: THEY ANSWER THE PHONE.

9 THE COURT: THEY ARE BEING INTERVIEWED WHEN
10 THEY ARRIVE. THAT'S NORMAL WHEN PEOPLE ARE
11 INTERVIEWED THAT -- THEY'RE INTERVIEWED BEFORE THEY
12 TESTIFY. AND IF THERE'S ADDITIONAL INFORMATION,
13 IT'S BEING TURNED OVER AND THE COURT HAS TO BALANCE
14 THE RIGHT OF THE OPPONENT OF THE INFORMATION, OR THE
15 EVIDENCE, TO PREPARE FOR IT; AT THE SAME TIME,
16 PERMIT THE PROPONENT OF THE EVIDENCE TO PUT ON
17 RELEVANT EVIDENCE IF THEY HAVEN'T VIOLATED ANY
18 DISCOVERY RULES OR DONE THINGS TO WORK AN UNFAIRNESS
19 ON THE OPPOSITION. IT'S IMPROPER FOR THE COURT TO
20 EXCLUDE RELEVANT EVIDENCE SOLELY BECAUSE IT WASN'T
21 DISCOVERED UNTIL THE DAY BEFORE THE WITNESS
22 TESTIFIES. IF THAT WERE THE RULE, THEN, AS I SAID,
23 WE REALLY WOULD HAVE TRIALS BASED ON OPENING
24 STATEMENTS AND NOTHING ELSE.

25 MS. ABRAMSON: I'M NOT PREPARED TO
26 CROSS-EXAMINE THIS WITNESS BASED ON THIS INFORMATION
27 TODAY AND I WON'T BE PREPARED TO DO IT TOMORROW

39569

1 THE COURT: OKAY. FIRST OF ALL, LET'S GO
2 BACK TO THE STATEMENTS THAT THE PROSECUTION HAS
3 REFERRED TO THAT IT INTENDS TO ELICIT FROM THE
4 WITNESS.

5 THE REFERENCE TO THE SAFE AND OPENING
6 THE SAFE, AND THINGS OF THAT NATURE, THAT WAS
7 MENTIONED IN THE INITIAL REPORT OF DETECTIVE
8 ZOELLER, AS I RECALL IT. I DON'T HAVE MY FILE
9 INVOLVING MR. WRIGHT HERE. BUT IT SEEMS TO ME THAT
10 THERE WAS SOME REFERENCE, EITHER IN DETECTIVE
11 ZOELLER'S TESTIMONY OR -- THAT'S THE REPORT OF
12 MR. ANDERSEN THAT GOES BACK TO '94. I AGREE WITH
13 YOU. IT IS MENTIONED, BUT NOT THESE SPECIFIC
14 STATEMENTS.

15 THE COURT: I DON'T KNOW IF I HAD THAT WHOLE
16 REPORT. I JUST HAD THE PAGE THAT REFERRED TO THAT.
17 INITIALLY, I DON'T THINK I HAD THIS WHOLE REPORT.
18 IF I DID I DIDN'T READ IT BECAUSE I ONLY READ THE
19 PART THAT RELATED TO THE FINDINGS OF THE -- OR THE
20 REFERENCE TO THE SAFE.

21 MS. ABRAMSON: THAT'S THE INTERVIEW WITH
22 BRIAN ANDERSEN THAT YOU'RE HOLDING RIGHT NOW, YOUR

23 HONOR. THAT'S PAGE 7 AND 8 OF THAT INTERVIEW, OR
24 PAGE 6 AND 7 OF THAT INTERVIEW, WHICH IS FEBRUARY
25 22ND AND 23RD, TWO-DAY INTERVIEW, '94. I THINK YOU
26 ONLY HAD THE SUBMISSION FROM MR. WRIGHT, NOT THE
27 SUBMISSION --

28 THE COURT: THAT COULD BE. IT WAS THE REPORT

39570

1 REFERRING TO MR. WRIGHT, HOW HE WAS FOUND BY THE
2 POLICE.

3 I'VE NEVER SEEN THIS BEFORE.

4 MS. ABRAMSON: WELL, I'LL SHOW IT TO YOU SO
5 YOU CAN SEE THE FULL BREADTH OF DISCOVERY WE WERE
6 GIVEN.

7 THE COURT: I UNDERSTAND THAT YOU HAVEN'T
8 BEEN PROVIDED WITH THE DETAILS OF THE MAN'S
9 STATEMENTS, AND IT DOES CERTAINLY CREATE A SITUATION
10 WHERE YOU HAVE A RIGHT TO PREPARE FOR IT, AND IT
11 CERTAINLY OPENS HIM UP FOR IMPEACHMENT AS TO WHETHER
12 IT GOES BEYOND THAT, AND CALLS UPON THE COURT TO
13 EXCLUDE HIS TESTIMONY. THAT'S A SEPARATE ISSUE
14 ALTOGETHER. AND THAT'S AN EXTREME SANCTION THAT
15 YOU'RE ASKING BASED UPON WHAT'S BEEN PRESENTED TO
16 ME.

17 WHY IS IT THAT YOU DIDN'T SPEAK WITH HIM

18 IN MORE DETAIL BEFORE YESTERDAY, MR. CONN?
19 MR. CONN: WELL, YOUR HONOR, AS COUNSEL
20 POINTED OUT, WE INTERVIEWED HIM IN '94 AND WHAT HE
21 GAVE WAS -- AS COUNSEL REFERRED TO -- AN EIGHT-PAGE
22 TYPED STATEMENT RECOUNTING THE ENTIRE HISTORY OF THE
23 MENENDEZ FAMILY, INCLUDING RELATIVES AND SO ON AND
24 SO FORTH. SO WE SPENT AN ENORMOUS AMOUNT OF TIME
25 INTERVIEWING THESE WITNESSES. COUNSEL TAKES IT FOR
26 GRANTED -- SHE'S BEEN ON THE CASE FOR FIVE YEARS --
27 THAT ALL OF THESE FACTS ARE KNOWN TO HER. WHEN WE
28 INTERVIEWED HIM WE WERE ASKING QUESTIONS LIKE WHO

39571

1 WAS JOSE MENENDEZ AND WHAT DID HE DO FOR A LIVING?
2 WE WERE FINDING OUT THE BASICS ABOUT THIS CASE. WHO
3 WAS JOAN VANDERMOLLEN? AND WHO WAS CARLOS MENENDEZ?
4 AND HOW DO THEY FIT INTO ALL OF THIS?
5 WE ASKED HIM A MILLION QUESTIONS WHEN WE
6 INTERVIEWED HIM IN '94. HE INDICATED THAT THERE WAS
7 AN ARGUMENT AT THE TIME OF THE OPENING OF THE SAFE;
8 AND GRANTED, WE DIDN'T ASK HIM, WELL, TELL US,
9 RECOUNT IN DETAIL WORD FOR WORD WHO SAID WHAT. WE
10 DIDN'T DO THAT. THERE WAS AN ARGUMENT AT THE SAFE
11 AND THE SUBSTANCE OF THE ARGUMENT WAS HE WAS NOT TO
12 BE PRESENT. THE DEFENDANTS WANTED TO BE ALONE, AND

13 THAT WAS SOMETHING I MENTIONED IN MY OPENING

14 STATEMENT AND HEARD NO COMPLAINT FROM COUNSEL.

15 I ALSO SAID IN MY OPENING STATEMENT THAT

16 WE'D BE PRESENTING EVIDENCE THAT HE WAS ALSO

17 EXCLUDED FROM THE TIME OF THE OPENING OF THE SAFETY

18 DEPOSIT BOX. AGAIN, WE HEARD NO COMPLAINT FROM

19 COUNSEL. I MENTIONED THAT IN MY OPENING STATEMENT,

20 AND THAT'S WHAT HE'S GOING TO TESTIFY TO.

21 NOW HE'S SIMPLY GOING TO GIVE US THE

22 EXACT WORDS. WHEN YOU BRING A WITNESS IN AND YOU'RE

23 ABOUT TO PUT A WITNESS ON THE STAND YOU SAY: NOW,

24 TELL US WORD FOR WORD WHAT HAPPENED, AND YOU

25 INVARIABLY FIND OUT NEW INFORMATION. I BET IF WE

26 SAT DOWN WITH MR. ANDERSEN FOR AN ANOTHER INTERVIEW

27 WE'D FIND OUT MORE THINGS. EVERY TIME WE SIT DOWN

28 WITH A PERSON WHO'S OUT OF TOWN AND WHO KNOWS A

39572

1 GREAT DEAL ABOUT THE DEFENDANTS AND THE VICTIMS IN

2 THIS CASE -- THE MORE TIME YOU SPEND WITH THESE

3 PEOPLE, YOU GET A WEALTH OF INFORMATION. IF I COULD

4 SPEND ANOTHER TWO DAYS WITH HIM I'M SURE WE WOULD

5 HAVE NEW STATEMENTS.

6 WE DID NOT DELAY THIS. WE TOOK AN

7 ENORMOUS AMOUNT OF INFORMATION FROM HIM WHEN HE

8 INTERVIEWED IN '94, AND ONE OF THE KEY CHANGES FROM
9 THE FIRST TRIAL WAS INFORMATION THAT WE OBTAINED
10 FROM HIM, FOR EXAMPLE, THIS WHOLE BUSINESS ABOUT
11 GOING TO RANDY WRIGHT'S HOUSE. IT WAS THROUGH
12 MR. ANDERSEN THAT WE LEARNED ABOUT THAT WHOLE
13 EPISODE. THAT WAS SOMETHING THAT NONE OF THE
14 ATTORNEYS KNEW. MS. NAJERA FOUND THAT OUT THROUGH
15 INTERVIEWING THIS WITNESS BACK IN '94.

16 AS SOON AS WE FOUND OUT ABOUT IT, IT WAS
17 IN A REPORT. IT WAS TURNED OVER TO COUNSEL. AND
18 HERE WE HAVE A VERY SIGNIFICANT NEW BREAK-THROUGH
19 WHICH WE LEARNED FROM THIS WITNESS. SO WE OBTAINED
20 AN ENORMOUS AMOUNT OF INFORMATION FROM THIS
21 WITNESS. AND IT'S SIMPLY NOT THE SITUATION THAT
22 WE'RE HOLDING OFF ON TELLING -- GETTING BACK TO THAT
23 ARGUMENT ABOUT WHAT WORDS WERE USED, WHO SAID WHAT
24 FIRST, IT'S NOT SOMETHING WE HELD OFF ON.

25 AS FAR AS THE OTHER TWO STATEMENTS THAT
26 ARE CONTAINED IN THE REPORT, WHICH IS ERIK MENENDEZ
27 TALKING ABOUT THE MAFIA, I DON'T EVEN THINK WE ASKED
28 THAT QUESTION LAST TIME. SOMETIME DURING THE COURSE

39573

1 OF THE CONVERSATION HE WAS JUST RAMBLING ON ABOUT
2 SOMETHING OR OTHER AND HE JUST BLURTED THAT OUT. I

3 DIDN'T EVEN THINK OF ASKING HIM: DID ERIK MENENDEZ
4 EVER TELL YOU THAT HE THINKS THE MAFIA IS
5 RESPONSIBLE? WE WERE JUST HAVING DINNER AND HE'S
6 RATTLING ON ABOUT THINGS; AND THEN HE SAID THEN
7 THERE WAS THAT TIME WHAT ERIK MENENDEZ SAID
8 SOMETHING ABOUT A CALL FROM THE MAFIA.
9 AND I SAID: WELL, TELL US MORE ABOUT
10 THIS, AND THAT'S HOW IT CAME OUT. SO IT WASN'T LIKE
11 WE WERE HOLDING OFF TILL THE LAST MINUTE TO TELL
12 ABOUT THE MAFIA. IT'S JUST ONE OF THOSE THINGS.
13 THE MORE TIME YOU SPEND WITH THE WITNESSES, THE MORE
14 COMES OUT.

15 THE SAME THING WITH THE CONVERSATION
16 WITH THE-- CONCERNING OUTSIDE OF THE WILL. THE
17 DEFENDANT, KNOWING OR BELIEVING THAT THEY WERE CUT
18 OUT OF THE WILL. THIS IS SOMETHING THAT HAS BEEN
19 THE FOCUS, OUR FOCUS, PARTICULARLY SINCE CARLOS
20 BARALT TESTIFIED. CARLOS BARALT, ONCE AGAIN, THE
21 COURT SHOULD BE AWARE, WAS UNWILLING TO TALK TO US.
22 WE WENT BACK TO THE EAST COAST. WE WANTED TO TALK
23 TO CARLOS BARALT. PHONE CALLS WERE MADE FROM
24 NEW YORK. WE RECEIVED THE WORD THROUGH TERRY BARALT
25 THAT HE WAS UNWILLING TO TALK TO US. SO WE HAD NO
26 IDEA WHAT INFORMATION WE'D BE GETTING FROM CARLOS
27 BARALT. AND IT WAS ONLY NOW THAT HE CAME OUT HERE
28 TO CALIFORNIA THAT SUDDENLY HE HAD SAID, OKAY, I'LL

1 SIT DOWN AND TALK TO YOU; MEANWHILE, HIS WIFE, TERRY
2 BARALT, WHO WAS NOT OUR WITNESS, IS STILL UNWILLING
3 TO TALK TO US. IT WAS ONLY WHEN HE SAT DOWN AND
4 TALKED TO US THAT WE GOT SOME INFORMATION FROM HIM
5 CONCERNING WHETHER OR NOT THE DEFENDANTS BELIEVED
6 THEY WERE IN OR OUT OF THE WILL. MR. ANDERSEN IS
7 NOW BACK IN TOWN. WE SAT DOWN AND COVERED IT WITH
8 HIM LAST NIGHT, AND THEN HE RECALLED, YES, I DO
9 RECALL THERE WAS AN INCIDENT IN WHICH I SAT DOWN
10 WITH THE DEFENDANTS AND WE DID DISCUSS THE MONEY
11 FROM THE WILL.

12 SO, AGAIN, IT'S SOMETHING THAT -- IT'S
13 PART OF THE EVOLVING PROCESS OF LEARNING MORE ABOUT
14 THIS CASE. WE LEARNED MORE ABOUT THIS CASE WHEN WE
15 INTERVIEWED MR. ANDERSEN IN '94. WE LEARNED EVEN
16 MORE ABOUT THE CASE WHEN WE INTERVIEWED CARLOS
17 BARALT JUST A FEW WEEKS AGO. SO IT'S NEW
18 INFORMATION THAT WE JUST CAN'T TURN OVER UNTIL WE
19 GET IT.

20 MS. ABRAMSON: WE HAVEN'T HEARD OF ANY
21 DISCUSSIONS THAT MR. ANDERSEN HAS BEEN UNWILLING TO
22 TALK ABOUT SINCE THE 20TH OF LAST FEBRUARY.

23

24

25

26

39575

1 THE COURT: OKAY. AGAIN, IT REALLY BEGS THE
2 ISSUE. IT'S NOT WHETHER THEY COULD HAVE TALKED TO
3 HIM, BUT WHETHER OR NOT, NUMBER ONE, THEY DID TALK
4 TO HIM ABOUT THIS SUBJECT AND THEY DIDN'T DISCLOSE
5 IT; OR, NUMBER TWO, THEY DELIBERATELY DIDN'T TALK
6 ABOUT IT, OBTAINED SOME TACTICAL ADVANTAGE AT THIS
7 STAGE OF THE PROCEEDINGS. AND I DON'T FIND THAT
8 EITHER OF THOSE EVENTS OCCURRED.

9 I ACCEPT THE REPRESENTATIONS MADE BY THE
10 PROSECUTION AS TO HOW THESE INTERVIEWS OCCURRED, AND
11 THE FACT THAT THEY OCCURRED NOW DOESN'T BAR THE
12 INTRODUCTION OF THE EVIDENCE.

13 THE ONLY ISSUES ARE WHETHER OR NOT THERE
14 IS ANY IMPEDIMENT TO THE INTRODUCTION OF THE
15 EVIDENCE OR RECEIPT OF THE EVIDENCE BECAUSE OF SOME
16 LEGAL OBJECTION --

17 MS. ABRAMSON: WELL, I THINK THERE'S ANOTHER
18 ISSUE --

19 THE COURT: -- OTHER THAN DISCOVERY.

20 MS. ABRAMSON: RIGHT.

21 THE COURT: AND ALSO WHETHER OR NOT THE

22 DEFENSE NEEDS MORE TIME TO PREPARE BECAUSE OF THE
23 LATE DISCLOSURE OF THIS, LATE REVELATION OF THIS
24 INFORMATION.

25 MS. ABRAMSON: WELL, ON A RELEVANCY BASIS,
26 YOUR HONOR, THE MAFIA BUSINESS HERE IS SO PECULIAR
27 AND BIZARRE, I FAIL TO SEE ITS RELEVANCE. THIS IS
28 NOT A SITUATION WHERE ERIK MENENDEZ IS TELLING BRIAN

39576

1 ANDERSEN THE MAFIA KILLED MY PARENTS. WE DON'T KNOW
2 WHEN IT TOOK PLACE, WHO WAS PRESENT, WHAT PROMPTED
3 THE STATEMENT. BUT WE DO KNOW THAT THERE WAS PLENTY
4 OF PUBLICITY THAT THE MAFIA WAS INVOLVED IN THIS
5 KILLING.

6 AND, I MEAN, I CAN'T EVEN QUITE
7 UNDERSTAND WHAT'S SUPPOSED TO BE SAID HERE. "ERIK
8 IS CLAIMING AT SOME TIME THAT THERE WAS A PHONE CALL
9 THAT MARTA KNEW ABOUT FROM SOMEONE CLAIMING OR
10 PRETENDING TO BE THE MAFIA." THAT REALLY IS NOT
11 NECESSARILY INCONSISTENT WITH THE NOTION THAT ERIK
12 MENENDEZ NEVER CLAIMED HIS PARENTS WERE KILLED BY
13 THE MAFIA. SOMEONE COULD HAVE BEEN MAKING A JOKE OR
14 A PRANK. AND ALL IT IS IS A MESSAGE SUPPOSEDLY
15 GIVEN ON THE PHONE. AND THEN BRIAN ASKS HIM IF HE
16 WENT TO THE POLICE, AND ALL ERIK SAYS IS, WELL,

17 NEVER MIND, I SHOULDN'T HAVE TOLD YOU. I DON'T SEE
18 HOW THAT IS RELEVANT TO THE NOTION THAT THIS IS
19 SUPPOSED TO SUPPORT, WHICH IS ERIK'S CONSCIOUSNESS
20 OF GUILT, BY LYING AND SHIFTING THE BLAME TO THE
21 MAFIA.
22 THE COURT: WELL, SINCE THIS WAS A
23 CONVERSATION OVER DINNER, AND APPARENTLY FROM WHAT I
24 UNDERSTAND, MR. CONN DIDN'T FOLLOW UP ON IT -- MAYBE
25 HE DID, BUT THE WAY HE SAID IT HE DIDN'T. WE CAN
26 TAKE TESTIMONY FROM MR. ANDERSEN ON THAT PARTICULAR
27 CONVERSATION OUTSIDE THE PRESENCE OF THE JURY, GET
28 MORE DETAIL ON EXACTLY WHAT WAS SAID AND HIS

39577

1 RECOLLECTION OF IT.

2 MS. ABRAMSON: WELL, THAT'S FINE FOR THE
3 DISCOVERY PART, BUT THAT'S NOT FINE FOR THE
4 PREPARATION PART.

5 THE COURT: THAT HAS TO DO WITH THE RELEVANCE
6 ISSUE.

7 MS. ABRAMSON: THE SAME ISSUE WITH RESPECT TO
8 LOOKING FOR A WILL. THIS THING IS CHARACTERIZED ONE
9 WAY BY MR. CONN AND THE NOTES READ OTHERWISE, AND I
10 WOULD ASK --

11 THE COURT: I HAVE NO PROBLEM IN TAKING SOME

12 TESTIMONY OF THE WITNESS SINCE IT HAS BEEN DISCLOSED
13 AT THIS STAGE AND IT'S ONLY CONTAINED IN ROUGH
14 NOTES. IT HASN'T BEEN FLESHED OUT BY DETECTIVE
15 ZOELLER IN A WRITTEN REPORT. AND BECAUSE OF THE
16 LATENESS OF ITS REVELATION, I WOULD BE WILLING TO
17 HAVE SOME TESTIMONY TAKEN OUTSIDE THE PRESENCE OF
18 THE JURY ON THESE SUBJECTS.

19 WE CAN DO THAT NOW AND IT WOULD PROBABLY
20 BE MY IMPRESSION TO EXCUSE -- YOU HAVE NO OTHER
21 WITNESSES HERE OTHER THAN MR. ANDERSEN; IS THAT
22 RIGHT?

23 MR. CONN: THAT IS CORRECT. WE DO HAVE THE
24 DETECTIVE WHO WORKED ON THE CALABASAS INCIDENTS.

25 THE COURT: OKAY. WE CAN, PERHAPS, ARRANGE
26 TO GET THE JURY TO THEIR LOUNGE NOW UNTIL AFTER
27 LUNCH SO WE CAN --

28 THE BAILIFF: I DIDN'T HEAR YOU, SIR.

39578

1 THE COURT: GET THE JURY TO THE LOUNGE UNTIL
2 AFTER LUNCH. AND THEN WE'LL TAKE TESTIMONY FROM
3 MR. ANDERSEN.

4 AS SOON AS THE JURY IS GONE WE'LL HAVE
5 THIS HEARING.

6 IN THE INTERIM WE CAN, WHILE WE'RE

7 WAITING, TALK ABOUT THE CALABASAS MATERIAL.

8 OH, OKAY.

9 (THE JURORS EXIT THE JURY ROOM.)

10

11 THE COURT: BEFORE WE GET TO THAT, SINCE WE

12 HAVE APPARENTLY A WITNESS HERE ON THE CALABASAS

13 BURGLARY SITUATION, WE CAN DEAL WITH THAT.

14 THE PEOPLE FILED A MOTION FOR

15 INTRODUCTION OF THAT EVIDENCE. IT WAS FILED ON

16 OCTOBER 30TH. IT HAD BEEN PRECEDED BY SOME ORAL

17 DISCUSSIONS IN COURT ON THE SAME SUBJECT IN A

18 GENERAL SENSE.

19 I'VE READ AND CONSIDERED THE MEMORANDUM

20 FILED BY THE PROSECUTION. I DON'T SEE THE RELEVANCE

21 OF THIS EVIDENCE AT THIS STAGE OF THE PROCEEDINGS.

22 IT WAS ADMISSIBLE IN THE TRIAL, IN THE FIRST TRIAL,

23 BECAUSE OF THE POSTURE OF THE CASE, INCLUDING THE

24 FACT THAT DR. OZIEL WAS A WITNESS IN THE TRIAL IN

25 THE PEOPLE'S CASE-IN-CHIEF.

26 I CAN SEE THAT THIS IS EVIDENCE THAT

27 MIGHT WELL COME OUT DURING CROSS-EXAMINATION OF THE

28 DEFENDANTS, EITHER OR BOTH, IF THEY TESTIFY. BUT I

1 DON'T SEE IT AS SOMETHING THAT COULD BE BROUGHT OUT

2 DURING THE PEOPLE'S CASE-IN-CHIEF BECAUSE I DON'T
3 SEE HOW IT CONNECTS TO ANYTHING THAT IS BEFORE THE
4 JURY. IT'S JUST EVIDENCE OF ANOTHER CRIMINAL ACT --
5 OR A CRIMINAL ACT COMMITTED BY THE DEFENDANTS, BUT
6 IT'S NOT CONNECTED TO ANYTHING. I DON'T SEE HOW
7 THERE'S ANY RELEVANCE TO IT AT THIS STAGE.

8 SO THE COURT RULES THAT IT WOULD NOT BE
9 ADMISSIBLE IN THE PEOPLE'S CASE-IN-CHIEF.

10 IF IT'S TO BE REFERRED TO DURING
11 CROSS-EXAMINATION, WE CAN HOLD A HEARING AND
12 DISCUSSION ON THAT SUBJECT BEFORE WE GET TO THAT
13 STAGE. BUT I DON'T SEE IT AS ADMISSIBLE AT THIS
14 STAGE.

15 MS. ABRAMSON: I WOULD ASK FOR AN IN LIMINE
16 HEARING BEFORE MY CLIENT EVEN TESTIFIES, YOUR HONOR,
17 SO WE KNOW THE LIMITS, BECAUSE UNDER THE PRIORS
18 RULES THIS IS A JUVENILE CASE AND I DON'T THINK IT
19 QUALIFIES.

20 THE COURT: WELL, JUST MY INITIAL REACTION IS
21 THAT IT'S SOMETHING THAT IS DISCUSSED, AS WE SAID
22 BEFORE, ON THE TAPED INTERVIEW IN THE DISCUSSION
23 BETWEEN THE DEFENDANTS AND OZIEL AND --

24 MS. ABRAMSON: WELL, MY CLIENT DOESN'T
25 DISCUSS IT. LYLE MENENDEZ DOES.

26 THE COURT: WELL, WE'VE HAD THAT DISCUSSION
27 ALREADY, BUT WE CAN PURSUE IT FURTHER.

28 MS. ABRAMSON: OKAY.

1 THE COURT: BUT I SEE WHERE IT -- THERE ARE
2 VEHICLES BY WHICH THE PROSECUTION CAN SEEK ITS
3 ADMISSION DURING THE DEFENSE PHASE OF THE CASE. BUT
4 AT THIS STAGE THERE'S CERTAINLY NOTHING THAT
5 CONNECTS IT TO ANYTHING. IT REALLY WOULD NOT BE
6 ADMISSIBLE AT THIS STAGE.

7 ALL RIGHT. SO LET'S THEN GO TO
8 MR. ANDERSEN AND THE PEOPLE SHOULD CALL MR. ANDERSEN
9 TO TESTIFY ABOUT THESE ISSUES THAT WE'VE BEEN
10 DISCUSSING.

11 MS. ABRAMSON: I DON'T BELIEVE, JUST AS A
12 POINT OF REFERENCE, THAT WE EVER RECEIVED THE NOTES
13 THAT SUPPORT THIS EIGHT-PAGE POLICE REPORT. I'D
14 LIKE TO INQUIRE WHETHER DETECTIVE ZOELLER HAS THEM
15 STILL.

16 THE COURT: WHEN HE COMES BACK WE CAN ASK
17 HIM.

18 MR. CONN: I BELIEVE THE WITNESS IS IN THE
19 RESTROOM, YOUR HONOR. HE'LL BE HERE MOMENTARILY.

20 THE COURT: WE'LL TAKE A SHORT BREAK THEN.
21 WHEN HE COMES BACK, LET ME KNOW.

22 (A RECESS WAS TAKEN FROM
23 11:05 A.M. TO 11:15 A.M.)

24

25 THE COURT: OKAY. WE'LL RESUME. HAVE

26 MR. ANDERSEN TAKE THE WITNESS STAND.

27

28 / / /

39581

1 BRIAN ANDERSEN,

2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND

3 TESTIFIED AS FOLLOWS:

4 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

5 YOU DO SOLEMNLY SWEAR THE TESTIMONY YOU

6 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT

7 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT

8 THE TRUTH, SO HELP YOU GOD?

9 THE WITNESS: I DO.

10 THE CLERK: PLEASE STATE YOUR NAME FOR THE

11 RECORD.

12 THE WITNESS: BRIAN ANDERSEN.

13 THE CLERK: SPELL YOUR LAST NAME, PLEASE.

14 THE WITNESS: A-N-D-E-R-S-E-N.

15 THE COURT: ALL RIGHT. YOU MAY INQUIRE,

16 MR. CONN.

17 MR. CONN: THANK YOU.

18

19 DIRECT EXAMINATION

20 BY MR. CONN:

21 Q MR. ANDERSEN, AFTER THE DEATHS OF JOSE
22 AND KITTY MENENDEZ, DID YOU COME TO CALIFORNIA?

23 A YES, SIR.

24 Q DO YOU RECALL HOW LONG AFTER THE DEATHS
25 YOU CAME TO CALIFORNIA?

26 A THE NEXT DAY AFTER I LEARNED OF THE
27 DEATHS.

28 Q AND --

39582

1 MS. ABRAMSON: I'M GOING TO OBJECT AND MOVE
2 TO STRIKE AS NONRESPONSIVE.

3 THE COURT: OVERRULED.

4 Q BY MR. CONN: DO YOU RECALL WHAT DATE
5 THAT WOULD BE?

6 A IT WOULD HAVE BEEN -- I LEARNED OF THE
7 DEATHS ON THE MONDAY AFTER AND I CAME ON THE
8 FOLLOWING DAY, TUESDAY, WHICH WOULD HAVE BEEN THE
9 22ND, I BELIEVE.

10 Q AND AFTER YOUR ARRIVAL IN CALIFORNIA,
11 DID YOU HAVE CAUSE TO GO TO THE HOME OF AN ATTORNEY
12 BY THE NAME OF RANDY WRIGHT?

13 A YES, SIR.

14 Q AND DO YOU RECALL WHAT IT WAS THAT
15 CAUSED YOU TO GO TO HIS HOME?

16 A THE -- KITTY AND JOSE'S SAFE -- THANK
17 YOU -- HAD BEEN REMOVED FROM THE HOUSE AND TAKEN TO
18 RANDY WRIGHT'S GARAGE.

19 Q CAN YOU TELL US WHO YOU LEARNED THAT
20 INFORMATION FROM.

21 A I LEARNED THAT INFORMATION FROM LYLE.

22 Q AND DO YOU RECALL IF THAT WAS PURSUANT
23 TO A TELEPHONE CALL OR WAS THAT SOMETHING THAT HE
24 TOLD YOU IN PERSON?

25 A IT WAS SOMETHING THAT WAS TOLD TO ME AND
26 I BELIEVE CARLOS BARALT AT THE SAME TIME WHEN WE
27 WERE AT THEIR HOME, I BELIEVE, IN BEVERLY HILLS.

28 Q OKAY. AND SOMETIME AFTER YOU RECEIVED

39583

1 THAT INFORMATION FROM LYLE MENENDEZ DID YOU, IN
2 FACT, GO TO THE HOME OF RANDY WRIGHT?

3 A I DID.

4 Q DO YOU RECALL HOW YOU GOT TO HIS HOME?

5 A I BELIEVE THAT CARLOS BARALT DROVE. IF
6 I REMEMBER CORRECTLY, CARLOS BARALT DROVE HE AND I
7 THERE.

8 Q AND DO YOU KNOW WHERE ERIK AND LYLE
9 MENENDEZ WERE AT THE TIME THAT YOU AND CARLOS BARALT
10 WENT TO THE HOME OF RANDY WRIGHT?

11 A WE WERE FOLLOWING THEM AS I REMEMBER.

12 Q CAN YOU TELL US WHAT HAPPENED AFTER YOU
13 ARRIVED AT THE HOME OF RANDY WRIGHT.

14 A A DISCUSSION ENSUED ABOUT HAVING THE
15 SAFE DRILLED TO BE OPENED AND GETTING A SAFE COMPANY
16 THAT WOULD COME OUT OR A LOCK COMPANY TO COME OUT
17 AND DRILL THE SAFE TO OPEN IT.

18 Q WAS THAT ACTION, IN FACT, TAKEN?

19 A YES. THE LOCK COMPANY, SAFE COMPANY,
20 WHATEVER THEY WERE, ARRIVED, AND THE -- AND THEY
21 ULTIMATELY OPENED THE SAFE.

22 Q WHERE WAS THE SAFE AT THE TIME THAT IT
23 WAS BEING OPENED BY SOMEONE FROM THE SAFE COMPANY?

24 A INSIDE THE GARAGE OF RANDY WRIGHT.

25 Q AND WHERE WERE YOU AT THE TIME THAT THE
26 SAFE WAS BEING OPENED?

27 A BEHIND THE HOME.

28 MS. ABRAMSON: I'M SORRY, YOUR HONOR. I

39584

1 CAN'T HEAR THE WITNESS.

2 THE COURT: IF YOU CAN MOVE A LITTLE CLOSER
3 TO THE MIKE AND SPEAK RIGHT INTO IT.

4 THE WITNESS: MY LEG IS THE PROBLEM. I
5 APOLOGIZE.

6 AS I RECALL, I WAS EITHER IN THE HOUSE

7 OR BEHIND THE HOME, OUTSIDE THE GARAGE.

8 Q BY MR. CONN: NOW, WHAT HAPPENED AFTER

9 THE SAFE WAS OPENED?

10 A THE --

11 MS. ABRAMSON: I'M GOING TO OBJECT AS BEYOND

12 HIS PERSONAL KNOWLEDGE AS TO THE SAFE BEING OPEN

13 GIVEN WHAT HE'S JUST DESCRIBED.

14 THE COURT: WHY DON'T YOU LAY A FOUNDATION.

15 MR. CONN: YES.

16 Q WERE YOU PRESENT AT THE HOME WHEN A

17 LOCKSMITH ARRIVED?

18 A YES.

19 Q DO YOU RECALL WHERE YOU WERE AT THE

20 MOMENT OF THE ARRIVAL?

21 A WE WERE IN THE HOME.

22 Q OKAY. AND WHAT HAPPENED AFTER THE

23 LOCKSMITH OR SOMEONE FROM THE SAFE COMPANY ARRIVED?

24 A BEFORE THEY WOULD OPEN THE SAFE THEY

25 WANTED TO BE PAID AND THEY WANTED, AS I REMEMBER, I

26 THINK IT WAS \$300, AS I BEST RECALL, TO OPEN THE

27 SAFE. AND THERE WAS A DISCUSSION ABOUT THE FEE AND

28 NO ONE HAD ANY MONEY ON THEM, APPARENTLY, TO PAY IT,

1 OTHER THAN ME, SO I PAID THE FEE TO OPEN THE SAFE.

2 Q WHERE DID THAT DISCUSSION TAKE PLACE?

3 A EITHER IMMEDIATELY BEHIND THE HOME,
4 WHICH IS WHERE I THINK IT TOOK PLACE, OUTSIDE THE
5 GARAGE DOORS, OR IN THE GARAGE ITSELF.

6 Q LET ME CLARIFY WHAT YOU MEAN.

7 WHEN YOU SAY IMMEDIATELY BEHIND THE
8 HOME, ARE YOU REFERRING TO OUTSIDE OF THE PREMISES
9 ITSELF SOMEWHERE ON THE PROPERTY?

10 A OUTSIDE THE GARAGE DOOR, RIGHT BEHIND
11 THE GARAGE.

12 Q AND AT SOME POINT IN TIME WERE YOU, IN
13 FACT, AT THAT LOCATION; THAT IS, OUTSIDE THE GARAGE
14 DOOR?

15 A YES.

16 Q AND AT ANOTHER POINT OF TIME WERE YOU,
17 IN FACT, INSIDE THE HOME?

18 A YES.

19 Q NOW, ONCE THE PAYMENT HAD BEEN MADE, DO
20 YOU RECALL IF YOU REMAINED AT THAT LOCATION OR IF
21 YOU CHANGED LOCATIONS?

22 A I DON'T RECALL WHETHER I STAYED IN THE
23 HOUSE OR I MOVED BEHIND THE HOUSE, BUT I STAYED
24 THERE.

25 Q AT SOME POINT DID YOU RECEIVE ANY
26 INFORMATION THAT THE SAFE HAD BEEN OPENED?

27 A THE -- AFTER THE PEOPLE THAT WERE PAID TO
28 OPEN THE SAFE, THEY WENT INTO THE GARAGE WITH THE

1 DOORS CLOSED AND AFTER A SHORT TIME THEY CAME BACK
2 OUT AND SAID THE SAFE WAS NOW OPENED AND AVAILABLE.

3 Q OKAY. WHAT HAPPENED AFTER YOU HEARD
4 THAT THE SAFE WAS NOW OPEN AND AVAILABLE?

5 A I WANTED TO GO IN AND SEE WHAT WAS IN
6 THE SAFE.

7 Q THEN WHAT HAPPENED?

8 A LYLE DID NOT WANT ME TO GO INTO THE
9 GARAGE. HE SAID THAT IT WAS -- WHAT WAS IN THE SAFE
10 WAS ONLY TO BE SEEN BY HIM AND ERIK. AND CARLOS
11 BARALT AND I FELT WE SHOULD BE IN. AND AFTER A
12 DISCUSSION LYLE SAID THAT SOME THINGS THAT MIGHT BE
13 IN THE SAFE COULD PROVE TO BE EMBARRASSING TO MY
14 PARENTS AND THAT OUT OF RESPECT FOR MY PARENTS I
15 WISH YOU WOULD RESPECT MY WISHES AND NOT JOIN WITH
16 US TO OPEN THE SAFE. I FELT IT DIDN'T MAKE ANY
17 DIFFERENCE. I WANTED TO GO IN AND SEE WHAT WAS IN
18 THE SAFE ALONG WITH EVERYONE ELSE. CARLOS INSISTED
19 THAT I RESPECT THE WISHES OF THE BOYS, WHICH
20 ULTIMATELY I DID.

21 Q AND DID THE DEFENDANTS GO IN TO THE
22 GARAGE ALONE?

23 A YES.

24 Q AND SOMETIME AFTER THEY WENT INTO THE

25 GARAGE, DID YOU GO INSIDE THE GARAGE?

26 A YES.

27 Q WHEN YOU WENT IN HAD THE DEFENDANTS

28 ALREADY COME OUT OR WERE THEY STILL IN THERE?

39587

1 A THEY WERE THERE NEXT TO THE SAFE WHERE

2 THEY HAD JUST COME OUT. I DON'T REMEMBER WHICH.

3 THE GARAGE DOOR, I THINK, WAS THEN OPENED, IF I

4 REMEMBER RIGHT.

5 Q DID YOU ULTIMATELY LOOK INSIDE THE

6 SAFE?

7 A YES. THE SAFE WAS DRILLED AND I LOOKED

8 INSIDE THE SAFE. THERE WERE SOME PAPERS THERE, I

9 GUESS.

10 MS. ABRAMSON: I'M SORRY, YOUR HONOR. I

11 COULDN'T HEAR THE LAST FEW WORDS.

12 THE COURT: I'LL HAVE THE REPORTER READ IT

13 BACK.

14 (THE LAST ANSWER WAS READ BACK.)

15

16 Q BY MR. CONN: NOW, YOU SAID THAT YOU

17 ARRIVED IN CALIFORNIA ON TUESDAY FOLLOWING THE

18 KILLINGS.

19 DO YOU RECALL WHAT DAY THIS TRIP TO THE
20 HOME OF RANDY WRIGHT TOOK PLACE?
21 A IT WOULD HAVE BEEN THE FOLLOWING DAY,
22 WEDNESDAY, OR THE FOLLOWING DAY, THURSDAY. ONE OF
23 THE TWO.
24 Q AND BY THAT TIME HAD THE SAFE -- HAD THE
25 WILL BEEN FOUND YET?
26 A NO.
27 Q WAS THE WILL FOUND -- WAS A WILL FOUND
28 AFTER THAT TRIP TO THE HOME OF RANDY WRIGHT?

39588

1 A AS I RECALL, IT WAS.
2 Q AND DO YOU RECALL WHEN THE WILL WAS
3 FOUND IN RELATIONSHIP TO THE TIME OF THAT TRIP?
4 A SHORTLY AFTER THAT.
5 Q WOULD THAT MEAN THE SAME DAY OR
6 DIFFERENT DAY? DO YOU RECALL?
7 A IT WAS AROUND THE SAME TIME. IT COULD
8 HAVE BEEN THE NEXT DAY.
9 Q OKAY. NOW, SOMETIME AFTER THE WILL WAS
10 FOUND DID YOU GO TO A BANK?
11 A YES.
12 Q AND WHAT WAS THE PURPOSE FOR YOU GOING
13 TO A BANK HERE IN CALIFORNIA?

14 A THERE WAS A SAFETY DEPOSIT BOX IN THAT
15 BANK THAT WAS BEING RENTED BY JOSE AND KITTY.

16 Q AND WHAT WAS YOUR INTEREST IN LOOKING IN
17 THAT SAFETY DEPOSIT BOX?

18 A TO SEE IF THERE WAS ANOTHER WILL.

19 Q WHEN YOU WENT TO THE BANK DID YOU GO
20 ALONE OR WITH SOMEONE?

21 A THE -- WE WENT TO THE BANK. CARLOS
22 BARALT WAS THERE, LYLE AND ERIK WERE THERE, AND I
23 WAS THERE. AND THERE MAY HAVE BEEN OTHERS, BUT
24 DEFINITELY THOSE FOUR.

25 Q AND WAS THERE ANY DISCUSSION CONCERNING
26 WHO WOULD BE PRESENT AT THE TIME THAT THE SAFETY
27 DEPOSIT BOX WAS OPEN?

28 A THE -- AS I BEST RECALL, THE BANK PEOPLE

39589

1 FELT THAT THE PROPRIETY OF THE SAFETY DEPOSIT BOX,
2 THAT IT WAS ACCEPTABLE FOR LYLE AND ERIK AND FOR
3 CARLOS BARALT, THE NAMED EXECUTOR OF THE EXISTING
4 WILL, TO BE PRESENT AT THE OPENING OF THE SAFETY
5 DEPOSIT BOX.

6 Q AND WAS -- AND DID YOU HAVE ANY FURTHER
7 CONVERSATIONS WITH EITHER OF THE DEFENDANTS
8 CONCERNING WHO WOULD BE PRESENT AT THE TIME THAT THE

9 SAFETY DEPOSIT BOX WAS OPENED?

10 A AGAIN, THEY WANTED TO BE THE ONLY TWO
11 THAT WERE THERE WHEN THEY OPENED IT.

12 MS. ABRAMSON: I WANT TO OBJECT, YOUR HONOR.
13 IT'S NOT RESPONSIVE AND NOT IDENTIFIED WHO'S
14 TALKING.

15 THE COURT: SUSTAINED. THE ANSWER'S
16 STRICKEN.

17 Q BY MR. CONN: CAN YOU IDENTIFY WHICH OF
18 THE DEFENDANTS YOU HAD A CONVERSATION WITH
19 CONCERNING WHETHER OR NOT YOU AND CARLOS BARALT
20 WOULD BE PRESENT AT THE TIME THAT THE SAFETY DEPOSIT
21 BOX WAS OPENED?

22 A WITH LYLE.

23 Q AND DO YOU RECALL WHERE ERIK MENENDEZ
24 WAS AT THE TIME THAT YOU HAD THAT CONVERSATION WITH
25 LYLE MENENDEZ?

26 A IN THE SAME AREA.

27 Q OKAY. AND WHAT DID LYLE MENENDEZ SAY TO
28 YOU AT THAT POINT IN TIME?

39590

1 A AGAIN, HE STATED THAT THERE MAY BE SOME
2 PERSONAL THINGS IN THE SAFETY DEPOSIT BOX THAT WOULD
3 BE EMBARRASSING TO HIS PARENTS AND THAT HE FELT THAT

4 IT WAS IMPORTANT TO PROTECT HIS PARENTS; THAT JUST
5 HE AND ERIK WOULD BE THE ONES THAT WOULD GO TO THE
6 SAFETY DEPOSIT BOX.

7 Q DID YOU HONOR THAT REQUEST AND NOT GO
8 INTO THE AREA OF THE SAFETY DEPOSIT BOX AT THE TIME
9 THAT IT WAS OPENED?

10 A I WANTED CARLOS BARALT, THE THEN NAMED
11 EXECUTOR ON THE EXISTING WILL THAT WAS FOUND, TO GO
12 WITH THE BOYS, AND HE SAID THAT HE WAS GOING TO
13 RESPECT THE WISHES OF THE BOYS AND NOT GO, EVEN WITH
14 MY INSISTENCE THAT HE GO WITH THEM.

15 Q DID BOTH YOU AND CARLOS BARALT STAY AWAY
16 FROM THE AREA AT THE TIME THE SAFETY DEPOSIT BOX WAS
17 OPEN?

18 A AS I RECALL.

19 Q NOW, AT SOME POINT IN TIME FOLLOWING
20 THIS -- THESE INCIDENTS, DID YOU HAVE A CONVERSATION
21 WITH ERIK MENENDEZ IN REGARD TO THE MAFIA?

22 A YES. JUST PRIOR TO COMING OUT TO
23 CALIFORNIA ON ONE TRIP, I HAD CALLED TO APPRISE THE
24 BOYS OF MY FLIGHT SCHEDULE FLYING IN. AT THAT TIME
25 THEY WERE LIVING IN MARINA DEL REY, AS I RECALL, IN
26 ONE OF THE APARTMENTS THEY WERE IN.

27 Q CAN YOU TELL US APPROXIMATELY WHEN THIS
28 TRIP TO CALIFORNIA WAS.

1 A IT WOULD HAVE BEEN TOWARDS THE END OF
2 ', AS I RECALL.

3 Q AND ARE YOU REFERRING TO A TELEPHONE
4 CALL THAT YOU HAD WITH ONE OF THE DEFENDANTS?

5 A YES.

6 Q AND WHO DID YOU SPEAK TO IN THAT
7 TELEPHONE CALL?

8 A I SPOKE WITH ERIK.

9 Q AND WHAT WAS SAID IN THAT TELEPHONE
10 CALL?

11 A I HAD ASKED ERIK WHAT WAS HAPPENING AND
12 ERIK HAD SAID THAT THEY HAD BEEN CONTACTED BY THE
13 MAFIA AND THAT THEY WERE TOLD TO BE VERY CAREFUL AND
14 THAT THEY WERE GOING TO HIRE BODYGUARDS TO PROTECT
15 THEM, AND THAT WAS ABOUT THE EXTENT OF WHAT HE SAID
16 AT THAT TIME.

17 Q OKAY. AND DO YOU RECALL, AS BEST YOU
18 CAN RECALL, THE EXACT WORDS OF ERIK MENENDEZ WHEN HE
19 RELATED TO YOU WHAT HE HAD ALLEGEDLY BEEN TOLD BY
20 SOMEONE FROM THE MAFIA?

21 A THAT HE AND HIS BROTHER LYLE HAD BETTER
22 BE CAREFUL WHAT THEY SAY AND WHAT THEY DO AND THAT
23 THEY WERE -- AT THAT POINT THEY WERE GOING TO HIRE
24 BODYGUARDS TO PROTECT THEM.

25 Q ERIK MENENDEZ TOLD YOU THAT AT THAT
26 POINT HE WAS GOING TO HIRE BODYGUARDS OR HE AND HIS
27 BROTHER WERE GOING TO HIRE BODYGUARDS?

39592

1 Q NOW, WHEN YOU RECEIVED THIS MESSAGE FROM
2 ERIK MENENDEZ INDICATING TO YOU THAT HE HAD RECEIVED
3 AN ADMONISHMENT FROM THE MAFIA, HOW DID YOU RESPOND
4 TO ERIK MENENDEZ AT THAT TIME?

5 A I WAS STUNNED. I PRESSED FOR WHAT THEY
6 WERE DOING TO PROTECT THEMSELVES, IF THEY
7 COMMUNICATED THIS TO THE LOCAL AUTHORITIES, WHAT
8 THEY WERE DOING, AND THAT THIS WAS VERY SERIOUS.
9 AND I JUST PRESSED FOR WHAT WAS BEING DONE ABOUT
10 IT. AND THE MORE I PRESSED, THE MORE ERIK WANTED TO
11 STOP THE DISCUSSION.

12 AND THEN HE STATED: I WAS NOT SUPPOSED
13 TO TELL YOU ABOUT THIS ANYWAY. WE HAVE TO STOP
14 TALKING ABOUT IT. AND THEN HE ASKED ME NOT TO TELL
15 ANYONE OF THE CONVERSATION.

16 Q OKAY. NOW, LET'S GO BACK IN TIME NOW,
17 ONCE AGAIN, TO THE TIME THAT YOU FIRST ARRIVED IN
18 CALIFORNIA FOLLOWING THE DEATHS OF KITTY AND JOSE
19 MENENDEZ.

20 DID YOU HAVE A CONVERSATION WITH THE
21 DEFENDANTS, ERIK AND LYLE MENENDEZ, CONCERNING THE
22 WILL PRIOR TO THE TIME THAT THE WILL WAS FOUND?

23 MS. ABRAMSON: I'M GOING TO OBJECT. THAT'S
24 LEADING AND SUGGESTIVE, YOUR HONOR.
25 THE COURT: OVERRULED.
26 THE WITNESS: YES. EITHER THE DAY -- EITHER
27 THE NEXT DAY OR THE FOLLOWING DAY AFTER I ARRIVED,
28 LYLE, ERIK AND I WERE LOOKING THROUGH VARIOUS

39593

1 DRAWERS IN THE BEVERLY HILLS HOME TO SEE IF WE COULD
2 FIND A WILL OR OTHER INFORMATION THAT COULD BE
3 HELPFUL WITH RESPECT TO THE MURDERS. AND AT THAT
4 TIME I HAD -- WE WERE -- I REMEMBER WE WERE IN THE
5 MASTER BEDROOM, JOSE AND KITTY'S BEDROOM, AND I HAD
6 MENTIONED THAT THEY WERE NOW THE HEIRS TO EVERYTHING
7 THAT KITTY AND JOSE HAD; AND LYLE ACKNOWLEDGED IF
8 THAT WAS THE CASE THAT EVERYTHING WOULD FALL ON HIS
9 SHOULDERS. AND I TOLD HIM THAT HE WOULD NEED A LOT
10 OF GUIDANCE AND HELP, AND HE AGREED THAT WAS TRUE
11 AND ASKED IF I WOULD -- IF THEY COULD LEAN ON ME FOR
12 BUSINESS GUIDANCE AND HELP IN CONDUCTING AFFAIRS
13 FROM THAT POINT FORWARD. AND I PLEDGED THAT I
14 WOULD.

15 Q BY MR. CONN: AND WHERE WAS ERIK AT THE
16 TIME OF THE -- THIS CONVERSATION?

17 A THE THREE OF US WERE IN THE BEDROOM.

18 Q AND WERE YOU -- AS YOU WERE HAVING THIS
19 CONVERSATION WITH LYLE MENENDEZ WAS HE A PARTY TO
20 THAT CONVERSATION?

21 A ERIK?

22 Q YES.

23 A I REMEMBER ERIK SAYING THAT HE HAD NOT
24 THOUGHT MUCH ABOUT BUSINESS, BUT HE WAS GOING TO
25 HAVE TO.

26 MR. CONN: THANK YOU. I HAVE NO FURTHER
27 QUESTIONS.

28 THE COURT: CROSS-EXAMINATION.

39594

1 CROSS-EXAMINATION

2 BY MS. ABRAMSON:

3 Q HOW DID YOU HEAR ABOUT THE DEATHS OF
4 YOUR SISTER AND BROTHER-IN-LAW?

5 A I WAS IN MY OFFICE ON MONDAY, THE 21ST,
6 AND I RECEIVED A PHONE CALL FROM MARZI EISENBERG.

7 Q AND WHAT TIME OF DAY WAS IT, IF YOU
8 REMEMBER?

9 A IT WAS AROUND THE MIDDLE OF THE DAY.

10 Q YOUR OFFICE IS IN THE CHICAGO AREA?

11 A YES, MA'AM.

12 Q AND WHO DID YOU TALK TO AFTER YOU

13 RECEIVED THAT CALL FROM MARZI EISENBERG?

14 A MY SON, TIM, WAS IN MY OFFICE.

15 Q DID YOU TELEPHONE ANYONE TO DISCUSS

16 THIS?

17 A I TELEPHONED MY FAMILY TO LET THEM KNOW

18 WHAT HAD HAPPENED.

19 Q AND WHO IN YOUR FAMILY DID YOU CALL?

20 A MY BROTHER.

21 Q IS THAT MILTON ANDERSEN?

22 A MILTON ANDERSEN.

23 MY SON, TIM, WAS WORKING WITH ME AND WAS

24 IN THE OFFICE AT THE TIME THE CALL CAME IN. I

25 CALLED MY SON, ALAN.

26 Q DID YOU CALL YOUR ESTRANGED WIFE, PAT?

27 A I MIGHT HAVE. I DON'T REMEMBER.

28 Q DID YOU CALL YOUR SISTER, JOAN?

39595

1 A EITHER I DID OR PERHAPS MILTON SAID THAT

2 HE WOULD DO THAT.

3 Q AND DID YOU MAKE PLANS TO COME TO

4 CALIFORNIA?

5 A YES, MA'AM.

6 Q AND WHO DID YOU MAKE THOSE PLANS WITH?

7 DID YOU MAKE PLANS WITH YOUR BROTHER AND SISTER?

8 A I MADE PLANS WITH THE TRAVEL AGENCY.

9 Q AND DO YOU HAVE ANY DOCUMENTATION NOW

10 SHOWING WHEN IT WAS YOU CAME TO CALIFORNIA?

11 A YES, MA'AM.

12 Q AND DO YOU HAVE IT WITH YOU?

13 A I BELIEVE I HAVE IT AT THE HOTEL.

14 Q DID YOU SHOW IT TO THE PROSECUTORS?

15 A I DON'T REMEMBER IF I DID. I MAY HAVE.

16 Q DID YOU SHOW IT TO DETECTIVE ZOELLER?

17 A AGAIN, I MAY HAVE.

18 Q AND THAT'S YOUR HOTEL HERE IN CALIFORNIA

19 THAT YOU HAVE THESE DOCUMENTS AT?

20 A YES, MA'AM.

21 MS. ABRAMSON: YOUR HONOR, I'M NOT GOING TO

22 PURSUE THAT, BUT I AM GOING TO ASK THAT SOMEONE FROM

23 THE PROSECUTION -- I KNOW THE WITNESS IS DISABLED

24 TODAY, BUT SOMEONE FROM THE PROSECUTION RETRIEVE

25 THOSE DOCUMENTS, AND ANY OTHER DOCUMENTS THAT THE

26 WITNESS MAY HAVE SHOWN THEM OVER THE COURSE OF HIS

27 INTERVIEWS, AND BRING THEM TO COURT THIS AFTERNOON

28 SO WE MAY SEE THEM.

39596

1 THE COURT: YES. LET'S PROCEED AND WE'LL

2 ARRANGE TO DO THAT DURING THE LUNCH HOUR.

3 MS. ABRAMSON: THANK YOU VERY MUCH, YOUR
4 HONOR.

5 Q IN FEBRUARY OF 1994, MR. ANDERSEN, DID
6 YOU HAVE A TWO-DAY INTERVIEW WITH DETECTIVE ZOELLER,
7 MR. CONN AND MS. NAJERA?

8 A WHAT WAS THE DATE AGAIN?

9 Q NOVEMBER -- FEBRUARY 22ND AND 23RD,
10 1994.

11 A I THINK THAT'S ABOUT THE TIME.

12 Q AND YOU DID HAVE AN INTERVIEW THAT
13 LASTED OVER THE COURSE OF TWO DAYS?

14 A I THINK THAT'S TRUE. YES.

15 Q HAVE YOU HAD ANY OTHER TWO-DAY
16 INTERVIEWS WITH THEM BESIDES THAT ONE TIME?

17 A I MAY HAVE, BUT I DON'T RECALL.

18 Q DID YOU TELL THEM AT THAT TIME THAT YOU
19 CAME TO LOS ANGELES FOLLOWING THE HOMICIDES ON THE
20 WEDNESDAY?

21 A I ARRIVED ON THE WEDNESDAY. I LEFT ON
22 TUESDAY FROM CHICAGO. MY FLIGHT LANDED AROUND
23 TWELVE OR ONE A.M. CALIFORNIA TIME. SO I DEPARTED
24 CHICAGO ON TUESDAY AND I ARRIVED IN CALIFORNIA ON
25 WEDNESDAY.

26 Q OKAY. AND THE DOCUMENTATION YOU HAVE AT
27 YOUR HOTEL WOULD SHOW THAT YOU ARRIVED LIKE IN THE
28 MIDDLE OF THE NIGHT BUT TECHNICALLY ON WEDNESDAY; IS

1 THAT CORRECT?

2 A I BELIEVE SO.

3 Q SO WEDNESDAY IS THE FIRST DAY DURING
4 DAYLIGHT HOURS THAT YOU WERE HERE IN CALIFORNIA
5 FOLLOWING THE DEATHS.

6 A THAT WOULD BE CORRECT.

7 Q AND DO YOU HAVE ANY INDEPENDENT
8 RECOLLECTION NOW, MR. ANDERSEN, AS TO WHAT DAY IT
9 WAS THAT THE WILL WAS FOUND?

10 A ONLY THAT IT WAS A FEW DAYS AFTER I
11 ARRIVED.

12 Q IF I WERE TO TELL YOU THAT IT WAS FOUND
13 ON WEDNESDAY, WOULD THAT SURPRISE YOU?

14 A I DON'T KNOW THAT IT WOULD SURPRISE ME.

15 Q OKAY. THERE WAS A SERVICE HERE IN
16 CALIFORNIA FOR YOUR SISTER AND BROTHER-IN-LAW THAT
17 VERY WEEK, CORRECT?

18 A YES, MA'AM.

19 Q AND THAT SERVICE WAS ON FRIDAY?

20 A I BELIEVE THAT'S RIGHT.

21 Q AND AFTER THAT SERVICE PEOPLE LEFT, THE
22 FAMILY LEFT, WENT BACK EAST, CORRECT?

23 A I -- I DON'T REMEMBER EXACTLY WHAT PEOPLE
24 DID AFTER THAT.

25 Q WHAT DID YOU DO AFTER THAT?

26 A CERTAINLY, I WENT BACK TO CHICAGO.

27 Q DID YOU GO TO PRINCETON FOR THE

28 FUNERAL?

39598

1 A YES.

2 Q DID YOU GO FROM LOS ANGELES TO CHICAGO

3 TO PRINCETON OR DID YOU GO LOS ANGELES-PRINCETON?

4 A I WENT FROM LOS ANGELES TO CHICAGO AND

5 THEN FROM CHICAGO TO PRINCETON.

6 Q DO YOU RECALL WHAT DAY THE FUNERAL WAS

7 IN NEW JERSEY?

8 A NOT EXACTLY WHAT DAY, NO.

9 Q AND YOU DON'T HAVE -- IF I'M HEARING YOU

10 PROPERLY, YOU DON'T HAVE REALLY AN INDEPENDENT

11 RECOLLECTION AS TO WHETHER THE MEMORIAL SERVICE IN

12 CALIFORNIA WAS ON THAT FRIDAY OR NOT?

13 A I THINK YOU'RE CORRECT.

14 Q DID YOU TELL THE PROSECUTORS AND

15 DETECTIVE ZOELLER IN -- BY THE WAY, DID THEY GIVE YOU

16 THE EIGHT-PAGE STATEMENT THAT THEY -- THE POLICE

17 REPORT TYPED UP FOR THAT TWO-DAY INTERVIEW? HAVE

18 YOU HAD THAT?

19 A NO, MA'AM.

20 Q SO YOU HAVEN'T HAD A CHANCE TO REVIEW

21 THAT?

22 A NO, MA'AM.

23 Q DID THEY GIVE YOU YOUR TESTIMONY FROM
24 THE PREVIOUS TRIAL?

25 A YES, MA'AM.

26 Q WELL, LET'S SEE IF YOU CAN REMEMBER
27 INDEPENDENTLY. IF NOT I'LL BE HAPPY TO SHOW THIS TO
28 YOU.

39599

1 DID YOU TELL MR. CONN, MS. NAJERA, AND
2 DETECTIVE ZOELLER, BACK IN FEBRUARY OF '94, THAT --
3 THE FOLLOWING:

4 "THE DAY HE ARRIVED" -- MEANING
5 YOURSELF -- "OR THE DAY AFTER, THEY
6 RESPONDED TO THE WRIGHT HOUSE TO OPEN
7 THE SAFE. THEY WERE LOOKING FOR A
8 SECOND WILL."

9 DO YOU REMEMBER TELLING THEM THAT?

10 A IT'S POSSIBLE.

11 Q AND DOES THAT SOUND LIKE THE FIRST WILL
12 HAD ALREADY BEEN FOUND BY THE TIME YOU WENT OVER TO
13 MR. WRIGHT'S HOUSE?

14 A AGAIN, THAT'S POSSIBLE.

15 Q SO YOU'RE NOT CERTAIN THAT YOU WENT TO

16 THE WRIGHT HOUSE BEFORE THE SECOND WILL WAS FOUND --

17 BEFORE THE FIRST WILL WAS FOUND?

18 A I COULDN'T BE ACCURATELY SURE.

19 Q THIS WAS A VERY EMOTIONAL AND TRAUMATIC

20 TIME FOR YOU, WAS IT NOT?

21 A TO SAY THE LEAST.

22 Q AND OTHER MEMBERS OF THE FAMILY WERE

23 HERE AND THEY WERE EMOTIONAL AS WELL?

24 A YES, MA'AM. VERY.

25 Q AND YOU WERE SPENDING SOME ENERGY

26 COMFORTING AND CONSOLING EACH OTHER, WERE YOU NOT?

27 A I'M SURE THAT WAS TRUE.

28 Q SO WOULD THAT -- WOULD IT MAKE SENSE TO

39600

1 YOU THEN THAT IN THAT EMOTIONAL MILIEU YOU WOULDN'T

2 HAVE A PERFECT MEMORY OF THE SEQUENCE OF EVENTS?

3 A IT WAS A VERY EMOTIONAL TIME.

4 Q AND YOU DON'T CLAIM TO HAVE A PERFECT

5 MEMORY OF THE SEQUENCE OF EVENTS, DO YOU?

6 A I DO NOT.

7 Q NOW, IS IT YOUR RECOLLECTION THAT YOU

8 HAD TO CALL THE LOCKSMITH FOR THE FIRST TIME AFTER

9 YOU GOT -- EXCUSE ME -- TO THE WRIGHT RESIDENCE; THAT

10 THEY DIDN'T ALREADY HAVE A LOCKSMITH IN ROUTE?

11 A I'M NOT SURE I UNDERSTAND THE QUESTION.

12 Q OKAY. IF I UNDERSTAND THE TESTIMONY

13 THIS MORNING, YOU'RE INDICATING THAT YOU AND

14 MR. BARALT WENT IN A CAR FOLLOWING ERIK AND LYLE

15 MENENDEZ OVER TO ATTORNEY WRIGHT'S HOUSE, CORRECT?

16 A THAT'S WHAT I REMEMBER.

17 Q OKAY. AND HE LIVED VERY CLOSE BY THE

18 MENENDEZ HOME?

19 A IT WASN'T VERY FAR.

20 Q AND IS IT YOUR RECOLLECTION THAT AFTER

21 HE GOT THERE THERE WAS FIRST A DISCUSSION ABOUT

22 NEEDING SOMEONE TO DRILL THE SAFE AND THEN A

23 LOCKSMITH WAS LOCATED AND A LOCKSMITH WAS CALLED AND

24 THAT ALL OF THAT HAPPENED AFTER YOU GOT THERE?

25 A ALL OF THAT HAPPENED. IT MAY NOT HAVE

26 HAPPENED IN THAT SEQUENCE.

27 Q WELL, HOW LONG DID YOU HAVE TO WAIT, IF

28 YOU CAN RECALL, BEFORE A LOCKSMITH CAME TO DRILL THE

39601

1 SAFE?

2 A I DON'T REMEMBER THE TIME.

3 Q DO YOU RECALL IT BEING A LONG TIME OR

4 DID IT SEEM TO HAPPEN RELATIVELY QUICKLY AFTER YOU

5 GOT THERE?

6 A I CAN'T RECALL EXACTLY HOW MUCH TIME.

7 Q MR. ANDERSEN, DO YOU REMEMBER CALLING

8 RANDY WRIGHT, TALKING TO HIM, TELLING HIM YOU WERE

9 COMING OVER, MAKING ARRANGEMENTS OVER THE PHONE FOR

10 THERE TO BE A LOCKSMITH THERE, BEFORE YOU ACTUALLY

11 WENT OVER?

12 A I THINK THAT COULD HAVE HAPPENED, YES.

13 Q THIS GARAGE THAT BELONGED TO THE

14 WRIGHTS, WAS IT ATTACHED TO THE HOME?

15 A AS I REMEMBER, IT WAS.

16 Q AND COULD ONE GET INTO THE GARAGE

17 DIRECTLY FROM THE INSIDE OF THE HOUSE THROUGH A

18 DOOR?

19 A AS I REMEMBER THEY COULD.

20 Q AND DO YOU REMEMBER BEFORE THE SAFE WAS

21 DRILLED LOOKING AT IT?

22 A YES.

23 Q AND DO YOU REMEMBER TRYING TO OPEN IT

24 BEFORE IT WAS DRILLED?

25 A I DON'T REMEMBER THAT. I MAY HAVE.

26 Q AND DIDN'T ONE PERSON OR MORE THAN ONE

27 PERSON COME FROM THE LOCK OR SAFE OR WHATEVER

28 COMPANY WAS GOING TO DRILL?

1 A IT SEEMS THERE WERE MORE THAN ONE
2 PERSON.

3 Q DO YOU RECALL HOW MANY?

4 A I DON'T RECALL. COULD HAVE BEEN TWO,
5 MAYBE THREE.

6 Q AND DID THOSE PEOPLE GO INTO THE GARAGE
7 AND CLOSE THE DOOR TO DO WHATEVER THEY WERE DOING?

8 A YES.

9 Q AND WAS THAT FOR SAFETY REASONS? OR DID
10 THEY TELL YOU WE GOT TO CLOSE THE DOOR JUST IN CASE
11 SOMETHING GOES WRONG?

12 A THERE WAS A DISCUSSION OF WHO WOULD BE
13 THERE WHEN THE SAFE WAS OPENED; AND THE SAFE PEOPLE
14 JUST WANTED TO DO THEIR JOB. THEY DIDN'T WANT TO BE
15 INVOLVED IN THE DISCUSSION AND THEY WENT IN TO OPEN
16 THE SAFE.

17 Q SO THEY WERE IN THERE ALL BY THEMSELVES
18 OPENING THE SAFE?

19 A AS I RECALL.

20 Q IN FACT, NOBODY WAS IN THE GARAGE WHEN
21 THE SAFE WAS BEING DRILLED, EXCEPT THE DRILLERS.

22 A I WAS NOT IN THE GARAGE.

23 Q NO ONE ELSE WAS, TO YOUR KNOWLEDGE,
24 EITHER.

25 A I DON'T RECALL WHETHER RANDY WRIGHT WAS
26 IN THERE OR NOT.

27 Q OKAY. BUT APART FROM HIM, LYLE AND ERIK
28 MENENDEZ WERE NOT IN THERE; YOU AND CARLOS BARALT

1 WERE NOT IN THERE, CORRECT?

2 A THAT'S CORRECT.

3 Q AND ONLY AFTER THEY HAD OPENED THE SAFE
4 DID THESE MEN COME OUT -- I ASSUME THEY WERE BOTH --
5 THEY WERE -- HOWEVER MANY, THEY WERE MALE? THERE
6 WERE NO WOMEN SAFE-CRACKERS THERE THAT DAY?

7 A AS I REMEMBER THEY WERE MEN, YES.

8 Q AND THEY CAME OUT AND SAID, OKAY, IT'S
9 OPEN, CORRECT?

10 A THAT'S CORRECT.

11 Q AND THEN LYLE MADE A STATEMENT THAT HE
12 WANTED TO LOOK FIRST SO THAT THERE WOULDN'T BE ANY
13 EMBARRASSING PAPERS.

14 A HE AND ERIK WOULD LOOK, YES.

15 Q OKAY. BUT ISN'T IT TRUE THE GARAGE DOOR
16 WAS OPEN AT THAT TIME THAT THEY WENT IN?

17 A I DON'T REMEMBER THAT, IF IT WAS
18 OPENED. I THINK IT WAS CLOSED AGAIN.

19 Q WELL, IT'S YOUR TESTIMONY THAT NEITHER
20 YOU NOR CARLOS BARALT WERE INSIDE THE GARAGE WHEN
21 LYLE AND ERIK WALKED IN TO LOOK IN THE HOUSE?

22 A THAT'S CORRECT.

23 Q SO IF MR. BARALT TESTIFIED THAT HE WAS
24 INSIDE THE GARAGE, WAS HE LYING?

25 A I REMEMBER HIM NOT BEING IN THERE.

26 Q AND YOU SAID WHEN YOU WALKED IN AND
27 LOOKED IN THE SAFE THERE WERE PAPERS THERE IN THE
28 SAFE.

39604

1 A I REMEMBER THERE WERE A FEW THINGS IN
2 THERE.

3 Q WHAT WERE THEY?

4 A I DON'T KNOW.

5 Q DIDN'T YOU PREVIOUSLY SAY -- PREVIOUSLY
6 LIKE YESTERDAY. WEREN'T YOU TOLD BY -- I ASSUME IT'S
7 EITHER LYLE OR ERIK -- THAT WHAT'S INSIDE THE SAFE
8 IS THE KEYS TO THE SAFE DEPOSIT BOX AND INSTRUCTIONS
9 ON WHERE TO FIND THE BOX?

10 MR. CONN: OBJECTION. COMPOUND.

11 THE COURT: OVERRULED.

12 Q BY MS. ABRAMSON: ISN'T THAT WHAT YOU
13 WERE TOLD?

14 A I MAY HAVE BEEN. I DON'T RECALL.

15 Q DO YOU RECALL IN FEBRUARY OF 1994
16 TELLING DETECTIVE ZOELLER AND THE PROSECUTORS THE
17 FOLLOWING:

18 "ONCE THE SAFE WAS OPENED HE" --

19 MEANING YOURSELF -- "AND CARLOS WERE

20 TOLD BY LYLE AND ERIK THAT THERE WAS
21 NOTHING OF ANY IMPORTANCE IN THE SAFE,
22 EXCEPT FOR THE KEYS TO THE BANK SAFETY
23 DEPOSIT BOX PLUS INSTRUCTIONS ON THE
24 LOCATION OF THAT BOX"?

25 A I MAY HAVE, MS. ABRAMSON, BUT I DON'T
26 REMEMBER AT THIS TIME.

27 Q AND YOU DON'T REMEMBER AT THIS TIME IF
28 THAT'S WHAT WAS INSIDE THE SAFE?

39605

1 A I DON'T RECALL.

2 Q DO YOU RECALL THAT YOU HAD NO IDEA THAT
3 THERE WAS A SAFE DEPOSIT BOX OR WHERE IT MIGHT HAVE
4 BEEN UNTIL THE SAFE WAS OPENED AND LYLE AND ERIK
5 TOLD YOU ABOUT IT?

6 A AGAIN, I DON'T REMEMBER THE SEQUENCE OF
7 EVENTS UPON WHICH I LEARNED ABOUT THE SAFETY DEPOSIT
8 BOX.

9 Q DO YOU KNOW HOW YOU LEARNED ABOUT THE
10 SAFE DEPOSIT BOX?

11 A I CAN'T RECALL AT THIS TIME.

12 Q DO YOU RECALL WHO HAD THE KEY TO THE
13 SAFE DEPOSIT BOX?

14 A NO, MA'AM.

15 Q EXCUSE ME?

16 A NO, MA'AM.

17 Q WELL, DO YOU RECALL THAT WHEN YOU WENT
18 TO THE BANK, THE SAFE DEPOSIT BOX DIDN'T HAVE TO BE
19 DRILLED; THERE WAS A KEY FOR IT? REMEMBER THAT?

20 A THAT COULD BE TRUE. I DON'T REMEMBER
21 THAT SPECIFICALLY.

22 Q AND DO YOU REMEMBER THAT CARLOS BARALT
23 TOOK POSSESSION OF THE KEY AT THE WRIGHTS' HOUSE
24 BECAUSE HE WAS THE EXECUTOR?

25 A HE COULD HAVE. AT THIS TIME I DON'T
26 RECALL.

27 Q AND WHEN THE SAFE DEPOSIT BOX WAS
28 OPENED, THE BANK OFFICER WAS THERE WITH LYLE AND

39606

1 ERIK, WASN'T HE?

2 A I THINK HE WAS THE ONLY ONE THAT WAS
3 THERE.

4 Q HE HAD EYES. HE COULD SEE, RIGHT, AS
5 FAR AS YOU COULD TELL?

6 A YES. HE HAD EYES.

7 Q HE DIDN'T COME OUT AND SAY, HEY, THEY
8 TOOK A DOCUMENT OUT OF THAT BOX, THEY DESTROYED IT,
9 THEY ATE IT, THEY SWALLOWED IT, NOTHING LIKE THAT?

10 A I WASN'T WITH HIM ALL THE TIME.

11 Q HOW LONG DID IT TAKE?

12 A FIFTEEN MINUTES, I THINK.

13 Q IN ANY EVENT, HE DIDN'T COME OUT AND SAY

14 THEY TOOK SOMETHING. HE DIDN'T GO TO THE EXECUTOR,

15 MR. BARALT, AND SAY, THEY TOOK SOMETHING OUT OF THE

16 BOX; THEY'RE CONCEALING SOMETHING FROM THE BOX? YOU

17 NEVER HEARD ANYTHING LIKE THAT.

18 A NO, MA'AM.

19 Q YOU DIDN'T HAVE ANY STANDING TO GO INTO

20 THE SAFE DEPOSIT ROOM BECAUSE YOU WERE NOT THE

21 EXECUTOR OF THE WILL, CORRECT?

22 A THAT'S CORRECT.

23 Q AND, IN FACT, LYLE AND ERIK DIDN'T EVEN

24 HAVE TO INVITE YOU TO GO TO THE BANK, DID THEY?

25 A THAT'S CORRECT.

26 Q THEY DIDN'T HAVE TO INVITE YOU OR TELL

27 YOU ABOUT THE SAFE BEING AT MR. WRIGHT'S HOUSE

28 EITHER.

39607

1 A THAT'S -- I ASSUME THAT'S CORRECT.

2 Q YOU HAD NEVER BEEN NAMED AS AN EXECUTOR

3 ON A WILL BY MR. AND MRS. MENENDEZ, HAD YOU?

4 A NOT THAT I'M AWARE OF.

5 Q AND YOU'RE NOT AWARE, SINCE THESE DAYS
6 IN AUGUST OF 1989, OF ANY LAWYER COMING FORWARD AND
7 SAYING, I WROTE A SECOND WILL FOR JOSE MENENDEZ, ARE
8 YOU?

9 A NO, MA'AM.

10 Q NOW, WHEN DID ERIK MOVE TO THE MARINA
11 CITY CLUB?

12 A I CAN'T RECALL SPECIFICALLY WHAT TIME.

13 Q HOW MANY TRIPS DID YOU MAKE TO
14 CALIFORNIA BETWEEN THE DEATH OF YOUR SISTER AND
15 BROTHER-IN-LAW AND JANUARY 1ST, 1990?

16 A I DON'T RECALL.

17 Q MORE THAN TWO?

18 A COULD HAVE BEEN.

19 Q MORE THAN FOUR?

20 A COULD HAVE BEEN.

21 Q AND DID YOU KEEP RECORDS OF ALL OF THOSE
22 TRIPS?

23 A I HAVE THE AIRLINE TICKETS, I THINK SOME
24 OF THEM.

25 Q AND DO YOU HAVE THEM HERE WITH YOU IN
26 CALIFORNIA NOW?

27 A NO, MA'AM.

28 Q EXCUSE ME?

1 A NO, MA'AM.

2 Q AND DID YOU REFERENCE -- DID YOU LOOK
3 OVER THOSE AIRLINE TICKETS BEFORE COMING HERE?

4 A YES, MA'AM.

5 Q AND DO YOU RECALL NOW THE DATES ON THOSE
6 AIRLINE TICKETS?

7 A NOT ALL OF THEM.

8 Q DO YOU RECALL ANY OF THEM, THE DATES ON
9 ANY OF THEM IN 1989?

10 A I SEEM TO REMEMBER ONE ABOUT NOVEMBER OF
11 '.

12 Q OKAY.

13 A THERE WERE MANY IN 1990.

14 Q ESPECIALLY AFTER LYLE AND ERIK WERE
15 ARRESTED?

16 A BEFORE AND AFTER.

17 Q OKAY. AND BEFORE ERIK WAS ARRESTED,
18 IMMEDIATELY BEFORE HE WAS ARRESTED, IT'S YOUR
19 UNDERSTANDING HE WAS LIVING IN THE MARINA CITY CLUB,
20 CORRECT?

21 A IMMEDIATELY BEFORE HE WAS ARRESTED?

22 Q I MEAN, THAT'S WHERE HE LIVED AT THE
23 TIME THAT HE WAS ARRESTED, EXCEPT THAT HE WAS IN
24 ISRAEL ON A TRIP.

25 A I THINK THAT'S TRUE.

26 Q SO HOW DO YOU DATE THIS PHONE CALL, WHEN
27 HE WAS LIVING IN THE MARINA CITY CLUB, TO 1989

39609

1 A I REMEMBER COMING OUT IN '89. COULD
2 HAVE BEEN CLOSER TO THE HOLIDAYS. COULD HAVE BEEN
3 AFTER THE 1ST OF THE YEAR.

4 Q SO IT COULD HAVE BEEN EITHER ONE?

5 A YES. IT WAS PRIOR TO JANUARY OF 1990.

6 Q PRIOR TO JANUARY? I THOUGHT YOU SAID IT
7 COULD HAVE BEEN AFTER THE 1ST OF THE YEAR.

8 A COULD HAVE BEEN, BUT IT WOULD HAVE BEEN
9 PRIOR TO, SAY, THE MIDDLE OF JANUARY. IT WAS BEFORE
10 WE TOOK A TRIP TO ASPEN, COLORADO.

11 Q AND YOU TOOK THE TRIP IN MID JANUARY?

12 A I BELIEVE SO.

13 Q EXCUSE ME?

14 A I BELIEVE SO.

15 Q DID YOU BRING RECORDS OF THAT TRIP WITH
16 YOU?

17 A NO, MA'AM.

18 Q AND WHAT WAS THE NEXT CONVERSATION --
19 YOU'VE TOLD US ABOUT THIS CONVERSATION.

20 WHAT WAS THE NEXT CONVERSATION WITH ERIK
21 MENENDEZ ABOUT THE MAFIA CALL? WHEN DID THAT
22 HAPPEN, IF EVER?

23 A AS I RECALL, HE PICKED ME UP FROM THE
24 AIRPORT IN A FOUR-BY-FOUR, AND I HAD A BRIEF
25 CONVERSATION WITH HIM, AND HE ASKED ME NOT TO
26 DISCUSS IT WITH ANYONE; THAT HE SHOULD HAVE NOT
27 TALKED TO ME ABOUT IT.

28 Q YOU SAY HE PICKED YOU UP IN A

39610

1 FOUR-BY-FOUR, THAT'S A CAR?

2 A I BELIEVE, AS I REMEMBER, IT WAS A
3 FOUR-WHEEL DRIVE VEHICLE WITH A BATTERY OF
4 HEADLIGHTS ON THE ROOF.

5 Q WAS IT HIS CAR?

6 A I BELIEVE THAT IT WAS. I DON'T KNOW.

7 Q AND YOU SAID SOMETHING TO HIM AT THAT
8 TIME ABOUT THIS MAFIA PHONE CALL?

9 A I WAS STILL CONCERNED AND HE ASKED ME
10 NOT TO DISCUSS IT WITH ANYONE.

11 Q WERE YOU AWARE OF A LOS ANGELES TIMES
12 MAGAZINE STORY THAT CAME OUT NOVEMBER OF 1989
13 TALKING ABOUT THE DEATH OF YOUR SISTER AND
14 BROTHER-IN-LAW AND POSSIBLE MAFIA LINKS?

15 A NOT SPECIFICALLY.

16 Q DID YOU EVER SEE THAT BIG STORY ON THE
17 HOMICIDES THAT WAS IN THE L.A. TIMES MAGAZINE?

18 A I MAY HAVE. I DON'T REMEMBER.

19 Q WHEN WAS THE FIRST TIME, MR. ANDERSEN,
20 YOU EVER MENTIONED THIS STATEMENT BY ERIK ABOUT
21 RECEIVING A THREATENING PHONE CALL TO ANYONE?

22 A I DON'T RECALL.

23 Q LET ME READ YOU SOMETHING. THIS IS THE
24 HANDWRITTEN NOTES THAT DETECTIVE ZOELLER PREPARED
25 BASED ON YOUR CONVERSATION LAST NIGHT.

26 HAVE YOU SEEN THEM?

27 A NO, MA'AM.

28 Q WHERE WERE YOU INTERVIEWED? THIS IS

39611

1 DATED LAST NIGHT AND THE TIME IS 6:00.

2 WHERE WERE YOU AT 6:00 LAST NIGHT WITH
3 DETECTIVE ZOELLER?

4 A AT THE HOTEL WHERE I'M STAYING.

5 Q WERE YOU HAVING A MEAL WHEN YOU WERE
6 BEING INTERVIEWED OR WERE YOU JUST BEING
7 INTERVIEWED?

8 A WE WERE SITTING AT A TABLE IN
9 PREPARATION FOR A MEAL.

10 Q AND WERE THE PROSECUTORS THERE AS WELL?

11 A YES, MA'AM.

12 Q AND WERE YOU ANSWERING QUESTIONS OR WERE

13 YOU JUST CHATTING?

14 A CHATTING, ANSWERING QUESTIONS.

15 Q HOW DID THE FOLLOWING STATEMENT COME
16 OUT?

17 HERE'S HOW IT BEGINS:

18 "ERIK TOLD HIM HE HAD BEEN
19 CONTACTED BY THE MAFIA. MARTA KNEW
20 ABOUT IT. QUOTE, BE CAREFUL OR THEY
21 WOULD BE TALKING TO ONE OF THEIR BOYS,
22 CLOSE QUOTE. BRIAN: DID YOU GO TO
23 THE POLICE? THEY CAN TRACE THE LINE,
24 ET CETERA. ERIK: WELL, NEVER MIND.
25 I SHOULDN'T HAVE TOLD YOU."

26 NOW, HOW'D THAT LITTLE THING COME OUT
27 LAST NIGHT?

28 A THEY ASKED ME IF I REMEMBERED ANY

39612

1 CONVERSATIONS WITH EITHER OF THE DEFENDANTS, AND
2 THAT OCCURRED TO ME.

3 Q ANY CONVERSATIONS EVER? I MEAN, THEY'RE
4 YOUR NEPHEWS. YOU TALK ABOUT THEM A LOT, OR WAS IT
5 FOCUSED, ANY CONVERSATIONS ABOUT THE MAFIA?

6 A NO.

7 Q JUST ANY CONVERSATIONS AT ALL?

8 A THEY JUST ASKED ME IF I COULD REMEMBER

9 ANYTHING AND THAT OCCURRED TO ME.

10 Q AND HAD IT NEVER OCCURRED TO YOU BEFORE

11 SINCE AUGUST 20TH, 1989?

12 A IT MAY HAVE.

13 Q DID YOU EVER TELL ANYBODY ABOUT IT

14 BEFORE?

15 A I MAY HAVE.

16 Q WHO MAY YOU HAVE TOLD?

17 A I CAN'T REMEMBER.

18 Q WHAT DOES "MARTA KNEW ABOUT IT"? WHAT'S

19 THAT? WHO'S TALKING YOU, ERIK?

20 A ERIK SAID THAT TO ME.

21 Q ERIK SAID MARTA KNEW ABOUT THE PHONE

22 CALL?

23 A YES.

24 Q DID ERIK SAY WHEN THE PHONE CALL HAD

25 OCCURRED?

26 A HE DID NOT, ALTHOUGH THE IMPRESSION I

27 GOT WAS SHORTLY BEFORE THE CONVERSATION I HAD WITH

28 HIM.

39613

1 Q OKAY. SO HE WASN'T CLAIMING THAT THIS

2 WAS SOMETHING THAT HAPPENED SHORTLY AFTER THE

3 HOMICIDES, BUT SOMETHING THAT HAPPENED SHORTLY

4 BEFORE YOU CALLED HIM AT THE MARINA CITY CLUB?

5 A THAT WAS MY IMPRESSION OF THE

6 CONVERSATION.

7 Q AND TO THIS DAY, MR. ANDERSEN, YOU DON'T

8 KNOW IF IT'S TRUE, WHETHER OR NOT HE DID GET A CALL

9 FROM SOMEONE, THREATENING HIM, FOR WHATEVER REASON,

10 DO YOU?

11 A I DO NOT KNOW.

12 Q AND THE CASE HAD RECEIVED A FAIR AMOUNT

13 OF PUBLICITY BY THEN, HAD IT NOT?

14 A I DON'T UNDERSTAND THAT.

15 Q THE KILLING OF YOUR SISTER AND

16 BROTHER-IN-LAW HAD BEEN PUBLICIZED ALL OVER THE

17 COUNTRY?

18 A OH, YES.

19 Q AND YOU RECALL, DO YOU NOT, SEEING AT

20 LEAST NEWSPAPER ARTICLES LOOKING FOR MAFIA LINKS.

21 A I HAVE, YES.

22 Q YOU WERE AWARE THAT THAT WAS SOMETHING

23 THE POLICE WERE INVESTIGATING?

24 A I BELIEVE SO, YES.

25 Q IN FACT, MR. ANDERSEN, AFTER I WAS --

26 BECAME ERIK'S LAWYER, YOU AND I HAD A NUMBER OF

27 CONVERSATIONS WHERE YOU ASKED WHAT WERE WE DOING TO

28 PURSUE THE MAFIA LINK. REMEMBER?

1 A COULD HAVE BEEN, YES.

2 Q WE HAD ONE OF THOSE OVER DINNER, IN
3 FACT, IN BEVERLY HILLS. YOU REMEMBER? WITH MY
4 HUSBAND THERE.

5 A I REMEMBER HAVING DINNER WITH YOU AND
6 YOUR HUSBAND. THAT COULD HAVE BEEN.

7 Q NOW, YOU HEARD THE WORDS I READ TO YOU
8 FROM DETECTIVE ZOELLER'S NOTES THAT ARE SUPPOSED TO
9 REFLECT THIS CONVERSATION WITH ERIK. YOU TOLD IT
10 SOMEWHAT DIFFERENTLY TODAY.

11 DO YOU HAVE A CLEAR RECOLLECTION OF THE
12 WORDS OR DO YOU JUST HAVE A RECOLLECTION OF THE GIST
13 OF THE CONVERSATION?

14 A I REMEMBER ERIK TELLING ME OF THE
15 INCIDENT AND THAT HE INDICATED THAT MARTA HAD
16 KNOWLEDGE OF IT AND THEY WERE GOING TO HIRE
17 BODYGUARDS TO PROTECT THEMSELVES.

18 Q OKAY. I DON'T SEE THAT IN HERE, THE
19 GOING TO HIRE BODYGUARDS.

20 DID YOU TELL THAT TO THE PROSECUTORS AND
21 THE DETECTIVE LAST NIGHT, THAT THAT WAS PART OF WHAT
22 ERIK SAID?

23 A I MAY HAVE. I DON'T KNOW.

24 Q YOU DON'T RECALL.

25 YOU DON'T RECALL WHAT YOU TOLD THEM LAST
26 NIGHT; IS THAT RIGHT?

27 A EVERYTHING THAT I TOLD THEM LAST NIGHT.

28 Q WELL, YOU DON'T RECALL THIS, YOU DON'T

39615

1 RECALL IF YOU TOLD THEM ABOUT THE BODYGUARDS LAST
2 NIGHT OR NOT?

3 A IT SEEMS TO ME THAT I DID, BUT I MAY NOT
4 HAVE.

5 Q YOU THOUGHT YOU DID?

6 A I THINK SO.

7 Q HE DIDN'T HIRE ANY BODYGUARDS, DID HE?

8 A I DON'T KNOW.

9 Q WELL, YOU WENT TO ASPEN WITH HIM IN MID
10 JANUARY, AND YOU THINK THIS MIGHT HAVE OCCURRED
11 SHORTLY BEFORE, AND HE DIDN'T HAVE ANY BODYGUARDS IN
12 ASPEN IN MID JANUARY, DID HE?

13 A NO.

14 Q DO YOU RECALL THE TRIP TO THE SAFE
15 DEPOSIT BOX BEING THE DAY AFTER THE TRIP TO
16 MR. WRIGHT'S OR ARE YOU NOT CLEAR ON WHEN IT
17 HAPPENED?

18 A VERY CLOSE TO THE SAME TIME, AS I
19 REMEMBER.

20 Q DO YOU RECALL WHETHER OR NOT IT WAS --
21 WELL, I DON'T WANT TO CONFUSE YOU.

22 TO THE BEST OF YOUR RECOLLECTION, WAS IT
23 BEFORE THE DAY OF THE MEMORIAL SERVICE?
24 A IT MAY HAVE BEEN. I'M NOT SURE. IT MAY
25 HAVE BEEN THE DAY AFTER.
26 Q THE DAY AFTER WAS SATURDAY.
27 DO YOU THINK YOU WENT TO THE BANK ON
28 SATURDAY?

39616

1 A POSSIBLY.
2 Q LYLE FLEW OUT FRIDAY NIGHT. YOU THINK
3 YOU WENT WITHOUT LYLE?
4 A NO.
5 Q NOW, FOR THIS CONVERSATION YOU SAY YOU
6 HAD AT THE HOUSE IN THE MASTER BEDROOM, DO YOU HAVE
7 ANY IDEA NOW WHAT DAY THAT WAS?
8 A IT WOULD HAVE BEEN EITHER WEDNESDAY, THE
9 DAY THAT I ARRIVED, OR THE FOLLOWING DAY, THURSDAY.
10 Q WHO ELSE WAS IN THE HOUSE AT THE TIME?
11 A I DON'T RECALL.
12 Q WELL, YOU WEREN'T ALONE WITH THEM. THE
13 REST OF THE FAMILY WAS THERE, WEREN'T THEY?
14 A I DON'T RECALL.
15 Q HOW LONG HAD YOU BEEN IN THE HOUSE
16 BEFORE YOU HAD THIS CONVERSATION?

17 A I DON'T RECALL.

18 Q WHERE WERE YOU STAYING WHEN YOU CAME OUT
19 THAT WEDNESDAY? WHERE DID YOU GO FROM THE AIRPORT?

20 A TO A HOTEL.

21 Q WHAT WAS THE HOTEL?

22 A I BELIEVE THE BELAGE OR SOMETHING LIKE
23 THAT, IF I RECALL RIGHT. SOMETHING LIKE THAT.

24 Q WHEN YOU GOT TO THE HOTEL, I TAKE IT YOU
25 GOT THERE IN THE EARLY MORNING HOURS BETWEEN ONE AND
26 TWO IN THE MORNING, SOMETHING LIKE THAT?

27 A I WOULD ASSUME SO.

28 Q DID YOU SEE ANY OTHER MEMBERS OF THE

39617

1 FAMILY AT THAT TIME?

2 A I DON'T RECALL WHETHER I DID OR NOT.

3 Q DO YOU HAVE A RECOLLECTION OF WHEN YOU
4 FIRST SAW ANYONE YOU KNEW AT THE BELAGE HOTEL?

5 A IN THE MORNING.

6 Q FOR BREAKFAST?

7 A I BELIEVE IT WAS AT BREAKFAST.

8 Q AND YOU HAD -- DO YOU RECALL HAVING
9 BREAKFAST WITH OTHER MEMBERS OF THE FAMILY?

10 A I REMEMBER HAVING -- YES, I DO.

11 Q AND WITH WHOM? WHAT OTHER MEMBERS OF

12 THE FAMILY CAN YOU REMEMBER HAVING BREAKFAST WITH?

13 A I BELIEVE THE BARALTS WERE THERE AND

14 MAYBE MARIA. I DON'T REMEMBER EXACTLY.

15 Q MARIA BEING MRS. MENENDEZ?

16 A YES, MA'AM.

17 Q WHAT ABOUT MARTHA CANO, WAS SHE THERE?

18 A SHE MAY HAVE BEEN.

19 Q WHAT ABOUT YOUR BROTHER MILTON OR YOUR

20 SISTER JOAN?

21 A MY BROTHER MILTON WAS NOT THERE.

22 Q WAS JOAN THERE, YOUR SISTER?

23 A WELL, AT SOME POINT SHE MAY HAVE BEEN.

24 NOT THE FIRST TIME.

25 Q AND I TAKE IT ERIK AND LYLE MENENDEZ

26 WERE NOT THERE.

27 A NOT AS I RECALL.

28 Q IN FACT, DID YOU KNOW WHERE THEY WERE?

39618

1 A I BELIEVE I WAS TOLD THEY WERE STAYING

2 AT MARK HEFFERNAN'S HOUSE.

3 Q AND WHO TOLD YOU THAT?

4 A I DON'T REMEMBER THAT.

5 Q SO WHAT DID YOU DO AFTER BREAKFAST?

6 A AS I RECALL I WENT TO THE BEVERLY HILLS

7 HOME.

8 Q AND YOU WERE ALLOWED TO GO IN?

9 A YES.

10 Q WERE THERE PEOPLE FROM KROLL

11 INVESTIGATIONS THERE?

12 A THERE WERE OTHER PEOPLE THERE. THERE

13 WAS ACTIVITY AROUND THE HOUSE.

14 Q WERE THEY CLEANING THE HOUSE?

15 A YES.

16 Q WAS FURNITURE BEING REMOVED?

17 A THERE WAS ACTIVITY AROUND THE HOUSE.

18 Q BUT YOU DON'T KNOW WHAT IT WAS?

19 A IT COULD BE RELATING TO THE SECURITY FOR

20 THE HOUSE.

21 Q YOU SAW SECURITY PEOPLE THERE?

22 A YES.

23 Q AND WHO ELSE WENT TO THE BEVERLY HILLS

24 HOUSE FROM THE BELAGE HOTEL WITH YOU, EVERYONE

25 ELSE?

26 A I DON'T RECALL.

27 Q AND WHAT'D YOU DO WHEN YOU GOT TO THE

28 HOUSE?

1 A LOOKED THROUGH THE HOME.

2 Q WHAT WERE YOU LOOKING FOR?

3 A IT WAS THE FIRST TIME I HAD BEEN TO THE
4 HOUSE. I JUST LOOKED TO THE HOUSE.

5 Q YOU HAD NEVER BEEN TO THE HOUSE BEFORE?

6 A NO.

7 Q DID YOU SEE CARLOS MENENDEZ THERE?

8 A AT THE HOUSE I SAW -- THAT PARTICULAR
9 TIME?

10 Q THAT DAY.

11 A I THINK DURING THE COURSE OF THE DAY,
12 YES.

13 Q SO AT SOME POINT YOU REMEMBER CARLOS
14 MENENDEZ BEING THERE?

15 A YES, MA'AM.

16 Q DO YOU REMEMBER WHEN CARLOS MENENDEZ
17 FOUND THE WILL?

18 A I DIDN'T HEAR THE QUESTION, MA'AM.

19 Q DO YOU REMEMBER WHEN CARLOS MENENDEZ
20 FOUND THE WILL?

21 A OH, I'M SORRY. YOU SAID CARLOS
22 MENENDEZ. I WAS THINKING OF CARLOS BARALT.

23 Q I WANT TO FOCUS YOUR ATTENTION, IF I
24 CAN -- YOU KNOW WHO CARLOS MENENDEZ IS?

25 A YES, I DO. BUT I DID NOT -- WHEN YOU
26 SWITCHED FROM CARLOS BARALT TO CARLOS MENENDEZ, I
27 DIDN'T SWITCH WITH YOU.

28 Q OKAY. SO YOU REMEMBER CARLOS BARALT

1 BEING THERE.

2 DO YOU REMEMBER CARLOS MENENDEZ BEING
3 THERE?

4 A I REMEMBER -- I BELIEVE CARLOS MENENDEZ
5 WAS THERE AT SOME POINT IN TIME, YES.

6 Q WELL, SOME POINT IN TIME THAT DAY?

7 A I BELIEVE SO.

8 Q DO YOU -- WERE YOU THERE WHEN HE FOUND
9 THE WILL?

10 A NO, MA'AM.

11 Q DO YOU KNOW WHERE THE WILL WAS FOUND?

12 A ONLY HEARSAY.

13 Q OKAY. YOU DIDN'T -- YOU WEREN'T IN THE
14 HOUSE WHEN THAT HAPPENED?

15 A NO.

16 Q AND DID YOU KNOW ON THAT WEDNESDAY, WHEN
17 YOU WERE AT THE HOUSE, THAT LYLE AND ERIK WERE --
18 WELL, STRIKE THAT -- THAT LYLE WAS AT THE BEL-AIR
19 HOTEL?

20 A YES.

21 Q AND DO YOU REMEMBER A POINT IN TIME THAT
22 WEDNESDAY WHEN LYLE CAME TO THE BEVERLY HILLS HOUSE
23 WITH CARLOS BARALT?

24 A I DON'T SPECIFICALLY RECALL THAT.

25 Q YOU WEREN'T THERE WHEN THAT HAPPENED?

26 A I MAY HAVE BEEN.

27 Q WELL, DO YOU REMEMBER ANY OCCASION WHEN
28 CARLOS BARALT CAME WITH LYLE TO THE BEVERLY HILLS

39621

1 HOUSE FROM THE BEL-AIR HOTEL?

2 A IT MAY HAVE HAPPENED, I DON'T RECALL.

3 Q DO YOU REMEMBER WHEN YOU FIRST -- WHERE
4 YOU WERE WHEN YOU FIRST LEARNED A WILL HAD BEEN
5 FOUND?

6 A I WAS AT THE BEL-AIR.

7 Q YOU WERE AT THE BEL-AIR?

8 A YES.

9 Q AND WAS CARLOS BARALT AT THE BEL-AIR
10 ALSO?

11 A HE WAS THERE WITH ME AT SOME POINT. I
12 DON'T KNOW IF HE WAS THERE AT THE TIME, BUT HE MAY
13 HAVE BEEN.

14 Q WHAT DID YOU DO AFTER YOU HEARD A WILL
15 HAD BEEN FOUND?

16 A I WANTED TO GET BACK TO THE BEVERLY
17 HILLS HOME AND SEE WHAT THE WILL SAID.

18 Q SO DID YOU DO THAT?

19 A I DON'T REMEMBER IF THAT HAPPENED THAT
20 DAY OR IF THAT HAPPENED THE NEXT DAY.

21 Q I MEAN, ON WHATEVER DAY IT WAS THAT YOU
22 WERE AT THE BEL-AIR AND HEARD THAT A WILL WAS FOUND,
23 WHAT DID YOU DO AFTER YOU HEARD THAT?

24 A WHAT DID I DO?

25 Q YEAH. DID YOU GO -- YOU SAID YOU WANTED
26 TO GO TO THE HOUSE TO SEE THE WILL. DID YOU DO
27 THAT? DID YOU GO TO THE HOUSE TO SEE THE WILL ONCE
28 YOU LEARNED IT WAS FOUND?

39622

1 A EITHER THAT DAY OR THE NEXT DAY.

2 Q SO YOU MIGHT NOT HAVE GONE THERE THAT
3 DAY?

4 A I MIGHT NOT HAVE.

5 Q WHAT WERE YOU DOING AT THE BEL-AIR?

6 A I WAS THERE WITH CARLOS, ORIGINALLY,
7 TALKING TO LYLE AND LYLE LEFT, AND I WOUND UP
8 SITTING IN THE ROOM WAITING FOR PHONE CALLS FROM
9 PEOPLE BASICALLY TO COORDINATE DINNER, WHETHER WE
10 WERE GOING TO HAVE DINNER AT THE BEL-AIR OR WHERE WE
11 WERE GOING TO HAVE DINNER.

12 Q SO YOU WERE THERE TALKING TO LYLE WHEN
13 YOU FOUND OUT A WILL HAD BEEN FOUND AND THEN LYLE
14 LEFT; IS THAT RIGHT?

15 A I DON'T KNOW THAT THAT'S THE SEQUENCE.

16 Q DO YOU REMEMBER LYLE AND CARLOS LEAVING,
17 IN FACT, AND GOING BACK TO THE HOUSE?

18 A AND LEAVING ME THERE ALONE?

19 Q YES.

20 A IS THAT WHAT YOU'RE ASKING?

21 Q YEAH.

22 A I THINK THAT HAPPENED. I DON'T KNOW IF
23 LYLE WAS WITH CARLOS OR NOT.

24 Q SO LET'S TALK ABOUT THIS CONVERSATION
25 THAT YOU TOLD THE PROSECUTORS ABOUT YESTERDAY.
26 HAD YOU NOT REMEMBERED THIS CONVERSATION
27 BEFORE YESTERDAY?

28 A WHAT CONVERSATION ARE YOU SPEAKING OF?

39623

1 Q THE ONE THAT YOU TOLD US ABOUT HERE THAT
2 YOU HAD WITH ERIK AND LYLE IN THE MASTER BEDROOM
3 WHILE LOOKING FOR A WILL.

4 A WHAT WAS THE QUESTION?

5 Q DID YOU REMEMBER THIS CONVERSATION
6 BEFORE LAST NIGHT?

7 A I MAY HAVE.

8 Q DID YOU EVER TELL ANYONE ABOUT IT BEFORE
9 LAST NIGHT?

10 A I MAY HAVE.

11 Q YOU DON'T KNOW?
12 A I DON'T REMEMBER.
13 Q DID YOU TELL ANYBODY AFFILIATED WITH THE
14 PROSECUTION OF THIS CASE ABOUT IT BEFORE LAST
15 NIGHT?
16 A I DON'T THINK THAT I DID.
17 Q WHY NOT?
18 A DIDN'T SEEM IMPORTANT TO ME AND IT WAS
19 NEVER ASKED.
20 Q DOES IT SEEM IMPORTANT NOW?
21 A I THINK SO.
22 Q WHY? WHY DOES IT SEEM IMPORTANT TO YOU
23 NOW WHEN IT DIDN'T BEFORE?
24 A I THINK ANYTHING RELATIVE TO THE CASE
25 THAT I CAN REMEMBER IS IMPORTANT.
26 Q THAT'S ALWAYS BEEN TRUE, HASN'T IT?
27 MR. CONN: OBJECTION. ARGUMENTATIVE.
28 THE COURT: SUSTAINED.

39624

1 Q BY MS. ABRAMSON: TELL ME HOW IT CAME
2 ABOUT LAST NIGHT THAT YOU RELATED THIS CONVERSATION
3 TO THE PROSECUTION. WHAT DID THEY ASK YOU?
4 A IT WAS PART OF THE SAME CONVERSATION, IF
5 I COULD REMEMBER ANY CONVERSATIONS I HAD WITH THE

6 DEFENDANTS.

7 Q SO IT WAS JUST THAT?

8 A AS I RECALL.

9 Q DID YOU TELL THEM ABOUT THAT BEFORE THE
10 MAFIA CONVERSATION OR AFTER?

11 A I DON'T REMEMBER.

12 Q DID YOU TELL THEM ABOUT THAT BEFORE THE
13 DISCUSSION ABOUT THE SAFE AND THE SAFE DEPOSIT BOX
14 OR AFTER?

15 A I HAD THAT DISCUSSION WITH THE SAFE AND
16 THE SAFETY DEPOSIT BOX QUITE SOMETIME AGO.

17 Q YOU DIDN'T TALK ABOUT IT LAST NIGHT?

18 A I GUESS I'M CONFUSED, MRS. ABRAMSON.

19 Q OKAY. LAST NIGHT YOU HAD THIS INTERVIEW
20 WITH THE PROSECUTION, CORRECT?

21 A YES, MA'AM.

22 Q AND YOU SAID LAST NIGHT THEY ASKED YOU --
23 TELL ME ANY CONVERSATION YOU REMEMBER WITH THE
24 DEFENDANTS; IS THAT RIGHT?

25 A THEY ASKED IF I COULD RECALL ANY.

26 Q AND THEY WEREN'T SPECIFIC ABOUT WHAT
27 SUBJECTS; IS THAT RIGHT?

28 A I TRIED TO THINK OF THINGS THAT TOOK

1 PLACE, EVENTS THAT TOOK PLACE.

2 Q OVER THEIR WHOLE LIVES?

3 A NO. THEY WANTED ME TO FOCUS ON THE AREA
4 AFTER THE -- AFTER THE MURDERS HAD BEEN COMMITTED.

5 Q OKAY. THAT WAS THE TIME FOCUS. THEY
6 ALSO HAD A TOPIC FOCUS, DIDN'T THEY?

7 A VARIOUS TOPICS, I SUPPOSE.

8 Q WELL, WHAT -- DO YOU REMEMBER THAT ONE OF
9 THE TOPICS BEING ANY DISCUSSION ABOUT A WILL AND IF
10 THEY THOUGHT THEY WERE IN A WILL?

11 A YES.

12 Q NOW, YOU'RE AWARE, ARE YOU NOT,
13 MR. ANDERSEN, OF CARLOS BARALT'S STATEMENTS BOTH ON
14 THE STAND AND OFF THE STAND THAT JOSE MENENDEZ TOLD
15 HIM THAT JOSE MENENDEZ HAD TOLD HIS SONS THAT THEY
16 HAD BEEN DISINHERITED? YOU'RE AWARE OF THAT, AREN'T
17 YOU?

18 MR. CONN: OBJECTION. MISSTATES THE
19 EVIDENCE.

20 THE COURT: OVERRULED.

21 THE WITNESS: I'M AWARE OF --

22 Q BY MS. ABRAMSON: YOU'RE AWARE THAT
23 THAT'S WHAT CARLOS BARALT HAS TESTIFIED TO AND
24 THAT'S A STATEMENT HE MADE?

25 A I'M NOT AWARE OF CARLOS BARALT'S
26 TESTIMONY.

27 Q ARE YOU AWARE THAT MARTHA CANO HAS
28 TESTIFIED IN THIS TRIAL THAT SHE HAD A DISCUSSION

1 WITH ERIK AND LYLE WHERE THEY TOLD HER UNEQUIVOCALLY
2 THAT THEY DID NOT BELIEVE THEY WERE IN A WILL?

3 A I'M NOT AWARE OF THAT.

4 Q YOU'RE NOT AWARE OF ANY OF THAT; IS THAT
5 WHAT YOU'RE SAYING?

6 A YES, MA'AM.

7 Q AND NO ONE FROM THE PROSECUTION HAS EVER
8 SUGGESTED TO YOU AND ERIK AND LYLE, IN THEIR
9 DEFENSE, OR SAYING THAT THEY WERE TOLD THAT THEY
10 WERE DISINHERITED AND THEY DID NOT BELIEVE THEY WERE
11 IN A WILL. YOU'VE NEVER HEARD THAT?

12 A THAT -- YES.

13 Q SO YOU DO KNOW THAT? YOU KNOW THAT'S AN
14 ISSUE?

15 A YES.

16 Q AND HOW LONG HAVE YOU KNOWN THAT'S AN
17 ISSUE?

18 A I DON'T KNOW WHEN I BECAME AWARE OF
19 THAT.

20 Q YEARS. HASN'T IT BEEN YEARS?

21 A I DON'T KNOW WHEN I BECAME AWARE OF
22 THAT.

23 Q YOU KNEW IT WAS AN ISSUE IN THE LAST

24 TRIAL, DIDN'T YOU?

25 A I MAY HAVE, BUT I DON'T RECALL.

26 Q AND THAT WAS THE FIRST INTERVIEW YOU
27 GAVE TO THE PROSECUTION AFTER THE LAST TRIAL WAS
28 OVER, CORRECT?

39627

1 A I HAD INTERVIEWS BEFORE THE LAST TRIAL.

2 Q EXCUSE ME?

3 A I HAD INTERVIEWS WITH THE PROSECUTORS --

4 Q YES, BUT THE LAST ONE BEFORE LAST NIGHT
5 WAS AFTER THE LAST TRIAL?

6 A YES.

7 Q THAT'S THE ONE IN FEBRUARY OF '94?

8 A COULD HAVE BEEN.

9 Q YOUR FIRST INTERVIEW WITH THESE
10 PROSECUTORS, CORRECT?

11 A I DON'T REMEMBER WHEN THE FIRST
12 INTERVIEW WAS WITH THESE PROSECUTORS.

13 THE COURT: ALL RIGHT. WE'LL TAKE OUR RECESS
14 AND RESUME AT 1:30.

15 (AT 12:12 P.M. THE NOON
16 RECESS WAS TAKEN UNTIL
17 1:30 P.M. OF THE SAME DAY.)

18

19
20
21
22
23
24
25
26
27

-25909

1 VAN NUYS, CALIFORNIA; THURSDAY, NOVEMBER 2, 1995

2 1:40 P.M.

3 DEPARTMENT NW N HON. STANLEY WEISBERG, JUDGE

4 (APPEARANCES AS HERETOFORE NOTED)

5 (MARY LU MURPHY, OFFICIAL REPORTER)

6 (ANNAMARIE PAPA, OFFICIAL REPORTER)

7

8 (THE FOLLOWING PROCEEDINGS WERE HELD

9 OUTSIDE THE PRESENCE OF THE JURY:)

10

11 THE COURT: ALL RIGHT. WE'RE READY TO RESUME,

12 AND THE WITNESS IS STILL ON THE WITNESS STAND.

13 YOU MAY CONTINUE YOUR EXAMINATION.

14 MS. ABRAMSON: YOUR HONOR, I UNDERSTOOD THIS

15 MORNING THAT WHEN I HAD ASKED THE WITNESS ABOUT HAVING

16 THESE TRAVEL RECORDS AND HE INDICATED THEY WERE BACK AT

17 THE HOTEL, I WAS CONVINCED THAT THE COURT HAD AGREED

18 WITH MY REQUEST THAT THEY SHOULD BE BROUGHT TO COURT

19 THIS AFTERNOON, BUT THAT HAS NOT BEEN DONE.

20 THE COURT: YEAH. I SAID THAT WE WOULD SEE IF
21 THAT CAN BE DONE, BUT I DON'T THINK DETECTIVE ZOELLER
22 WAS HERE AT THE TIME, SO I DON'T KNOW WHERE THE
23 WITNESS -- WHERE HIS HOTEL IS.

24 MS. ABRAMSON: I DO. IT'S HERE IN THE VALLEY.

25 THE COURT: IS IT IN THE VALLEY?

26 YEAH, I ASSUMED IT WAS GOING TO BE DONE AS
27 WELL.

28 MS. ABRAMSON: IT WASN'T.

-25908

1 MR. CONN: WE COULD GET DETECTIVE ZOELLER TO GO.

2 THE COURT: WELL, WHERE IS HE GOING TO GO? WHAT
3 IS HE GOING TO GET?

4 MS. ABRAMSON: I THINK HE SHOULD TALK TO
5 THE WITNESS AND SEE WHERE THE THINGS ARE.

6 THE COURT: I ASSUME IT'S IN HIS ROOM.

7 THE WITNESS: I CAN BRING IT LATER, TOMORROW
8 MORNING.

9 MS. ABRAMSON: I DON'T THINK WE WILL BE HERE
10 TOMORROW MORNING.

11 THE COURT: WE WILL SEE ABOUT THAT, BUT FIRST
12 THINGS FIRST.

13 MR. CONN: YES. COULD WE -- PERHAPS IF WE COULD
14 JUST GET THE KEYS, WE COULD TAKE CARE OF THAT.

15 THE COURT: WELL, IT'S BETWEEN YOU AND THE

16 WITNESS, IF YOU WANT TO TALK TO HIM.

17 (BRIEF PAUSE)

18

19 MR. CONN: I ADVISED COUNSEL OF THE --

20 MS. ABRAMSON: AFTER I ASKED.

21 MR. CONN: THAT THE EXHIBITS THAT ARE HERE IN

22 COURT ARE ADDITIONAL EXHIBITS WE ARE GOING TO BE

23 PRESENTING TO DR. LAWRENCE ON MONDAY, AND WE ARE NOT

24 GOING TO BE USING THE DIAGRAMS, THE ILLUSTRATIONS WE HAD

25 SPOKEN ABOUT. WE WILL, HOWEVER, BE USING THE COMPUTER.

26 THE COURT: YOU WILL OR WILL NOT?

27 MR. CONN: WE WILL. WE WILL.

28 MS. ABRAMSON: FOR WHAT?

-25907

1 MR. CONN: FOR THE SAME PURPOSE WE STATED WE WERE

2 GOING TO USE IT.

3 PART OF THE REASON WE DIDN'T WANT TO USE IT

4 WAS BECAUSE OF THE DIFFICULTY OF PROVIDING A COMPUTER TO

5 COUNSEL TO FOLLOW UP WITH, BECAUSE THIS IS DR.

6 MCCARTHY'S PERSONAL COMPUTER.

7 COUNSEL HAS INDICATED SHE WAS NOT CONCERNED

8 ABOUT THE COMPUTER, SO WE WILL BE USING A COMPUTER

9 PRESENTATION. WE WILL INTRODUCE INTO EVIDENCE HARD

10 COPIES OF THE PHOTOGRAPHS FOR THE JURY TO TAKE AS

11 EXHIBITS INTO THE JURY ROOM WITH THEM.

12 MS. ABRAMSON: YOU KNOW, YOUR HONOR, WE HAVE BEEN
13 LITIGATING THIS -- I DON'T KNOW. GEE, THREE MONTHS.
14 WE WERE GIVEN WHAT WE WERE TOLD WAS THE
15 PROGRAM, THE PRESENTATION THAT WAS GOING TO BE USED, AND
16 WE WERE GIVEN ANOTHER C.D. WITH THE NEW PRESENTATION
17 WITH ADDITIONAL PHOTOGRAPHS AND NEW DIAGRAMS, AND NOW I
18 AM BEING TOLD FOR THE FIRST TIME THAT WE REALLY DON'T
19 HAVE THE FAINTEST IDEA WHAT DR. MCCARTHY IS GOING TO
20 USE, BECAUSE HE IS "NOT USING THE DIAGRAMS," BUT HE IS
21 USING SOMETHING ON COMPUTER.
22 SO, WE ARE BACK AT SQUARE ONE, AND I AM NOT
23 HAPPY AT BEING AT SQUARE ONE THE WEEK BEFORE THE WITNESS
24 IS CALLED.
25 THE COURT: WE WILL GET MORE DETAIL LATER ON.
26 LET'S FIRST FINISH WITH THIS EXAMINATION.
27 OKAY. YOU MAY CONTINUE.
28 MS. ABRAMSON: THANK YOU, YOUR HONOR.

-25906

1 CROSS-EXAMINATION (CONTINUED)
2 BY MS. ABRAMSON:
3 Q. NOW, MR. ANDERSEN, I WAS ASKING YOU THIS
4 MORNING CONCERNING THIS CONVERSATION YOU HAD WITH -- IN
5 THE BEDROOM WITH LYLE MENENDEZ CONCERNING HIS AND ERIK'S
6 BECOMING THEIR PARENTS' HEIRS.
7 YOU KNOW WHAT WE'RE TALKING ABOUT, CORRECT?

8 A. YES, MA'AM.

9 Q. AND IS IT YOUR TESTIMONY THAT THE THREE OF

10 YOU WERE THE ONLY PEOPLE IN THE BEDROOM AT THAT TIME; IN

11 THE MASTER BEDROOM?

12 A. YES, MA'AM.

13 Q. AND IS IT YOUR TESTIMONY THAT THE THREE OF

14 YOU WERE THE ONLY PEOPLE IN THE HOUSE AT THAT TIME?

15 A. I DON'T REMEMBER THAT.

16 Q. EXCUSE ME?

17 A. I DON'T REMEMBER THAT.

18 Q. WHERE WAS EVERYONE ELSE?

19 A. I DON'T KNOW THAT.

20 Q. HAD -- WERE YOU FAMILIAR WITH THE FACT THAT

21 CARLOS MENENDEZ AT SOME POINT WAS LOOKING AT THE FAMILY

22 COMPUTER?

23 A. HE MAY HAVE BEEN.

24 Q. WELL, I AM NOT ASKING IF HE MAY HAVE BEEN.

25 I AM ASKING DO YOU REMEMBER THAT THAT HAPPENED?

26 A. HE MAY HAVE BEEN. I DON'T RECALL AT THIS

27 TIME.

28 Q. DO YOU REMEMBER AT THIS TIME THAT THE

-25905

1 FAMILY COMPUTER WAS IN THE MASTER BEDROOM?

2 A. AT THE TIME I WAS TALKING TO THE BOYS?

3 Q. YES.

4 A. IF THE COMPUTER WAS IN THERE?

5 Q. YEAH, THAT THE COMPUTER WAS THERE.

6 A. IT MAY HAVE BEEN.

7 Q. WELL, DO YOU KNOW IF IT WAS OR NOT?

8 A. IT MAY HAVE BEEN. I DON'T RECALL.

9 Q. "MAY HAVE BEEN" IS A GUESS.

10 IS THAT A GUESS?

11 A. I DON'T RECALL.

12 MR. CONN: OBJECTION, ARGUMENTATIVE.

13 THE COURT: ALL RIGHT. HE SAID HE DOESN'T

14 REMEMBER.

15 Q. BY MS. ABRAMSON: DO YOU REMEMBER A PERIOD

16 OF SOME THREE TO FOUR HOURS WHEN CARLOS MENENDEZ, YOUR

17 SISTER JOAN, TERRY BARALT WERE WORKING ON THAT COMPUTER

18 IN THAT BEDROOM?

19 A. I DO NOT REMEMBER THAT.

20 Q. YOU WEREN'T THERE WHEN THAT HAPPENED; IS

21 THAT WHAT YOU'RE SAYING?

22 A. I DON'T BELIEVE I WAS.

23 Q. OKAY. AND IF I WERE TO TELL YOU THAT THAT

24 HAPPENED ON WEDNESDAY, DOES THAT HELP REFRESH YOUR

25 RECOLLECTION ABOUT WHEN THIS CONVERSATION WITH ERIK AND

26 LYLE TOOK PLACE?

27 A. I DON'T KNOW WHAT TIME OF THE DAY YOU'RE

28 TALKING ABOUT. I CAN'T --

1 Q. WELL, WHAT TIME OF THE DAY, SIR, ARE YOU
2 TALKING ABOUT?

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

4 THE COURT: OVERRULED.

5 WHAT TIME OF DAY WAS IT WHEN YOU HAD THIS
6 CONVERSATION WITH THE TWO DEFENDANTS?

7 THE WITNESS: EARLY IN THE DAY, AS I RECALL.

8 Q. BY MS. ABRAMSON: EARLY IN THE DAY
9 WEDNESDAY?

10 A. AS I RECALL.

11 Q. EARLY IN THE DAY THAT YOU HAD BREAKFAST
12 WITH ALL THE OTHER MEMBERS OF THE FAMILY AND YOU ALL
13 WENT OVER TO THE HOUSE TOGETHER?

14 A. I AM NOT CERTAIN THAT ALL THE OTHER MEMBERS
15 OF THE FAMILY WERE AT BREAKFAST. I DON'T KNOW THAT I
16 EVER SAID THAT.

17 Q. BUT YOU SAID THAT OTHER MEMBERS OF THE
18 FAMILY WENT TO THE HOUSE WITH YOU, DIDN'T YOU?

19 A. I BELIEVE SO.

20 Q. EXCUSE ME?

21 A. I -- IT'S -- IT WAS A VERY EMOTIONAL TIME.
22 I CANNOT REMEMBER SPECIFICALLY WHO TRAVELED WITH ME AND
23 WHO DIDN'T, OR IF I WAS TAKEN OVER THERE BY LYLE OR
24 ERIK, OR WHAT MAY HAVE TAKEN PLACE.

25 Q. NOW ARE YOU SAYING THAT LYLE AND ERIK WERE
26 AT THE BELAGE?

27 A. AGAIN, I DON'T REMEMBER.

28 Q. OKAY. WHAT YOU DO REMEMBER IS THAT WHEN

1 THE WILL WAS FOUND YOU WERE AT THE BEL-AIR WITH LYLE,
2 CORRECT?

3 A. WHEN I WAS APPRISED THAT IT WAS FOUND, YES.

4 Q. AND YOU WERE APPRISED, WERE YOU NOT, THAT
5 CARLOS MENENDEZ FOUND IT?

6 A. I DON'T REMEMBER WHO FOUND IT.

7 THE COURT: WHY DO YOU BELIEVE THE CONVERSATION
8 THAT YOU HAD WITH THE DEFENDANTS OCCURRED BEFORE THE
9 WILL WAS FOUND INSTEAD OF AFTER THE WILL WAS FOUND?

10 THE WITNESS: IT WAS A TIME THAT WE WERE TOGETHER
11 RIGHT AFTER I CAME OUT TO CALIFORNIA.

12 Q. BY MS. ABRAMSON: BUT THE WILL WAS FOUND
13 RIGHT AFTER YOU CAME OUT TO CALIFORNIA, TOO, WASN'T IT?

14 A. THE WILL WAS FOUND AFTER I CAME OUT.

15 Q. YES.

16 SO, HOW DO YOU KNOW THIS CONVERSATION WAS
17 BEFORE THE WILL WAS FOUND RATHER THAN THE DAY AFTER?

18 A. I THINK IT WAS RIGHT AFTER -- THE WILL WAS
19 NOT FOUND THE DAY -- THE MOMENT THAT I GOT TO
20 CALIFORNIA. THE WILL WAS NOT FOUND.

21 Q. WELL, THE MOMENT YOU GOT TO CALIFORNIA WAS
22 IN THE MIDDLE OF THE NIGHT, AND YOU WENT TO THE BELAGE
23 HOTEL AND YOU WOKE UP THE NEXT MORNING AND YOU HAD
24 BREAKFAST WITH MEMBERS OF THE FAMILY, CORRECT?

25 A. WELL, AS BEST I CAN RECALL, I HAD

26 BREAKFAST. IT WAS EITHER THAT MORNING OR THE FOLLOWING
27 MORNING.
28 ANYWAY, I KNOW THAT THE MORNING I GOT UP

-25902

1 THERE WAS NO WILL FOUND.

2 Q. BUT LATER THAT DAY THERE WAS A WILL FOUND?

3 A. I DON'T REMEMBER WHETHER IT WAS LATER THAT
4 DAY OR THE NEXT DAY.

5 Q. SO, HOW DO YOU REMEMBER, THOUGH, THAT YOU
6 WERE WITH ERIC AND LYLE ALL ALONE IN THE BEDROOM BEFORE
7 THE WILL WAS FOUND?

8 A. IT WAS MY FIRST CONTACT WITH THE TWO BOYS
9 AFTER I ARRIVED IN CALIFORNIA.

10 Q. HOW DO YOU KNOW THAT THE FIRST TIME YOU
11 WERE WITH THE TWO BOYS TOGETHER WASN'T UNTIL AFTER THE
12 WILL WAS FOUND?

13 A. IT WAS THAT VERY MORNING AFTER I WOKE UP.

14 Q. NOW THAT YOU'RE CERTAIN OF, THAT VERY
15 MORNING?

16 A. THAT VERY DAY.

17 Q. THAT YOU'RE CERTAIN OF, CORRECT?

18 A. VERY SURE.

19 Q. AND WHERE WAS ERIK WHEN YOU FIRST SAW HIM
20 THAT DAY?

21 A. I DON'T UNDERSTAND THE QUESTION.

22 Q. WHERE DID YOU FIRST SEE ERIK THAT DAY?

23 A. EITHER AT THE BELAGE OR AT THE HOTEL -- OR

24 AT THE BEVERLY HILLS HOUSE.

25 Q. EITHER AT THE BELAGE OR AT THE HOUSE, YOU

26 DON'T REMEMBER?

27 A. I AM NOT SURE.

28 Q. AND HOW DID HE GET TO WHEREVER YOU FIRST

-25901

1 SAW HIM?

2 A. HE HAD A CAR, I AM SURE.

3 Q. IN WHOSE CAR?

4 A. I DON'T RECALL.

5 Q. AND HOW IS IT THAT YOU AND HE AND LYLE WERE

6 ALL ALONE AT THE HOUSE? WHAT WAS EVERYBODY ELSE DOING?

7 A. I DON'T -- I THINK YOU ASKED THAT QUESTION.

8 I DON'T KNOW WHAT EVERYONE ELSE WAS DOING.

9 Q. IF I WERE TO TELL YOU THAT THE FIRST TWO

10 PEOPLE AT THAT HOUSE WERE MRS. MENENDEZ AND CARLOS

11 MENENDEZ, AND THEY LOOKED THROUGH THE HOUSE TOGETHER AND

12 THEY FOUND THE WILL, THAT'S NOT YOUR RECOLLECTION, IS

13 IT?

14 MR. CONN: OBJECTION. VAGUE AS TO TIME. FIRST

15 TWO PEOPLE WHEN, WHAT DAY?

16 THE COURT: WELL, IT ASSUMES ALL SORTS OF THINGS

17 THAT ARE NOT IN EVIDENCE HERE.

18 Q. BY MS. ABRAMSON: ALL RIGHT.
19 BUT IT'S ABSOLUTELY CLEAR IN YOUR MIND THAT
20 IT WAS THE FIRST DAY THAT YOU WERE HERE THAT YOU HAD
21 THIS CONVERSATION WITH THEM; IS THAT RIGHT?
22 A. YES, MA'AM.
23 Q. A CONVERSATION YOU NEVER TOLD ANYBODY ABOUT
24 UNTIL LAST NIGHT; IS THAT RIGHT?
25 A. IT OCCURRED TO ME TO TALK ABOUT IT LAST
26 NIGHT.
27 Q. AM I RIGHT? YOU NEVER TOLD ANYBODY ABOUT
28 IT UNTIL LAST NIGHT.

-25900

1 A. I DON'T RECALL WHETHER I HAD OR NOT.
2 Q. HOW DID YOU GET IN THE HOUSE TO HAVE THIS
3 MEETING WITH THEM?
4 A. I WALKED IN.
5 Q. YEAH. HOW DID YOU GET IN, DID YOU HAVE A
6 KEY?
7 A. THE HOUSE WAS OPEN OR THE SECURITY GUARD
8 LET US IN.
9 Q. SO, THERE WAS A SECURITY GUARD THERE?
10 A. YES.
11 Q. AND YOU DON'T REMEMBER IF ERIK AND LYLE OR
12 ERIK OR LYLE WERE THERE WHEN YOU GOT THERE, OR WHETHER
13 THEY CAME WITH YOU; IS THAT WHAT YOU'RE SAYING?

14 A. I DON'T REMEMBER THAT EVENT.

15 Q. WELL, HOW LONG WERE YOU IN THE HOUSE WITH

16 THEM BEFORE THIS CONVERSATION OCCURRED?

17 A. WE WALKED THROUGH THE HOUSE AND LOOKED AT

18 VARIOUS THINGS INSIDE AND OUTSIDE THE HOUSE, AND THEN

19 WENT UPSTAIRS TO THE BEDROOM. IT WAS WHATEVER THE TOUR

20 TIME WOULD TAKE, I GUESS. NOT VERY LONG.

21 Q. WELL, I DON'T KNOW, I WASN'T THERE, MR.

22 ANDERSON. HOW LONG WAS IT?

23 A. I DON'T RECALL EXACTLY.

24 Q. AND WHO WAS THERE, JUST YOU AND THE BOYS

25 AND A SECURITY GUARD; IS THAT WHAT YOU'RE SAYING?

26 A. NOT IN THE BEDROOM. THE SECURITY GUARD WAS

27 NOT IN THE BEDROOM.

28 Q. BUT AT THE HOUSE ALL YOU SAW WAS

-25899

1 YOURSELF -- ERIK AND LYLE AND YOURSELF; IS THAT WHAT

2 YOU'RE SAYING?

3 A. I SAW A SECURITY GUARD OUTSIDE THE HOUSE.

4 Q. AND IT WAS JUST YOU AND ERIK AND LYLE ALONE

5 IN THE HOUSE?

6 A. I DON'T KNOW THAT.

7 Q. DON'T REMEMBER THAT?

8 A. I DON'T KNOW IF WE WERE ALONE IN THE HOUSE.

9 Q. WELL, WHERE WERE YOU JUST BEFORE YOU WENT

10 TO THE HOUSE?

11 A. OTHER THAN OUTSIDE THE HOUSE; IS THAT WHAT
12 YOU MEAN?

13 Q. YEAH. WHAT WAS YOUR PREVIOUS LOCATION?

14 A. I THINK, AS I REMEMBER, WE WERE COMING FROM
15 THE BELAGE HOTEL.

16 Q. AND WHERE WAS THE REST OF THE MEMBERS OF
17 THE FAMILY WHEN YOU WERE LEAVING THE BELAGE HOTEL?

18 A. THEY WERE -- I DON'T REMEMBER. THEY WERE
19 EITHER AT THE HOTEL OR SOMEPLACE ELSE.

20 Q. AND HOW DID YOU MAKE CONTACT WITH ERIK AND
21 LYLE MENENDEZ IN ORDER TO GO TO THE HOUSE AND HAVE THIS
22 TOUR?

23 A. I DON'T REMEMBER IF THEY CAME BY THE HOTEL
24 OR THEY CALLED OR WHAT.

25 Q. DON'T REMEMBER?

26 A. NOT CLEARLY.

27 Q. WHAT ABOUT MRS. MENENDEZ, DID YOU SEE HER
28 AT ANY TIME BEFORE YOU WOUND UP AT THE HOUSE WITH ERIK

-25898

1 AND LYLE MENENDEZ?

2 A. YOU ARE SPEAKING OF MARIA MENENDEZ?

3 Q. YES.

4 A. I BELIEVE SHE WAS AT THE HOTEL, BUT I CAN'T
5 REMEMBER THAT MORNING WHO EXACTLY WAS THERE.

6 Q. HOW MANY NIGHTS DID YOU SPEND AT THAT
7 HOTEL?

8 A. THE BELAGE?

9 Q. YES.

10 A. I STAYED THERE UNTIL I LEFT TO GO BACK TO
11 CHICAGO.

12 Q. YES. AND HOW MANY NIGHTS DID YOU STAY
13 THERE?

14 A. IT WOULD HAVE BEEN TUESDAY NIGHT, WEDNESDAY
15 NIGHT, THURSDAY NIGHT, FRIDAY NIGHT -- AND I WOULD
16 ASSUME FRIDAY NIGHT AS WELL, SO THAT WOULD BE THREE OR
17 FOUR NIGHTS.

18 Q. ALL RIGHT.

19 WELL, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY
20 IS FOUR NIGHTS?

21 A. YEAH. I AM NOT SURE.

22 Q. YOU'RE NOT SURE? YOU DON'T EVEN KNOW WHEN
23 YOU WENT BACK TO CHICAGO, DO YOU?

24 A. AFTER THE -- AFTER THE --

25 Q. MEMORIAL SERVICE?

26 A. MEMORIAL SERVICE.

27 Q. HOW SOON AFTER? THAT DAY, THE NEXT DAY?

28 A. I DON'T KNOW IF IT WAS THAT DAY OR THE NEXT

2 Q. YOU DON'T EVEN REALLY REMEMBER WHAT DAY THE
3 MEMORIAL SERVICE WAS ON, DO YOU?

4 A. I BELIEVE IT WAS ON FRIDAY.

5 Q. WHERE WAS IT?

6 A. THE THEATRE'S GUILD, DIRECTOR'S GUILD.

7 Q. WHAT TIME WAS IT?

8 A. MIDDAY, AS I RECALL.

9 Q. SO, WHAT WERE YOU -- YOU SAID THAT YOU MET
10 ERIK AND LYLE SOMEHOW, SOMEWHERE AND WERE AT THE HOUSE
11 TOGETHER, CORRECT?

12 A. WE WERE AT THE HOUSE TOGETHER.

13 Q. IS THAT RIGHT?

14 A. THAT'S CORRECT.

15 Q. AND IT WAS EARLY IN THE MORNING; IS THAT
16 WHAT YOU'RE SAYING?

17 A. IT WAS IN THE MORNING.

18 Q. AND YOU DON'T KNOW HOW ARRANGEMENTS WERE
19 MADE FOR THEM TO BE THERE THAT DAY; IS THAT RIGHT?

20 A. I DO NOT KNOW HOW THE ARRANGEMENTS WERE
21 MADE, NO.

22 Q. AND IT WAS JUST THE THREE OF YOU ALONE IN
23 THE HOUSE?

24 MR. CONN: OBJECTION, ASKED AND ANSWERED.

25 THE COURT: OVERRULED.

26 THE WITNESS: I HAVE ANSWERED THAT QUESTION. I
27 DON'T KNOW WHO ELSE WAS IN THE HOUSE. I DON'T REMEMBER
28 IF ANYONE ELSE WAS IN THE HOUSE.

1 Q. BY MS. ABRAMSON: DO YOU REMEMBER ANYONE
2 ELSE BEING IN THE HOUSE?

3 MR. CONN: OBJECTION, ASKED AND ANSWERED.

4 THE COURT: OVERRULED.

5 THE WITNESS: AGAIN, I HAVE ANSWERED THAT, AND I
6 DON'T RECALL.

7 Q. BY MS. ABRAMSON: SO, YOU DON'T RECALL
8 WHETHER OR NOT ANYONE ELSE WAS IN THE HOUSE?

9 MR. CONN: OBJECTION, ASKED AND ANSWERED.

10 THE COURT: YOU JUST SAID THAT.

11 Q. BY MS. ABRAMSON: OKAY.

12 AND YOU DON'T -- IN YOUR MEMORY OF THIS
13 TOUR OF THE HOUSE, WHAT ROOMS DID YOU GO INTO?

14 A. ALL OF THE ROOMS.

15 Q. ALL OF THE ROOMS?

16 AND YOU DON'T REMEMBER -- DO YOU REMEMBER
17 SEEING ANY OTHER PEOPLE IN ANY OF THOSE ROOMS?

18 MR. CONN: OBJECTION, ASKED AND ANSWERED.

19 THE COURT: OVERRULED.

20 THE WITNESS: I MAY HAVE.

21 Q. BY MS. ABRAMSON: YOU JUST DON'T KNOW?

22 A. I MAY HAVE.

23 Q. YOU JUST DON'T REMEMBER?

24 A. I MAY HAVE. I DON'T RECALL.

25 MR. CONN: OBJECTION, ASKED AND ANSWERED.

26 THE COURT: ALL RIGHT. HE'S ANSWERED IT.

27 Q. BY MS. ABRAMSON: AND DID YOU LOOK FOR
28 ANYTHING WHEN YOU WERE IN THE HOUSE, ANYTHING SPECIFIC?

-25895

1 A. WE WERE LOOKING FOR ANYTHING THAT COULD
2 INDICATE WHAT CAUSED WHAT HAPPENED.

3 Q. "WE WERE LOOKING FOR ANYTHING."

4 WHO IS WE?

5 A. LYLE AND ERIK AND MYSELF.

6 Q. YOU WERE LOOKING FOR EVIDENCE OF THE CRIME?

7 A. ANYTHING THAT WOULD HELP.

8 Q. WELL, WHAT WERE YOU -- WHAT KIND OF THINGS
9 WERE YOU LOOKING AT?

10 A. WE DID NOT KNOW WHAT WE WERE LOOKING FOR.
11 WE WERE JUST LOOKING.

12 Q. LOOKING WHERE? IN THE CLOSETS, IN THE
13 DRAWERS?

14 A. YES.

15 Q. WHAT WERE YOU HOPING TO FIND IN THE CLOSETS
16 OR THE DRAWERS?

17 A. WE DIDN'T KNOW.

18 Q. WHAT CLOSETS AND DRAWERS DID YOU LOOK AT?

19 A. THE BEDROOM.

20 Q. WHICH BEDROOM? THERE'S FIVE.

21 A. THE -- WE MAY HAVE LOOKED IN ALL OF THE
22 ROOMS. WE LOOKED IN THE MASTER BEDROOM. WE LOOKED IN

23 THE CLOSET, WHICH WAS ONE SIDE WHICH WAS APPARENTLY FOR
24 KITTY, AND THE OTHER SIDE WHICH WAS APPARENTLY FOR JOSE.

25 Q. SO, YOU WERE LOOKING THROUGH MR. AND MRS.
26 MENENDEZ' CLOSETS?

27 A. YES.

28 Q. WHAT DID YOU SEE IN THE CLOSET?

-25894

1 A. OTHER THAN CLOTHES?

2 Q. YEAH. DID YOU SEE ANYTHING ELSE BESIDES
3 CLOTHES?

4 A. I DON'T RECALL.

5 Q. WHAT WERE YOU LOOKING THROUGH, THE CLOTHES?

6 A. THERE WERE DRAWERS IN THERE, AS I RECALL.

7 Q. SO, YOU WERE LOOKING IN THE DRAWERS. AND
8 WHAT WAS IN THE DRAWERS?

9 A. I DON'T RECALL.

10 Q. AND WHAT ELSE DID YOU LOOK THROUGH?

11 A. I THINK I ANSWERED THAT. THE DRESSERS AND
12 DRAWERS IN THE HOUSE, IN THE VARIOUS ROOMS IN THE HOUSE.

13 Q. AND YOU DIDN'T KNOW WHAT YOU WERE LOOKING
14 FOR?

15 MR. CONN: OBJECTION, ASKED AND ANSWERED.

16 THE COURT: SUSTAINED.

17 Q. BY MS. ABRAMSON: DID YOU LOOK THROUGH THE
18 DEN WHERE THEY HAD BEEN KILLED?

19 A. I LOOKED. WE LOOKED IN ALL THE ROOMS.
20 Q. SO, YOU LOOKED THROUGH THE DEN?
21 MR. CONN: OBJECTION, ASKED AND ANSWERED.
22 THE COURT: OVERRULED.
23 THE WITNESS: YES. I WANTED TO SEE THE DEN WHERE
24 THE MURDERS HAD BEEN COMMITTED.
25 Q. WERE THE SOFAS THERE?
26 A. I DON'T RECALL THAT THEY WERE. I DON'T
27 REMEMBER.
28 Q. WAS THE CARPET THERE?

-25893

1 A. I DON'T RECALL. I DON'T THINK SO.
2 Q. WHAT ELSE DID YOU SEE? DID YOU SEE ANY
3 EVIDENCE IN THE DEN THAT THE HOMICIDES HAD OCCURRED
4 THERE?
5 A. NOT REALLY. IT HAD BEEN PRETTY WELL
6 CLEANED UP.
7 Q. SO, YOU DIDN'T SEE ANYTHING THAT INDICATED
8 THAT A SHOOTING HAD OCCURRED IN THERE; IS THAT RIGHT?
9 A. NOTHING THAT WAS OBVIOUS.
10 Q. SO, IN THE MIDDLE OF LOOKING FOR
11 EVIDENCE -- WELL, WHAT ELSE DID YOU LOOK AT BESIDES THE
12 CLOTHES IN THEIR CLOSET AND DRAWERS? WHAT ELSE DID YOU
13 LOOK THROUGH?
14 THE COURT: DO YOU MEAN IN THE MASTER BEDROOM?

15 Q. BY MS. ABRAMSON: YES.
16 A. OTHER THAN THE DRESSERS AND THE CLOSETS?
17 Q. YES.
18 A. I THINK THAT'S ALL THAT WAS THERE.
19 Q. THAT'S ALL THAT WAS THERE WAS DRESSERS AND
20 THE HANGING PART OF THE CLOSET?
21 A. APPARENTLY I AM NOT UNDERSTANDING YOUR
22 QUESTION.
23 Q. LET ME ASK YOU THIS:
24 YOU SAID AT SOME POINT THAT LYLE TOLD YOU
25 THERE WAS A SAFE, RIGHT?
26 A. YES.
27 Q. DID YOU SEE A SAFE IN THE HOUSE?
28 A. I DID NOT.

-25892

1 Q. DID YOU ASK ABOUT A SAFE OR DID HE
2 VOLUNTEER THAT THERE WAS A SAFE?
3 A. THE CONVERSATION CAME UP ABOUT A SAFE, AND
4 I DON'T REMEMBER THE EXACT TIME.
5 Q. YOU DON'T REMEMBER THE TIME?
6 WELL, WAS IT THAT DAY WHEN YOU WERE LOOKING
7 FOR THINGS?
8 A. I DON'T RECALL.
9 Q. SO, YOU DON'T KNOW IF THE CONVERSATION
10 WHERE LYLE MENENDEZ TOLD YOU THAT THE SAFE WAS AT A

11 LAWYER'S HOUSE HAPPENED THAT DAY, YOU CAN'T REMEMBER

12 THAT?

13 A. THAT'S CORRECT.

14 Q. SO, HOW LONG DID YOU STAY AT THE HOUSE WITH

15 LYLE AND ERIK THAT DAY?

16 A. I DON'T RECALL.

17 Q. AND HOW DID THIS CONVERSATION -- WHAT DID

18 YOU DO AFTER THE CONVERSATION?

19 A. TALKED SOME MORE, CONTINUED TO LOOK THROUGH

20 THINGS, AND EVENTUALLY WENT DOWNSTAIRS.

21 Q. UH-HUH. LOOKING FOR WHAT?

22 A. LOOKING FOR A WILL, LOOKING FOR ANY NOTES,

23 ANY INDICATION OF ANYTHING. JUST LOOKING FOR THINGS.

24 Q. NOW YOU'RE LOOKING FOR A WILL. IS THAT

25 WHAT YOU WERE DOING THERE?

26 A. LOOKING FOR WHATEVER -- I DID NOT KNOW WHAT

27 WE WERE LOOKING FOR. WE WERE LOOKING FOR WHATEVER WE

28 COULD FIND.

-25891

1 Q. DID YOU THINK FINDING A WILL WAS GOING TO

2 SOLVE THE CRIME?

3 A. I DON'T THINK SO.

4 Q. WELL, DID YOU HAVE ANY DISCUSSION WITH LYLE

5 AND ERIK WHILE YOU'RE RUMMAGING THROUGH THEIR PARENTS'

6 PERSONAL EFFECTS AS TO WHY YOU'RE DOING IT?

7 A. WE WERE ALL DOING IT.

8 Q. THE OTHER MEMBERS OF THE FAMILY WERE DOING
9 IT, TOO, WEREN'T THEY?

10 A. I THINK EVERYONE WAS LOOKING FOR WHATEVER
11 THEY COULD FIND.

12 Q. AND THEY WERE ALL THERE LOOKING AT THE SAME
13 TIME, WEREN'T THEY?

14 A. I DON'T RECALL THAT.

15 Q. YOU TOLD DETECTIVE ZOELLER LAST NIGHT THAT
16 THIS CONVERSATION OCCURRED WHEN YOU WERE LOOKING FOR A
17 WILL, DIDN'T YOU?

18 A. I MAY HAVE DONE THAT, YES.

19 Q. AND IN FACT WHAT YOU WERE LOOKING FOR WAS A
20 SECOND WILL, WASN'T IT?

21 A. I DON'T THINK SO AT THAT TIME. I DON'T
22 KNOW.

23 Q. YOU'RE NOT SURE, THOUGH, ARE YOU?

24 A. I DON'T THINK SO.

25 Q. EXCUSE ME?

26 A. I DON'T THINK THAT WAS THE SEQUENCE.

27 Q. WELL, MR. ANDERSEN, IF OTHER MEMBERS OF THE
28 FAMILY WERE TO SAY THAT THEY WERE AT THAT HOUSE BEFORE

-25890

1 YOU EVEN GOT HERE FROM CHICAGO, AND THERE WAS NO TIME
2 THAT YOU WERE ALONE IN THAT HOUSE WITH ERIK AND LYLE IN

3 THE MASTER BEDROOM, WHAT -- DOES THAT TELL YOU THAT YOU
4 HAVE A PROBLEM WITH YOUR MEMORY?

5 MR. CONN: OBJECTION, ASSUMES FACTS NOT IN
6 EVIDENCE.

7 THE COURT: IT'S ARGUMENTATIVE.

8 Q. BY MS. ABRAMSON: YOU MADE THIS STORY UP
9 RECENTLY TO GET THEM, DIDN'T YOU, MR. ANDERSEN?

10 A. NO, MA'AM.

11 Q. AND YOU'RE STILL SUING CARLOS BARALT AND
12 THE PROBATE COURT, AREN'T YOU?

13 A. I DON'T THINK I AM SUING CARLOS BARALT.

14 Q. YOU DON'T?

15 THE COURT: OKAY. WE ARE GETTING BEYOND THE
16 SCOPE OF THIS HEARING.

17 Q. BY MS. ABRAMSON: THIS MORNING WHEN YOU
18 TESTIFIED, YOU SAID THAT WHEN YOU WERE IN THE MASTER
19 BEDROOM YOU MENTIONED THE FOLLOWING WORDS "NOW IT LOOKS
20 LIKE YOU'RE GOING TO BE THE HEIRS TO EVERYTHING."

21 DO YOU REMEMBER SAYING THAT THIS MORNING?

22 A. YES, MA'AM.

23 Q. "AND LYLE SAID IF THAT WAS THE CASE, THEN
24 EVERYTHING WOULD FALL ON HIS SHOULDERS."

25 IS THAT CORRECT?

26 A. I DON'T KNOW THAT THE NEGATIVE PRONOUN
27 PRECEDED WHAT HE SAID, BUT HE SAID SOMETHING LIKE THAT.

28 Q. WE CAN CHECK THE REPORTER'S NOTES. I JUST

1 WANT TO KNOW IF YOU TESTIFIED "LYLE SAID IF THAT WAS THE
2 CASE EVERYTHING WOULD FALL ON HIS SHOULDERS".

3 IS THAT WHAT YOU TESTIFIED TO THIS MORNING?

4 A. LYLE SAID THAT EVERYTHING WAS GOING TO FALL
5 ON HIS SHOULDERS.

6 Q. NO, THAT'S NOT WHAT I ASKED YOU. I ASKED
7 YOU WHAT YOU TESTIFIED TO THIS MORNING.

8 DO YOU REMEMBER WHAT YOU SAID THIS MORNING?

9 A. HE SAID THAT HE KNEW THAT HE WOULD BE --
10 THAT THEY WERE THE HEIRS, AND THEY WOULD -- THAT
11 EVERYTHING WOULD FALL ON HIS SHOULDERS, AND HE WOULD
12 LOOK FOR MY HELP.

13 Q. MR. ANDERSEN, YOU UNDERSTAND I'M ASKING YOU
14 IF YOU HAVE A MEMORY GOOD ENOUGH TO REMEMBER WHAT YOU
15 SAID TODAY?

16 MR. CONN: OBJECTION, ARGUMENTATIVE.

17 THE COURT: REPHRASE THE QUESTION.

18 Q. BY MS. ABRAMSON: DO YOU REMEMBER
19 TESTIFYING THIS MORNING "LYLE SAID IF THAT WAS THE CASE
20 EVERYTHING WOULD FALL ON HIS SHOULDERS."

21 DO YOU REMEMBER SAYING THAT TODAY?

22 A. LYLE SAID THAT.

23 Q. NO, THAT'S NOT WHAT I AM ASKING YOU. I AM
24 NOT ASKING YOU WHAT LYLE SAID. I AM ASKING YOU IF YOU
25 REMEMBER WHAT YOU SAID.

26 A. YES.

27 Q. THIS MORNING?

-25888

1 Q. DO YOU REMEMBER SAYING "LYLE SAID IF THAT
2 WAS THE CASE, EVERYTHING WOULD FALL ON HIS SHOULDERS"?

3 A. YEAH, AND I DON'T REMEMBER THE NEGATIVE
4 PRONOUN PRECEDING IT, BUT I SAID THAT.

5 Q. NOW YOU WANT TO CHANGE THAT? ANYTHING ELSE
6 YOU WANT TO TELL US THAT LYLE SAID THAT'S DIFFERENT THAN
7 WHAT YOU SAID THIS MORNING, BECAUSE NOW IS THE CHANCE.

8 A. NO.

9 Q. I WANT YOU TO TELL ME AGAIN WHAT THIS
10 CONVERSATION WAS.

11 FIRST OF ALL YOU HAD BEEN LOOKING THROUGH
12 THE CLOSETS AND THE DRAWERS; IS THAT RIGHT?

13 A. THAT'S CORRECT.

14 Q. AND THEN YOU STOPPED LOOKING THROUGH THE
15 CLOSETS AND THE DRAWERS FOR A MOMENT IN ORDER FOR YOU TO
16 BRING UP THE WILL; IS THAT CORRECT?

17 A. WE WERE HAVING CONVERSATIONS AND
18 REFLECTIONS, AND THAT'S WHEN THE CONVERSATION CAME UP.

19 Q. AND WHAT WERE YOU -- THESE CONVERSATIONS
20 AND REFLECTIONS, WERE YOU ALL STANDING UP, WERE YOU ALL
21 SITTING DOWN, HALF AND HALF, WHAT?

22 A. WE WERE IN THE ROOM, IN THE BEDROOM.

23 Q. YEAH. IN THE ROOM?

24 A. SITTING IN THE BEDROOM AND STANDING IN THE
25 BEDROOM.

26 Q. WELL, WERE YOU SITTING OR STANDING?

27 A. I DON'T RECALL.

28 Q. AND WHO STARTED THIS CONVERSATION?

-25887

1 A. I DID.

2 Q. AND TELL ME AGAIN WHAT YOU SAID?

3 A. "WITH YOUR MOTHER AND FATHER GONE YOU WOULD
4 BE THE HEIRS TO THEIR ESTATE," AND AT THAT TIME LYLE
5 SAID "YES, AND EVERYTHING IS GOING TO FALL ON MY
6 SHOULDERS."

7 Q. LET ME SEE IF I'VE GOT THIS NOW.

8 "WITH YOUR MOTHER AND FATHER GONE YOU WOULD
9 BE THE HEIRS TO THEIR ESTATE," AND LYLE SAID "YES,
10 EVERYTHING IS GOING TO FALL ON MY SHOULDERS."

11 A. YES.

12 Q. AND THEN WHO SAID WHAT NEXT?

13 A. ERIK SAID THAT HE HAD NOT THOUGHT MUCH
14 ABOUT BUSINESS, BUT HE WAS GOING TO HAVE TO START
15 THINKING ABOUT BUSINESS.

16 Q. WELL, WHO INJECTED THIS INTO THIS
17 DISCUSSION? DIDN'T YOU HAVE A LITTLE TALK ABOUT THEY
18 SHOULD LEAN ON YOU AND YOU WOULD HELP THEM OUT BEFORE
19 ERIK SAID THAT?

20 A. CONVERSATIONS WERE EXCHANGED. I DON'T
21 REMEMBER EXACTLY THE SEQUENCE.
22 Q. AM I CORRECT, MR. ANDERSEN, IN
23 CHARACTERIZING THIS CONVERSATION AS ONE IN WHICH YOU
24 WERE OFFERING TO INVOLVE THEM IN BUSINESS DEALINGS WITH
25 YOU?
26 A. NO, MA'AM.
27 Q. YOU WERE OFFERING THE BENEFIT OF YOUR
28 BUSINESS AND FINANCIAL EXPERIENCE TO THEM?

-25886

1 A. THEY ASKED ME IF I WOULD HELP THEM. I
2 PLEDGED MY HELP.
3 Q. I'M SORRY?
4 A. THEY ASKED ME IF I WOULD HELP THEM, AND I
5 PLEDGED MY HELP.
6 Q. WHEN YOU SAID "THEY," THEY DIDN'T SPEAK
7 LIKE STEREO AT THE SAME TIME, DID THEY? IT'S NOT LIKE
8 THEY OPENED THEIR MOUTHS AND THE SAME WORDS CAME OUT?
9 A. THAT'S TRUE. LYLE SAID THAT.
10 Q. LYLE SAID THAT. AND LYLE SAID WHAT
11 EXACTLY?
12 A. LYLE SAID THAT HE WOULD BE LOOKING FOR MY
13 HELP.
14 Q. IF YOU CAN, PRETEND YOU'RE LYLE AND SAY
15 WHAT HE SAID.

16 A. "UNCLE BRIAN, I'LL BE NEEDING YOUR HELP.

17 I'LL BE LOOKING FOR YOUR HELP IN KEEPING THINGS

18 TOGETHER," AND I PLEDGED MY HELP.

19 Q. "I'LL NEED YOUR HELP. I'LL BE LOOKING FOR

20 YOUR HELP TO KEEP THINGS TOGETHER."

21 IS THAT WHAT YOU SAID?

22 A. WORDS TO THAT EFFECT.

23 Q. THIS MORNING YOU TESTIFIED LYLE ASKED IF

24 THEY COULD LEAN ON YOU FOR BUSINESS GUIDANCE AND HELP.

25 DID HE USE THE WORD "BUSINESS GUIDANCE"?

26 A. YES.

27 Q. SO, DID HE SAY "UNCLE BRIAN, CAN WE LEAN ON

28 YOU, CAN WE LOOK TO YOU FOR BUSINESS GUIDANCE AND HELP,"

-25885

1 OR DID HE SAY "I'LL NEED YOUR HELP. I'LL BE LOOKING FOR

2 YOUR HELP TO KEEP THINGS TOGETHER"?

3 A. I BELIEVE HE SAID BOTH THOSE THINGS.

4 Q. MM-HMM.

5 SEEMED A LITTLE LOST, DIDN'T HE?

6 MR. CONN: OBJECTION, ARGUMENTATIVE.

7 THE COURT: SUSTAINED.

8 Q. BY MS. ABRAMSON: HE INDICATED HE DIDN'T

9 KNOW WHAT TO DO, COULDN'T POSSIBLY HANDLE THIS BY

10 HIMSELF?

11 MR. CONN: OBJECTION, CALLS FOR SPECULATION.

12 THE COURT: SUSTAINED.

13 Q. BY MS. ABRAMSON: DID HE SAY THAT "I COULD
14 NEVER HANDLE THIS MYSELF, UNCLE BRIAN, I NEED YOU"?

15 A. I DON'T REMEMBER THOSE WORDS.

16 Q. WORDS TO THAT EFFECT?

17 A. HE ASKED FOR MY HELP, AND I PLEDGED IT.

18 Q. AND ERIK SAID HE HADN'T EVEN THOUGHT MUCH
19 ABOUT BUSINESS; ISN'T THAT WHAT YOU TESTIFIED TO THIS
20 MORNING?

21 A. YES.

22 Q. AND WHEN THIS LITTLE PRIVATE CHAT WAS OVER,
23 WHAT DID YOU DO?

24 A. AS I RECALL, WE CONTINUED LOOKING FOR
25 THINGS.

26 Q. WHICH THINGS, ANY THINGS?

27 A. WHATEVER WE COULD FIND THAT WOULD HELP WITH
28 WHAT TOOK PLACE.

-25884

1 Q. DID YOU FIND JOSE'S VALET, HIS LITTLE
2 WOODEN ORGANIZER?

3 A. I MAY HAVE. I DON'T RECALL.

4 Q. DID YOU FIND THE GUNS IN THE CLOSET?

5 A. I DON'T RECALL.

6 Q. YOU DON'T RECALL EVEN SEEING GUNS IN THE
7 CLOSET, DO YOU?

8 A. I DON'T RECALL.

9 Q. YOU DON'T RECALL SEEING A BOX OF .22

10 CALIBER BULLETS IN JOSE'S VALET EITHER, DO YOU?

11 A. I DON'T RECALL.

12 Q. DO YOU REMEMBER SEEING ABOUT TWO DOZEN

13 CARDBOARD BOXES PACKED UP IN THEIR CLOSETS?

14 A. I MAY HAVE. I DON'T RECALL.

15 Q. NO RECOLLECTION OF THAT?

16 YOU DON'T RECALL LOOKING THROUGH ANY

17 CARDBOARD BOXES, DO YOU?

18 A. I LOOKED THREW A LOT OF THINGS. I DON'T

19 RECALL.

20 Q. YOU DON'T RECALL THE FACT THAT YOU HAD BEEN

21 LOOKING THROUGH ANY FAMILY PAPERS, DO YOU?

22 A. WE WERE LOOKING THROUGH DRAWERS, AND THERE

23 MAY HAVE BEEN SOME BOXES THERE IN THE CLOSETS.

24 Q. NO RECOLLECTION OF THAT, THOUGH?

25 WHAT WERE YOU DOING AT THE BEL-AIR THE DAY

26 THAT YOU WERE THERE WHEN YOU LEARNED THE WILL HAD BEEN

27 FOUND?

28 A. I DON'T UNDERSTAND THE QUESTION.

-25883

1 Q. WHY WERE YOU AT THE BEL-AIR HOTEL? YOU

2 WEREN'T STAYING THERE. WHY WERE YOU THERE?

3 A. I DON'T RECALL.

4 Q. WHAT AIRLINE DID YOU FLY IN ON?

5 A. I DON'T RECALL.

6 Q. DID YOUR CHILDREN COME OUT HERE DURING THAT

7 PERIOD OF TIME BEFORE THE MEMORIAL SERVICE?

8 A. NO.

9 Q. DID YOUR FORMER WIFE COME?

10 A. YES.

11 Q. WHEN DID SHE GET HERE?

12 A. I DON'T RECALL.

13 Q. DID YOUR SISTER AND BROTHER-IN-LAW COME?

14 A. I DON'T RECALL MY BROTHER-IN-LAW. MY

15 SISTER CAME.

16 Q. WHEN DID SHE GET HERE?

17 A. I BELIEVE SHE CAME WITH MY FORMER WIFE.

18 Q. AND YOU DON'T REMEMBER WHEN THAT WAS?

19 A. NO, MA'AM.

20 Q. DID YOUR BROTHER COME?

21 A. NO.

22 Q. DO YOU REMEMBER MARTA CANO COMING?

23 A. YES.

24 Q. WHEN DID YOU FIRST SEE HER?

25 A. I DON'T RECALL.

26 Q. DID YOU ATTEND ANY MEETINGS AT L.I.V.E.?

27 A. YES.

28 Q. WHEN WAS THE MEETING?

1 A. I DON'T RECALL.

2 Q. DID YOU GO TO THE FUNERAL HOME?

3 A. I DON'T REMEMBER THAT I DID.

4 Q. SO, YOU MAY HAVE, BUT YOU DON'T REMEMBER?

5 A. THAT'S CORRECT.

6 Q. WAS THERE A PIANO IN THE HOUSE?

7 A. YES.

8 Q. WAS IT YOURS?

9 A. MY MOTHER'S.

10 Q. DID YOU TAKE ANYTHING FROM THE HOUSE ON
11 THIS OCCASION WHEN YOU WERE HAVING THIS PRIVATE MEETING
12 WITH LYLE AND ERIK MENENDEZ?

13 A. NO.

14 Q. AND I DON'T THINK YOU'VE TOLD ME YET.

15 HOW LONG TOTAL WERE YOU IN THE HOUSE WITH
16 THEM ALONE ON THIS OCCASION?

17 A. I DON'T RECALL.

18 Q. AND WHAT DID YOU DO AFTER THE MEETING?

19 A. I DON'T RECALL. I THINK YOU ASKED THAT
20 QUESTION AND I ANSWERED IT.

21 Q. AND IF I ASK YOU WHAT YOU DID THAT NIGHT,
22 DO YOU NOT RECALL THAT ALSO?

23 A. HAD DINNER.

24 Q. AND YOU DON'T RECALL WHAT YOU DID THE NEXT
25 DAY?

26 A. I CAN'T RECALL THE EXACT SEQUENCE OF
27 EVENTS.

28 Q. WHO DID YOU HAVE DINNER WITH?

1 A. THE MENENDEZ FAMILY.

2 Q. ALL OF THEM?

3 A. I DON'T KNOW IF THEY WERE ALL THERE.

4 Q. WHERE?

5 A. AT DINNER.

6 Q. WHERE DID YOU HAVE DINNER WITH THEM?

7 A. I DON'T RECALL, BUT I THINK IT MAY HAVE
8 BEEN THE BEL-AIR.

9 Q. AND DO YOU REMEMBER SEEING ANY OF THEM AT
10 THE HOUSE AT ANY TIME BETWEEN YOUR MEETING WITH LYLE AND
11 ERIK THAT YOU'VE TOLD US ABOUT AND DINNER?

12 A. I MAY HAVE, BUT I DON'T RECALL.

13 Q. WELL, DO YOU REMEMBER SEEING CARLOS
14 MENENDEZ AT ANY TIME THAT WEEK?

15 A. YES.

16 Q. WHERE?

17 A. AT THE BELAGE.

18 Q. YOU DON'T REMEMBER EVER SEEING HIM AT THE
19 HOUSE, JUST THE BELAGE; IS THAT WHAT YOU'RE SAYING?

20 A. NO.

21 THE COURT: DETECTIVE ZOELLER HAS RETURNED HERE.
22 DID YOU BRING BACK WHAT IT WAS?

23 (BRIEF PAUSE)

24

25 Q. BY MS. ABRAMSON: MR. ANDERSEN, YOU BOUGHT

26 A ONE-WAY TICKET TO COME HERE AFTER YOU LEARNED OF THE
27 DEATHS OF YOUR SISTER AND BROTHER-IN-LAW?
28 A. IT MAY HAVE BEEN AN OPEN RETURN, I AM NOT

-25880

1 SURE.

2 Q. AND YOU TOLD DETECTIVE ZOELLER TO BRING
3 JUST THIS ONE, LOOKS LIKE ITINERARY AND COPY OF THE
4 TICKET?

5 A. THAT'S WHAT YOU ASKED FOR.

6 Q. WELL, YOU INDICATED YOU HAD A NUMBER OF
7 TICKETS.

8 A. I TOLD YOU THOSE ARE BACK IN CHICAGO.

9 Q. IS THIS THE ONLY DOCUMENT YOU BROUGHT HERE
10 THAT YOU SHOWED THE PROSECUTION SINCE YOU'VE BEEN HERE
11 THIS TRIP?

12 A. OTHER THAN PHOTOGRAPHS AND POST CARDS.

13 THE COURT: WHAT DOES IT SAY AS FAR AS HIS
14 ARRIVAL IN LOS ANGELES?

15 MS. ABRAMSON: IT INDICATES, YOUR HONOR, THAT HIS
16 ARRIVAL DATE WAS AUGUST 23RD, WHICH IS THE WEDNESDAY;
17 THAT HIS ARRIVAL -- ONE NEVER KNOWS WHEN IT ACTUALLY
18 HITS, BUT HE WAS SUPPOSED TO GET IN AT 12:13 A.M.

19 IT SHOWS A RETURN BOOKING -- WELL, A RETURN
20 TICKET TO CHICAGO O'HARE, BUT IT DOES NOT HAVE A DATE.
21 IT'S AN OPEN RETURN.

22 WHAT I WAS -- WELL, NEVER MIND. OKAY.
23 WHAT I'D LIKE TO DO IS MAKE A COPY OF THIS,
24 HAVE A COPY OF THIS TO USE WHEN THE WITNESS TESTIFIES.
25 THE COURT: ALL RIGHT.
26 HOW MUCH MORE DO YOU HAVE? HOW MUCH MORE
27 DO YOU HAVE?
28 MS. ABRAMSON: THIS IS IT. THIS IS EL FINAL

-25879

1 QUESTION.
2 THE COURT: OKAY.
3 Q. BY MS. ABRAMSON: IS THERE ANYTHING ELSE,
4 MR. ANDERSEN, THAT YOU REMEMBER BEING SAID TO YOU BY
5 LYLE OR ERIK MENENDEZ DURING THIS PRIVATE MEETING YOU
6 HAD WITH THEM AT THE ELM DRIVE HOUSE? SPEAK NOW.
7 A. I DON'T RECALL. THE CONVERSATION WENT ON.
8 I DON'T RECALL OTHER THINGS.
9 Q. WELL, IS THERE ANYTHING ELSE YOU CAN
10 REMEMBER HAVING TO DO WITH WILLS OR INHERITANCE OR
11 NEEDING YOU OR LEANING ON YOU OR ANYTHING LIKE THAT?
12 A. NOT AT THIS TIME.
13 Q. YOU INDICATED IN SOME OF THE INTERVIEWS YOU
14 GAVE WITH THE PROSECUTION THAT YOU'VE KEPT NOTES OF
15 CONVERSATIONS YOU'VE HAD WITH VARIOUS PEOPLE; IS THAT
16 RIGHT?
17 A. I HAD SOME OF THOSE.

18 Q. AND DID YOU SHOW ANY OF THOSE NOTES TO THE
19 PROSECUTORS?

20 A. NO.

21 Q. DO YOU HAVE ANY NOTES THAT -- DO YOU HAVE
22 ANY NOTES THAT REFLECT THIS CONVERSATION THAT YOU CLAIM
23 OCCURRED AT THE HOUSE?

24 A. NO.

25 Q. DO YOU HAVE ANY NOTES CONCERNING THIS
26 CONVERSATION YOU SAY YOU HAD WITH ERIK MENENDEZ OVER THE
27 TELEPHONE SOMETIME AT THE END OF '89 OR THE BEGINNING OF
28 '90 CONCERNING A PHONE CALL HE RECEIVED?

-25878

1 A. I DON'T REMEMBER IF I DO.

2 Q. WERE YOU MET AT THE AIRPORT WHEN YOU CAME
3 IN, MR. ANDERSEN, OR DID YOU HAVE TO GET YOURSELF TO THE
4 BELAGE?

5 A. IF I REMEMBER, I WAS MET BY A LIMO.

6 Q. YOU WERE MET BY A LIMO?

7 A. YES, MA'AM.

8 Q. SO, YOU DIDN'T HAVE A RENTAL CAR AT YOUR
9 DISPOSAL WHILE YOU WERE HERE; IS THAT RIGHT?

10 A. NOT THAT I RECALL.

11 Q. SO, HOW DID YOU GET TO THE HOUSE FROM THE
12 BELAGE?

13 A. I WAS DRIVEN IN.

14 Q. BY A LIMO?

15 A. I DON'T RECALL.

16 Q. YOU WERE DRIVEN THERE, BUT YOU DON'T
17 REMEMBER IF IT WAS A PRIVATE CAR OR A LIMO?

18 A. I DON'T RECALL.

19 THE COURT: THE NOTES THAT YOU SAID YOU HAVE OF
20 CONVERSATIONS, WHERE ARE THOSE NOTES?

21 THE WITNESS: IN CHICAGO.

22 THE COURT: AND YOU DON'T REMEMBER IF THERE IS
23 ANY NOTES REGARDING YOUR CONVERSATION WITH ERIK MENENDEZ
24 ABOUT THE MAFIA?

25 THE WITNESS: I DO NOT.

26 THE COURT: WHEN IS THE LAST TIME YOU LOOKED AT
27 THE NOTES?

28 THE WITNESS: IT'S BEEN SOME TIME.

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1 THE COURT: WELL, HOW LONG IS THAT?

2 THE WITNESS: A YEAR PERHAPS.

3 THE COURT: AND THE NOTES THAT YOU HAVE, ARE THEY
4 A LOT OF NOTES OR JUST ONE PAGE, OR --

5 THE WITNESS: A COUPLE THINGS.

6 THE COURT: A COUPLE PAGES?

7 THE WITNESS: JUST SCRATCHES ON PIECES OF PAPER.

8 THE COURT: AND YOU DON'T RECALL WHAT THEY ARE OR
9 WHAT THEY REPRESENT AS TO WHICH CONVERSATIONS THEY

10 REFLECT?

11 THE WITNESS: NO.

12 THE COURT: OKAY. ALL RIGHT.

13 ANYTHING ELSE?

14 MS. ABRAMSON: NOT AT THIS TIME, YOUR HONOR.

15 THE COURT: ANY EXAMINATION BY LYLE MENENDEZ?

16 MR. GESSLER: NO, YOUR HONOR.

17 THE COURT: ANY REDIRECT?

18 MR. CONN: NO, YOUR HONOR.

19 THE COURT: OKAY. THANK YOU, SIR. YOU MAY STEP
20 DOWN.

21 (WITNESS EXITS THE COURTROOM AND
22 THE FOLLOWING PROCEEDINGS WERE HELD:)

23

24 THE COURT: ALL RIGHT.

25 NOW THE DEFENSE HAS BEEN GIVEN A CHANCE TO
26 QUESTION MR. ANDERSEN SINCE HE WAS NOT COOPERATIVE IN
27 PERMITTING YOU TO INTERVIEW HIM ON THESE SUBJECTS, AND
28 THE PURPOSE OF THIS WAS TO GET MORE INFORMATION AS TO

-25876

1 WHY YOU FEEL YOU NEED TIME --

2 MS. ABRAMSON: YES.

3 THE COURT: -- TO PREPARE BEFORE HE TAKES THE
4 STAND.

5 MS. ABRAMSON: YES. I THINK IT'S PRETTY OBVIOUS

6 WHY, YOUR HONOR, BUT IF THE COURT WANTS TO KNOW, WE
7 SPENT THE NOON HOUR SEARCHING THROUGH ALL THE
8 NOTEBOOKS -- NOT ALL OF THEM, BUT THE ONES THAT HAVE
9 PREVIOUS INTERVIEWS, AND SOME OF THEM MULTIPLE
10 INTERVIEWS BOTH BY THE POLICE AND BY OURSELVES WITH
11 VARIOUS FAMILY MEMBERS, AND WE MADE A LIST OF FIVE
12 PEOPLE MINIMUM THAT WE NEED TO TALK TO ABOUT THIS
13 CHRONOLOGY, WHICH NEVER HAD THIS SIGNIFICANCE BEFORE,
14 BEFORE WE CAN ADEQUATELY CROSS-EXAMINE MR. ANDERSEN.

15 THE COURT: I THOUGHT YOU DID A PRETTY GOOD JOB
16 ACTUALLY.

17 MS. ABRAMSON: HUH?

18 THE COURT: I THOUGHT YOU DID A PRETTY GOOD JOB.

19 MS. ABRAMSON: THANK YOU, JUDGE. A COMPLIMENT
20 FROM YOU IS CHERISHED.

21 THE COURT: ARE YOU SURE THAT YOU DON'T WANT TO
22 PRESERVE THIS IN SOME FASHION FOR FUTURE USE?

23 MS. ABRAMSON: IT'S NOT GOING ANYWHERE. WE HAVE
24 THESE REPORTERS. THEY TAKE IT DOWN AND CAST IT IN
25 BRONZE, AND I GUARANTEE YOU WHEN HE COMES BACK IT WILL
26 SOUND DIFFERENT.

27 THERE ARE FIVE FAMILY MEMBERS WE WANT TO
28 CONTACT BEFORE WE CROSS-EXAMINE HIM. THESE PEOPLE ARE

2 ONE IS HIS SISTER JOAN, ONE IS HIS EX-WIFE,
3 PAT. ONE IS CARLOS MENENDEZ. WE WOULD LIKE TO
4 INTERVIEW MRS. MENENDEZ ABOUT THIS. WE NEED AN
5 INTERPRETER TO DO THAT; TERRY AND CARLOS BARALT, AND WE
6 HAVE TO GO BACK AND LOOK AT THE RECORDS OF THE COMPANY
7 THAT REMOVED THE FURNITURE AND CLEANED THE HOUSE.

8 IT'S A LOT. AND YOU KNOW -- I MEAN, HE
9 ISN'T GOING TO --

10 THE COURT: THAT'S ONE FACET OF HIS TESTIMONY.

11 MS. ABRAMSON: THAT'S THE CRUCIAL FACET AS FAR AS
12 I AM CONCERNED.

13 THE COURT: WHY DO YOU NEED ADDITIONAL TIME TO
14 PREPARE ON THESE OTHER THINGS?

15 MS. ABRAMSON: WELL, I THINK THE MAFIA REMARK IS
16 RIDICULOUS, YOUR HONOR, WITH ALL DUE RESPECT. I DON'T
17 THINK IT'S SUFFICIENTLY PROBATIVE TO ALLOW IT TO COME
18 IN. IT'S MONTHS AND MONTHS AFTER THE OFFENSE. MY
19 CLIENT --

20 THE COURT: WELL, YOUR CLIENT MOVED IN OCTOBER,
21 NOVEMBER?

22 MS. ABRAMSON: OCTOBER, NOVEMBER.

23 THE COURT: SO, IT'S NOT THAT LONG.

24 MS. ABRAMSON: HE DOESN'T KNOW IF IT'S NOVEMBER,
25 DECEMBER OR EARLY JANUARY. HE DOESN'T KNOW WHEN IT IS,
26 AND THE FACT OF THE MATTER IS MY CLIENT IS NOT SAYING
27 "THE MAFIA KILLED MY PARENTS." MY CLIENT IS ONLY SAYING
28 HE GOT A THREATENING PHONE CALL, AND THAT IS NOT HIS

1 BLAMING THE MAFIA FOR KILLING HIS PARENTS.

2 HE HAD NUMEROUS OPPORTUNITIES TO DO THAT
3 WHEN TALKING TO THE POLICE WHERE IT WOULD MATTER WHEN
4 YOU'RE SHIFTING BLAME, AND HE NEVER DID THAT WITH THE
5 POLICE.

6 THE COURT: WELL, THAT GOES TO THE WEIGHT OF IT,
7 NOT ITS ADMISSIBILITY. I JUST WANT TO FOCUS ON THE
8 PREPARATION ASPECT OF IT MORE THAN ANYTHING ELSE AT THIS
9 POINT.

10 MS. ABRAMSON: I HAVE TO TALK TO MARTA CANO,
11 SINCE HE'S DRAGGED HER IN.

12 BUT IT'S JUST NOT PREPARATION. I JUST
13 DON'T THINK THAT COMMENT DISCOVERED AS IT IS NOW THIS
14 LATE IN THE GAME SHOULD BE SOMETHING I HAVE TO DEAL
15 WITH. IT DOESN'T HAVE MUCH PROBATIVE VALUE. IN FACT, I
16 DON'T THINK IT HAS ANYTHING. IT'S NOT THE SAME KIND OF
17 COMMENT AS ASKING WHO IS RESPONSIBLE FOR YOUR PARENTS'
18 DEATH, AND YOU START TALKING ABOUT THE MOB AND THE PORNO
19 BUSINESS. IT'S NOTHING LIKE THAT.

20 FOR ALL WE KNOW -- WE DO KNOW, IF YOU
21 RECALL THE TESTIMONY OF DETECTIVE ZOELLER, THAT --
22 REMEMBER HE TESTIFIED AT THE 402 HEARING ON THE
23 ADMISSIBILITY OF THE STATEMENTS. I KNOW THIS IS MEAN TO
24 DO THIS TO YOU. BEFORE THE FIRST TRIAL, WE WERE TALKING
25 ABOUT THE SUPPRESSIBILITY OF THE DEFENDANTS' STATEMENTS
26 AND WHETHER THEY WERE OR WEREN'T SUSPECT, AND YOU MAY

27 RECALL DETECTIVE ZOELLER TALKED ABOUT HAVING A --

28 THE COURT: YOU MEAN THE STATEMENTS TO THE

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1 POLICE?

2 MS. ABRAMSON: RIGHT.

3 THE COURT: TO SERGEANT EDMONDS?

4 MS. ABRAMSON: TO SERGEANT EDMONDS.

5 THE COURT: AND A COUPLE OF THE PATROL OFFICERS.

6 MS. ABRAMSON: AND THAT HEARING GOT FAIRLY FAR

7 AFIELD INTO ALSO THE FACT THAT DETECTIVE ZOELLER WENT TO

8 ERIK'S APARTMENT AT THE MARINA CITY CLUB AND TOLD HIM

9 THAT THIS PIECE WAS COMING OUT.

10 THE COURT: YEAH.

11 MS. ABRAMSON: REMEMBER THAT WAS IN OCTOBER THAT

12 HE TALKED -- NOT AT THE MARINA CITY CLUB, BUT HE TOLD

13 HIM IN OCTOBER THAT A PIECE WAS COMING OUT IN THE L.A.

14 TIMES, BLAH-BLAH BLAH.

15 SO, WE KNOW THERE WAS TREMENDOUS PUBLICITY

16 BOTH AT THIS TIME, AND IN THE CONTEXT OF THE PUBLICITY,

17 AND THE COURT HAS THAT MAGAZINE ARTICLE SOMEWHERE IN THE

18 MOUNTAIN OF STUFF WE LODGED WITH YOU TALKING ABOUT

19 ORGANIZED CRIME, POSSIBLE MAFIA HIT.

20 SO, IT'S OUT THERE IN THE PUBLICITY. IT

21 HAS NO VALUE AS TO CONSCIOUSNESS OF GUILT FOR MY CLIENT

22 TO SAY HE GOT A THREATENING PHONE CALL.

23 MOREOVER, IT DOESN'T MATTER IF IT'S HE'S
24 TELLING HIS UNCLE BRIAN THAT HE KILLED HIS PARENTS OR
25 NOT. WHAT MATTERS IS IF HE'S TELLING THE POLICE VARIOUS
26 THINGS, AND WE ALREADY HAVE HIS LIES TO THE POLICE
27 BEFORE THE JURY.

28 I JUST DON'T SEE THAT THINGS WHICH THE

-25872

1 WITNESS HAS COME UP WITH AT THE LAST MINUTE --

2 THE COURT: OKAY, THEN LET'S FOCUS --

3 MS. ABRAMSON: ET CETERA, ET CETERA.

4 THE COURT: THEN LET'S FOCUS THEN ON THE
5 CONVERSATION REGARDING THE SAFE DEPOSIT BOX AND THE
6 SAFE.

7 MS. ABRAMSON: I DON'T HAVE A PROBLEM WITH THAT.
8 I DON'T HAVE A PROBLEM WITH THAT, YOUR HONOR. I AM NOT
9 ASKING FOR EXTRA TIME SO LONG AS IT COMES OUT THE SAME
10 WAY BEFORE THE JURY AS IT DID IN THE HEARING. I DON'T
11 HAVE A PROBLEM WITH IT.

12 THE COURT: WELL, NOTHING IS GOING TO BE
13 IDENTICAL.

14 MS. ABRAMSON: NO. I KNOW.

15 THE COURT: AND ALSO THERE IS A CONFLICT BETWEEN
16 THIS TESTIMONY AND THAT OF MR. BARALT AND MR. WRIGHT AS
17 TO --

18 MS. ABRAMSON: I KNOW. I DO HAVE TO DO THAT. I

19 HAVE TO PREPARE WITH MR. BARALT AND MR. WRIGHT, BUT I

20 DON'T HAVE AS BIG A PROBLEM WITH THAT.

21 THIS CONVERSATION ABOUT THE WILL, THIS LATE

22 LAST MINUTE "OH, I DIDN'T THINK IT WAS IMPORTANT." THIS

23 REQUIRES INVESTIGATION TO PROPERLY CROSS-EXAMINE HIM.

24 THE COURT: OKAY.

25 MS. ABRAMSON: AND THE MAFIA ONE -- YOU KNOW, I

26 WOULD PREFER THE COURT RULE THAT IT'S SIMPLY NOT

27 ADMISSIBLE, BUT IF IT IS GOING TO BE ADMISSIBLE, I HAVE

28 TO DO SOME PHONE CALLING.

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1 THE COURT: YEAH.

2 MS. ABRAMSON: AND MOREOVER, I WANT TO SEE -- HE

3 SAYS HE HAS ALL THESE PLANE TICKETS BACK IN CHICAGO THAT

4 WE BETTER PINPOINT WHEN IT WAS THAT HE CAME OUT HERE ON

5 THE PARTICULAR TRIP THAT CAME IMMEDIATELY AFTER THAT

6 PHONE CALL, AND I WOULD LIKE TO SEE THOSE, BECAUSE HE

7 CAN'T REMEMBER, AND YET HE HAS THIS DOCUMENTARY EVIDENCE

8 IN CHICAGO.

9 THE COURT: OKAY.

10 MR. GESSLER, DO YOU WISH TO BE HEARD?

11 MR. GESSLER: I JOIN IN THAT, YOUR HONOR.

12 THE COURT: OKAY.

13 AND THE PEOPLE WISH TO BE HEARD AS TO

14 WHETHER OR NOT SOME OF THIS TESTIMONY SHOULD BE DELAYED

15 OR NOT PERMITTED AT ALL?

16 MR. CONN: WELL, I THINK THAT THE TESTIMONY
17 SHOULD BE PERMITTED, BECAUSE THE WITNESS PROVIDED THE
18 INFORMATION TO US LAST NIGHT, AND WE PROVIDED IT TO THE
19 DEFENSE AS SOON AS WE HAD THE INFORMATION.

20 THE COURT: LET'S FOCUS ON THE REQUEST OF THE
21 DEFENSE FOR FURTHER INVESTIGATION, TIME TO INVESTIGATE.

22 MR. CONN: WELL, I SUPPOSE IT'S WITHIN THE
23 DISCRETION OF THE COURT TO ALLOW US TO BIFURCATE THE
24 TESTIMONY TO ALLOW THEM SOME ADDITIONAL TIME TO PREPARE
25 FOR CERTAIN ASPECTS OF IT. THE COURT COULD DO THAT.

26 HOWEVER, I WOULD LIKE TO PROCEED WITH AS
27 MUCH OF THAT AS WE CAN TODAY, IF NOT ALL OF IT.

28 THE COURT: ALL RIGHT. LET ME SAY THIS.

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1 MS. ABRAMSON: YES.

2 THE COURT: AS FAR AS THE CONVERSATION AT THE
3 HOUSE WITH THE DEFENDANTS AS DESCRIBED BY THE WITNESS, I
4 THINK FROM THE NATURE OF THE WITNESS' ANSWERS AND HOW HE
5 ATTEMPTS TO PLACE THE CONVERSATION IN A CERTAIN TIME
6 FRAME, THE DEFENSE CLEARLY BEING APPRISED OF THIS FOR
7 THE FIRST TIME TODAY SHOULD BE GIVEN AN OPPORTUNITY TO
8 INVESTIGATE IT, AND BECAUSE OF THE NUMBERS OF PEOPLE
9 INVOLVED, IT CERTAINLY WOULD TAKE A SUBSTANTIAL AMOUNT
10 OF TIME TO DO THAT.

11 SO, I AM GOING TO PERMIT THE DEFENSE TO DO
12 THAT BEFORE HE TESTIFIES. IT MIGHT REQUIRE THAT HIS
13 TESTIMONY BE DELAYED EVEN UNTIL THE PHASE OF THE CASE
14 AFTER THE DEFENSE HAS RESTED, DEPENDING ON WHEN THE
15 PEOPLE REST IN RELATIONSHIP TO WHEN REALISTICALLY THE
16 DEFENSE CAN BE READY TO CONFRONT MR. ANDERSEN ABOUT
17 THIS.

18 AS FAR AS THE CONVERSATION WITH ERIK
19 MENENDEZ ON THE PHONE REGARDING THE MAFIA, IT DOES, FROM
20 WHAT I HAVE HEARD, HAVE RELEVANCE.

21 I WOULD FIND THAT THE PROBATIVE VALUE OF IT
22 WOULD OUTWEIGH ANY POTENTIAL FOR PREJUDICE OR UNDUE
23 CONSUMPTION OF TIME.

24 HOWEVER, THE DEFENSE AGAIN SHOULD BE GIVEN
25 A CHANCE TO INVESTIGATE IT TO TRY TO PIN DOWN WHEN IT
26 OCCURRED; TO INTERVIEW THE OTHER INDIVIDUAL MENTIONED IN
27 MR. ANDERSEN'S STATEMENT.

28 ALSO, MR. ANDERSEN IS UNSURE WHETHER OR NOT

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1 HE HAS NOTES THAT MIGHT REFLECT THIS PARTICULAR
2 CONVERSATION, AND CERTAINLY THAT SHOULD BE -- IF HE HAS
3 ANY NOTES REGARDING ANY OF THESE CONVERSATIONS, THEY
4 SHOULD BE PROVIDED SO THAT EVERYONE KNOWS EXACTLY WHAT
5 IT IS THAT HE HAS MEMORIALIZED ABOUT THAT CONVERSATION.

6 SO, THAT ALSO THE COURT FEELS SHOULD BE

7 DELAYED UNTIL SUCH TIME AS THE DEFENSE CAN INVESTIGATE
8 IT AND BE PREPARED TO CONFRONT MR. ANDERSEN WITH IT.

9 AS FAR AS THE BALANCE OF HIS TESTIMONY, THE
10 DEFENSE WAS ON NOTICE, I BELIEVE, FROM WHAT TRANSPIRED
11 DURING THE PRECEDING WITNESS' TESTIMONY, AS WELL AS THE
12 OPENING STATEMENT AND THE HEARING INVOLVING MR. WRIGHT,
13 THAT MR. ANDERSEN WOULD BE CALLED TO TESTIFY ABOUT
14 EVENTS RELATING TO THE SAFE AND THE SAFE DEPOSIT BOX, OR
15 INTERRELATED IN THE NOTES OF DETECTIVE ZOELLER THAT
16 RELATED TO MR. WRIGHT AS I RECALL IT WHEN IT WAS
17 PRESENTED TO ME.

18 SO, THE DEFENSE WAS ON NOTICE THAT THAT WAS
19 GOING TO OCCUR, AND THEREFORE I WILL PERMIT THAT
20 EXAMINATION TO PROCEED.

21 IF THERE IS A NEED FOR THE DEFENSE TO GET
22 SOME ADDITIONAL MATERIAL TO CROSS-EXAMINE MR. ANDERSEN
23 ON THAT REFERENCE TO THE SAFE AND SAFE DEPOSIT BOX, YOU
24 CAN GET THAT MATERIAL TONIGHT AND BE READY TO DO IT
25 TOMORROW MORNING IF YOU NEED ADDITIONAL MATERIAL, IF YOU
26 HAVEN'T BROUGHT IT HERE.

27 BUT I THINK WE CERTAINLY SHOULD START WITH
28 HIS TESTIMONY AND GET AS MUCH OF IT AS POSSIBLE BEFORE

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1 THE JURY AND BEGIN CROSS-EXAMINATION ON THOSE THINGS
2 THAT YOU CAN, AND IF THERE IS A NEED TO GET MORE

3 MATERIAL BETWEEN NOW AND THE COMPLETION OF HIS TESTIMONY

4 TOMORROW MORNING, YOU CAN DO THAT.

5 SO, THAT'S HOW WE WILL PROCEED WITH MR.

6 ANDERSEN.

7 ALSO, THERE WAS SOME DISCUSSION ABOUT A

8 STIPULATION OR STIPULATIONS REGARDING CERTAIN WITNESSES

9 FROM NEW JERSEY AND AN INSURANCE COMPANY. I DON'T KNOW

10 IF THOSE HAVE BEEN FINALIZED YET. IF THEY HAVE, PERHAPS

11 YOU CAN STATE THEM TO THE JURY AS WELL.

12 MS. NAJERA: YOUR HONOR, THERE ARE FIVE DRAFTS

13 THAT I HAVE GIVEN TO COUNSEL TYPED OUT, AND I BASICALLY

14 AM SURE WHEN THEY HAVE TIME TO LOOK THEM OVER, WHATEVER

15 CHANGES THEY WANT TO MAKE WE CAN MAKE THEM VERY QUICKLY.

16 MR. GESSLER: THERE ARE SOME CHANGES NECESSARY ON

17 EXHIBIT 100 THAT I HAVE NOTICED. I AM NOT SURE ABOUT

18 THE REST.

19 THE COURT: OKAY.

20 MS. ABRAMSON: THE ONE HAVING --

21 THE COURT: IF YOU'RE NOT READY TO DO IT RIGHT

22 NOW --

23 MS. ABRAMSON: NO, NO.

24 THE COURT: I WILL LET YOU DISCUSS IT FURTHER.

25 MS. ABRAMSON: WE WERE GOING TO ASK THE COURT,

26 HOWEVER, TO DO SOMETHING IN FRONT OF THE JURY, AND THAT

27 IS TAKE JUDICIAL NOTICE OF THE FACT THAT YOU CANNOT

28 SUBPOENA SOMEBODY TO AN INTERVIEW AT THE DISTRICT

1 ATTORNEY'S OFFICE.

2 THE COURT: YOU CAN SUBPOENA THEM. IT MAY NOT BE
3 A LEGAL SUBPOENA.

4 MS. ABRAMSON: YOU CAN DO THAT, JUDGE.

5 MS. TOWERY: WE WANT TO ASK THE COURT TO TAKE
6 JUDICIAL NOTICE THAT IN CRIMINAL LAW THERE IS NO
7 PROVISION IN CRIMINAL LAW TO SUBPOENA SOMEONE TO AN
8 ATTORNEY'S OFFICE, AND THAT DOESN'T EXIST.

9 THE COURT: DO THE PEOPLE WISH TO BE HEARD ON
10 THAT?

11 MR. CONN: YES. THE WITNESS TESTIFIED IT
12 OCCURRED, SO WHETHER IT'S PROPER OR NOT IT IS NEITHER
13 HERE NOR THERE. IT APPARENTLY OCCURRED, AND IT'S
14 RELEVANT. THE WITNESS CAME FOR THAT REASON.

15 MS. TOWERY: I THINK WE ARE ENTITLED TO HAVE THE
16 COURT TAKE JUDICIAL NOTICE OF WHAT THE LAW IS. WHETHER
17 OR NOT THE DISTRICT ATTORNEY'S OFFICE SUBPOENAED HER
18 FALSELY IS ANOTHER ISSUE. BUT THERE IS NO LEGAL BASIS
19 FOR SUBPOENAING SOMEONE IN A CRIMINAL PROCEEDING TO
20 SOMEONE'S OFFICE FOR A SWORN STATEMENT. IT'S NOT A
21 DEPOSITION.

22 THE COURT: I DON'T KNOW WHAT THE STATUS OF THE
23 CASE WAS AT THAT POINT, WHETHER IT WAS BEFORE THE GRAND
24 JURY OR HOW IT WAS STRUCTURED AT THE TIME OF THAT
25 INTERVIEW.

26 MS. ABRAMSON: THE CASE WAS BEFORE THE GRAND JURY
27 FOR ABOUT A YEAR.

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1 BEFORE THE GRAND JURY.

2 THE COURT: MAYBE THERE WAS A SUBPOENA ISSUED,
3 AND INSTEAD OF CALLING FOR HER TO GO TO THE GRAND JURY,
4 THEY TOLD HER TO COME TO THEIR OFFICE, OR -- I DON'T
5 KNOW.

6 MS. TOWERY: I DON'T KNOW, YOUR HONOR. I ASKED
7 HER SPECIFICALLY.

8 MR. GESSLER: SHE SAID NORWALK, AND THERE IS NO
9 GRAND JURY IN NORWALK, YOUR HONOR.

10 THE COURT: I AM NOT SAYING THAT SHE WAS
11 SUBPOENAED TO THE GRAND JURY, BUT A SUBPOENA WAS ISSUED
12 FOR HER TO GO TO GRAND JURY, AND SOMEONE TOLD HER
13 INSTEAD OF GOING THERE TO GO SOMEWHERE ELSE. I DON'T
14 KNOW.

15 BUT I AGREE WITH THE PROSECUTION THAT YOU
16 ARE ASKING -- FIRST OF ALL, YOU ARE ASKING ME TO TAKE
17 JUDICIAL NOTICE OF SOMETHING THAT IS A LEGAL ISSUE, AND
18 I CERTAINLY CAN DO THAT, BUT THE QUESTION IS IS IT
19 RELEVANT.

20 MS. NAJERA: RIGHT.

21 THE COURT: DOES IT PROVE ANYTHING.

22 ASSUMING THE D.A. DID ISSUE HER A SUBPOENA
23 AND IT WAS NOT A VALID SUBPOENA, BUT SHE THOUGHT IT WAS

24 VALID, THEN WHAT DOES IT PROVE? THE D.A. WAS BEING
25 DECEPTIVE IN GETTING HER INTO THE OFFICE, BUT THEY GOT
26 HER IN AND SPOKE WITH HER. IT DOESN'T PROVE OR DISPROVE
27 ANYTHING IN THE CASE.

28 MS. TOWERY: WELL, IF THE D.A.'S WANT TO -- IF

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1 THAT'S WHAT OCCURRED AND THEY WANT TO RE-ESTABLISH HER
2 CREDIBILITY ON THE ISSUE, THEN THEY CAN PROVE THAT THEY
3 ISSUED A SUBPOENA; THAT IT WAS A BOGUS SUBPOENA TO GET
4 HER TO COME TO THE OFFICE, BUT THE POINT IS --

5 THE COURT: YOU CAN CALL ONE OF THE PEOPLE WHO
6 WERE INVOLVED IN INTERVIEWS, WHETHER IT'S WITH THE
7 PROSECUTORS OR DETECTIVE ZOELLER OR WHOEVER IT WAS WHO
8 BROUGHT HER IN AND ASK THEM.

9 MS. TOWERY: IF THEY SUBPOENAED HER TO A SWORN
10 STATEMENT?

11 THE COURT: YEAH. YEAH.

12 MS. TOWERY: WE CAN ALSO CALL A LEGAL EXPERT TO
13 SAY THERE IS NO PROVISION UNDER CALIFORNIA LAW FOR THAT
14 TO HAPPEN.

15 THE COURT: AGAIN, THAT WOULD BE SUBJECT TO THIS
16 OBJECTION ON GROUNDS OF RELEVANCE. THE ISSUE IS NOT
17 WHETHER OR NOT THEY DID IT. THAT'S NOT WHAT YOU'RE
18 TRYING TO PROVE. YOU ARE TRYING TO SHOW THAT SHE WASN'T
19 SUBPOENAED, THAT'S WHAT YOU'RE TRYING TO SHOW.

20 MS. TOWERY: NO. I AM TRYING TO SHOW IN PART SHE
21 CHANGES THE TRUTH. MAYBE SHE DID RECEIVE A SUBPOENA,
22 BUT IT'S NOT FOR WHAT SHE SAID, IT COULDN'T HAVE BEEN.
23 BUT SHE'S WILLING TO GET ON THE WITNESS STAND AND SAY IT
24 WAS.

25 THE COURT: BUT THAT WON'T PROVE WHAT YOU'RE
26 TRYING TO PROVE. TO PROVE IT HAPPENED IS BY TRYING TO
27 TALK TO ONE OF THE PEOPLE WHO DID IT, WHETHER IT WAS
28 DETECTIVE ZOELLER OR A D.A. INVESTIGATOR OR SOMEONE

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1 ELSE.

2 MS. TOWERY: MS. BOZANICH, MOST LIKELY. I DOUBT
3 THAT SHE'LL BE WILLING TO COME IN AND TESTIFY.

4 THE COURT: THEY'RE ALL AVAILABLE. I DON'T SEE
5 HOW MY TAKING JUDICIAL NOTICE WILL AFFECT OR HAVE
6 ANYTHING TO DO WITH WHAT YOU'RE TRYING TO PROVE.

7 OKAY. LET'S GET THE JURY OVER HERE AND
8 WE'LL BEGIN THE EXAMINATION OF MR. ANDERSEN THEN.

9 MS. ABRAMSON: OKAY.

10 THE COURT: WE'LL TAKE A BREAK.

11 MS. ABRAMSON: JUDGE, COULD WE HAVE -- COULD WE
12 REQUEST THAT WE DO HIS EXAMINATION TOMORROW, SO THAT WE
13 HAVE THE MATERIALS HERE?

14 THE COURT: NO, BECAUSE WE HAVE THIS OTHER LADY
15 TOMORROW AS WELL. I DON'T WANT TO GET BACKED UP TO THE

16 POINT WHERE EVERYONE HAS TO CATCH A FLIGHT OR SOMETHING,
17 AND WE SHOULD FINISH IF WE CAN.

18 MS. ABRAMSON: WE CAN DO BOTH TOMORROW.

19 THE COURT: MR. GESSLER WAS READY TO
20 CROSS-EXAMINE HIM ON SOME MATTERS, AND IF YOU NEED MORE
21 MATERIAL YOU CAN DO THAT AND GET IT TOMORROW.

22 MR. GESSLER: THE ONLY MATTER WE HAD WAS THE
23 CAMCORDER.

24 THE COURT: RIGHT.

25 MR. GESSLER: AND I WOULD ASK, GIVEN THIS
26 WITNESS' LACK OF RECOLLECTION AND WANDERING, THAT HE BE
27 VERY CAREFULLY TAILORED BY THE DISTRICT ATTORNEY TO THE
28 COURT'S RULING AS TO WHAT THAT STATEMENT IS. THE COURT

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1 MADE A MINUTE ORDER AS TO THE THREE PAGES --

2 THE COURT: YEAH.

3 MR. GESSLER: -- OF THE CAMCORDER, AND --

4 THE COURT: COUNSEL SHOULD HAVE THAT -- THOSE
5 PAGES AVAILABLE SO THAT YOU KNOW EXACTLY WHAT IT IS THAT
6 HE IS GOING TO BE QUESTIONED ABOUT.

7 ALL RIGHT. WE WILL BE IN RECESS UNTIL THE
8 JURY COMES IN.

9 (BREAK HELD)

10

11 THE COURT: ALL RIGHT.

12 WHAT IS IT YOU WISH TO TALK ABOUT?

13 MS. NAJERA: THE STIPULATION, OR --

14 MS. ABRAMSON: DO YOU WANT TO DO THE STIPS FIRST?

15 MS. NAJERA: IT DOESN'T MATTER.

16 YOUR HONOR, ONE THING IS WE HAD ONE

17 STIPULATION OUTSIDE THE PRESENCE OF THE JURY, AND WE

18 ALSO AGREED ON THE OTHER FOUR, SO WE CAN DO THEM

19 WHENEVER THE COURT WOULD LIKE TO DO THEM IN FRONT OF THE

20 JURY.

21 THE COURT: IF YOU ARE READY TO ENTER INTO YOUR

22 STIPULATIONS, YOU CAN DO THAT NOW IN FRONT OF THE JURY,

23 AND START UP OUTSIDE THE PRESENCE OF THE WITNESS.

24 MS. NAJERA: AND THERE IS ONE WE WOULD LIKE TO DO

25 OUTSIDE THE PRESENCE OF THE JURY, AND THAT IS WITH

26 REGARDS TO THE REDACTED EXHIBIT.

27 AND BASICALLY, COUNSEL, WILL YOU STIPULATE

28 THAT EXHIBIT 142 IS A TRUE AND ACCURATE COPY OF EXHIBIT

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1 141, WHICH HAS BEEN REDACTED IN CONFORMANCE WITH THE

2 COURT'S PREVIOUS RULINGS?

3 MS. ABRAMSON: SO STIPULATED.

4 MR. GESSLER: SO STIPULATED.

5 MS. NAJERA: AND THAT WOULD BE THE REDACTED

6 ESCAPE PLANS.

7 MS. ABRAMSON: BEFORE WE DO ANYTHING, IT IS MY

8 UNDERSTANDING THAT WITH RESPECT TO MR. ANDERSEN, THE
9 PARAMETERS WITH RESPECT TO HIS TESTIMONY CONCERNING THE
10 CAMCORDER ARE CONTAINED WITHIN TRANSCRIPT PAGES 22563
11 THROUGH 22568 OF THE PREVIOUS TRIAL; AND FURTHER -- AND
12 THAT'S ADMISSIBLE AS TO BOTH DEFENDANTS.

13 AND THEN WITH RESPECT TO WHAT'S ADMISSIBLE
14 SOLELY AGAINST LYLE MENENDEZ, THAT'S CONTAINED ON 22873
15 TO 22874 OF THE PREVIOUS TRIAL TRANSCRIPT, AND IT'S OUR
16 EXPECTATION THAT WE'RE GOING TO HEAR THE EXACT SAME
17 WORDS, BECAUSE ON 22568, THE PART THAT'S ADMISSIBLE
18 AGAINST BOTH, HE TESTIFIED TO A STATEMENT MADE BY MRS.
19 KITTY MENENDEZ, AND THE STATEMENT THAT SHE WAS MAKING TO
20 ERIK MENENDEZ IS CONTAINED ON LINE 1 OF 22568. THAT
21 STATEMENT WAS "YOU KIDS HAVE GOT TO STOP DOING THESE
22 THINGS."

23 AND THE STATEMENT WAS NOT RELATED TO
24 SPENDING, IT WAS SIMPLY -- BECAUSE ALL THAT'S HAPPENING
25 THEN IS THAT ERIK LEFT THE CAMCORDER ON THE AIRPLANE AND
26 HE IS GOING TO TRY TO GO BACK AND GET IT, AND THERE
27 ISN'T ANY SUGGESTION THAT HE SPENT MONEY ON THE
28 CAMCORDER. IN FACT, THERE IS NEVER ANY SUGGESTION THAT

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1 HE DID ANY PRE-HOMICIDE SPENDING OF ANY KIND, AND NOT OF
2 THE KIND TO MAKE HIS PARENTS ANGRY.

3 SO, I WANT TO MAKE SURE THAT STATEMENT "YOU

4 KIDS HAVE GOT TO STOP DOING THESE THINGS" COMES OUT
5 EXACTLY THAT WAY, AND I WOULD AGREE TO COUNSEL LEADING
6 TO MAKE SURE IT COMES OUT THAT WAY, AND THERE IS NO
7 QUESTIONS ABOUT ANY ADDITIONAL STATEMENTS, BECAUSE WE
8 DON'T HAVE ANY DISCOVERY OF THEM OR ANY MEANING TO BE
9 ASCRIBED TO THAT.

10 MR. GESSLER: I HAVE THE SAME PROBLEM WITH 22874,
11 YOUR HONOR, AND I ALSO WOULD HAVE NO OBJECTION TO
12 COUNSEL READING THE EXACT QUOTATION, WHICH IS IN THE
13 FUTURE TENSE AND HAS NO REFERENCE TO THE PAST TENSE, AND
14 THAT STATEMENT IS "I ASKED JOSE WHAT HAPPENED WITH THE
15 CAMCORDER INCIDENT, AND HE SAID WELL, I'VE GOT TO HAVE A
16 MAJOR CONVERSATION WITH MY SON, LYLE. HE HAS TO GET THE
17 MESSAGE THAT WE'RE NOT GOING TO BE SUPPORTING THEM FOR
18 THE REST OF THEIR LIVES."

19 I THINK MISS ABRAMSON HAS AN OBJECTION TO
20 THE WORD "THEM", AND I WANT TO MAKE SURE THAT THE
21 WITNESS DOESN'T VARY FROM THAT.

22 SO, I WOULD HAVE NO OBJECTION TO HIM BEING
23 LEAD TO THE EXACT WORDS USED SO WE DON'T GET INTO THE
24 SAME PROBLEMS AS AT THE LAST TRIAL.

25 MS. ABRAMSON: AND I WOULD ASK, SINCE BEFORE THIS
26 WAS ONLY ADMITTED IN FRONT OF LYLE'S JURY AND NOT ERIK
27 MENENDEZ' JURY, SINCE WE ONLY HAVE THE ONE JURY, THAT
28 THAT STATEMENT BE REDACTED TO READ "SUPPORTING HIM THE

1 REST OF HIS LIFE."

2 MR. CONN: I WOULD OPPOSE THAT. WE ALREADY
3 LITIGATED THAT, AND THIS WAS A STATEMENT THAT WAS MADE
4 BY JOSE MENENDEZ, AND THE STATEMENT THAT THE WITNESS
5 RECALLS -- HE WAS GOING TO SPEAK TO LYLE MENENDEZ. HE
6 WAS EXPRESSING HIS INTENT AT THAT TIME, AND HIS INTENT
7 AT THAT TIME WAS THAT HE WAS NOT GOING TO BE SUPPORTING
8 THEM FOR THE REST OF THEIR LIVES.

9 MS. ABRAMSON: THERE IS NO INDICATION THAT LYLE
10 MENENDEZ, ASSUMING THIS STATEMENT -- THIS CONVERSATION
11 EVER OCCURRED, WHICH WE DON'T KNOW, THAT LYLE MENENDEZ
12 EVER REPEATED ANY PORTION OF THAT CONVERSATION TO ERIK
13 MENENDEZ, SO IT HAS NO RELEVANCE AS TO ERIK MENENDEZ.

14 THE COURT: WELL, IT'S NOT BEING OFFERED AS TO
15 ERIK MENENDEZ, SO IT'S JUST -- THESE ARE JUST THE WORDS
16 THAT WERE UTTERED BY JOSE MENENDEZ OF HIS STATE OF MIND.

17 MS. ABRAMSON: WELL, I WOULD ASK THEN THAT THE
18 JURY BE ADMONISHED THAT THAT IS NOT BEING OFFERED FOR
19 THE TRUTH, BUT ONLY AS TO REFLECT JOSE'S STATE OF MIND
20 AT THE TIME IT WAS MADE; THAT IT'S NOT A STATEMENT THAT
21 THEY AREN'T IN FACT GOING TO BE SUPPORTING THEM.

22 MR. CONN: I WOULD OPPOSE THAT. IT IS BEING
23 OFFERED FOR THE TRUTH. IT INDICATES HIS INTENT OF MIND
24 AT THE TIME, WHICH WAS IN FACT WHAT HE INTENDED TO DO,
25 AND SO IT DOES COME IN FOR THE TRUTH OF THE MATTER.

26 MS. ABRAMSON: FOR THE TRUTH OF THE MATTER, YOUR
27 HONOR? IT'S PURE HEARSAY WHAT JOSE MENENDEZ IS
28 INTENDING TO DO. THE ONLY RELEVANCE IS WHAT IMPACT IT

1 MIGHT HAVE HAD ON LYLE, ASSUMING IT WAS EVER SAID.

2 THE COURT: IT WAS HIS STATE OF MIND OF WHAT HE
3 WAS GOING TO SAY TO SOMEONE ELSE, AND THAT'S ALL IT'S
4 BEEN RECEIVED FOR, AND NOT FOR ANY OTHER PURPOSE.

5 AS TO WHAT JOSE MENENDEZ WOULD HAVE
6 ULTIMATELY ENDED UP DOING, IT REALLY IS NOT RECEIVED FOR
7 THAT PURPOSE, BUT REALLY AS TO WHAT HE WAS GOING TO SAY
8 AS TO LYLE MENENDEZ.

9 ISN'T THAT WHAT YOU'RE OFFERING?

10 MR. CONN: YES.

11 THE COURT: SO, IT'S RECEIVED FOR THAT PURPOSE AS
12 TO THE STATE OF MIND OF JOSE MENENDEZ TO HAVE THIS
13 CONVERSATION AND WHAT HE WAS GOING TO SAY.

14 MS. ABRAMSON: IS THERE SOME WAY THE COURT CAN
15 EXPLAIN THAT TO THE JURY SO THAT LAYMEN WILL UNDERSTAND
16 IT?

17 THE COURT: WELL, I THINK REALLY QUITE FRANKLY
18 IT'S THE TYPE OF THING THAT'S BEST DEALT WITH IN
19 ARGUMENT RATHER THAN A LIMITING INSTRUCTION. IF YOU
20 WANT ANOTHER INSTRUCTION -- EXACTLY WHAT DID YOU WANT ME
21 TO SAY?

22 MS. ABRAMSON: WELL, IT'S WHAT MR. GESSLER WANTS
23 TO SAY, BECAUSE IT'S HIS CLIENT.

24 MR. GESSLER: WELL, I THINK THAT'S CORRECT, YOUR
25 HONOR, THAT IT SHOULD BE LIMITED TO THE STATE OF MIND OF

26 MR. JOSE MENENDEZ AT THE MOMENT THE CONVERSATION WAS
27 MADE. IT'S NOT OFFERED FOR THE TRUTH OF THE MATTER
28 ASSERTED.

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1 THE COURT: DO YOU WISH TO BE HEARD FURTHER ON
2 THAT?

3 MR. CONN: NO, I DON'T THINK THAT WE SHOULD
4 INJECT THE PHRASE "IT'S NOT BEING OFFERED FOR THE TRUTH
5 OF THE MATTER ASSERTED." THAT I THINK JUST CONFUSES THE
6 ISSUE. I DON'T THINK ANY ADMONISHMENT IS NECESSARY TO
7 THE JURY AT ALL, AND IF AN ADMONISHMENT IS TO BE GIVEN
8 TO THE JURY, IT SHOULD SIMPLY BE "THIS STATEMENT IS
9 BEING RECEIVED FOR THE PURPOSE OF INDICATING OR PROVING
10 WHAT WAS THE INTENT OF JOSE MENENDEZ AT THAT POINT IN
11 TIME."

12 MR. GESSLER: THAT'S EXACTLY WRONG.

13 NOT INTENT, JUST STATE OF MIND.

14 THE COURT: WELL, AS I SAID, I THINK THAT'S BEST
15 LEFT FOR ARGUMENT RATHER THAN FOR INSTRUCTIONS AND
16 LIMITATIONS ON THE NATURE OF THE EVIDENCE. IT'S AN
17 EXCEPTION FOR THE HEARSAY RULE, OR IT'S BEING RECEIVED
18 FOR SOME PURPOSE, AND THE PURPOSE IS SHOWING THE STATE
19 OF MIND.

20 MR. GESSLER: YES, BUT THE JURY DOESN'T KNOW IT'S
21 LIMITED TO THE STATE OF MIND.

22 THE COURT: WHAT IS IT YOU'RE CONCERNED ABOUT?

23 MR. GESSLER: I AM CONCERNED THAT THE JURY BE

24 INSTRUCTED THAT IT'S LIMITED ONLY TO THE STATE OF MIND

25 OF JOSE MENENDEZ AND NOT INFER MORE INTO IT.

26 THE COURT: WHAT IS IT YOU THINK THEY MIGHT

27 INFER?

28 MR. GESSLER: THAT IT PROVES THAT A CONVERSATION

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1 DID OCCUR WHEN IT'S ONLY CIRCUMSTANCIAL EVIDENCE THAT IT

2 MIGHT HAVE OCCURRED.

3 THIS IS A -- THIS IS A STATEMENT MADE SOME

4 WEEKS BEFORE THE DEATHS, AND I THINK THE JURY SHOULD BE

5 GIVEN EXACTLY THE LIMITATION THAT IT'S MEANT FOR, THE

6 LIMITATION THAT IT'S ONLY THERE FOR THE STATE OF MIND AT

7 THE TIME.

8 THE COURT: WELL, IT SHOWS HIS STATE OF MIND FOR

9 VARIOUS REASONS. ONE OF THEM IS WHETHER OR NOT HE HAD

10 CUT THEM OFF OR INTENDED TO CUT THEM OFF IN THE FUTURE

11 AND ALL SORTS OF THINGS.

12 MR. GESSLER: I DON'T THINK IT GOES THAT FAR WHEN

13 HE SAYS "WE ARE NOT GOING TO BE SUPPORTING THEM FOR THE

14 REST OF THEIR LIVES." I DON'T THINK THAT GETS INTO

15 THAT. "TOMORROW I AM GOING TO WRITE THEM OUT OF THE

16 WILL," THAT'S A STRETCH.

17 MS. ABRAMSON: SUPPORTING THEM ASSUMES YOU'RE

18 GOING TO SIGN THE CHECK.

19 THE COURT: IT SEEMS TO ME IT REALLY IS OFFERED
20 TO SHOW THE STATE OF MIND OF THE DECLARANT, SO I WILL
21 INDICATE IT'S BEING RECEIVED FOR THAT PURPOSE WITHOUT
22 GOING INTO THE LANGUAGE OF THE HEARSAY RULE, BECAUSE I
23 THINK IT DOES CONFUSE MATTERS.

24 SO, I WILL TELL THE JURY IT'S BEING
25 RECEIVED TO SHOW THE STATE OF MIND OF MR. MENENDEZ AT
26 THE TIME OF THAT STATEMENT.

27 MR. GESSLER: OKAY.

28 THE COURT: ALL RIGHT.

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1 ARE WE READY TO PROCEED THEN? WE WILL HAVE
2 THE STIPULATIONS STATED, AND THEN WE WILL GO ON WITH MR.
3 ANDERSEN. LET'S GET THE JURY OUT, PLEASE.

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

6

7 THE COURT: HI. HELLO.

8 WE KNEW YOU WERE THERE ALL THE TIME. WE
9 HAVE BEEN DISCUSSING VARIOUS ISSUES, AND IT TOOK US A
10 WHILE TO IRON OUT SOME MATTERS TO DEAL WITH AS FAR AS
11 TESTIMONY OF THE NEXT TWO WITNESSES THAT WILL BE COMING
12 UP, AND ALSO YESTERDAY AND IN THE LAST FEW DAYS THE
13 LAWYERS HAVE BEEN WORKING OUT SOME STIPULATIONS OR

14 AGREEMENTS AS TO SOME WITNESSES WHO OTHERWISE WOULD BE
15 TESTIFYING. INSTEAD OF THAT, THEY HAVE BEEN ABLE TO
16 WORK OUT SOME AGREEMENTS ON CERTAIN ISSUES SO THAT THEY
17 CANNOT -- THEY WON'T HAVE TO CALL THOSE WITNESSES.

18 SO, AT THIS POINT WHAT I'M GOING TO DO IS
19 ASK THE LAWYERS TO STATE THE STIPULATIONS TO YOU. YOU
20 MIGHT WANT TO MAKE NOTES OF THEM SO THAT LATER ON YOU
21 WILL KNOW WHAT THEY WERE.

22 AGAIN, A STIPULATION IS AN AGREEMENT
23 BETWEEN THE PARTIES AS TO CERTAIN FACTS THAT ARE NOT IN
24 DISPUTE, SO THESE WILL BE THE STIPULATIONS THAT WILL BE
25 ANNOUNCED AT THIS POINT.

26 MS. NAJERA: THANK YOU, YOUR HONOR.

27 AND COUNSELS, DO YOU STIPULATE THAT EXHIBIT
28 147 IS AN ACCURATE RECORD, BUSINESS RECORD WHICH

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1 REFLECTS THE TRANSACTION THEREIN;

2 THAT THE RECORDS DEPICT THAT LYLE MENENDEZ
3 ATTEMPTED TO PURCHASE A PATIO HOME AT 24 YEAGER ROAD IN
4 PRINCETON;

5 THAT HE PLACED 26,500 DOWN ON THIS PATIO
6 HOME;

7 THAT THE PURCHASE WAS TO BE A CASH
8 TRANSACTION;

9 THAT IT WAS NEVER COMPLETED; THAT LYLE

10 MENENDEZ NEVER OBTAINED TITLE TO THE PROPERTY.

11 SO STIPULATED, COUNSEL?

12 MR. GESSLER: I DO SO STIPULATE.

13 THE COURT: ALL RIGHT.

14 MS. ABRAMSON: THIS EVIDENCE IS COMING IN ONLY

15 AGAINST LYLE MENENDEZ, YOUR HONOR.

16 THE COURT: YES. THAT'S A STIPULATION RELATING

17 TO EVIDENCE THAT IS ONLY ADMISSIBLE AND RECEIVED AS TO

18 LYLE MENENDEZ.

19 MS. NAJERA: AND YOUR HONOR, IF I MAY CORRECT THE

20 RECORD, I WAS LOOKING AT THE WRONG DOCUMENT. THE

21 ADDRESS WOULD BE 9 HAMSTEAD COURT. MY APOLOGIES,

22 COUNSEL.

23 EVERYONE ACCEPT THE REVISED STIPULATION?

24 MR. GESSLER: I WILL STILL STIPULATE.

25 THE COURT: AND WHICH EXHIBIT NUMBER WERE YOU

26 REFERRING TO?

27 MS. NAJERA: EXHIBIT 147.

28 THE COURT: ALL RIGHT. PERHAPS WE CAN GET THAT

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1 EXHIBIT OUT AND MAKE SURE THAT'S THE RIGHT NUMBER.

2 MS. NAJERA: I HAVE IT, YOUR HONOR. I JUST

3 CHECKED EVERYTHING.

4 THE COURT: AND THAT'S 147?

5 MS. NAJERA: YES.

6 THE COURT: OKAY. YOUR NEXT STIPULATION?

7 MS. NAJERA: THE NEXT STIPULATION, WHICH IS IN

8 REGARD TO EXHIBIT 148, IS COUNSEL, WILL YOU STIPULATE

9 THAT EXHIBIT 148 IS AN ACCURATE BUSINESS RECORD WHICH

10 REFLECTS THE TRANSACTION THEREIN;

11 THAT THE RECORDS DEPICT THAT LYLE MENENDEZ

12 ATTEMPTED TO PURCHASE A CONDOMINIUM AT 112 BISCAYNE, NO.

13 7, IN PRINCETON;

14 THAT HE PLACED 12,900 DOWN ON THIS PATIO

15 HOME;

16 THAT THE PURCHASE WAS TO BE A CASH

17 TRANSACTION;

18 THAT IT WAS NEVER COMPLETED;

19 THAT LYLE MENENDEZ NEVER OBTAINED TITLE TO

20 THE PROPERTY.

21 COUNSEL, DO YOU STIPULATE?

22 MR. GESSLER: I DO SO STIPULATE.

23 MS. NAJERA: THANK YOU.

24 THE COURT: AND AGAIN, THAT STIPULATION RELATES

25 TO EVIDENCE ADMITTED AND RECEIVED ONLY AS TO LYLE

26 MENENDEZ.

27 MS. NAJERA: COUNSELS, DO YOU STIPULATE THAT

28 EXHIBIT 100 IS AN ACCURATE BUSINESS RECORD WHICH

1 REFLECTS A LIFE INSURANCE POLICY THEREIN;

2 THAT THE INDIVIDUAL COVERED BY THIS LIFE
3 INSURANCE POLICY WAS JOSE E. MENENDEZ;
4 THAT THE POLICY WAS ISSUED ON OR ABOUT
5 JANUARY 22ND, 1987, AND THAT THE AGENT WHO SOLD IT WAS
6 MARTA CANO;
7 THAT A DEATH CLAIM WAS FILED ON AUGUST
8 23RD, 1989 BY MARTA CANO;
9 THAT ON SEPTEMBER 8, 1989, A CHECK FOR
10 \$200,936.91 WAS ISSUED TO LYLE MENENDEZ;
11 THAT ON SEPTEMBER 8, 1989 A CHECK FOR
12 \$200,936.91 WAS ISSUED TO ERIK MENENDEZ;
13 THAT ON SEPTEMBER 15TH, 1989, A CHECK FOR
14 \$125,810.71 WAS ISSUED TO LYLE MENENDEZ;
15 THAT ON SEPTEMBER 15TH, 1989, A CHECK FOR
16 \$125,810.71 WAS ISSUED TO ERIK MENENDEZ.
17 MS. ABRAMSON: AND THAT THOSE CHECKS REPRESENTED
18 PROCEEDS OF THAT INSURANCE POLICY.
19 MS. NAJERA: CORRECT.
20 MS. ABRAMSON: SO STIPULATED.
21 MR. GESSLER: SO STIPULATED, YOUR HONOR.
22 MS. NAJERA: THAT'S FINE.
23 THE COURT: ALL RIGHT. THAT STIPULATION IS
24 NOTED, AND THAT IS RELATING TO EXHIBIT 100 AND IS
25 EVIDENCE -- A STIPULATION IS EVIDENCE ADMITTED AS TO
26 BOTH DEFENDANTS.
27 MS. NAJERA: FINAL STIPULATION.
28 COUNSELS, DO YOU STIPULATE THAT ON AUGUST

1 24TH, 1989 AMERICAN EXPRESS ACCOUNT NO. 32 -- EXCUSE ME.

2 3728-082918-12002 BELONGED TO JOSE E. MENENDEZ;

3 THAT ON AUGUST 24TH, 1989, THREE ROLEX

4 WATCHES AND TWO MONEY CLIPS WERE CHARGED ON THAT ACCOUNT

5 AT SLAVICK'S JEWELRY STORE;

6 THAT THE CHARGE WAS PLACED THROUGH MARY

7 MAHAR;

8 THAT THE ACCOUNT PAID THAT CHARGE.

9 MR. GESSLER: SO STIPULATED, YOUR HONOR.

10 MS. ABRAMSON: SO STIPULATED, YOUR HONOR.

11 THE COURT: OKAY. THAT STIPULATION IS NOTED, AND

12 THAT IS EVIDENCE SUBMITTED AS TO BOTH DEFENDANTS.

13 AND YOU MAY CALL YOUR NEXT WITNESS.

14 MR. CONN: PEOPLE CALL BRIAN ANDERSEN.

15 THE COURT: ALL RIGHT. STEP FORWARD, PLEASE.

16

17 BRIAN ANDERSEN,

18 HAVING BEEN PREVIOUSLY CALLED AS A WITNESS BY THE

19 *PEOPLE, WAS SWORN AND TESTIFIED FURTHER AS FOLLOWS:

20

21 THE COURT: OKAY. MR. ANDERSEN, YOU ARE STILL

22 UNDER OATH.

23 WOULD YOU STATE YOUR FULL NAME FOR THE

24 JURY, PLEASE.

25 THE WITNESS: BRIAN ANDERSEN.

26 THE COURT: SPELL YOUR LAST NAME.

27 THE WITNESS: A-N-D-E-R-S-E-N.

28 THE COURT: ALL RIGHT.

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1 YOU MAY EXAMINE THE WITNESS.

2

3 DIRECT EXAMINATION

4 BY MR. CONN:

5 Q. MR. ANDERSEN, WERE YOU RELATED TO KITTY
6 MENENDEZ?

7 A. YES, SIR.

8 Q. WHAT WAS YOUR RELATIONSHIP TO THAT WOMAN?

9 A. KITTY WAS MY SISTER.

10 Q. I WOULD LIKE TO DIRECT YOUR ATTENTION BACK
11 TO EARLY AUGUST OF 1989.

12 DO YOU REMEMBER -- CAN YOU TELL US WHERE
13 YOU LIVED IN EARLY AUGUST OF 1989?

14 A. IN UNINCORPORATED DOWNER'S GROVE, ILLINOIS.

15 Q. AND DID YOUR SISTER, KITTY MENENDEZ, VISIT
16 YOU SOMETIME IN EARLY AUGUST?

17 A. YES, SIR.

18 Q. AND WAS SHE WITH SOMEONE WHEN SHE VISITED
19 YOU?

20 A. SHE INITIALLY CAME ALONE. HER SON ERIK
21 JOINED HER.

22 Q. AND WERE YOU PREPARING TO GO SOMEWHERE

23 DURING THE TIME OF THAT VISIT?

24 A. AFTER THAT VISIT WE WERE GOING TO A TENNIS
25 MATCH IN KALAMAZOO, MICHIGAN.

26 Q. AND HOW WERE YOU PLANNING ON GETTING UP TO
27 KALAMAZOO, MICHIGAN?

28 A. IN MY AIRPLANE.

-25850

1 Q. AND DO YOU REMEMBER WHEN IN AUGUST THIS
2 VISIT TOOK PLACE?

3 A. EARLY AUGUST. FIRST WEEK IN AUGUST.

4 Q. NOW, SOMETIME AFTER THE ARRIVAL OF YOUR
5 SISTER AND YOUR NEPHEW AT YOUR HOME, DID YOU HEAR A
6 CONVERSATION BETWEEN THE TWO OF THEM CONCERNING A
7 CAMCORDER THAT HAD BEEN LEFT ON AN AIRPLANE?

8 A. YES, SIR.

9 Q. AND WHAT WAS IT THAT BROUGHT YOUR ATTENTION
10 TO SUCH A CONVERSATION?

11 A. ERIK, WHEN HE GOT UP THE MORNING AFTER HE
12 ARRIVED, WANTED TO USE THE TELEPHONE PRIVATELY, WHICH I
13 ALLOWED HIM TO DO, AND HE CALLED.

14 AND THEN LATER HE -- AFTER USING THE PHONE,
15 A CALL CAME BACK IN FROM THE AIRLINES, AND WHEN KITTY
16 INTERROGATED ERIK AS TO THE CONVERSATION, IT WAS AT THAT
17 POINT THAT ERIK CONVEYED THAT HE HAD LEFT A CAMCORDER IN
18 THE OVERHEAD BAGGAGE COMPARTMENT OF THE AIRPLANE.

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39687

1 Q AND AS YOU LISTENED TO THAT CONVERSATION
2 CONCERNING THE CAMCORDER, CAN YOU TELL US WHAT THE
3 Demeanor OF YOUR SISTER, KITTY MENENDEZ, WAS DURING
4 THE COURSE OF THAT CONVERSATION.

5 A AFTER LEARNING THAT THE CAMCORDER
6 EXISTED --

7 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT AS
8 SPECULATION ON THE PART OF THE WITNESS.

9 THE COURT: SUSTAINED. THE ANSWER IS
10 STRICKEN.

11 MS. ABRAMSON: CAN THE JURY BE ADMONISHED --

12 THE COURT: YES. WHENEVER AN ANSWER IS

13 STRICKEN, OR ANYTHING IS STRICKEN, THE JURY SHOULD
14 DISREGARD IT IN ITS ENTIRETY.

15 Q BY MR. CONN: IF YOU WOULD, JUST
16 DESCRIBE HER DEemeanOR DURING THE COURSE OF THAT
17 CONVERSATION WITH ERIK MENENDEZ CONCERNING THE
18 CAMCORDER.

19 A SHE WAS VERY UPSET WITH ERIK.

20 Q OKAY. AND AT THAT TIME DO YOU RECALL
21 HER SAYING AND DID YOU PREVIOUSLY TESTIFY THAT --

22 MS. ABRAMSON: I'M GOING TO OBJECT TO THE
23 FORM OF THE QUESTION AS COMPOUND. CALLS FOR
24 HEARSAY.

25 THE COURT: OVERRULED.

26 Q BY MR. CONN: DO YOU RECALL HER SAYING
27 AND DID YOU PREVIOUSLY TESTIFY THAT SHE SAID TO HER
28 SON: YOU KIDS HAVE GOT TO STOP DOING THESE THINGS?

39688

1 A YES, SIR.

2 Q SOMETIME AFTER THAT CONVERSATION DID YOU
3 SEE YOUR SISTER AND YOUR NEPHEW GO SOMEWHERE?

4 A THEY WENT TO THE AIRPORT.

5 Q AND DID YOU SEE THEM WHEN THEY GOT
6 BACK?

7 A YES, SIR.

8 Q DID THEY HAVE ANYTHING WITH THEM WHEN
9 THEY GOT BACK THAT YOU HAD NOT PREVIOUSLY SEEN
10 BEFORE?

11 A THEY HAD A BAG THAT CONTAINED A
12 CAMCORDER.

13 Q AND SOMETIME AFTER THAT INCIDENT DID YOU
14 THEN PROCEED AS YOU HAD PLANNED TO KALAMAZOO,
15 MICHIGAN?

16 A YES, SIR.

17 Q NOW, ONCE YOU GOT TO KALAMAZOO,
18 MICHIGAN, DID YOU SEE JOSE MENENDEZ IN THAT CITY?

19 A YES, SIR.

20 Q AND DID YOU HAVE A DISCUSSION WITH HIM
21 CONCERNING THE CAMCORDER?

22 A YES, SIR.

23 MS. ABRAMSON: YOUR HONOR, AT THIS POINT I'D
24 ASK THE JURY BE ADMONISHED THAT THIS DISCUSSION IS
25 ADMISSIBLE ONLY AGAINST LYLE MENENDEZ.

26 THE COURT: YES. IN REFERENCE TO A
27 CONVERSATION THE WITNESS HAD WITH JOSE MENENDEZ IN
28 KALAMAZOO, THIS PARTICULAR CONVERSATION IS ADMITTED

1 ONLY AS TO LYLE MENENDEZ AND IT IS RECEIVED TO SHOW
2 THE STATE OF MIND OF JOSE MENENDEZ AT THE TIME HE

3 MADE THE STATEMENT.

4 Q BY MR. CONN: NOW, HOW MUCH TIME ELAPSED
5 FROM THE TIME THAT YOU HEARD THAT CONVERSATION
6 BETWEEN YOUR SISTER AND YOUR NEPHEW IN WHICH SHE WAS
7 VERY UPSET TO THE TIME THAT YOU HAD A CONVERSATION
8 WITH JOSE MENENDEZ CONCERNING THE CAMCORDER IN
9 KALAMAZOO?

10 A IT WOULD HAVE BEEN SOMEWHERE BETWEEN TWO
11 AND FOUR DAYS, TWO, THREE, FOUR DAYS.

12 Q AND IN THAT CONVERSATION WITH JOSE
13 MENENDEZ, DID JOSE MENENDEZ SAY TO YOU: I'VE GOT TO
14 HAVE A MAJOR CONVERSATION WITH MY SON, LYLE? HE HAS
15 GOT TO GET THE MESSAGE THAT WE'RE NOT GOING TO BE
16 SUPPORTING THEM FOR THE REST OF THEIR LIVES?

17 A YES, SIR.

18 Q AND HOW LONG WAS THAT BEFORE YOU LEARNED
19 THAT JOSE MENENDEZ HAD BEEN KILLED?

20 MS. ABRAMSON: ASSUMES FACTS NOT IN EVIDENCE,
21 YOUR HONOR.

22 THE COURT: OVERRULED.

23 THE WITNESS: TEN DAYS, TWO WEEKS, SOMETHING
24 LIKE THAT.

25 Q BY MR. CONN: NOW, SOMETIME AFTER YOU
26 LEARNED -- WELL, CAN YOU TELL US, DO YOU RECALL HOW
27 THAT WAS YOU LEARNED THAT YOUR SISTER AND JOSE
28 MENENDEZ HAD BEEN KILLED?

1 A I RECEIVED A PHONE CALL AT MY OFFICE IN
2 MID DAY, ON THE MONDAY AFTER THE MURDERS, FROM MARZI
3 EISENBERG.

4 Q AND AFTER RECEIVING THAT PHONE CALL, DID
5 YOU MAKE TRAVEL ARRANGEMENTS?

6 A YES, SIR.

7 Q WHAT DID YOU ARRANGE TO DO AT THAT
8 TIME?

9 A TRAVEL TO LOS ANGELES.

10 Q AND CAN YOU TELL US, DO YOU RECALL WHEN
11 IT WAS THAT YOU ARRIVED IN LOS ANGELES?

12 A VERY EARLY IN THE MORNING ON WEDNESDAY,
13 THE 23RD, JUST AFTER MIDNIGHT.

14 Q AND DO YOU RECALL WHERE YOU WENT AFTER
15 YOU ARRIVED IN LOS ANGELES?

16 A AS I RECALL, I WAS DRIVEN BY A LIMOUSINE
17 TO THE BELAGE HOTEL.

18 Q WHERE'S THE BELAGE MOTEL LOCATED?

19 A IT'S IN THE -- IN LOS ANGELES NEAR THE --
20 AS I REMEMBER IT, NEAR THE STUDIO CITY AREA,
21 SOMEWHERE THERE.

22 Q AND SOMETIME AFTER YOUR ARRIVAL IN
23 LOS ANGELES, DID YOU GO TO THE HOME OF THE MENENDEZ
24 FAMILY AND SEE THE DEFENDANTS?

25 A YES, SIR.

26 Q NOW, SOMETIME AFTER YOUR ARRIVAL IN

27 LOS ANGELES, DID YOU RECEIVE WORD CONCERNING A SAFE

28 THAT HAD BEEN PLACED SOMEWHERE?

39691

1 A YES, SIR.

2 Q AND DO YOU RECALL WHO YOU RECEIVED WORD
3 FROM?

4 A I BELIEVE IT WAS FROM LYLE.

5 Q AND WHAT DID LYLE MENENDEZ TELL YOU AT
6 THAT TIME YOU LEARNED ABOUT THE SAFE?

7 A THEY HAD TAKEN THE FAMILY SAFE TO A
8 FRIEND'S HOUSE.

9 Q AND AFTER LEARNING OF THAT
10 TRANSPORTATION, WHAT, IF ANYTHING, DID YOU DO?

11 A I SPOKE WITH THE FRIEND ON THE PHONE, IF
12 I REMEMBER RIGHT.

13 Q AND AFTER THAT?

14 A WENT TO THE HOUSE.

15 Q WHO DID YOU GO TO THE HOUSE WITH?

16 A AS I RECALL, WITH CARLOS BARALT.

17 Q AND DID YOU TRAVEL IN THE SAME CAR WITH
18 HIM?

19 A I BELIEVE SO, YES.

20 Q AND DO YOU RECALL WHERE ERIK AND LYLE
21 MENENDEZ WERE AT THE TIME THAT YOU AND CARLOS BARALT

22 TRAVELED TO THIS HOUSE TO -- WHERE THE SAFE WAS?

23 A WE WERE FOLLOWING THEM.

24 Q SO THEY WERE IN A SEPARATE VEHICLE IN
25 FRONT OF YOU?

26 A YES, SIR.

27 Q NOW, CAN YOU TELL US WHAT HAPPENED AFTER
28 YOU ARRIVED AT THE HOME WHERE THE SAFE WAS.

39692

1 A OBSERVED THE SAFE SITTING IN THE MIDDLE
2 OF THE GARAGE FLOOR.

3 Q AND WERE SOME ARRANGEMENTS MADE FOR THE
4 SAFE TO BE OPENED?

5 A YES, SIR.

6 Q CAN YOU TELL US WHAT OCCURRED AS FAR AS
7 THAT IS CONCERNED.

8 A A LOCKSMITH OR LOCK COMPANY, SAFE
9 COMPANY, CAME TO DRILL THE SAFE SO THAT IT COULD BE
10 OPENED.

11 Q AND DO YOU RECALL SEEING SOMEONE ARRIVE
12 FOR THE PURPOSE OF DRILLING INTO THE SAFE?

13 A YES, SIR.

14 Q AND WAS THERE A DISCUSSION WITH THEM
15 AFTER THEIR ARRIVAL?

16 A YES, SIR.

17 Q AND WAS PAYMENT MADE TO THEM AT THAT
18 TIME?

19 A YES, SIR.

20 Q AND WHO MADE THAT PAYMENT?

21 A I DID.

22 Q AND AFTER THE PAYMENT WAS MADE CAN YOU
23 TELL US WHAT YOU OBSERVED HAPPEN NEXT.

24 A THE -- I WAS ASKED THAT COULD THE SAFE
25 ONLY BE OPENED IN THE PRESENCE OF LYLE AND ERIK, AND
26 THAT CARLOS AND I NOT BE AROUND AT THE TIME THE SAFE
27 WAS OPENED.

28 Q NOW, WHO WAS IT THAT REQUESTED THAT YOU

39693

1 AND CARLOS BARALT NOT BE PRESENT AT THE TIME THAT
2 THE SAFE WAS OPENED?

3 A LYLE MENENDEZ.

4 Q AND DO YOU RECALL WHAT HE SAID TO YOU
5 WHEN HE MADE THAT REQUEST TO YOU?

6 A HE SAID THAT HE WAS CONCERNED THERE MAY
7 BE SOME THINGS IN THE SAFE THAT COULD BE
8 EMBARRASSING TO HIS PARENTS, AND THAT HE WANTED TO
9 PROTECT THE GOOD NAME OF HIS PARENTS, AND THAT HE
10 ASKED THAT I RESPECT HIS WISHES.

11 Q AND HOW DID YOU RESPOND TO THAT

12 REQUEST?

13 A I DIDN'T THINK THERE WOULD BE ANYTHING

14 IN THE SAFE THAT COULD POSSIBLY BE A PROBLEM AT THIS

15 STAGE OF THE GAME, AND THOUGHT WE SHOULD ALL BE IN

16 THERE WHEN THE SAFE WAS OPENED.

17 Q AND SO DID YOU OBJECT TO THAT PROCEDURE?

18 A I DID.

19 Q AND WHAT HAPPENED AFTER YOUR OBJECTION?

20 A CARLOS BARALT ASKED ME TO RESPECT THEIR

21 WISHES AND TO PLEASE NOT BE PRESENT WHEN THE SAFE

22 WAS OPENED.

23 Q AND WHEN THE SAFE WAS ACTUALLY DRILLED,

24 DO YOU RECALL WHERE YOU WERE?

25 A EITHER IN THE HALLWAY NEXT TO THE GARAGE

26 OR I WAS OUTSIDE BEHIND THE GARAGE.

27 Q AND WHEN THE WORK WAS COMPLETED BY THE

28 MEN WHO HAD COME TO DO THE WORK, DID YOU SEE THEM

39694

1 EXIT THE GARAGE?

2 MS. ABRAMSON: OBJECTION. LEADING.

3 THE COURT: OVERRULED.

4 THE WITNESS: YES, SIR.

5 Q BY MR. CONN: WHAT HAPPENED AFTER THE

6 WORKMEN COMPLETED THEIR WORK?

7 A THE SAFE WAS OPENED: YOU CAN DECIDE

8 WHO'S GOING TO SEE IT.

9 Q AND THEN WHO, IF ANYONE, WENT INTO THE

10 GARAGE?

11 A LYLE AND ERIK WENT INTO THE GARAGE.

12 Q DID YOU AND CARLOS REMAIN OUTSIDE --

13 MS. ABRAMSON: OBJECTION. LEADING, YOUR

14 HONOR.

15 THE COURT: SUSTAINED.

16 Q BY MR. CONN: WHO REMAINED OUTSIDE --

17 MS. ABRAMSON: OBJECTION. ASSUMES FACTS NOT

18 IN EVIDENCE.

19 THE COURT: OVERRULED.

20 Q BY MR. CONN: WHO REMAINED OUTSIDE WHILE

21 ERIK AND LYLE WENT INTO THE GARAGE?

22 A CARLOS AND I DID.

23 Q AND WHAT HAPPENED NEXT?

24 A THE SAFE WAS OPENED AND, AS I SAID,

25 THERE WAS NOTHING IN THERE.

26 Q WHO SAID THERE WAS NOTHING IN IT?

27 A LYLE.

28 Q AFTER HE MADE THAT STATEMENT TO YOU, DID

1 YOU THEN ENTER THE GARAGE?

2 A YES, SIR.

3 Q DID YOU LOOK FOR YOURSELF?

4 A YES, SIR.

5 Q SOMETIME AFTER THE OPENING OF THAT SAFE
6 WAS THE WILL FOUND?

7 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT AS
8 LEADING AND SUGGESTIVE, YOUR HONOR.

9 THE COURT: SUSTAINED.

10 Q BY MR. CONN: SOMETIME AFTER THE SAFE
11 WAS OPENED, DID YOU RECEIVE ANY INFORMATION
12 CONCERNING THE WILL BEING FOUND?

13 MS. ABRAMSON: OBJECTION.

14 MR. GESSLER: STILL LEADING.

15 THE COURT: AS TO WHEN HE GOT THAT
16 INFORMATION WOULD BE LEADING.

17 Q BY MR. CONN: DO YOU RECALL RECEIVING
18 SOME INFORMATION ABOUT A WILL BEING FOUND?

19 A YES, SIR.

20 Q AND DO YOU RECALL WHEN THAT OCCURRED?

21 A I DON'T REMEMBER IF IT WAS WEDNESDAY OR
22 THURSDAY. I THINK IT WAS WEDNESDAY. I'M NOT SURE.

23 Q OKAY. NOW, YOU SAY THAT YOU ARRIVED ON
24 A WEDNESDAY; IS THAT CORRECT?

25 A THAT'S CORRECT.

26 Q WHAT DAY WAS IT THAT YOU WENT TO THE
27 SAFE?

28 A I BELIEVE IT WAS WEDNESDAY. COULD HAVE

1 BEEN THURSDAY.

2 Q AND DO YOU RECALL WHEN IT WAS IN
3 RELATIONSHIP TO THE TIME THAT YOU WENT TO THE SAFE
4 THAT YOU RECEIVED WORD THAT A WILL HAD BEEN FOUND?

5 A IT SEEMS THAT IT WAS LATER THAT DAY.

6 Q OKAY. SO AT THE TIME THAT YOU WENT TO
7 THE SAFE, WAS THAT PRIOR TO THE TIME YOU HAD
8 RECEIVED WORD THAT A WILL HAD BEEN FOUND?

9 A AS I RECALL IT WAS.

10 Q AND WHAT WAS YOUR PURPOSE FOR GOING TO
11 LOOK AT THE SAFE THAT DAY WITH CARLOS BARALT AND THE
12 DEFENDANTS?

13 A TO SEE WHAT WAS IN THE SAFE AND TO SEE
14 IF THERE WAS A WILL IN THE SAFE.

15 Q NOW, DO YOU RECALL SOMETIME THAT WEEK
16 GOING TO A BANK TO LOOK INSIDE A SAFETY DEPOSIT
17 BOX?

18 A YES, SIR.

19 Q AND CAN YOU TELL US WHEN THAT OCCURRED
20 IN RELATIONSHIP TO THE TIME THAT YOU RECEIVED WORD
21 THAT THE WILL HAD BEEN FOUND?

22 A THE NEXT DAY, AS I RECALL.

23 Q WHAT WAS YOUR PURPOSE FOR GOING TO THE
24 BANK AND LOOKING INSIDE THE SAFETY DEPOSIT BOX?

25 A TO SEE IF THERE WAS ANOTHER WILL.

26 Q DO YOU RECALL WHERE THE BANK WAS
27 LOCATED?

28 A ONLY THAT IT WAS IN THE LOS ANGELES

39697

1 AREA.

2 Q DO YOU RECALL HOW YOU GOT TO THE BANK?

3 A BY CAR.

4 MS. ABRAMSON: I'M SORRY, YOUR HONOR. I
5 COULDN'T HEAR.

6 THE COURT: LET'S HAVE IT READ BACK HERE.

7 (THE LAST QUESTION AND

8 ANSWER WERE READ BACK.)

9

10 Q BY MR. CONN: DO YOU RECALL WHO YOU WENT
11 TO THE BANK WITH?

12 A NO, SIR, I DON'T.

13 Q CAN YOU TELL US WHO ELSE WAS AT THE BANK
14 WHEN YOU ARRIVED THERE?

15 A LYLE AND ERIK, CARLOS AND MYSELF.

16 Q AND BEFORE YOU -- ANYONE WENT TO OPEN A
17 SAFETY DEPOSIT BOX, WAS THERE ANY DISCUSSION
18 CONCERNING WHO WOULD BE PRESENT AT THE TIME THAT THE
19 SAFETY DEPOSIT BOX WAS OPEN?

20 A YES, SIR.

21 Q AND DID YOU HAVE A CONVERSATION WITH
22 LYLE MENENDEZ AT THAT TIME?

23 A YES, SIR.

24 Q AND WHAT, IF ANYTHING, DID LYLE MENENDEZ
25 SAY TO YOU AT THAT TIME?

26 A THAT HE FELT THAT HE AND ERIK SHOULD BE
27 THE ONLY ONES THAT ARE PRESENT WHEN THE SAFETY
28 DEPOSIT BOX WAS OPENED, BECAUSE THERE MAY BE SOME

39698

1 THINGS IN THERE THAT WOULD BE EMBARRASSING TO HIS
2 PARENTS.

3 Q AND HOW DID YOU RESPOND TO THAT
4 REQUEST?

5 A I FELT THAT CARLOS BARALT, THE NAMED
6 EXECUTOR IN THE WILL THAT WAS FOUND, SHOULD GO WITH
7 THEM.

8 Q WAS THERE ANYONE ELSE THERE AT THE BANK
9 WHO VOICED AN OPINION CONCERNING THAT ISSUE?

10 A I'M SORRY. I DON'T UNDERSTAND THE
11 QUESTION.

12 Q WAS -- WERE THE BANK OFFICIALS IN ANY WAY
13 PARTICIPATING IN THIS CONVERSATION?

14 A YES, SIR.

15 Q AND CAN YOU TELL US WHAT WAS SAID IN

16 THAT REGARD.

17 A THE BANK OFFICIALS FELT THAT THE HEIRS,
18 THE SONS OF KITTY AND JOSE, AND THE NAMED EXECUTOR
19 IN THE WILL SHOULD BE THE ONLY ONES THAT GO IN TO
20 THE SAFETY DEPOSIT BOX.

21 Q SO THE BANK -- DID THE BANK OFFICIALS
22 THEN AGREE WITH YOU THAT THE EXECUTOR OF THE ESTATE,
23 CARLOS BARALT, SHOULD BE PRESENT DURING THE OPENING
24 OF THE --

25 MS. ABRAMSON: OBJECTION, YOUR HONOR. CALLS
26 FOR SPECULATION. HEARSAY.

27 THE COURT: SUSTAINED ON THE FORMER GROUND,
28 UNLESS HE WAS THERE AND HEARD HIM SAY IT.

39699

1 Q BY MR. CONN: DID YOU HEAR A
2 CONVERSATION FROM -- OR INVOLVING SOME OF THE
3 OFFICIALS AT THE BANK?

4 A YES, SIR.

5 Q AND WHO ELSE WAS PRESENT DURING THAT
6 CONVERSATION?

7 A LYLE, ERIK, CARLOS AND MYSELF.

8 Q AND WHAT OPINION DID THEY VOICE
9 CONCERNING WHO SHOULD BE PRESENT AT THE TIME THAT
10 THE SAFETY DEPOSIT BOX WAS OPENED?

11 MS. ABRAMSON: YOUR HONOR, I'M GOING TO
12 OBJECT TO THE FORM OF THE QUESTION AS TO WHETHER
13 THEY'RE FORMING AN OPINION OR SIMPLY SAYING WHO'S
14 ALLOWED.

15 THE COURT: OKAY. DON'T ARGUE IT.

16 MS. ABRAMSON: I'M SORRY.

17 THE COURT: CALLS FOR A CONCLUSION ON THE
18 PART OF THE WITNESS.

19 MS. ABRAMSON: THANK YOU, YOUR HONOR.

20 THE COURT: OBJECTION SUSTAINED.

21 Q BY MR. CONN: CAN YOU TELL US WHAT YOU
22 HEARD THEM SAY CONCERNING THE PERSONS THAT WOULD BE
23 PRESENT OR SHOULD BE PRESENT AT THE TIME OF THE
24 OPENING --

25 MS. ABRAMSON: SAME OBJECTION.

26 Q BY MR. CONN: -- OF THE SAFETY DEPOSIT
27 BOX?

28 MS. ABRAMSON: AND I'LL OBJECT TO THE WOULD

39700

1 AND SHOULD.

2 THE COURT: JUST WHAT WAS SAID.

3 Q BY MR. CONN: CAN YOU TELL US WHAT WAS
4 SAID BY THE OFFICIALS AT THE BANK AT THAT TIME?

5 A THE BANK OFFICER SAID THAT THE EXECUTORS

6 AND THE SONS WOULD BE ALLOWED TO GO IN AND LOOK AT
7 THE SAFETY DEPOSIT BOX WHEN THEY OPENED IT.

8 Q AND AT THAT TIME CAN YOU TELL US THE
9 POSITION THAT CARLOS BARALT TOOK?

10 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT AS
11 WELL, YOUR HONOR, AS CALLING FOR A CONCLUSION.

12 THE COURT: YES. IF HE SAID SOMETHING.

13 Q BY MR. CONN: CAN YOU TELL US WHAT
14 CARLOS BARALT SAID AT THAT TIME.

15 A CARLOS BARALT SAID HE WAS GOING TO
16 RESPECT THE WISHES OF THE BOYS AND NOT BE WITH THEM
17 WHEN THEY OPENED THE SAFETY DEPOSIT BOX.

18 Q SO WHEN THE SAFETY DEPOSIT BOX WAS OPEN
19 WAS THAT OUTSIDE YOUR VIEW?

20 A YES, SIR.

21 Q AND DID YOU EVER SEE THE INSIDE OF THAT
22 SAFETY DEPOSIT BOX?

23 A NO, SIR.

24 MR. CONN: THANK YOU. I HAVE NO FURTHER
25 QUESTIONS, YOUR HONOR.

26 THE COURT: OKAY. CROSS-EXAMINATION.

27 MS. ABRAMSON: THANK YOU, YOUR HONOR.

28

1 CROSS-EXAMINATION

2 BY MS. ABRAMSON:

3 Q IS THERE A JUNIOR TENNIS TOURNAMENT, OR
4 AS OF '89, WAS THERE A JUNIOR TENNIS TOURNAMENT IN
5 KALAMAZOO, MICHIGAN EVERY SUMMER?

6 MR. CONN: OBJECTION. BEYOND THE SCOPE.

7 THE COURT: OVERRULED.

8 THE WITNESS: WAS --

9 Q BY MS. ABRAMSON: IS THAT TOO FAST?
10 I'LL DO IT AGAIN.

11 A THANK YOU.

12 Q IN AUGUST OF 1989 YOU TESTIFIED THAT YOU
13 WERE GOING TO GO AND THAT YOU, IN FACT, DID GO TO
14 KALAMAZOO, MICHIGAN, FOR A TENNIS TOURNAMENT.
15 RIGHT?

16 A YES, MA'AM.

17 Q AND YOU LIVED IN DOWNERS GROVE,
18 ILLINOIS, CORRECT?

19 A YES, MA'AM.

20 Q YOU STILL LIVE THERE?

21 A YES, MA'AM.

22 Q YOU KEEP A PRIVATE PLANE AT YOUR HOME.
23 YOU HAVE A HOME THAT HAS LIKE A RUNWAY BEHIND IT?

24 A YES, MA'AM.

25 Q HOW LONG A FLIGHT IS IT FROM YOUR HOME
26 IN ILLINOIS TO KALAMAZOO, MICHIGAN?

27 A APPROXIMATELY AN HOUR.

28 Q NOW, TO YOUR KNOWLEDGE, BASED ON THE

1 TENNIS COMPETITIONS OF YOUR TWO NEPHEWS HERE, WAS
2 THERE AN ANNUAL JUNIOR TENNIS TOURNAMENT IN
3 KALAMAZOO, MICHIGAN EVERY YEAR?

4 A YES, MA'AM.

5 Q DID YOU ATTEND THAT TOURNAMENT MORE THAN
6 ONCE?

7 A YES, MA'AM.

8 Q AND WHEN YOU ATTENDED IT, DID YOU ATTEND
9 SOLELY TO SEE YOUR NEPHEWS, ERIK AND LYLE MENENDEZ,
10 PLAY IN IT?

11 MR. CONN: OBJECTION. BEYOND THE SCOPE OF
12 DIRECT.

13 THE COURT: I'LL PERMIT THIS QUESTION AND
14 ANSWER.

15 YOU CAN ANSWER IT.

16 THE WITNESS: YES.

17 Q BY MS. ABRAMSON: AND ON HOW MANY
18 OCCASIONS DID YOU SEE JOSE MENENDEZ AT THE
19 KALAMAZOO, MICHIGAN TENNIS TOURNAMENT?

20 MR. CONN: OBJECTION. BEYOND THE SCOPE OF
21 DIRECT.

22 THE COURT: SUSTAINED.

23 Q BY MS. ABRAMSON: HAD YOU SEEN JOSE

24 MENENDEZ AT THAT TOURNAMENT BEFORE THE DAY THAT YOU
25 NOW SAY HE MADE A STATEMENT TO YOU?
26 MR. CONN: OBJECTION. IRRELEVANT.
27 THE COURT: ARE YOU TALKING ABOUT THAT SAME
28 WEEK OR DURING THAT TOURNAMENT?

39703

1 MS. ABRAMSON: EVER THAT -- ANY YEAR.
2 MR. CONN: OBJECTION. BEYOND THE SCOPE AND
3 IRRELEVANT.
4 THE COURT: I'LL PERMIT THE INQUIRY, VERY
5 BRIEFLY, ON THAT SUBJECT.
6 MS. ABRAMSON: THANK YOU, YOUR HONOR.
7 Q YOU KNOW WHAT I'M SAYING?
8 A MM-HMM.
9 Q HAD YOU EVER SEEN JOSE BEFORE AT THAT
10 KALAMAZOO TOURNAMENT ON PRIOR YEARS?
11 A YES, MA'AM.
12 Q AND WERE THOSE YEARS WHEN LYLE WAS
13 COMPETING IN THE TOURNAMENT?
14 MR. CONN: OBJECTION. IRRELEVANT AND BEYOND
15 THE SCOPE.
16 THE COURT: SUSTAINED.
17 MS. ABRAMSON: WELL, THAT WOULD BE THE LAST
18 QUESTION IN THAT AREA, YOUR HONOR, JUST TO -- I CAN

19 ASK IT A DIFFERENT WAY.

20 THE COURT: OKAY.

21 Q BY MS. ABRAMSON: DO YOU RECOLLECT

22 WHETHER ERIK MENENDEZ EVER COMPETED IN THAT

23 TOURNAMENT BEFORE AUGUST OF 1989?

24 A I BELIEVE HE DID.

25 Q HOW MANY DAYS BEFORE YOU FLEW YOUR

26 AIRPLANE TO KALAMAZOO FOR THE TOURNAMENT HAD YOUR

27 SISTER COME TO VISIT YOU?

28 A I THINK TWO OR THREE, MAYBE FOUR DAYS.

39704

1 Q AND -- SO SHE STAYED AT YOUR HOME IN

2 DOWNERS GROVE FOR ANYWHERE FROM TWO TO FOUR DAYS

3 BEFORE YOU LEFT FOR THE TOURNAMENT?

4 A YES, MA'AM.

5 Q AND HOW MANY DAYS BEFORE YOU LEFT FOR

6 THE TOURNAMENT HAD ERIK MENENDEZ COME TO YOUR HOME?

7 A ONE OR TWO.

8 Q ONE OR TWO?

9 A ONE OR TWO DAYS.

10 Q AND TO YOUR KNOWLEDGE ERIK CAME IN BY

11 HIMSELF?

12 A YES, MA'AM.

13 Q HE DID NOT COME WITH HIS MOTHER?

14 A NO, MA'AM.

15 Q TO YOUR KNOWLEDGE, WAS HE COMING FROM A

16 DIFFERENT PART OF THE COUNTRY THAN HIS -- THAN YOUR

17 SISTER WAS COMING FROM?

18 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

19 THE COURT: SUSTAINED.

20 Q BY MS. ABRAMSON: DID YOU OR ANYONE FROM

21 YOUR HOUSEHOLD, TO YOUR KNOWLEDGE, MEET ERIK AT THE

22 AIRPORT WHEN HE CAME IN FROM WHEREVER IT WAS HE CAME

23 IN FROM?

24 A YES, MA'AM.

25 Q WHO MET HIM?

26 A AS I RECALL, IT WAS MY SISTER.

27 Q HIS MOTHER?

28 A HIS MOTHER.

39705

1 Q AND --

2 A AND --

3 Q AND SOMEONE ELSE?

4 A GENE MALONEY, MY UNCLE, AND A WOMAN WHO

5 IS NOW MY DAUGHTER-IN-LAW, JULIE.

6 Q I'M SORRY. YOU HAVE TO SPEAK UP.

7 A A WOMAN WHO IS NOW MY DAUGHTER-IN-LAW,

8 JULIE.

9 Q JULIE. JULIE IS MARRIED --
10 A JULIE.
11 Q JULIE'S MARRIED TO ONE OF YOUR SONS?
12 A YES, MA'AM.
13 Q YOUR OLDEST SON OR YOUNGEST SON?
14 A MY YOUNGEST SON.
15 Q AND SO THE THREE OF THEM, MRS. MENENDEZ,
16 GENE MALONEY AND JULIE, WENT TO THE AIRPORT TO PICK
17 UP ERIK?
18 A THAT'S CORRECT.
19 Q DID HE COME IN AT NIGHT OR DURING THE
20 DAYTIME?
21 A I DON'T RECALL. I THINK IT WAS DURING
22 THE DAY. LATE IN THE DAY PERHAPS.
23 Q AND WAS IT THAT DAY OR THE NEXT DAY THAT
24 YOU SAY HE ASKED PERMISSION TO USE A TELEPHONE?
25 A THE NEXT DAY.
26 Q AND YOUR UNDERSTANDING IS HE WAS
27 TELEPHONING TO THE AIRPORT, CORRECT?
28 A YES, MA'AM.

39706

1 Q AND THE AIRPORT WAS AT O'HARE?
2 A YES, MA'AM.
3 Q THIS -- ARE THERE TWO AIRPORTS IN

4 CHICAGO?

5 A THERE'S MANY AIRPORTS IN CHICAGO.

6 Q I MEAN, TWO BIG ONES THAT WOULD ACCEPT
7 PLANES, SAY, FROM LOS ANGELES?

8 A YES, PRIMARILY TWO.

9 Q ALL RIGHT. YOUR UNDERSTANDING, THOUGH,
10 IS HE WAS TELEPHONING TO O'HARE AIRPORT, CORRECT?

11 A YES, MA'AM.

12 Q THAT'S NOT A LONG DISTANCE CALL, IS IT?

13 A IT HAS AN AREA CODE. IT WAS A DIFFERENT
14 AREA CODE.

15 Q OKAY. IS IT AN EXPENSIVE CALL?

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: OVERRULED.

18 THE WITNESS: NO, IT'S NOT EXPENSIVE.

19 Q BY MS. ABRAMSON: NEVERTHELESS, HE ASKED
20 YOUR PERMISSION TO MAKE THAT CALL?

21 A HE ASKED FOR A PHONE TO TALK PRIVATELY
22 ON, YES.

23 THE COURT: YOU HAVE TO SPEAK UP FOR US.

24 THE WITNESS: I'M SORRY.

25 Q BY MS. ABRAMSON: HE WOULDN'T JUST GO
26 INTO ANOTHER ROOM OF YOUR HOUSE TO USE A PHONE
27 WITHOUT ASKING YOUR PERMISSION?

28 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

1 THE COURT: SUSTAINED.

2 Q BY MS. ABRAMSON: WERE YOU SURPRISED
3 THAT HE ASKED YOUR PERMISSION --

4 MR. CONN: OBJECT.

5 Q BY MS. ABRAMSON: -- TO USE A PHONE
6 PRIVATELY?

7 MR. CONN: OBJECTION. IRRELEVANT.

8 THE COURT: SUSTAINED.

9 Q BY MS. ABRAMSON: WHERE DID HE HAVE TO
10 GO TO USE THIS PRIVATE PHONE?

11 A THERE WAS NO ONE IN THE REC ROOM. I
12 SUGGESTED HE USE THE REC ROOM PHONE.

13 Q AND YOU DIDN'T LISTEN IN WHILE HE WAS ON
14 THAT PHONE.

15 A NOT THAT I RECALL.

16 Q SO YOU DIDN'T KNOW AT THAT TIME WHO HE
17 WAS CALLING?

18 A NO, MA'AM.

19 Q DID HE SEEM AGITATED OR NERVOUS OR
20 ANYTHING LIKE THAT WHEN HE ASKED YOUR PERMISSION TO
21 USE THE PHONE?

22 A HE WAS SOMEWHAT EXCITED.

23 Q OKAY. SEEMED CONCERNED?

24 A YES, MA'AM.

25 Q AND THEN AT SOME POINT YOU SAY THERE WAS
26 A CALL BACK THAT YOU'VE IDENTIFIED AS COMING FROM
27 THE BAGGAGE PEOPLE AT AN AIRLINE?

28 A YES, MA'AM.

39708

1 Q AND DO YOU KNOW THAT FIRSTHAND? DID
2 YOU TAKE THE CALL?

3 A I WAS IN THE KITCHEN WHEN THE CALL CAME
4 IN.

5 Q DID YOU HEAR THE VOICE AT THE OTHER END
6 OF THE PHONE IDENTIFYING THEMSELF OR SAYING
7 ANYTHING?

8 A NO, MA'AM.

9 Q SO WHO TOOK THE CALL?

10 A WHO?

11 Q LET ME START IT THIS WAY: WHO ANSWERED
12 THE PHONE?

13 A MY WIFE, PAT, MAY HAVE. KITTY MAY
14 HAVE.

15 Q WELL, HOW DID YOU KNOW IT WAS BAGGAGE
16 PEOPLE FROM AN AIRLINE? WHO TOLD YOU?

17 A AFTER THE CALL WAS COMPLETED.

18 Q WHO TOLD YOU?

19 A EITHER ERIK OR HIS MOTHER.

20 Q SO YOU'RE NOT SURE WHETHER ERIK TOOK --
21 WAS ON THE PHONE OR HIS MOTHER WAS ON THE PHONE?

22 A THAT'S CORRECT.

23 Q BUT ONE OR THE OTHER TOLD YOU THAT THAT
24 WAS A CALL FROM AN AIRLINE, CORRECT?
25 A THAT'S CORRECT.
26 Q AND TOLD YOU THAT THEY HAD LOCATED,
27 FOUND, A CAMCORDER THAT ERIK HAD NEGLIGENTLY LEFT IN
28 AN OVERHEAD COMPARTMENT, CORRECT?

39709

1 A THE CALL CAME BACK THAT ERIK HAD LEFT --
2 THEY HAD FOUND -- THEY HAD THE CAMCORDER.
3 Q THEY HAD FOUND IT, THEY HAD IT?
4 A THEY HAD THE CAMCORDER.
5 Q AND THEN ERIK EXPLAINED WHAT HE HAD BEEN
6 SO EXCITED ABOUT, THAT HE HAD NEGLIGENTLY LEFT THIS
7 ON THE AIRPLANE AND WAS AFRAID THAT HE HAD LOST IT,
8 RIGHT?
9 A HE DIDN'T SAY HE WAS AFRAID HE LOST IT.
10 HE WAS -- SAID HE WAS HAPPY THEY FOUND IT.
11 Q RIGHT.
12 IT WAS EXPENSIVE, RIGHT? HE DIDN'T WANT
13 TO LOSE IT? WASN'T THAT WHAT HE WAS CONVEYING? HE
14 WAS RELIEVED THAT THEY HAD FOUND THIS EXPENSIVE
15 CAMERA?
16 A YES.
17 Q AND HE ASKED PERMISSION TO TAKE A CAR

18 AND GO RIGHT UP TO THE AIRPORT AND GET IT, DIDN'T

19 HE?

20 A HE ASKED HIS MOTHER THAT.

21 Q OKAY. AND YOU HEARD HIM ASK HER THAT?

22 A YES, MA'AM.

23 Q MOM, CAN I HAVE THE KEYS TO THE CAR SO I

24 CAN GO GET THE CAMERA?

25 A YES, MA'AM.

26 Q AND SHE GOT ANGRY WITH HIM, RIGHT?

27 A AFTER THE DISCUSSION ABOUT WHAT HE WAS

28 GOING AFTER.

39710

1 Q SHE GOT ANGRY WITH HIM WHEN HE SAID,

2 MOM, I LEFT A CAMERA ON AN AIRPLANE AND I'M REAL

3 RELIEVED IT'S THERE AND I WANT TO GO GET IT, RIGHT?

4 A SHE DID NOT KNOW THE CAMERA EXISTED.

5 Q THAT'S WHAT YOU'RE SAYING NOW, BUT THE

6 FACT IS SHE WAS ANGRY AT HIM, RIGHT?

7 A YES, MA'AM.

8 Q NOW, ONCE SHE LEARNED THE CAMERA EXISTED

9 SHE USED IT REPEATEDLY AT THIS TENNIS TOURNAMENT IN

10 KALAMAZOO, CORRECT?

11 A I ONLY SAW HER USING IT ONCE.

12 Q DIDN'T YOU TELL THE PROSECUTORS IN THIS

13 CASE THAT SHE MADE AT LEAST 12 DIFFERENT VIDEOS

14 USING THAT CAMERA AT KALAMAZOO?

15 A YOU ASKED ME IF I SAW IT.

16 Q DID YOU SEE HER USING IT?

17 A YES, MA'AM.

18 Q DID YOU LATER SEE A DOZEN DIFFERENT

19 VIDEOS THAT SHE MADE USING THAT CAMERA AT

20 KALAMAZOO?

21 A AFTER THE MURDERS.

22 Q AT SOME POINT?

23 A YES.

24 Q YOU DIDN'T HEAR HER TELL ERIK, THIS HAS

25 TO BE RETURNED, DID YOU?

26 A NO, MA'AM.

27 MS. ABRAMSON: YOUR HONOR, CAN I CONFER WITH

28 CO-COUNSEL FOR A MOMENT?

39711

1 THE COURT: YES.

2 (ATTORNEYS ABRAMSON AND GESSLER

3 CONFER SOTTO VOCE.)

4

5 Q BY MS. ABRAMSON: NOW, DID YOU HEAR A

6 DISCUSSION IN WHICH ERIK MENENDEZ WAS EXPLAINING TO

7 HIS MOTHER THAT LYLE AND MARK HEFFERNAN HAD

8 PURCHASED THAT CAMCORDER EARLIER THE SUMMER FOR

9 TENNIS?

10 A NO, MA'AM.

11 Q YOU DIDN'T HEAR THAT?

12 A NO, MA'AM.

13 Q AND DID YOU EVER SEE ANY BILL FOR THAT

14 CAMCORDER OR ANY FIGURES THAT INDICATED HOW MUCH IT

15 COST?

16 A NO, MA'AM.

17 Q EXCUSE ME?

18 A NO, MA'AM.

19 Q DO YOU KNOW HOW MUCH CAMCORDERS COST?

20 A I WAS TOLD BY ERIK THAT IT WAS A

21 NINE-HUNDRED DOLLAR CAMCORDER.

22 Q NINE HUNDRED DOLLARS. AND HE SEEMED

23 IMPRESSED THAT THAT WAS EXPENSIVE, CORRECT? I'M

24 REAL GLAD I GOT THAT CAMERA BACK, IT COST \$900.

25 A HE DIDN'T SAY THAT.

26 Q WHEN DID HE TELL YOU IT WAS \$900?

27 A HE SAID THAT LYLE HAD PURCHASED THE

28 CAMCORDER ON HIS PARENTS' VISA CARD AND HE COULD NOT

39712

1 BELIEVE THAT LYLE DID THAT AND IT COST \$900.

2 Q SO HE ACTED AS IF THAT WAS A LOT OF

3 MONEY TO HIM, CORRECT?

4 A THAT HE WAS EXCITED ABOUT THE FACT THAT
5 LYLE HAD PURCHASED IT OR THE PRICE OF IT.

6 Q WELL, I'M ASKING YOU IF THE WAY HE SAID
7 IT, THAT SOUNDED LIKE A LOT OF MONEY -- HE WAS
8 INDICATING THAT THAT WAS EXPENSIVE TO HIM.

9 A I SUPPOSE THAT HE WAS.

10 Q DID YOU EVEN KNOW THAT THERE WAS A MARK
11 HEFFERNAN THAT SUMMER?

12 A KITTY AND I HAD TALKED ABOUT TENNIS
13 COACHES.

14 Q DID YOU KNOW THAT THEY HAD A TENNIS
15 COACH NAMED MARK HEFFERNAN?

16 A KITTY DISCUSSED WITH ME --

17 Q I'M JUST ASKING YOU YES OR NO.

18 A YES.

19 Q RATHER THAN TELLING ME WHAT OTHER PEOPLE
20 SAID.

21 A YES.

22 Q YOU DID KNOW?

23 AND YOU KNOW THAT HE WAS SOMEONE WHO WAS
24 WORKING WITH BOTH ERIK AND LYLE MENENDEZ.

25 A YES.

26 Q DID YOU OWN A CAMCORDER?

27 A NO, MA'AM.

28 Q DID YOU SEE YOUR SISTER USING A CAMERA

1 AT THE KALAMAZOO TENNIS TOURNAMENT IN ADDITION TO
2 THE CAMCORDER?

3 A SHE MAY HAVE. I DON'T RECALL.

4 Q DID YOU KNOW WHETHER OR NOT YOUR SISTER
5 AND HER HUSBAND OWNED CAMERAS?

6 MR. CONN: OBJECTION. IRRELEVANT.

7 THE COURT: SUSTAINED.

8 Q BY MS. ABRAMSON: HAD YOU EVER SEEN THEM
9 USING CAMERAS TO SHOOT THEIR SONS PLAYING TENNIS AT
10 ANY TOURNAMENT THAT YOU ATTENDED?

11 MR. CONN: OBJECTION. IRRELEVANT.

12 THE COURT: SUSTAINED.

13 Q BY MS. ABRAMSON: NOW, I THINK YOU'VE
14 INDICATED YOU DID HEAR ERIK ASK FOR THE KEYS TO THE
15 CAR SO HE COULD GO PICK UP THE CAMERA, BUT WHAT YOU
16 SAW WAS THAT HE AND HIS MOTHER WENT; IS THAT
17 CORRECT?

18 A YES, MA'AM.

19 Q AND YOU SAW THEM RETURN AND THERE WAS A
20 BAG AND YOU SAW IN THE BAG WAS THE CAMCORDER,
21 CORRECT?

22 A I SAW -- I SAW THE BAG.

23 Q YOU DIDN'T SEE THE CAMCORDER INSIDE THE
24 BAG?

25 A THE BAG WAS CLOSED.

26 Q ALL RIGHT. WHEN WAS THE FIRST TIME YOU

27 ACTUALLY SAW THE CAMCORDER?

28 A I DON'T RECALL.

39714

1 Q DID I MISUNDERSTAND YOU? DID YOU SAY

2 THAT THE INTENTION WAS THAT YOU WERE GOING TO GO TO

3 THE TENNIS MATCH IN KALAMAZOO WITH ERIK MENENDEZ AND

4 HIS MOTHER IN YOUR AIRPLANE?

5 A THE INTENTION AND WE DID.

6 Q DID YOU GO IN YOUR AIRPLANE?

7 A YES.

8 Q ALL OF YOU?

9 A YES.

10 Q ISN'T IT TRUE THAT KITTY MENENDEZ AND

11 ERIK MENENDEZ DROVE THERE AND, IN FACT, MET YOU AT

12 THE AIRPORT, PICKED YOU UP AT THE AIRPORT?

13 A THAT'S POSSIBLE. I USUALLY FLEW THEM UP

14 THERE.

15 Q WELL, YOU'RE SAYING IT'S POSSIBLE, BUT

16 I'M ASKING YOU, ON THIS PARTICULAR OCCASION, DO YOU

17 REMEMBER HOW IT WAS THAT THEY WENT TO KALAMAZOO

18 VERSUS HOW IT WAS THAT YOU WENT TO KALAMAZOO?

19 A I CAN'T REMEMBER WHETHER THAT PARTICULAR

20 YEAR I FLEW THEM OR DROVE THEM. NORMALLY I WOULD

21 FLY THEM UP THERE.

22 Q DO YOU RECALL TESTIFYING AT THE PREVIOUS
23 TRIAL THAT THEY DROVE AND YOU FLEW?

24 A THAT MAY HAVE BEEN THE CASE.

25 Q WOULD IT REFRESH YOUR RECOLLECTION IF I
26 SHOWED YOU YOUR TESTIMONY FROM THAT TRIAL? DO YOU
27 KNOW WHAT YOU TESTIFIED TO LAST TIME?

28 A I COULD HAVE -- I CANNOT RECALL.

39715

1 SOMETIMES I FLEW THEM. SOMETIMES THEY DROVE
2 THEMSELVES.

3 Q THIS IS COMPLICATED. WE HAVE TO DO THIS
4 IN STAGES.

5 DO YOU REMEMBER WHAT YOU TESTIFIED TO
6 LAST TIME?

7 A NOT PRECISELY.

8 Q OKAY. LET'S START WITH THAT.

9 DO YOU THINK IT WOULD REFRESH YOUR
10 MEMORY AS TO WHAT YOU TESTIFIED TO LAST TIME IF I
11 SHOW YOU THE TRANSCRIPT OF WHAT YOU TESTIFIED TO
12 LAST TIME?

13 A YES, MA'AM.

14 MS. ABRAMSON: OKAY. I INTEND TO SHOW THE
15 WITNESS PAGES 22568 THROUGH 22569, STARTING AT LINE

16 25 AND ENDING AT LINE 5 ON THE NEXT PAGE.

17 Q NOW, MR. ANDERSEN, I'LL GIVE YOU THIS

18 AND ASK YOU TO READ IT TO YOURSELF, STARTING AT LINE

19 25, AND THEN ON TO THE NEXT PAGE TO LINE 5.

20 A (WITNESS COMPLIES.) YES, MA'AM.

21 Q DOES THAT REFRESH YOUR MEMORY, AT LEAST

22 AS TO WHAT YOU TESTIFIED TO AT THE PREVIOUS TRIAL?

23 A APPARENTLY THEY DROVE ON THAT PARTICULAR

24 OCCASION.

25 Q WELL, YOU TESTIFIED THAT THEY DROVE; IS

26 THAT RIGHT?

27 A YES, MA'AM.

28 Q DO YOU ACTUALLY REMEMBER THAT THEY

39716

1 DROVE?

2 A AT THIS PARTICULAR TIME I DON'T CLEARLY

3 RECALL WHETHER THEY DROVE OR I FLEW THEM.

4 Q NOW, I'M GOING TO JUMP OVER THE BIT AT

5 KALAMAZOO SINCE IT DOESN'T INVOLVE MY CASE, AND GO

6 AHEAD TO AUGUST 21ST, 1989.

7 YOU RECEIVED A TELEPHONE CALL FROM MARZI

8 EISENBERG TELLING YOU ABOUT THE HOMICIDES, CORRECT?

9 A YES, MA'AM.

10 Q AND MARZI EISENBERG WAS JOSE MENENDEZ'

11 PERSONAL ASSISTANT AND SECRETARY, CORRECT?

12 A AS I UNDERSTOOD IT, YES, MA'AM.

13 Q AND YOU SAID YOU THEN MADE SOME TRAVEL

14 ARRANGEMENTS?

15 A YES, MA'AM.

16 Q DID MS. EISENBERG INDICATE TO YOU THAT

17 THE COMPANY THAT JOSE MENENDEZ WORKED FOR WAS MAKING

18 ARRANGEMENTS TO ACCOMMODATE THE FAMILY HERE IN

19 LOS ANGELES?

20 MR. CONN: OBJECTION. IRRELEVANT. CALLS FOR

21 HEARSAY.

22 THE COURT: OVERRULED.

23 THE WITNESS: YES, MA'AM.

24 Q BY MS. ABRAMSON: AND DID YOU LEARN FROM

25 MS. EISENBERG THAT YOU SHOULD GO TO THE HOTEL

26 BELAGE?

27 A YES, MA'AM.

28 Q AND DID YOU LEARN FROM MS. EISENBERG

39717

1 THAT A LIMOUSINE WOULD MEET YOU AT THE AIRPORT?

2 A YES, MA'AM.

3 Q AND WHEN YOU WERE HERE IN LOS ANGELES

4 FOR THAT TRIP, WAS TRANSPORTATION PROVIDED FOR YOU?

5 A AS I RECALL.

6 Q SO YOU DIDN'T RENT A CAR AND DRIVE

7 YOURSELF AROUND, CORRECT?

8 A NOT THAT I RECALL.

9 Q AND THAT'S WHERE YOU -- WELL, IT'S YOUR

10 BELIEF THAT THE BELAGE HOTEL IS IN STUDIO CITY?

11 A I DON'T KNOW THAT MUCH ABOUT THE

12 GEOGRAPHY OF LOS ANGELES. I GUESS I WAS GUESSING IN

13 THAT GENERAL AREA.

14 Q AND YOU NEVER HAD TO DRIVE YOURSELF

15 THERE OR AWAY FROM THERE, SO YOU WEREN'T FORCED TO

16 LEARN; IS THAT A FAIR STATEMENT?

17 A I DON'T KNOW THAT THAT'S TRUE.

18 Q YOU DON'T KNOW THAT THAT'S TRUE?

19 A THAT'S CORRECT.

20 Q DO YOU REMEMBER EVER DRIVING YOURSELF TO

21 THAT HOTEL?

22 A I DON'T KNOW.

23 Q WHILE YOU WERE HERE THAT TIME?

24 A I DO NOT RECALL.

25 Q NOW, WHEN YOU GOT IN, A LIMOUSINE PICKED

26 YOU UP AND TOOK YOU TO THAT HOTEL, CORRECT?

27 A THAT'S WHAT I RECALL.

28 Q ALL RIGHT. AND YOU DON'T RECALL EVER

1 HAVING STAYED AT THAT HOTEL BEFORE THAT, DO YOU?

2 A NO, MA'AM.

3 Q HAD YOU EVER VISITED THE FAMILY HOME ON

4 ELM DRIVE IN BEVERLY HILLS BEFORE THE WEEK OF AUGUST

5 21ST, 1989?

6 A NO, MA'AM.

7 Q DO YOU REMEMBER THE NAME OF THE PERSON

8 AT WHOSE HOME THE SAFE WAS LOCATED?

9 A RANDY WHITE (SIC).

10 Q RANDY WHITE (SIC)?

11 A THAT'S CORRECT.

12 Q HAD YOU EVER HEARD OF THAT PERSON

13 BEFORE?

14 A YES, MA'AM.

15 Q AND WHEN HAD YOU HEARD OF HIM BEFORE?

16 A I WAS INTRODUCED TO MR. WHITE (SIC) AT

17 THE TENNIS TOURNAMENT IN KALAMAZOO.

18 Q AND HAD YOU EVER BEEN TO HIS HOUSE

19 BEFORE THE DAY THAT YOU WENT THERE TO SEE THE SAFE?

20 A NO, MA'AM.

21 Q NOW, YOU INDICATED THAT YOU FOUND OUT

22 THERE WAS -- WELL, FIRST OF ALL, DID YOU KNOW THAT

23 THE FAMILY HAD A SAFE BEFORE YOU GOT HERE THAT

24 WEEK?

25 A YES, MA'AM.

26 Q YOU DID? HAD YOU SEEN THE FAMILY SAFE

27 BEFORE?

28 A YES, MA'AM.

1 Q WHERE HAD YOU SEEN IT?

2 A IN -- I BELIEVE I'VE SEEN IT IN

3 CALABASAS. WHETHER IT WAS THE SAME SAFE, I DON'T

4 KNOW.

5 Q YOU HAD SEEN A SAFE IN CALABASAS, AT THE

6 RENTED HOUSE THEY HAD IN CALABASAS?

7 A YES, MA'AM.

8 Q YOU HAD VISITED THAT HOUSE BEFORE?

9 A YES, MA'AM.

10 Q YOU SAY YOU DON'T KNOW IF IT'S THE SAME

11 SAFE.

12 YOU DON'T REMEMBER NOW IF YOU RECOGNIZED

13 IT WHEN YOU SAW IT AT MR. WHITE (SIC)'S HOUSE?

14 A NO, MA'AM.

15 Q NOW, YOU SAID THAT IT WAS LYLE MENENDEZ

16 WHO TOLD YOU THAT THE SAFE WAS AT SOMEONE'S HOUSE,

17 CORRECT?

18 A YES, MA'AM.

19 Q YOU DIDN'T KNOW THAT BEFORE HE TOLD YOU

20 THAT?

21 A NOT TO MY KNOWLEDGE.

22 Q IN FACT, YOU DIDN'T ASK ABOUT IT EITHER

23 BEFORE HE TOLD YOU THAT; ISN'T THAT CORRECT?

24 A I DON'T RECALL.

25 Q HE JUST SIMPLY TOLD YOU, THE FAMILY SAFE
26 IS OVER AT THIS MAN'S HOUSE FOR SAFE-KEEPING,
27 CORRECT?

28 A IT WAS A DISCUSSION ON THE SAFE THAT

39720

1 ENSUED THAT DAY AND --

2 Q WHAT DAY?

3 A THE DAY THAT HE TOLD ME.

4 Q AND YOU DON'T REALLY REMEMBER WHICH DAY
5 IT WAS THAT HE TOLD YOU, DO YOU?

6 A I BELIEVE IT WAS WEDNESDAY AFTER I
7 ARRIVED.

8 Q NOW YOU'RE SAYING IT'S WEDNESDAY. NOW
9 YOU'RE CERTAIN?

10 A THAT'S WHAT I BELIEVE.

11 Q EXCUSE ME?

12 A THAT'S WHAT I RECALL.

13 Q THIS MORNING YOU WEREN'T AS CERTAIN; IS
14 THAT A FAIR STATEMENT?

15 A IS THAT A QUESTION?

16 Q YES.

17 A WOULD YOU REPEAT THE QUESTION, PLEASE.

18 Q YES. THIS MORNING WHEN YOU FIRST
19 TESTIFIED OUT OF THE PRESENCE OF THE JURY, YOU WERE

20 NOT SO CERTAIN WHAT DAY IT WAS YOU WENT AND SAW THE
21 SAFE; ISN'T THAT TRUE?
22 A I'M STILL NOT CERTAIN WHICH DAY IT WAS.
23 I JUST THINK THAT IT WAS WEDNESDAY.
24 Q ALL RIGHT. YOU THINK IT WAS WEDNESDAY.
25 SORRY, YOUR HONOR.
26 NOW, IT'S YOUR RECOLLECTION THAT -- WELL,
27 STRIKE THAT.
28 WHERE'D THE LOCKSMITH COME FROM?

39721

1 A I DON'T KNOW.
2 Q YOU HAVE NO IDEA?
3 A NO.
4 Q YOU DON'T REMEMBER THE LOCKSMITH IN THE
5 LIMOUSINE WITH YOURSELF AND MR. BARALT AND ERIK AND
6 LYLE MENENDEZ GOING TO MR. WRIGHT'S HOUSE, DO YOU?
7 A NO.
8 Q AND IS IT YOUR RECOLLECTION THAT THE
9 LOCKSMITH WASN'T EVEN CALLED UNTIL AFTER YOU GOT TO
10 MR. WRIGHT'S HOUSE?
11 A I DON'T HAVE RECOLLECTION OF THAT.
12 Q BUT THAT'S WHAT YOU TESTIFIED TO THIS
13 MORNING BEFORE THE JURY WAS CALLED BACK, ISN'T IT?
14 A WHEN WE ARRIVED THERE, THE LOCKSMITH WAS

15 NOT THERE. I THOUGHT THAT'S WHAT I TESTIFIED THIS

16 MORNING.

17 THE COURT: YOU HAVE TO SPEAK UP.

18 THE WITNESS: WHEN I ARRIVED THERE THE

19 LOCKSMITH WAS NOT THERE. THAT'S WHAT I TESTIFIED TO

20 THIS MORNING.

21 Q BY MS. ABRAMSON: WELL, YOU SAID THAT --

22 WELL, LET ME JUST ASK YOU ONE PRELIMINARY QUESTION:

23 WHEN YOU HEARD FROM LYLE, WHEN LYLE TOLD YOU THAT

24 THE SAFE WAS AT A HOME IN BEVERLY HILLS AT

25 MR. WRIGHT'S HOUSE, HE WAS TELLING THAT TO BOTH YOU

26 AND CARLOS BARALT AT THE SAME TIME, CORRECT?

27 A IT'S POSSIBLE.

28 Q WELL, THAT'S WHAT YOU TESTIFIED TO THIS

39722

1 MORNING, ISN'T IT?

2 A IT'S POSSIBLE WE WERE TOGETHER AT THE

3 TIME.

4 Q MR. ANDERSEN, DO YOU REMEMBER WHAT YOU

5 TESTIFIED ABOUT THIS MORNING?

6 A YES, MA'AM.

7 Q ALL RIGHT. DID YOU SAY THAT THIS

8 MORNING, THAT LYLE TOLD IT TO YOU AND TO CARLOS

9 BARALT AT THE SAME TIME?

10 A HE -- I DON'T REMEMBER EVERYONE THAT WAS
11 IN THE AUDIENCE AT THE TIME. CARLOS BARALT AND I
12 WERE TOGETHER MOST OF THAT TIME.

13 Q THAT'S NOT WHAT I ASKED YOU, SIR. I'M
14 SORRY. I REALIZE IT'S LATE. PERHAPS YOU'RE TIRED.

15 MR. CONN: I'M GOING TO OBJECT TO THE
16 COMMENTARY FROM COUNSEL, YOUR HONOR. I ASK THAT
17 COUNSEL BE ADMONISHED TO --

18 THE COURT: ALL RIGHT. WELL, THERE WAS
19 NOTHING WRONG WITH WHAT SHE SAID, SO LET'S ASK THE
20 QUESTION.

21 MS. ABRAMSON: THANK YOU, YOUR HONOR.

22 Q MR. ANDERSEN, ARE YOU OKAY?

23 A I'M FINE. GETTING TIRED, BUT IT'S FINE.

24 Q ALL RIGHT. I JUST WANT TO GET CLEAR.

25 DID YOU TESTIFY THIS MORNING THAT LYLE
26 TOLD YOU AND CARLOS BARALT THAT THE SAFE WAS AT
27 MR. WRIGHT'S HOME AT THE SAME TIME?

28 A I DON'T REMEMBER MAKING THAT STATEMENT.

39723

1 Q ALL RIGHT. AND ARE YOU SAYING THAT
2 STATEMENT IS NOT TRUE?

3 A NO, MA'AM, I'M NOT SAYING THAT.

4 Q SO DID LYLE MENENDEZ TELL YOU AND CARLOS

5 BARALT THAT THE SAFE WAS AT MR. WRIGHT'S HOUSE AT
6 THE SAME TIME?

7 A THAT'S POSSIBLE.

8 Q AND HE TOLD YOU THIS AT THE BEVERLY
9 HILLS HOUSE, THE ELM DRIVE HOME OF THE MENENDEZ
10 FAMILY?

11 A AS I RECALL.

12 Q AND, THEREFORE, IF THAT HAPPENED, IF HE
13 TOLD YOU AND MR. BARALT THAT AT THE SAME TIME, THAT
14 MEANT MR. BARALT WAS ALSO AT THE HOUSE ON ELM DRIVE
15 WHEN LYLE MENENDEZ TOLD YOU ABOUT THE LOCATION OF
16 THE SAFE; IS THAT CORRECT?

17 A IF EVERYTHING ELSE WAS TRUE, I GUESS
18 THAT WOULD BE TRUE TOO.

19 Q ALL RIGHT. NOW, YOU THEN WENT TO THE
20 WRIGHT HOME; IS THAT CORRECT?

21 A YES, MA'AM.

22 Q AND DID YOU TESTIFY THIS MORNING THAT
23 THERE WAS A DISCUSSION AT THE WRIGHT HOME ABOUT
24 HAVING THE SAFE DRILLED AND A DISCUSSION ABOUT
25 GETTING A LOCKSMITH?

26 A A LOCKSMITH WAS NOT THERE WHEN WE
27 ARRIVED.

28 Q WAS THERE A DISCUSSION ABOUT GETTING

1 ONE?

2 A YES.

3 Q WAS A LOCKSMITH CALLED?

4 A A LOCKSMITH ARRIVED, YES.

5 Q THAT'S NOT WHAT --

6 A HE HAD BEEN CALLED BEFORE I GOT THERE OR
7 AFTER, BUT HE ARRIVED AFTER I GOT THERE.

8 Q WHEN YOU FIRST TESTIFIED ABOUT THIS THIS
9 MORNING, MR. ANDERSEN, YOU INDICATED, DID YOU NOT,
10 THAT THE CALLS TO THE LOCKSMITH WERE MADE AFTER YOU
11 GOT TO MR. WRIGHT'S HOUSE?

12 A THEY MAY HAVE BEEN, BUT THAT MAY NOT
13 HAVE BEEN THE INITIAL CALL.

14 Q AND THEN I REMINDED YOU THAT YOU HAD
15 ACTUALLY CALLED MR. WRIGHT AND MADE ARRANGEMENTS TO
16 GO OVER THERE BEFORE YOU GOT THERE, CORRECT?

17 A THAT'S CORRECT.

18 Q AND THAT'S WHEN YOU REMEMBERED THERE HAD
19 BEEN A CONTACT BETWEEN YOURSELF AND MR. WRIGHT
20 BEFORE YOU AND THE REST OF THE FAMILY GOT TO
21 MR. WRIGHT'S HOME, CORRECT?

22 A THAT'S CORRECT.

23 Q BUT RIGHT NOW WOULD IT BE FAIR TO SAY
24 YOU DON'T REMEMBER WHO CONTACTED THE LOCKSMITH OR
25 HOW THE LOCKSMITH GOT THERE?

26 A THAT'S CORRECT.

27 Q IN FACT, IS IT FAIR TO SAY YOU DON'T

39725

1 A ONLY ONE COMPANY CAME.

2 Q BUT YOU DON'T KNOW HOW MANY MEN?

3 A IT WAS MORE THAN ONE.

4 Q OKAY. AND YOU SAID YOU -- THAT YOU WERE
5 THE PERSON WHO PAID; IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q AND DID YOU PAY IN CASH?

8 A YES, MA'AM.

9 Q DID YOU GET A RECEIPT?

10 A YES, MA'AM.

11 Q DO YOU HAVE IT?

12 A I DON'T KNOW IF I DO. I'VE NOT SEEN
13 IT. I MAY HAVE GIVEN IT TO CARLOS. I DON'T KNOW.

14 Q YOU MAY HAVE GIVEN IT TO CARLOS BARALT?

15 A YES.

16 Q NOW, THIS GARAGE, WAS IT ATTACHED TO THE
17 WRIGHT HOME?

18 A AS I RECALL IT WAS.

19 Q AND WAS THERE A WAY TO GET INTO THE
20 GARAGE RIGHT THROUGH THE HOUSE?

21 A AS I RECALL THERE WAS.

22 Q AND WHAT ELSE WAS IN THE GARAGE BESIDES

23 THE SAFE?

24 A I DIDN'T -- I DON'T HAVE RECALL OF WHAT

25 ELSE WAS IN THE GARAGE.

26 Q YOU DON'T HAVE A MEMORY OF ANYTHING IN

27 THAT GARAGE BESIDES THE SAFE?

28 A I DO NOT RECALL WHAT WAS IN THE GARAGE

39726

1 OTHER THAN THE SAFE.

2 Q AND, IN FACT, DO YOU RECALL WHAT WAS IN

3 THE SAFE ONCE YOU LOOKED INSIDE?

4 A NOT SPECIFICALLY.

5 Q THERE WAS SOMETHING IN THE SAFE, WASN'T

6 THERE?

7 A THERE WAS.

8 Q AND WASN'T WHAT WAS IN THE SAFE THE KEY

9 TO THE SAFE DEPOSIT BOX AND INSTRUCTIONS ON HOW TO

10 FIND THE SAFE DEPOSIT BOX?

11 A I DO NOT RECALL THAT.

12 Q YOU'VE RECALLED THAT IN THE PAST WHEN

13 YOU DISCUSSED THIS WITH THE PROSECUTORS, DIDN'T

14 YOU?

15 A I DON'T -- IT'S THE SAME QUESTION. I

16 DON'T RECALL THAT.

17 Q DO YOU RECALL TELLING DETECTIVE ZOELLER,

18 MR. CONN AND MS. NAJERA, ON FEBRUARY 22ND OR 23RD --
19 IT'S NOT CLEAR -- 1994, THAT ONCE THE SAFE WAS
20 OPENED HE, BEING YOURSELF, AND CARLOS, WERE TOLD BY
21 LYLE AND ERIK THAT THERE WAS NOTHING OF ANY
22 IMPORTANCE IN THE SAFE EXCEPT FOR THE KEYS TO THE
23 BANK SAFETY DEPOSIT BOX PLUS INSTRUCTIONS ON THE
24 LOCATION OF THAT BOX?

25 DID YOU TELL THAT TO THE PROSECUTORS AND
26 DETECTIVE ZOELLER IN FEBRUARY OF 1994?

27 A I MAY HAVE. I DON'T RECALL THAT.

28 Q DO YOU RECALL THAT HAPPENING, THOUGH,

39727

1 THAT LYLE OR ERIK OR BOTH OF THEM TOLD YOU WHAT'S IN
2 THE SAFE IS THE KEY TO ANOTHER PLACE, THE SAFE
3 DEPOSIT BOX?

4 A I THINK I'VE BEEN ANSWERING THAT
5 QUESTION AND THE ANSWER IS I DON'T RECALL THAT.

6 Q NOW, YOU'VE TESTIFIED THAT THEY WERE ALL
7 ALONE IN THE GARAGE WHEN THEY LOOKED INTO THE SAFE,
8 CORRECT?

9 A YES, MA'AM.

10 Q SO THEY HAD AN OPPORTUNITY, ACCORDING TO
11 YOUR VERSION, TO TAKE THOSE KEYS AND THOSE
12 INSTRUCTIONS AND CONCEAL THEM FROM YOU, CORRECT?

13 A I WAS NOT WITH THEM.

14 Q SO THEY COULD HAVE DONE THAT?

15 A I DON'T KNOW WHAT THEY COULD HAVE DONE.

16 Q WELL, LET ME JUST ASK YOU PHYSICALLY.

17 PHYSICALLY, YOU COULD NOT HAVE SEEN THEM IF THEY HAD

18 CHOSEN TO REMOVE THE SAFE DEPOSIT KEY AND THE

19 INSTRUCTIONS FROM THE SAFE?

20 A THAT'S CORRECT.

21 Q AND THEN YOU WOULDN'T HAVE EVEN KNOWN

22 THERE WAS A SAFE DEPOSIT BOX, CORRECT?

23 A I DON'T KNOW THAT THAT'S TRUE.

24 Q WELL, DID YOU HAVE ANY OTHER RECORDS OF

25 A SAFE DEPOSIT BOX THAT YOU NOW CAN RECALL?

26 A THERE MAY HAVE BEEN OTHER DOCUMENTS,

27 RECEIPTS. I DON'T RECALL HOW I WOULD KNOW THERE WAS

28 A SAFETY DEPOSIT BOX.

39728

1 Q YOU SEEM TO RECALL IN FEBRUARY THAT THE

2 REASON YOU KNEW THAT IS BECAUSE LYLE OR ERIK OR BOTH

3 TOLD YOU, CORRECT?

4 A I DON'T RECALL HOW I KNEW THERE WAS A

5 SAFETY DEPOSIT BOX.

6 Q SO YOU'RE HAVING DIFFICULTY THEN,

7 MR. ANDERSEN, REMEMBERING WHAT YOU SAID IN FEBRUARY

8 OF 1994; IS THAT A FAIR STATEMENT?

9 A I DON'T RECALL WHAT THE CONVERSATION WAS
10 REGARDING THE SAFETY DEPOSIT BOX.

11 Q IN FEBRUARY OF 1994?

12 A THAT'S CORRECT.

13 Q AND YOU DON'T RECALL WHAT THE
14 CONVERSATION WAS ABOUT A SAFETY DEPOSIT BOX IN
15 AUGUST OF 1989 EITHER; IS THAT TRUE?

16 A AS TO WHEN IT WAS OR WHERE IT WAS?

17 Q AS TO HOW YOU EVEN KNEW IT WAS.

18 A THAT'S CORRECT.

19 Q NOW, DID YOU LEAVE MR. WRIGHT'S
20 RESIDENCE AT SOME POINT?

21 A YES, MA'AM.

22 Q THAT DAY, WHATEVER THAT DAY WAS?

23 A YES, MA'AM.

24 Q DID YOU LEAVE -- WHERE DID YOU GO WHEN
25 YOU LEFT THERE?

26 A I DON'T RECALL.

27 Q HOW DID YOU LEAVE THERE?

28 A THE SAME WAY I GOT THERE, IN THE CAR

39729

1 WITH CARLOS BARALT.

2 Q WHO WAS DRIVING THAT CAR?

3 A CARLOS BARALT.

4 Q CARLOS WAS DRIVING A CAR?

5 A AS I RECALL.

6 Q YOU DON'T RECALL THAT IT WAS A
7 LIMOUSINE; IS THAT CORRECT?

8 A I DO NOT.

9 Q AND WHERE DID YOU GO?

10 A I DON'T RECALL.

11 Q AND WHAT TIME OF DAY WAS IT?

12 A LATE IN THE DAY.

13 Q LATE? EVENING? DARK?

14 A NO.

15 Q WHAT TIME WAS IT WHEN YOU GOT THERE?

16 A MIDDLE OF THE DAY. I DON'T RECALL
17 EXACTLY.

18 Q HOW LONG WERE YOU THERE?

19 A I'M GUESSING AN HOUR.

20 Q AND WHERE DID ERIK GO?

21 A I DON'T REMEMBER.

22 Q DO YOU REMEMBER HIM GOING ANYWHERE?

23 A I DO NOT RECALL.

24 Q WHERE DID LYLE MENENDEZ GO?

25 A I DON'T RECALL.

26 Q AND I TAKE IT YOU DON'T RECALL ANYTHING
27 THAT HAPPENED THE REST OF THAT DAY, CORRECT?

28 A AT THIS TIME, NO.

1 Q NOW, WHERE WERE YOU PHYSICALLY WHEN YOU
2 LEARNED OR WAS TOLD THAT A WILL HAD BEEN FOUND?

3 A I WAS AT THE BEL-AIR HOTEL.

4 Q AND THE BEL-AIR HOTEL IS DIFFERENT THAN
5 THE BELAGE HOTEL, CORRECT?

6 A YES, MA'AM.

7 Q WHAT WERE YOU DOING AT THE BEL-AIR
8 HOTEL?

9 A CARLOS AND I WENT THERE TO MEET WITH
10 LYLE, I BELIEVE.

11 Q AND WERE YOU MEETING WITH LYLE WHEN YOU
12 HEARD SOME INFORMATION INDICATING THAT A WILL HAD
13 BEEN FOUND?

14 A I DON'T REMEMBER IF HE WAS STILL THERE
15 OR NOT.

16 Q WELL, DO YOU REMEMBER AT SOME POINT
17 AFTER YOU LEARNED THAT A WILL HAD BEEN FOUND THAT
18 CARLOS AND LYLE LEFT THE BEL-AIR HOTEL AND WENT TO
19 THE HOUSE?

20 A CARLOS LEFT. LYLE MAY HAVE GONE WITH
21 HIM.

22 Q I'M SORRY. I DIDN'T HEAR THAT.

23 A CARLOS LEFT. LYLE MAY HAVE BEEN WITH
24 HIM. I DON'T REMEMBER THAT.

25 Q ALL RIGHT. BUT YOU DIDN'T LEAVE?

26 A NO, MA'AM.

27 Q YOU STAYED AT THE BEL-AIR?

28 A YES, MA'AM.

39731

1 Q AND WHAT WERE YOU DOING THERE, AFTER
2 THEY LEFT?

3 A WAITING FOR SOMEONE TO PICK ME UP.

4 Q WELL, WHY DIDN'T YOU GO WITH THEM?

5 A AS I RECALL SOMEONE ELSE WAS SUPPOSED TO
6 SHOW UP THERE AND I WAS SUPPOSED TO MEET WITH THEM.

7 Q OKAY. NOW, LET ME ASK YOU THIS: BACK
8 IN NOVEMBER OF 1993, DURING THE FIRST TRIAL, WERE
9 YOU INTERVIEWED BY MRS. BOZANICH WHO WAS THE
10 PREVIOUS LEAD PROSECUTOR IN THIS CASE?

11 A IT WAS ABOUT THAT TIME, YES, MA'AM.

12 Q AND DID YOU TELL MRS. BOZANICH THAT LYLE
13 AND ERIK FOUND THE WILL AND HANDED IT TO CARLOS?

14 A I DON'T RECALL. IT WAS A VERY EMOTIONAL
15 TIME.

16 Q I RECOGNIZE, MR. ANDERSEN, THAT AUGUST
17 OF 1989 WAS A VERY EMOTIONAL TIME.

18 WAS NOVEMBER 21ST OF 1993 ALSO AN
19 EMOTIONAL TIME?

20 A YES, MA'AM.

21 Q SO YOU DON'T REMEMBER TELLING

22 MRS. BOZANICH THAT STATEMENT?

23 A I DON'T REMEMBER THE SEQUENCE OF EVENTS,
24 AS TO WHO FOUND THE WILL.

25 Q ARE YOU NOW SAYING YOU DON'T KNOW
26 WHETHER OR NOT ERIK AND LYLE FOUND THE WILL?

27 A NO, MA'AM.

28 Q DIDN'T YOU JUST SAY THAT WHEN YOU HEARD

39732

1 ABOUT IT YOU WERE AT THE BEL-AIR MEETING WITH LYLE
2 AND CARLOS AND YOU THINK LYLE LEFT AND WENT BACK TO
3 THE HOUSE?

4 A I DON'T REMEMBER IF LYLE WAS STILL THERE
5 OR LEFT WITH CARLOS.

6 Q SO IF CARLOS BARALT HAS A BETTER MEMORY
7 THAN YOU AND HE SAYS THAT HE WAS THERE AT THE
8 BEL-AIR AND HE AND LYLE LEFT THE BEL-AIR AND WENT
9 BACK TO THE HOUSE WHEN HE HEARD ABOUT THE WILL,
10 WOULD THAT BE MORE RELIABLE THAN YOUR MEMORY?

11 MR. CONN: OBJECTION. ASSUMES FACTS NOT IN
12 EVIDENCE. NO EVIDENCE OF --

13 THE COURT: SUSTAINED.

14 Q BY MS. ABRAMSON: IN FACT, DO YOU
15 REMEMBER TELLING MRS. BOZANICH, SPECIFICALLY
16 CONCERNING THE DISCOVERY OF THE WILL, THAT THE

17 DEFENDANTS WERE WITH TERRY AND THEY FOUND THE WILL?

18 MR. CONN: OBJECTION. CALLS FOR HEARSAY. NO

19 PRIOR INCONSISTENT STATEMENT.

20 THE COURT: SUSTAINED.

21 Q BY MS. ABRAMSON: DID YOU EVER KNOW

22 THAT?

23 MR. CONN: OBJECTION.

24 MS. ABRAMSON: WELL, STRIKE THAT.

25 Q DID YOU EVER SAY THAT TO MRS. BOZANICH?

26 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

27 MS. ABRAMSON: I DON'T THINK IT'S HEARSAY,

28 YOUR HONOR. BE HAPPY TO BE HEARD.

39733

1 THE COURT: WHY DON'T YOU REPEAT WHAT IT IS

2 YOU'RE ASKING HIM.

3 MS. ABRAMSON: ALL RIGHT.

4 Q DO YOU RECALL -- LET ME ASK YOU THIS:

5 YOU DON'T NOW KNOW, AND YOU'RE NOT NOW TESTIFYING,

6 THAT LYLE AND ERIK FOUND THE WILL WITH TERRY, ARE

7 YOU?

8 A NO, MA'AM.

9 Q AND YOU'RE NOT NOW TESTIFYING THAT LYLE

10 AND ERIK FOUND THE WILL AND HANDED IT TO CARLOS; IS

11 THAT RIGHT?

12 A CARLOS WHO?

13 Q I DON'T KNOW. ANY CARLOS. YOU'RE NOT
14 TESTIFYING TO THAT NOW?

15 A NO, MA'AM.

16 Q BUT DID YOU TELL BOTH OF THOSE THINGS TO
17 MRS. BOZANICH IN NOVEMBER OF 1993?

18 MR. CONN: OBJECTION. NO FOUNDATION. NO
19 PERSONAL KNOWLEDGE THAT'S WHAT HE SAID.

20 THE COURT: SUSTAINED.

21 MS. ABRAMSON: WELL, I'M NOT OFFERING IT FOR
22 TRUTH. I'M OFFERING IT AS SIMPLY HIS SAYING
23 SOMETHING THAT IS INCONSISTENT WITH WHAT HE'S SAYING
24 NOW.

25 THE COURT: WELL, IT'S IRRELEVANT BECAUSE IF
26 SOMEONE ELSE TOLD HIM SOMETHING AND HE JUST REPEATED
27 WHAT SOMEONE ELSE SAID, IT WOULDN'T HAVE BEEN
28 PROVEN. YOU'RE TRYING TO GO TO WHAT HE SAW OR

39734

1 DIDN'T SEE.

2 MS. ABRAMSON: WELL, I DON'T WANT TO QUIBBLE
3 WITH IT NOW, YOUR HONOR.

4 Q BUT WAS IT YOUR UNDERSTANDING THAT ERIK
5 AND LYLE FOUND THE WILL? DID ANYBODY EVER -- WELL,
6 DID ERIK AND LYLE EVER TELL YOU THAT, THAT THEY

7 FOUND THE WILL?

8 A I DON'T RECALL THAT.

9 Q DID ANYBODY ELSE EVER TELL YOU THEY
10 FOUND THE WILL?

11 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

12 THE COURT: THAT WHO FOUND THE WILL?

13 MS. ABRAMSON: THAT THE DEFENDANTS FOUND THE
14 WILL.

15 THE COURT: OVERRULED.

16 THE WITNESS: AGAIN, I DON'T RECALL THAT.

17 Q BY MS. ABRAMSON: SO IF YOU DID TELL
18 MRS. BOZANICH THAT THE DEFENDANTS FOUND THE WILL,
19 WERE YOU MAKING IT UP?

20 MR. CONN: OBJECTION. ARGUMENTATIVE.
21 ASSUMES FACTS NOT IN EVIDENCE.

22 THE COURT: SUSTAINED.

23 Q BY MS. ABRAMSON: WOULD YOU SAY,
24 MR. ANDERSEN, THAT WHEN YOU CAME TO -- THAT AFTER YOU
25 CAME TO LOS ANGELES ON AUGUST 23RD, 1989, YOU
26 ASSISTED CARLOS BARALT IN TRYING TO FIND THE MOST
27 RECENT WILL OF KITTY AND JOSE MENENDEZ?

28 A YES, MA'AM.

1 Q AND WASN'T THE EFFORT TO LOOK IN THE

2 SAFE PART OF THAT EFFORT TO FIND THE MOST RECENT

3 WILL?

4 A I DON'T REMEMBER THAT WAS THE CASE.

5 Q AND IS IT YOUR TESTIMONY NOW THAT YOU

6 CAN'T RECALL WHETHER GOING OVER TO THE WRIGHT HOUSE

7 OCCURRED ON THE DAY THAT YOU ARRIVED OR ON THE DAY

8 AFTER?

9 A THAT'S CORRECT.

10 Q AND ISN'T IT TRUE THAT WHEN YOU WENT TO

11 THE WRIGHT HOUSE, W-R-I-G-H-T, THE WRIGHT HOUSE, YOU

12 WERE LOOKING FOR A SECOND WILL?

13 A I THINK YOU ASKED THAT QUESTION. I

14 DON'T RECALL THAT.

15 Q WOULD IT REFRESH YOUR RECOLLECTION IF I

16 SHOWED YOU THE STATEMENT THAT YOU GAVE IN FEBRUARY

17 OF 1994 TO MR. CONN, MS. NAJERA AND DETECTIVE

18 ZOELLER?

19 A IT MAY.

20 MS. ABRAMSON: I WANT TO UNDERLINE SOMETHING,

21 YOUR HONOR, MAKE IT EASIER.

22 Q MR. ANDERSEN, IF YOU WOULD TAKE YOUR

23 TIME AND JUST READ THIS PARAGRAPH ON THE BOTTOM OF

24 THIS PAGE, PARTICULARLY THE LINE I'VE UNDERLINED,

25 AND THEN THE PARAGRAPH ON THE NEXT PAGE.

26 A (WITNESS COMPLIES.)

27 OKAY, WHAT IS THE QUESTION?

28 Q DIDN'T YOU TELL THESE PROSECUTORS AND

1 DETECTIVE ZOELLER, IN FEBRUARY OF 1994, THAT THE
2 TRIP TO RANDY WRIGHT'S HOUSE WAS TO LOOK FOR A
3 SECOND WILL?

4 A APPARENTLY.

5 Q AND, IN FACT, IF YOU WANT I CAN SHOW YOU
6 DETECTIVE ZOELLER'S NOTES.

7 DO YOU THINK THAT MIGHT REFRESH YOUR
8 RECOLLECTION AS WELL?

9 A I THINK IT -- IF IT'S THE SAME.

10 Q IT'S THE SAME.

11 SO ISN'T IT TRUE, MR. ANDERSEN, THAT THE
12 WILL, THE ORIGINAL WILL, THE ONE THAT'S BEEN
13 PROBATED, WAS FOUND BEFORE YOU EVER WENT TO
14 MR. WRIGHT'S HOUSE AND LOOKED AT THE SAFE?

15 A BASED ON MY UNDERSTANDING AT THAT TIME,
16 YES.

17 Q OKAY. AND DO YOU THINK YOUR MEMORY'S
18 GETTING BETTER AS THE YEARS GO BY OR DO YOU THINK
19 IT'S GETTING WORSE?

20 A QUESTION AS TO MY MEMORY, PROBABLY
21 GETTING WORSE AS TIME GOES BY.

22 Q THAT'S TYPICALLY WHAT HAPPENS, ISN'T
23 IT?

24 A YEAH.

25 MS. ABRAMSON: YOUR HONOR, I THINK THIS WOULD

26 BE A GOOD PLACE TO BREAK.

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

28 8:30.

39737

1 DON'T DISCUSS THE MATTER WITH ANYONE,

2 LADIES AND GENTLEMEN. DON'T FORM ANY FINAL OPINIONS

3 ABOUT IT. WE'LL SEE YOU BACK HERE TOMORROW AT

4 8:30.

5 (AT 4:25 P.M., AN ADJOURNMENT

6 WAS TAKEN UNTIL FRIDAY,

7 NOVEMBER 3, 1995, AT 8:30 A.M.)

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39687

1 Q AND AS YOU LISTENED TO THAT CONVERSATION
2 CONCERNING THE CAMCORDER, CAN YOU TELL US WHAT THE
3 Demeanor OF YOUR SISTER, KITTY MENENDEZ, WAS DURING
4 THE COURSE OF THAT CONVERSATION.

5 A AFTER LEARNING THAT THE CAMCORDER
6 EXISTED --

7 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT AS
8 SPECULATION ON THE PART OF THE WITNESS.

9 THE COURT: SUSTAINED. THE ANSWER IS
10 STRICKEN.

11 MS. ABRAMSON: CAN THE JURY BE ADMONISHED --

12 THE COURT: YES. WHENEVER AN ANSWER IS
13 STRICKEN, OR ANYTHING IS STRICKEN, THE JURY SHOULD
14 DISREGARD IT IN ITS ENTIRETY.

15 Q BY MR. CONN: IF YOU WOULD, JUST
16 DESCRIBE HER DEMEANOR DURING THE COURSE OF THAT
17 CONVERSATION WITH ERIK MENENDEZ CONCERNING THE
18 CAMCORDER.

19 A SHE WAS VERY UPSET WITH ERIK.

20 Q OKAY. AND AT THAT TIME DO YOU RECALL
21 HER SAYING AND DID YOU PREVIOUSLY TESTIFY THAT --

22 MS. ABRAMSON: I'M GOING TO OBJECT TO THE
23 FORM OF THE QUESTION AS COMPOUND. CALLS FOR
24 HEARSAY.

25 THE COURT: OVERRULED.

26 Q BY MR. CONN: DO YOU RECALL HER SAYING
27 AND DID YOU PREVIOUSLY TESTIFY THAT SHE SAID TO HER
28 SON: YOU KIDS HAVE GOT TO STOP DOING THESE THINGS?

39688

1 A YES, SIR.

2 Q SOMETIME AFTER THAT CONVERSATION DID YOU
3 SEE YOUR SISTER AND YOUR NEPHEW GO SOMEWHERE?

4 A THEY WENT TO THE AIRPORT.

5 Q AND DID YOU SEE THEM WHEN THEY GOT
6 BACK?

7 A YES, SIR.

8 Q DID THEY HAVE ANYTHING WITH THEM WHEN
9 THEY GOT BACK THAT YOU HAD NOT PREVIOUSLY SEEN

10 BEFORE?

11 A THEY HAD A BAG THAT CONTAINED A

12 CAMCORDER.

13 Q AND SOMETIME AFTER THAT INCIDENT DID YOU

14 THEN PROCEED AS YOU HAD PLANNED TO KALAMAZOO,

15 MICHIGAN?

16 A YES, SIR.

17 Q NOW, ONCE YOU GOT TO KALAMAZOO,

18 MICHIGAN, DID YOU SEE JOSE MENENDEZ IN THAT CITY?

19 A YES, SIR.

20 Q AND DID YOU HAVE A DISCUSSION WITH HIM

21 CONCERNING THE CAMCORDER?

22 A YES, SIR.

23 MS. ABRAMSON: YOUR HONOR, AT THIS POINT I'D

24 ASK THE JURY BE ADMONISHED THAT THIS DISCUSSION IS

25 ADMISSIBLE ONLY AGAINST LYLE MENENDEZ.

26 THE COURT: YES. IN REFERENCE TO A

27 CONVERSATION THE WITNESS HAD WITH JOSE MENENDEZ IN

28 KALAMAZOO, THIS PARTICULAR CONVERSATION IS ADMITTED

39689

1 ONLY AS TO LYLE MENENDEZ AND IT IS RECEIVED TO SHOW

2 THE STATE OF MIND OF JOSE MENENDEZ AT THE TIME HE

3 MADE THE STATEMENT.

4 Q BY MR. CONN: NOW, HOW MUCH TIME ELAPSED

5 FROM THE TIME THAT YOU HEARD THAT CONVERSATION
6 BETWEEN YOUR SISTER AND YOUR NEPHEW IN WHICH SHE WAS
7 VERY UPSET TO THE TIME THAT YOU HAD A CONVERSATION
8 WITH JOSE MENENDEZ CONCERNING THE CAMCORDER IN
9 KALAMAZOO?

10 A IT WOULD HAVE BEEN SOMEWHERE BETWEEN TWO
11 AND FOUR DAYS, TWO, THREE, FOUR DAYS.

12 Q AND IN THAT CONVERSATION WITH JOSE
13 MENENDEZ, DID JOSE MENENDEZ SAY TO YOU: I'VE GOT TO
14 HAVE A MAJOR CONVERSATION WITH MY SON, LYLE? HE HAS
15 GOT TO GET THE MESSAGE THAT WE'RE NOT GOING TO BE
16 SUPPORTING THEM FOR THE REST OF THEIR LIVES?

17 A YES, SIR.

18 Q AND HOW LONG WAS THAT BEFORE YOU LEARNED
19 THAT JOSE MENENDEZ HAD BEEN KILLED?

20 MS. ABRAMSON: ASSUMES FACTS NOT IN EVIDENCE,
21 YOUR HONOR.

22 THE COURT: OVERRULED.

23 THE WITNESS: TEN DAYS, TWO WEEKS, SOMETHING
24 LIKE THAT.

25 Q BY MR. CONN: NOW, SOMETIME AFTER YOU
26 LEARNED -- WELL, CAN YOU TELL US, DO YOU RECALL HOW
27 THAT WAS YOU LEARNED THAT YOUR SISTER AND JOSE
28 MENENDEZ HAD BEEN KILLED?

1 A I RECEIVED A PHONE CALL AT MY OFFICE IN
2 MID DAY, ON THE MONDAY AFTER THE MURDERS, FROM MARZI
3 EISENBERG.

4 Q AND AFTER RECEIVING THAT PHONE CALL, DID
5 YOU MAKE TRAVEL ARRANGEMENTS?

6 A YES, SIR.

7 Q WHAT DID YOU ARRANGE TO DO AT THAT
8 TIME?

9 A TRAVEL TO LOS ANGELES.

10 Q AND CAN YOU TELL US, DO YOU RECALL WHEN
11 IT WAS THAT YOU ARRIVED IN LOS ANGELES?

12 A VERY EARLY IN THE MORNING ON WEDNESDAY,
13 THE 23RD, JUST AFTER MIDNIGHT.

14 Q AND DO YOU RECALL WHERE YOU WENT AFTER
15 YOU ARRIVED IN LOS ANGELES?

16 A AS I RECALL, I WAS DRIVEN BY A LIMOUSINE
17 TO THE BELAGE HOTEL.

18 Q WHERE'S THE BELAGE MOTEL LOCATED?

19 A IT'S IN THE -- IN LOS ANGELES NEAR THE --
20 AS I REMEMBER IT, NEAR THE STUDIO CITY AREA,
21 SOMEWHERE THERE.

22 Q AND SOMETIME AFTER YOUR ARRIVAL IN
23 LOS ANGELES, DID YOU GO TO THE HOME OF THE MENENDEZ
24 FAMILY AND SEE THE DEFENDANTS?

25 A YES, SIR.

26 Q NOW, SOMETIME AFTER YOUR ARRIVAL IN
27 LOS ANGELES, DID YOU RECEIVE WORD CONCERNING A SAFE
28 THAT HAD BEEN PLACED SOMEWHERE?

1 A YES, SIR.

2 Q AND DO YOU RECALL WHO YOU RECEIVED WORD
3 FROM?

4 A I BELIEVE IT WAS FROM LYLE.

5 Q AND WHAT DID LYLE MENENDEZ TELL YOU AT
6 THAT TIME YOU LEARNED ABOUT THE SAFE?

7 A THEY HAD TAKEN THE FAMILY SAFE TO A
8 FRIEND'S HOUSE.

9 Q AND AFTER LEARNING OF THAT
10 TRANSPORTATION, WHAT, IF ANYTHING, DID YOU DO?

11 A I SPOKE WITH THE FRIEND ON THE PHONE, IF
12 I REMEMBER RIGHT.

13 Q AND AFTER THAT?

14 A WENT TO THE HOUSE.

15 Q WHO DID YOU GO TO THE HOUSE WITH?

16 A AS I RECALL, WITH CARLOS BARALT.

17 Q AND DID YOU TRAVEL IN THE SAME CAR WITH
18 HIM?

19 A I BELIEVE SO, YES.

20 Q AND DO YOU RECALL WHERE ERIK AND LYLE
21 MENENDEZ WERE AT THE TIME THAT YOU AND CARLOS BARALT
22 TRAVELED TO THIS HOUSE TO -- WHERE THE SAFE WAS?

23 A WE WERE FOLLOWING THEM.

24 Q SO THEY WERE IN A SEPARATE VEHICLE IN

25 FRONT OF YOU?

26 A YES, SIR.

27 Q NOW, CAN YOU TELL US WHAT HAPPENED AFTER

28 YOU ARRIVED AT THE HOME WHERE THE SAFE WAS.

39692

1 A OBSERVED THE SAFE SITTING IN THE MIDDLE

2 OF THE GARAGE FLOOR.

3 Q AND WERE SOME ARRANGEMENTS MADE FOR THE

4 SAFE TO BE OPENED?

5 A YES, SIR.

6 Q CAN YOU TELL US WHAT OCCURRED AS FAR AS

7 THAT IS CONCERNED.

8 A A LOCKSMITH OR LOCK COMPANY, SAFE

9 COMPANY, CAME TO DRILL THE SAFE SO THAT IT COULD BE

10 OPENED.

11 Q AND DO YOU RECALL SEEING SOMEONE ARRIVE

12 FOR THE PURPOSE OF DRILLING INTO THE SAFE?

13 A YES, SIR.

14 Q AND WAS THERE A DISCUSSION WITH THEM

15 AFTER THEIR ARRIVAL?

16 A YES, SIR.

17 Q AND WAS PAYMENT MADE TO THEM AT THAT

18 TIME?

19 A YES, SIR.

20 Q AND WHO MADE THAT PAYMENT?

21 A I DID.

22 Q AND AFTER THE PAYMENT WAS MADE CAN YOU

23 TELL US WHAT YOU OBSERVED HAPPEN NEXT.

24 A THE -- I WAS ASKED THAT COULD THE SAFE

25 ONLY BE OPENED IN THE PRESENCE OF LYLE AND ERIK, AND

26 THAT CARLOS AND I NOT BE AROUND AT THE TIME THE SAFE

27 WAS OPENED.

28 Q NOW, WHO WAS IT THAT REQUESTED THAT YOU

39693

1 AND CARLOS BARALT NOT BE PRESENT AT THE TIME THAT

2 THE SAFE WAS OPENED?

3 A LYLE MENENDEZ.

4 Q AND DO YOU RECALL WHAT HE SAID TO YOU

5 WHEN HE MADE THAT REQUEST TO YOU?

6 A HE SAID THAT HE WAS CONCERNED THERE MAY

7 BE SOME THINGS IN THE SAFE THAT COULD BE

8 EMBARRASSING TO HIS PARENTS, AND THAT HE WANTED TO

9 PROTECT THE GOOD NAME OF HIS PARENTS, AND THAT HE

10 ASKED THAT I RESPECT HIS WISHES.

11 Q AND HOW DID YOU RESPOND TO THAT

12 REQUEST?

13 A I DIDN'T THINK THERE WOULD BE ANYTHING

14 IN THE SAFE THAT COULD POSSIBLY BE A PROBLEM AT THIS
15 STAGE OF THE GAME, AND THOUGHT WE SHOULD ALL BE IN
16 THERE WHEN THE SAFE WAS OPENED.

17 Q AND SO DID YOU OBJECT TO THAT PROCEDURE?

18 A I DID.

19 Q AND WHAT HAPPENED AFTER YOUR OBJECTION?

20 A CARLOS BARALT ASKED ME TO RESPECT THEIR
21 WISHES AND TO PLEASE NOT BE PRESENT WHEN THE SAFE
22 WAS OPENED.

23 Q AND WHEN THE SAFE WAS ACTUALLY DRILLED,
24 DO YOU RECALL WHERE YOU WERE?

25 A EITHER IN THE HALLWAY NEXT TO THE GARAGE
26 OR I WAS OUTSIDE BEHIND THE GARAGE.

27 Q AND WHEN THE WORK WAS COMPLETED BY THE
28 MEN WHO HAD COME TO DO THE WORK, DID YOU SEE THEM

39694

1 EXIT THE GARAGE?

2 MS. ABRAMSON: OBJECTION. LEADING.

3 THE COURT: OVERRULED.

4 THE WITNESS: YES, SIR.

5 Q BY MR. CONN: WHAT HAPPENED AFTER THE
6 WORKMEN COMPLETED THEIR WORK?

7 A THE SAFE WAS OPENED: YOU CAN DECIDE
8 WHO'S GOING TO SEE IT.

9 Q AND THEN WHO, IF ANYONE, WENT INTO THE
10 GARAGE?

11 A LYLE AND ERIK WENT INTO THE GARAGE.

12 Q DID YOU AND CARLOS REMAIN OUTSIDE --

13 MS. ABRAMSON: OBJECTION. LEADING, YOUR
14 HONOR.

15 THE COURT: SUSTAINED.

16 Q BY MR. CONN: WHO REMAINED OUTSIDE --

17 MS. ABRAMSON: OBJECTION. ASSUMES FACTS NOT
18 IN EVIDENCE.

19 THE COURT: OVERRULED.

20 Q BY MR. CONN: WHO REMAINED OUTSIDE WHILE
21 ERIK AND LYLE WENT INTO THE GARAGE?

22 A CARLOS AND I DID.

23 Q AND WHAT HAPPENED NEXT?

24 A THE SAFE WAS OPENED AND, AS I SAID,
25 THERE WAS NOTHING IN THERE.

26 Q WHO SAID THERE WAS NOTHING IN IT?

27 A LYLE.

28 Q AFTER HE MADE THAT STATEMENT TO YOU, DID

39695

1 YOU THEN ENTER THE GARAGE?

2 A YES, SIR.

3 Q DID YOU LOOK FOR YOURSELF?

4 A YES, SIR.

5 Q SOMETIME AFTER THE OPENING OF THAT SAFE
6 WAS THE WILL FOUND?

7 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT AS
8 LEADING AND SUGGESTIVE, YOUR HONOR.

9 THE COURT: SUSTAINED.

10 Q BY MR. CONN: SOMETIME AFTER THE SAFE
11 WAS OPENED, DID YOU RECEIVE ANY INFORMATION
12 CONCERNING THE WILL BEING FOUND?

13 MS. ABRAMSON: OBJECTION.

14 MR. GESSLER: STILL LEADING.

15 THE COURT: AS TO WHEN HE GOT THAT
16 INFORMATION WOULD BE LEADING.

17 Q BY MR. CONN: DO YOU RECALL RECEIVING
18 SOME INFORMATION ABOUT A WILL BEING FOUND?

19 A YES, SIR.

20 Q AND DO YOU RECALL WHEN THAT OCCURRED?

21 A I DON'T REMEMBER IF IT WAS WEDNESDAY OR
22 THURSDAY. I THINK IT WAS WEDNESDAY. I'M NOT SURE.

23 Q OKAY. NOW, YOU SAY THAT YOU ARRIVED ON
24 A WEDNESDAY; IS THAT CORRECT?

25 A THAT'S CORRECT.

26 Q WHAT DAY WAS IT THAT YOU WENT TO THE
27 SAFE?

28 A I BELIEVE IT WAS WEDNESDAY. COULD HAVE

1 BEEN THURSDAY.

2 Q AND DO YOU RECALL WHEN IT WAS IN
3 RELATIONSHIP TO THE TIME THAT YOU WENT TO THE SAFE
4 THAT YOU RECEIVED WORD THAT A WILL HAD BEEN FOUND?

5 A IT SEEMS THAT IT WAS LATER THAT DAY.

6 Q OKAY. SO AT THE TIME THAT YOU WENT TO
7 THE SAFE, WAS THAT PRIOR TO THE TIME YOU HAD
8 RECEIVED WORD THAT A WILL HAD BEEN FOUND?

9 A AS I RECALL IT WAS.

10 Q AND WHAT WAS YOUR PURPOSE FOR GOING TO
11 LOOK AT THE SAFE THAT DAY WITH CARLOS BARALT AND THE
12 DEFENDANTS?

13 A TO SEE WHAT WAS IN THE SAFE AND TO SEE
14 IF THERE WAS A WILL IN THE SAFE.

15 Q NOW, DO YOU RECALL SOMETIME THAT WEEK
16 GOING TO A BANK TO LOOK INSIDE A SAFETY DEPOSIT
17 BOX?

18 A YES, SIR.

19 Q AND CAN YOU TELL US WHEN THAT OCCURRED
20 IN RELATIONSHIP TO THE TIME THAT YOU RECEIVED WORD
21 THAT THE WILL HAD BEEN FOUND?

22 A THE NEXT DAY, AS I RECALL.

23 Q WHAT WAS YOUR PURPOSE FOR GOING TO THE
24 BANK AND LOOKING INSIDE THE SAFETY DEPOSIT BOX?

25 A TO SEE IF THERE WAS ANOTHER WILL.

26 Q DO YOU RECALL WHERE THE BANK WAS

27 LOCATED?

28 A ONLY THAT IT WAS IN THE LOS ANGELES

39697

1 AREA.

2 Q DO YOU RECALL HOW YOU GOT TO THE BANK?

3 A BY CAR.

4 MS. ABRAMSON: I'M SORRY, YOUR HONOR. I

5 COULDN'T HEAR.

6 THE COURT: LET'S HAVE IT READ BACK HERE.

7 (THE LAST QUESTION AND

8 ANSWER WERE READ BACK.)

9

10 Q BY MR. CONN: DO YOU RECALL WHO YOU WENT

11 TO THE BANK WITH?

12 A NO, SIR, I DON'T.

13 Q CAN YOU TELL US WHO ELSE WAS AT THE BANK

14 WHEN YOU ARRIVED THERE?

15 A LYLE AND ERIK, CARLOS AND MYSELF.

16 Q AND BEFORE YOU -- ANYONE WENT TO OPEN A

17 SAFETY DEPOSIT BOX, WAS THERE ANY DISCUSSION

18 CONCERNING WHO WOULD BE PRESENT AT THE TIME THAT THE

19 SAFETY DEPOSIT BOX WAS OPEN?

20 A YES, SIR.

21 Q AND DID YOU HAVE A CONVERSATION WITH

22 LYLE MENENDEZ AT THAT TIME?

23 A YES, SIR.

24 Q AND WHAT, IF ANYTHING, DID LYLE MENENDEZ
25 SAY TO YOU AT THAT TIME?

26 A THAT HE FELT THAT HE AND ERIK SHOULD BE
27 THE ONLY ONES THAT ARE PRESENT WHEN THE SAFETY
28 DEPOSIT BOX WAS OPENED, BECAUSE THERE MAY BE SOME

39698

1 THINGS IN THERE THAT WOULD BE EMBARRASSING TO HIS
2 PARENTS.

3 Q AND HOW DID YOU RESPOND TO THAT
4 REQUEST?

5 A I FELT THAT CARLOS BARALT, THE NAMED
6 EXECUTOR IN THE WILL THAT WAS FOUND, SHOULD GO WITH
7 THEM.

8 Q WAS THERE ANYONE ELSE THERE AT THE BANK
9 WHO VOICED AN OPINION CONCERNING THAT ISSUE?

10 A I'M SORRY. I DON'T UNDERSTAND THE
11 QUESTION.

12 Q WAS -- WERE THE BANK OFFICIALS IN ANY WAY
13 PARTICIPATING IN THIS CONVERSATION?

14 A YES, SIR.

15 Q AND CAN YOU TELL US WHAT WAS SAID IN
16 THAT REGARD.

17 A THE BANK OFFICIALS FELT THAT THE HEIRS,
18 THE SONS OF KITTY AND JOSE, AND THE NAMED EXECUTOR
19 IN THE WILL SHOULD BE THE ONLY ONES THAT GO IN TO
20 THE SAFETY DEPOSIT BOX.

21 Q SO THE BANK -- DID THE BANK OFFICIALS
22 THEN AGREE WITH YOU THAT THE EXECUTOR OF THE ESTATE,
23 CARLOS BARALT, SHOULD BE PRESENT DURING THE OPENING
24 OF THE --

25 MS. ABRAMSON: OBJECTION, YOUR HONOR. CALLS
26 FOR SPECULATION. HEARSAY.

27 THE COURT: SUSTAINED ON THE FORMER GROUND,
28 UNLESS HE WAS THERE AND HEARD HIM SAY IT.

39699

1 Q BY MR. CONN: DID YOU HEAR A
2 CONVERSATION FROM -- OR INVOLVING SOME OF THE
3 OFFICIALS AT THE BANK?

4 A YES, SIR.

5 Q AND WHO ELSE WAS PRESENT DURING THAT
6 CONVERSATION?

7 A LYLE, ERIK, CARLOS AND MYSELF.

8 Q AND WHAT OPINION DID THEY VOICE
9 CONCERNING WHO SHOULD BE PRESENT AT THE TIME THAT
10 THE SAFETY DEPOSIT BOX WAS OPENED?

11 MS. ABRAMSON: YOUR HONOR, I'M GOING TO

12 OBJECT TO THE FORM OF THE QUESTION AS TO WHETHER
13 THEY'RE FORMING AN OPINION OR SIMPLY SAYING WHO'S
14 ALLOWED.

15 THE COURT: OKAY. DON'T ARGUE IT.

16 MS. ABRAMSON: I'M SORRY.

17 THE COURT: CALLS FOR A CONCLUSION ON THE
18 PART OF THE WITNESS.

19 MS. ABRAMSON: THANK YOU, YOUR HONOR.

20 THE COURT: OBJECTION SUSTAINED.

21 Q BY MR. CONN: CAN YOU TELL US WHAT YOU
22 HEARD THEM SAY CONCERNING THE PERSONS THAT WOULD BE
23 PRESENT OR SHOULD BE PRESENT AT THE TIME OF THE
24 OPENING --

25 MS. ABRAMSON: SAME OBJECTION.

26 Q BY MR. CONN: -- OF THE SAFETY DEPOSIT
27 BOX?

28 MS. ABRAMSON: AND I'LL OBJECT TO THE WOULD

39700

1 AND SHOULD.

2 THE COURT: JUST WHAT WAS SAID.

3 Q BY MR. CONN: CAN YOU TELL US WHAT WAS
4 SAID BY THE OFFICIALS AT THE BANK AT THAT TIME?

5 A THE BANK OFFICER SAID THAT THE EXECUTORS
6 AND THE SONS WOULD BE ALLOWED TO GO IN AND LOOK AT

7 THE SAFETY DEPOSIT BOX WHEN THEY OPENED IT.

8 Q AND AT THAT TIME CAN YOU TELL US THE
9 POSITION THAT CARLOS BARALT TOOK?

10 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT AS
11 WELL, YOUR HONOR, AS CALLING FOR A CONCLUSION.

12 THE COURT: YES. IF HE SAID SOMETHING.

13 Q BY MR. CONN: CAN YOU TELL US WHAT
14 CARLOS BARALT SAID AT THAT TIME.

15 A CARLOS BARALT SAID HE WAS GOING TO
16 RESPECT THE WISHES OF THE BOYS AND NOT BE WITH THEM
17 WHEN THEY OPENED THE SAFETY DEPOSIT BOX.

18 Q SO WHEN THE SAFETY DEPOSIT BOX WAS OPEN
19 WAS THAT OUTSIDE YOUR VIEW?

20 A YES, SIR.

21 Q AND DID YOU EVER SEE THE INSIDE OF THAT
22 SAFETY DEPOSIT BOX?

23 A NO, SIR.

24 MR. CONN: THANK YOU. I HAVE NO FURTHER
25 QUESTIONS, YOUR HONOR.

26 THE COURT: OKAY. CROSS-EXAMINATION.

27 MS. ABRAMSON: THANK YOU, YOUR HONOR.

28

39701

2 BY MS. ABRAMSON:

3 Q IS THERE A JUNIOR TENNIS TOURNAMENT, OR
4 AS OF '89, WAS THERE A JUNIOR TENNIS TOURNAMENT IN
5 KALAMAZOO, MICHIGAN EVERY SUMMER?

6 MR. CONN: OBJECTION. BEYOND THE SCOPE.

7 THE COURT: OVERRULED.

8 THE WITNESS: WAS --

9 Q BY MS. ABRAMSON: IS THAT TOO FAST?
10 I'LL DO IT AGAIN.

11 A THANK YOU.

12 Q IN AUGUST OF 1989 YOU TESTIFIED THAT YOU
13 WERE GOING TO GO AND THAT YOU, IN FACT, DID GO TO
14 KALAMAZOO, MICHIGAN, FOR A TENNIS TOURNAMENT.
15 RIGHT?

16 A YES, MA'AM.

17 Q AND YOU LIVED IN DOWNERS GROVE,
18 ILLINOIS, CORRECT?

19 A YES, MA'AM.

20 Q YOU STILL LIVE THERE?

21 A YES, MA'AM.

22 Q YOU KEEP A PRIVATE PLANE AT YOUR HOME.
23 YOU HAVE A HOME THAT HAS LIKE A RUNWAY BEHIND IT?

24 A YES, MA'AM.

25 Q HOW LONG A FLIGHT IS IT FROM YOUR HOME
26 IN ILLINOIS TO KALAMAZOO, MICHIGAN?

27 A APPROXIMATELY AN HOUR.

28 Q NOW, TO YOUR KNOWLEDGE, BASED ON THE

1 TENNIS COMPETITIONS OF YOUR TWO NEPHEWS HERE, WAS
 2 THERE AN ANNUAL JUNIOR TENNIS TOURNAMENT IN
 3 KALAMAZOO, MICHIGAN EVERY YEAR?

4 A YES, MA'AM.

5 Q DID YOU ATTEND THAT TOURNAMENT MORE THAN
 6 ONCE?

7 A YES, MA'AM.

8 Q AND WHEN YOU ATTENDED IT, DID YOU ATTEND
 9 SOLELY TO SEE YOUR NEPHEWS, ERIK AND LYLE MENENDEZ,
 10 PLAY IN IT?

11 MR. CONN: OBJECTION. BEYOND THE SCOPE OF
 12 DIRECT.

13 THE COURT: I'LL PERMIT THIS QUESTION AND
 14 ANSWER.

15 YOU CAN ANSWER IT.

16 THE WITNESS: YES.

17 Q BY MS. ABRAMSON: AND ON HOW MANY
 18 OCCASIONS DID YOU SEE JOSE MENENDEZ AT THE
 19 KALAMAZOO, MICHIGAN TENNIS TOURNAMENT?

20 MR. CONN: OBJECTION. BEYOND THE SCOPE OF
 21 DIRECT.

22 THE COURT: SUSTAINED.

23 Q BY MS. ABRAMSON: HAD YOU SEEN JOSE
 24 MENENDEZ AT THAT TOURNAMENT BEFORE THE DAY THAT YOU
 25 NOW SAY HE MADE A STATEMENT TO YOU?

26 MR. CONN: OBJECTION. IRRELEVANT.
27 THE COURT: ARE YOU TALKING ABOUT THAT SAME
28 WEEK OR DURING THAT TOURNAMENT?

39703

1 MS. ABRAMSON: EVER THAT -- ANY YEAR.
2 MR. CONN: OBJECTION. BEYOND THE SCOPE AND
3 IRRELEVANT.
4 THE COURT: I'LL PERMIT THE INQUIRY, VERY
5 BRIEFLY, ON THAT SUBJECT.
6 MS. ABRAMSON: THANK YOU, YOUR HONOR.
7 Q YOU KNOW WHAT I'M SAYING?
8 A MM-HMM.
9 Q HAD YOU EVER SEEN JOSE BEFORE AT THAT
10 KALAMAZOO TOURNAMENT ON PRIOR YEARS?
11 A YES, MA'AM.
12 Q AND WERE THOSE YEARS WHEN LYLE WAS
13 COMPETING IN THE TOURNAMENT?
14 MR. CONN: OBJECTION. IRRELEVANT AND BEYOND
15 THE SCOPE.
16 THE COURT: SUSTAINED.
17 MS. ABRAMSON: WELL, THAT WOULD BE THE LAST
18 QUESTION IN THAT AREA, YOUR HONOR, JUST TO -- I CAN
19 ASK IT A DIFFERENT WAY.
20 THE COURT: OKAY.

21 Q BY MS. ABRAMSON: DO YOU RECOLLECT
22 WHETHER ERIK MENENDEZ EVER COMPETED IN THAT
23 TOURNAMENT BEFORE AUGUST OF 1989?

24 A I BELIEVE HE DID.

25 Q HOW MANY DAYS BEFORE YOU FLEW YOUR
26 AIRPLANE TO KALAMAZOO FOR THE TOURNAMENT HAD YOUR
27 SISTER COME TO VISIT YOU?

28 A I THINK TWO OR THREE, MAYBE FOUR DAYS.

39704

1 Q AND -- SO SHE STAYED AT YOUR HOME IN
2 DOWNERS GROVE FOR ANYWHERE FROM TWO TO FOUR DAYS
3 BEFORE YOU LEFT FOR THE TOURNAMENT?

4 A YES, MA'AM.

5 Q AND HOW MANY DAYS BEFORE YOU LEFT FOR
6 THE TOURNAMENT HAD ERIK MENENDEZ COME TO YOUR HOME?

7 A ONE OR TWO.

8 Q ONE OR TWO?

9 A ONE OR TWO DAYS.

10 Q AND TO YOUR KNOWLEDGE ERIK CAME IN BY
11 HIMSELF?

12 A YES, MA'AM.

13 Q HE DID NOT COME WITH HIS MOTHER?

14 A NO, MA'AM.

15 Q TO YOUR KNOWLEDGE, WAS HE COMING FROM A

16 DIFFERENT PART OF THE COUNTRY THAN HIS -- THAN YOUR
17 SISTER WAS COMING FROM?
18 MR. CONN: OBJECTION. CALLS FOR HEARSAY.
19 THE COURT: SUSTAINED.
20 Q BY MS. ABRAMSON: DID YOU OR ANYONE FROM
21 YOUR HOUSEHOLD, TO YOUR KNOWLEDGE, MEET ERIK AT THE
22 AIRPORT WHEN HE CAME IN FROM WHEREVER IT WAS HE CAME
23 IN FROM?
24 A YES, MA'AM.
25 Q WHO MET HIM?
26 A AS I RECALL, IT WAS MY SISTER.
27 Q HIS MOTHER?
28 A HIS MOTHER.

39705

1 Q AND --
2 A AND --
3 Q AND SOMEONE ELSE?
4 A GENE MALONEY, MY UNCLE, AND A WOMAN WHO
5 IS NOW MY DAUGHTER-IN-LAW, JULIE.
6 Q I'M SORRY. YOU HAVE TO SPEAK UP.
7 A A WOMAN WHO IS NOW MY DAUGHTER-IN-LAW,
8 JULIE.
9 Q JULIE. JULIE IS MARRIED --
10 A JULIE.

11 Q JULIE'S MARRIED TO ONE OF YOUR SONS?
12 A YES, MA'AM.
13 Q YOUR OLDEST SON OR YOUNGEST SON?
14 A MY YOUNGEST SON.
15 Q AND SO THE THREE OF THEM, MRS. MENENDEZ,
16 GENE MALONEY AND JULIE, WENT TO THE AIRPORT TO PICK
17 UP ERIK?
18 A THAT'S CORRECT.
19 Q DID HE COME IN AT NIGHT OR DURING THE
20 DAYTIME?
21 A I DON'T RECALL. I THINK IT WAS DURING
22 THE DAY. LATE IN THE DAY PERHAPS.
23 Q AND WAS IT THAT DAY OR THE NEXT DAY THAT
24 YOU SAY HE ASKED PERMISSION TO USE A TELEPHONE?
25 A THE NEXT DAY.
26 Q AND YOUR UNDERSTANDING IS HE WAS
27 TELEPHONING TO THE AIRPORT, CORRECT?
28 A YES, MA'AM.

39706

1 Q AND THE AIRPORT WAS AT O'HARE?
2 A YES, MA'AM.
3 Q THIS -- ARE THERE TWO AIRPORTS IN
4 CHICAGO?
5 A THERE'S MANY AIRPORTS IN CHICAGO.

6 Q I MEAN, TWO BIG ONES THAT WOULD ACCEPT
7 PLANES, SAY, FROM LOS ANGELES?

8 A YES, PRIMARILY TWO.

9 Q ALL RIGHT. YOUR UNDERSTANDING, THOUGH,
10 IS HE WAS TELEPHONING TO O'HARE AIRPORT, CORRECT?

11 A YES, MA'AM.

12 Q THAT'S NOT A LONG DISTANCE CALL, IS IT?

13 A IT HAS AN AREA CODE. IT WAS A DIFFERENT
14 AREA CODE.

15 Q OKAY. IS IT AN EXPENSIVE CALL?

16 MR. CONN: OBJECTION. IRRELEVANT.

17 THE COURT: OVERRULED.

18 THE WITNESS: NO, IT'S NOT EXPENSIVE.

19 Q BY MS. ABRAMSON: NEVERTHELESS, HE ASKED
20 YOUR PERMISSION TO MAKE THAT CALL?

21 A HE ASKED FOR A PHONE TO TALK PRIVATELY
22 ON, YES.

23 THE COURT: YOU HAVE TO SPEAK UP FOR US.

24 THE WITNESS: I'M SORRY.

25 Q BY MS. ABRAMSON: HE WOULDN'T JUST GO
26 INTO ANOTHER ROOM OF YOUR HOUSE TO USE A PHONE
27 WITHOUT ASKING YOUR PERMISSION?

28 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

1 THE COURT: SUSTAINED.

2 Q BY MS. ABRAMSON: WERE YOU SURPRISED
3 THAT HE ASKED YOUR PERMISSION --

4 MR. CONN: OBJECT.

5 Q BY MS. ABRAMSON: -- TO USE A PHONE
6 PRIVATELY?

7 MR. CONN: OBJECTION. IRRELEVANT.

8 THE COURT: SUSTAINED.

9 Q BY MS. ABRAMSON: WHERE DID HE HAVE TO
10 GO TO USE THIS PRIVATE PHONE?

11 A THERE WAS NO ONE IN THE REC ROOM. I
12 SUGGESTED HE USE THE REC ROOM PHONE.

13 Q AND YOU DIDN'T LISTEN IN WHILE HE WAS ON
14 THAT PHONE.

15 A NOT THAT I RECALL.

16 Q SO YOU DIDN'T KNOW AT THAT TIME WHO HE
17 WAS CALLING?

18 A NO, MA'AM.

19 Q DID HE SEEM AGITATED OR NERVOUS OR
20 ANYTHING LIKE THAT WHEN HE ASKED YOUR PERMISSION TO
21 USE THE PHONE?

22 A HE WAS SOMEWHAT EXCITED.

23 Q OKAY. SEEMED CONCERNED?

24 A YES, MA'AM.

25 Q AND THEN AT SOME POINT YOU SAY THERE WAS
26 A CALL BACK THAT YOU'VE IDENTIFIED AS COMING FROM
27 THE BAGGAGE PEOPLE AT AN AIRLINE?

28 A YES, MA'AM.

1 Q AND DO YOU KNOW THAT FIRSTHAND? DID
2 YOU TAKE THE CALL?

3 A I WAS IN THE KITCHEN WHEN THE CALL CAME
4 IN.

5 Q DID YOU HEAR THE VOICE AT THE OTHER END
6 OF THE PHONE IDENTIFYING THEMSELF OR SAYING
7 ANYTHING?

8 A NO, MA'AM.

9 Q SO WHO TOOK THE CALL?

10 A WHO?

11 Q LET ME START IT THIS WAY: WHO ANSWERED
12 THE PHONE?

13 A MY WIFE, PAT, MAY HAVE. KITTY MAY
14 HAVE.

15 Q WELL, HOW DID YOU KNOW IT WAS BAGGAGE
16 PEOPLE FROM AN AIRLINE? WHO TOLD YOU?

17 A AFTER THE CALL WAS COMPLETED.

18 Q WHO TOLD YOU?

19 A EITHER ERIK OR HIS MOTHER.

20 Q SO YOU'RE NOT SURE WHETHER ERIK TOOK --
21 WAS ON THE PHONE OR HIS MOTHER WAS ON THE PHONE?

22 A THAT'S CORRECT.

23 Q BUT ONE OR THE OTHER TOLD YOU THAT THAT

24 WAS A CALL FROM AN AIRLINE, CORRECT?

25 A THAT'S CORRECT.

26 Q AND TOLD YOU THAT THEY HAD LOCATED,
27 FOUND, A CAMCORDER THAT ERIK HAD NEGLIGENTLY LEFT IN
28 AN OVERHEAD COMPARTMENT, CORRECT?

39709

1 A THE CALL CAME BACK THAT ERIK HAD LEFT --
2 THEY HAD FOUND -- THEY HAD THE CAMCORDER.

3 Q THEY HAD FOUND IT, THEY HAD IT?

4 A THEY HAD THE CAMCORDER.

5 Q AND THEN ERIK EXPLAINED WHAT HE HAD BEEN
6 SO EXCITED ABOUT, THAT HE HAD NEGLIGENTLY LEFT THIS
7 ON THE AIRPLANE AND WAS AFRAID THAT HE HAD LOST IT,
8 RIGHT?

9 A HE DIDN'T SAY HE WAS AFRAID HE LOST IT.
10 HE WAS -- SAID HE WAS HAPPY THEY FOUND IT.

11 Q RIGHT.

12 IT WAS EXPENSIVE, RIGHT? HE DIDN'T WANT
13 TO LOSE IT? WASN'T THAT WHAT HE WAS CONVEYING? HE
14 WAS RELIEVED THAT THEY HAD FOUND THIS EXPENSIVE
15 CAMERA?

16 A YES.

17 Q AND HE ASKED PERMISSION TO TAKE A CAR
18 AND GO RIGHT UP TO THE AIRPORT AND GET IT, DIDN'T

19 HE?

20 A HE ASKED HIS MOTHER THAT.

21 Q OKAY. AND YOU HEARD HIM ASK HER THAT?

22 A YES, MA'AM.

23 Q MOM, CAN I HAVE THE KEYS TO THE CAR SO I

24 CAN GO GET THE CAMERA?

25 A YES, MA'AM.

26 Q AND SHE GOT ANGRY WITH HIM, RIGHT?

27 A AFTER THE DISCUSSION ABOUT WHAT HE WAS

28 GOING AFTER.

39710

1 Q SHE GOT ANGRY WITH HIM WHEN HE SAID,
2 MOM, I LEFT A CAMERA ON AN AIRPLANE AND I'M REAL
3 RELIEVED IT'S THERE AND I WANT TO GO GET IT, RIGHT?

4 A SHE DID NOT KNOW THE CAMERA EXISTED.

5 Q THAT'S WHAT YOU'RE SAYING NOW, BUT THE
6 FACT IS SHE WAS ANGRY AT HIM, RIGHT?

7 A YES, MA'AM.

8 Q NOW, ONCE SHE LEARNED THE CAMERA EXISTED
9 SHE USED IT REPEATEDLY AT THIS TENNIS TOURNAMENT IN
10 KALAMAZOO, CORRECT?

11 A I ONLY SAW HER USING IT ONCE.

12 Q DIDN'T YOU TELL THE PROSECUTORS IN THIS
13 CASE THAT SHE MADE AT LEAST 12 DIFFERENT VIDEOS

14 USING THAT CAMERA AT KALAMAZOO?

15 A YOU ASKED ME IF I SAW IT.

16 Q DID YOU SEE HER USING IT?

17 A YES, MA'AM.

18 Q DID YOU LATER SEE A DOZEN DIFFERENT

19 VIDEOS THAT SHE MADE USING THAT CAMERA AT

20 KALAMAZOO?

21 A AFTER THE MURDERS.

22 Q AT SOME POINT?

23 A YES.

24 Q YOU DIDN'T HEAR HER TELL ERIK, THIS HAS

25 TO BE RETURNED, DID YOU?

26 A NO, MA'AM.

27 MS. ABRAMSON: YOUR HONOR, CAN I CONFER WITH

28 CO-COUNSEL FOR A MOMENT?

39711

1 THE COURT: YES.

2 (ATTORNEYS ABRAMSON AND GESSLER

3 CONFER SOTTO VOCE.)

4

5 Q BY MS. ABRAMSON: NOW, DID YOU HEAR A

6 DISCUSSION IN WHICH ERIK MENENDEZ WAS EXPLAINING TO

7 HIS MOTHER THAT LYLE AND MARK HEFFERNAN HAD

8 PURCHASED THAT CAMCORDER EARLIER THE SUMMER FOR

9 TENNIS?

10 A NO, MA'AM.

11 Q YOU DIDN'T HEAR THAT?

12 A NO, MA'AM.

13 Q AND DID YOU EVER SEE ANY BILL FOR THAT

14 CAMCORDER OR ANY FIGURES THAT INDICATED HOW MUCH IT

15 COST?

16 A NO, MA'AM.

17 Q EXCUSE ME?

18 A NO, MA'AM.

19 Q DO YOU KNOW HOW MUCH CAMCORDERS COST?

20 A I WAS TOLD BY ERIK THAT IT WAS A

21 NINE-HUNDRED DOLLAR CAMCORDER.

22 Q NINE HUNDRED DOLLARS. AND HE SEEMED

23 IMPRESSED THAT THAT WAS EXPENSIVE, CORRECT? I'M

24 REAL GLAD I GOT THAT CAMERA BACK, IT COST \$900.

25 A HE DIDN'T SAY THAT.

26 Q WHEN DID HE TELL YOU IT WAS \$900?

27 A HE SAID THAT LYLE HAD PURCHASED THE

28 CAMCORDER ON HIS PARENTS' VISA CARD AND HE COULD NOT

39712

1 BELIEVE THAT LYLE DID THAT AND IT COST \$900.

2 Q SO HE ACTED AS IF THAT WAS A LOT OF

3 MONEY TO HIM, CORRECT?

4 A THAT HE WAS EXCITED ABOUT THE FACT THAT
5 LYLE HAD PURCHASED IT OR THE PRICE OF IT.

6 Q WELL, I'M ASKING YOU IF THE WAY HE SAID
7 IT, THAT SOUNDED LIKE A LOT OF MONEY -- HE WAS
8 INDICATING THAT THAT WAS EXPENSIVE TO HIM.

9 A I SUPPOSE THAT HE WAS.

10 Q DID YOU EVEN KNOW THAT THERE WAS A MARK
11 HEFFERNAN THAT SUMMER?

12 A KITTY AND I HAD TALKED ABOUT TENNIS
13 COACHES.

14 Q DID YOU KNOW THAT THEY HAD A TENNIS
15 COACH NAMED MARK HEFFERNAN?

16 A KITTY DISCUSSED WITH ME --

17 Q I'M JUST ASKING YOU YES OR NO.

18 A YES.

19 Q RATHER THAN TELLING ME WHAT OTHER PEOPLE
20 SAID.

21 A YES.

22 Q YOU DID KNOW?

23 AND YOU KNOW THAT HE WAS SOMEONE WHO WAS
24 WORKING WITH BOTH ERIK AND LYLE MENENDEZ.

25 A YES.

26 Q DID YOU OWN A CAMCORDER?

27 A NO, MA'AM.

28 Q DID YOU SEE YOUR SISTER USING A CAMERA

1 AT THE KALAMAZOO TENNIS TOURNAMENT IN ADDITION TO
2 THE CAMCORDER?

3 A SHE MAY HAVE. I DON'T RECALL.

4 Q DID YOU KNOW WHETHER OR NOT YOUR SISTER
5 AND HER HUSBAND OWNED CAMERAS?

6 MR. CONN: OBJECTION. IRRELEVANT.

7 THE COURT: SUSTAINED.

8 Q BY MS. ABRAMSON: HAD YOU EVER SEEN THEM
9 USING CAMERAS TO SHOOT THEIR SONS PLAYING TENNIS AT
10 ANY TOURNAMENT THAT YOU ATTENDED?

11 MR. CONN: OBJECTION. IRRELEVANT.

12 THE COURT: SUSTAINED.

13 Q BY MS. ABRAMSON: NOW, I THINK YOU'VE
14 INDICATED YOU DID HEAR ERIK ASK FOR THE KEYS TO THE
15 CAR SO HE COULD GO PICK UP THE CAMERA, BUT WHAT YOU
16 SAW WAS THAT HE AND HIS MOTHER WENT; IS THAT
17 CORRECT?

18 A YES, MA'AM.

19 Q AND YOU SAW THEM RETURN AND THERE WAS A
20 BAG AND YOU SAW IN THE BAG WAS THE CAMCORDER,
21 CORRECT?

22 A I SAW -- I SAW THE BAG.

23 Q YOU DIDN'T SEE THE CAMCORDER INSIDE THE
24 BAG?

25 A THE BAG WAS CLOSED.

26 Q ALL RIGHT. WHEN WAS THE FIRST TIME YOU
27 ACTUALLY SAW THE CAMCORDER?

39714

1 Q DID I MISUNDERSTAND YOU? DID YOU SAY
2 THAT THE INTENTION WAS THAT YOU WERE GOING TO GO TO
3 THE TENNIS MATCH IN KALAMAZOO WITH ERIK MENENDEZ AND
4 HIS MOTHER IN YOUR AIRPLANE?

5 A THE INTENTION AND WE DID.

6 Q DID YOU GO IN YOUR AIRPLANE?

7 A YES.

8 Q ALL OF YOU?

9 A YES.

10 Q ISN'T IT TRUE THAT KITTY MENENDEZ AND
11 ERIK MENENDEZ DROVE THERE AND, IN FACT, MET YOU AT
12 THE AIRPORT, PICKED YOU UP AT THE AIRPORT?

13 A THAT'S POSSIBLE. I USUALLY FLEW THEM UP
14 THERE.

15 Q WELL, YOU'RE SAYING IT'S POSSIBLE, BUT
16 I'M ASKING YOU, ON THIS PARTICULAR OCCASION, DO YOU
17 REMEMBER HOW IT WAS THAT THEY WENT TO KALAMAZOO
18 VERSUS HOW IT WAS THAT YOU WENT TO KALAMAZOO?

19 A I CAN'T REMEMBER WHETHER THAT PARTICULAR
20 YEAR I FLEW THEM OR DROVE THEM. NORMALLY I WOULD
21 FLY THEM UP THERE.

22 Q DO YOU RECALL TESTIFYING AT THE PREVIOUS

23 TRIAL THAT THEY DROVE AND YOU FLEW?

24 A THAT MAY HAVE BEEN THE CASE.

25 Q WOULD IT REFRESH YOUR RECOLLECTION IF I

26 SHOWED YOU YOUR TESTIMONY FROM THAT TRIAL? DO YOU

27 KNOW WHAT YOU TESTIFIED TO LAST TIME?

28 A I COULD HAVE -- I CANNOT RECALL.

39715

1 SOMETIMES I FLEW THEM. SOMETIMES THEY DROVE
2 THEMSELVES.

3 Q THIS IS COMPLICATED. WE HAVE TO DO THIS
4 IN STAGES.

5 DO YOU REMEMBER WHAT YOU TESTIFIED TO
6 LAST TIME?

7 A NOT PRECISELY.

8 Q OKAY. LET'S START WITH THAT.

9 DO YOU THINK IT WOULD REFRESH YOUR
10 MEMORY AS TO WHAT YOU TESTIFIED TO LAST TIME IF I
11 SHOW YOU THE TRANSCRIPT OF WHAT YOU TESTIFIED TO
12 LAST TIME?

13 A YES, MA'AM.

14 MS. ABRAMSON: OKAY. I INTEND TO SHOW THE
15 WITNESS PAGES 22568 THROUGH 22569, STARTING AT LINE
16 25 AND ENDING AT LINE 5 ON THE NEXT PAGE.

17 Q NOW, MR. ANDERSEN, I'LL GIVE YOU THIS

18 AND ASK YOU TO READ IT TO YOURSELF, STARTING AT LINE
19 25, AND THEN ON TO THE NEXT PAGE TO LINE 5.

20 A (WITNESS COMPLIES.) YES, MA'AM.

21 Q DOES THAT REFRESH YOUR MEMORY, AT LEAST
22 AS TO WHAT YOU TESTIFIED TO AT THE PREVIOUS TRIAL?

23 A APPARENTLY THEY DROVE ON THAT PARTICULAR
24 OCCASION.

25 Q WELL, YOU TESTIFIED THAT THEY DROVE; IS
26 THAT RIGHT?

27 A YES, MA'AM.

28 Q DO YOU ACTUALLY REMEMBER THAT THEY

39716

1 DROVE?

2 A AT THIS PARTICULAR TIME I DON'T CLEARLY
3 RECALL WHETHER THEY DROVE OR I FLEW THEM.

4 Q NOW, I'M GOING TO JUMP OVER THE BIT AT
5 KALAMAZOO SINCE IT DOESN'T INVOLVE MY CASE, AND GO
6 AHEAD TO AUGUST 21ST, 1989.

7 YOU RECEIVED A TELEPHONE CALL FROM MARZI
8 EISENBERG TELLING YOU ABOUT THE HOMICIDES, CORRECT?

9 A YES, MA'AM.

10 Q AND MARZI EISENBERG WAS JOSE MENENDEZ'
11 PERSONAL ASSISTANT AND SECRETARY, CORRECT?

12 A AS I UNDERSTOOD IT, YES, MA'AM.

13 Q AND YOU SAID YOU THEN MADE SOME TRAVEL

14 ARRANGEMENTS?

15 A YES, MA'AM.

16 Q DID MS. EISENBERG INDICATE TO YOU THAT

17 THE COMPANY THAT JOSE MENENDEZ WORKED FOR WAS MAKING

18 ARRANGEMENTS TO ACCOMMODATE THE FAMILY HERE IN

19 LOS ANGELES?

20 MR. CONN: OBJECTION. IRRELEVANT. CALLS FOR

21 HEARSAY.

22 THE COURT: OVERRULED.

23 THE WITNESS: YES, MA'AM.

24 Q BY MS. ABRAMSON: AND DID YOU LEARN FROM

25 MS. EISENBERG THAT YOU SHOULD GO TO THE HOTEL

26 BELAGE?

27 A YES, MA'AM.

28 Q AND DID YOU LEARN FROM MS. EISENBERG

39717

1 THAT A LIMOUSINE WOULD MEET YOU AT THE AIRPORT?

2 A YES, MA'AM.

3 Q AND WHEN YOU WERE HERE IN LOS ANGELES

4 FOR THAT TRIP, WAS TRANSPORTATION PROVIDED FOR YOU?

5 A AS I RECALL.

6 Q SO YOU DIDN'T RENT A CAR AND DRIVE

7 YOURSELF AROUND, CORRECT?

8 A NOT THAT I RECALL.

9 Q AND THAT'S WHERE YOU -- WELL, IT'S YOUR
10 BELIEF THAT THE BELAGE HOTEL IS IN STUDIO CITY?

11 A I DON'T KNOW THAT MUCH ABOUT THE
12 GEOGRAPHY OF LOS ANGELES. I GUESS I WAS GUESSING IN
13 THAT GENERAL AREA.

14 Q AND YOU NEVER HAD TO DRIVE YOURSELF
15 THERE OR AWAY FROM THERE, SO YOU WEREN'T FORCED TO
16 LEARN; IS THAT A FAIR STATEMENT?

17 A I DON'T KNOW THAT THAT'S TRUE.

18 Q YOU DON'T KNOW THAT THAT'S TRUE?

19 A THAT'S CORRECT.

20 Q DO YOU REMEMBER EVER DRIVING YOURSELF TO
21 THAT HOTEL?

22 A I DON'T KNOW.

23 Q WHILE YOU WERE HERE THAT TIME?

24 A I DO NOT RECALL.

25 Q NOW, WHEN YOU GOT IN, A LIMOUSINE PICKED
26 YOU UP AND TOOK YOU TO THAT HOTEL, CORRECT?

27 A THAT'S WHAT I RECALL.

28 Q ALL RIGHT. AND YOU DON'T RECALL EVER

39718

1 HAVING STAYED AT THAT HOTEL BEFORE THAT, DO YOU?

2 A NO, MA'AM.

3 Q HAD YOU EVER VISITED THE FAMILY HOME ON
4 ELM DRIVE IN BEVERLY HILLS BEFORE THE WEEK OF AUGUST
5 21ST, 1989?

6 A NO, MA'AM.

7 Q DO YOU REMEMBER THE NAME OF THE PERSON
8 AT WHOSE HOME THE SAFE WAS LOCATED?

9 A RANDY WHITE (SIC).

10 Q RANDY WHITE (SIC)?

11 A THAT'S CORRECT.

12 Q HAD YOU EVER HEARD OF THAT PERSON
13 BEFORE?

14 A YES, MA'AM.

15 Q AND WHEN HAD YOU HEARD OF HIM BEFORE?

16 A I WAS INTRODUCED TO MR. WHITE (SIC) AT
17 THE TENNIS TOURNAMENT IN KALAMAZOO.

18 Q AND HAD YOU EVER BEEN TO HIS HOUSE
19 BEFORE THE DAY THAT YOU WENT THERE TO SEE THE SAFE?

20 A NO, MA'AM.

21 Q NOW, YOU INDICATED THAT YOU FOUND OUT
22 THERE WAS -- WELL, FIRST OF ALL, DID YOU KNOW THAT
23 THE FAMILY HAD A SAFE BEFORE YOU GOT HERE THAT
24 WEEK?

25 A YES, MA'AM.

26 Q YOU DID? HAD YOU SEEN THE FAMILY SAFE
27 BEFORE?

28 A YES, MA'AM.

1 Q WHERE HAD YOU SEEN IT?

2 A IN -- I BELIEVE I'VE SEEN IT IN

3 CALABASAS. WHETHER IT WAS THE SAME SAFE, I DON'T

4 KNOW.

5 Q YOU HAD SEEN A SAFE IN CALABASAS, AT THE

6 RENTED HOUSE THEY HAD IN CALABASAS?

7 A YES, MA'AM.

8 Q YOU HAD VISITED THAT HOUSE BEFORE?

9 A YES, MA'AM.

10 Q YOU SAY YOU DON'T KNOW IF IT'S THE SAME

11 SAFE.

12 YOU DON'T REMEMBER NOW IF YOU RECOGNIZED

13 IT WHEN YOU SAW IT AT MR. WHITE (SIC)'S HOUSE?

14 A NO, MA'AM.

15 Q NOW, YOU SAID THAT IT WAS LYLE MENENDEZ

16 WHO TOLD YOU THAT THE SAFE WAS AT SOMEONE'S HOUSE,

17 CORRECT?

18 A YES, MA'AM.

19 Q YOU DIDN'T KNOW THAT BEFORE HE TOLD YOU

20 THAT?

21 A NOT TO MY KNOWLEDGE.

22 Q IN FACT, YOU DIDN'T ASK ABOUT IT EITHER

23 BEFORE HE TOLD YOU THAT; ISN'T THAT CORRECT?

24 A I DON'T RECALL.

25 Q HE JUST SIMPLY TOLD YOU, THE FAMILY SAFE

26 IS OVER AT THIS MAN'S HOUSE FOR SAFE-KEEPING,

27 CORRECT?

28 A IT WAS A DISCUSSION ON THE SAFE THAT

39720

1 ENSUED THAT DAY AND --

2 Q WHAT DAY?

3 A THE DAY THAT HE TOLD ME.

4 Q AND YOU DON'T REALLY REMEMBER WHICH DAY

5 IT WAS THAT HE TOLD YOU, DO YOU?

6 A I BELIEVE IT WAS WEDNESDAY AFTER I

7 ARRIVED.

8 Q NOW YOU'RE SAYING IT'S WEDNESDAY. NOW

9 YOU'RE CERTAIN?

10 A THAT'S WHAT I BELIEVE.

11 Q EXCUSE ME?

12 A THAT'S WHAT I RECALL.

13 Q THIS MORNING YOU WEREN'T AS CERTAIN; IS

14 THAT A FAIR STATEMENT?

15 A IS THAT A QUESTION?

16 Q YES.

17 A WOULD YOU REPEAT THE QUESTION, PLEASE.

18 Q YES. THIS MORNING WHEN YOU FIRST

19 TESTIFIED OUT OF THE PRESENCE OF THE JURY, YOU WERE

20 NOT SO CERTAIN WHAT DAY IT WAS YOU WENT AND SAW THE

21 SAFE; ISN'T THAT TRUE?

22 A I'M STILL NOT CERTAIN WHICH DAY IT WAS.

23 I JUST THINK THAT IT WAS WEDNESDAY.

24 Q ALL RIGHT. YOU THINK IT WAS WEDNESDAY.

25 SORRY, YOUR HONOR.

26 NOW, IT'S YOUR RECOLLECTION THAT -- WELL,

27 STRIKE THAT.

28 WHERE'D THE LOCKSMITH COME FROM?

39721

1 A I DON'T KNOW.

2 Q YOU HAVE NO IDEA?

3 A NO.

4 Q YOU DON'T REMEMBER THE LOCKSMITH IN THE

5 LIMOUSINE WITH YOURSELF AND MR. BARALT AND ERIK AND

6 LYLE MENENDEZ GOING TO MR. WRIGHT'S HOUSE, DO YOU?

7 A NO.

8 Q AND IS IT YOUR RECOLLECTION THAT THE

9 LOCKSMITH WASN'T EVEN CALLED UNTIL AFTER YOU GOT TO

10 MR. WRIGHT'S HOUSE?

11 A I DON'T HAVE RECOLLECTION OF THAT.

12 Q BUT THAT'S WHAT YOU TESTIFIED TO THIS

13 MORNING BEFORE THE JURY WAS CALLED BACK, ISN'T IT?

14 A WHEN WE ARRIVED THERE, THE LOCKSMITH WAS

15 NOT THERE. I THOUGHT THAT'S WHAT I TESTIFIED THIS

16 MORNING.

17 THE COURT: YOU HAVE TO SPEAK UP.

18 THE WITNESS: WHEN I ARRIVED THERE THE

19 LOCKSMITH WAS NOT THERE. THAT'S WHAT I TESTIFIED TO

20 THIS MORNING.

21 Q BY MS. ABRAMSON: WELL, YOU SAID THAT --

22 WELL, LET ME JUST ASK YOU ONE PRELIMINARY QUESTION:

23 WHEN YOU HEARD FROM LYLE, WHEN LYLE TOLD YOU THAT

24 THE SAFE WAS AT A HOME IN BEVERLY HILLS AT

25 MR. WRIGHT'S HOUSE, HE WAS TELLING THAT TO BOTH YOU

26 AND CARLOS BARALT AT THE SAME TIME, CORRECT?

27 A IT'S POSSIBLE.

28 Q WELL, THAT'S WHAT YOU TESTIFIED TO THIS

39722

1 MORNING, ISN'T IT?

2 A IT'S POSSIBLE WE WERE TOGETHER AT THE

3 TIME.

4 Q MR. ANDERSEN, DO YOU REMEMBER WHAT YOU

5 TESTIFIED ABOUT THIS MORNING?

6 A YES, MA'AM.

7 Q ALL RIGHT. DID YOU SAY THAT THIS

8 MORNING, THAT LYLE TOLD IT TO YOU AND TO CARLOS

9 BARALT AT THE SAME TIME?

10 A HE -- I DON'T REMEMBER EVERYONE THAT WAS

11 IN THE AUDIENCE AT THE TIME. CARLOS BARALT AND I
12 WERE TOGETHER MOST OF THAT TIME.

13 Q THAT'S NOT WHAT I ASKED YOU, SIR. I'M
14 SORRY. I REALIZE IT'S LATE. PERHAPS YOU'RE TIRED.

15 MR. CONN: I'M GOING TO OBJECT TO THE
16 COMMENTARY FROM COUNSEL, YOUR HONOR. I ASK THAT
17 COUNSEL BE ADMONISHED TO --

18 THE COURT: ALL RIGHT. WELL, THERE WAS
19 NOTHING WRONG WITH WHAT SHE SAID, SO LET'S ASK THE
20 QUESTION.

21 MS. ABRAMSON: THANK YOU, YOUR HONOR.

22 Q MR. ANDERSEN, ARE YOU OKAY?

23 A I'M FINE. GETTING TIRED, BUT IT'S FINE.

24 Q ALL RIGHT. I JUST WANT TO GET CLEAR.

25 DID YOU TESTIFY THIS MORNING THAT LYLE
26 TOLD YOU AND CARLOS BARALT THAT THE SAFE WAS AT
27 MR. WRIGHT'S HOME AT THE SAME TIME?

28 A I DON'T REMEMBER MAKING THAT STATEMENT.

39723

1 Q ALL RIGHT. AND ARE YOU SAYING THAT
2 STATEMENT IS NOT TRUE?

3 A NO, MA'AM, I'M NOT SAYING THAT.

4 Q SO DID LYLE MENENDEZ TELL YOU AND CARLOS
5 BARALT THAT THE SAFE WAS AT MR. WRIGHT'S HOUSE AT

6 THE SAME TIME?

7 A THAT'S POSSIBLE.

8 Q AND HE TOLD YOU THIS AT THE BEVERLY
9 HILLS HOUSE, THE ELM DRIVE HOME OF THE MENENDEZ
10 FAMILY?

11 A AS I RECALL.

12 Q AND, THEREFORE, IF THAT HAPPENED, IF HE
13 TOLD YOU AND MR. BARALT THAT AT THE SAME TIME, THAT
14 MEANT MR. BARALT WAS ALSO AT THE HOUSE ON ELM DRIVE
15 WHEN LYLE MENENDEZ TOLD YOU ABOUT THE LOCATION OF
16 THE SAFE; IS THAT CORRECT?

17 A IF EVERYTHING ELSE WAS TRUE, I GUESS
18 THAT WOULD BE TRUE TOO.

19 Q ALL RIGHT. NOW, YOU THEN WENT TO THE
20 WRIGHT HOME; IS THAT CORRECT?

21 A YES, MA'AM.

22 Q AND DID YOU TESTIFY THIS MORNING THAT
23 THERE WAS A DISCUSSION AT THE WRIGHT HOME ABOUT
24 HAVING THE SAFE DRILLED AND A DISCUSSION ABOUT
25 GETTING A LOCKSMITH?

26 A A LOCKSMITH WAS NOT THERE WHEN WE
27 ARRIVED.

28 Q WAS THERE A DISCUSSION ABOUT GETTING

1 ONE?

2 A YES.

3 Q WAS A LOCKSMITH CALLED?

4 A A LOCKSMITH ARRIVED, YES.

5 Q THAT'S NOT WHAT --

6 A HE HAD BEEN CALLED BEFORE I GOT THERE OR

7 AFTER, BUT HE ARRIVED AFTER I GOT THERE.

8 Q WHEN YOU FIRST TESTIFIED ABOUT THIS THIS

9 MORNING, MR. ANDERSEN, YOU INDICATED, DID YOU NOT,

10 THAT THE CALLS TO THE LOCKSMITH WERE MADE AFTER YOU

11 GOT TO MR. WRIGHT'S HOUSE?

12 A THEY MAY HAVE BEEN, BUT THAT MAY NOT

13 HAVE BEEN THE INITIAL CALL.

14 Q AND THEN I REMINDED YOU THAT YOU HAD

15 ACTUALLY CALLED MR. WRIGHT AND MADE ARRANGEMENTS TO

16 GO OVER THERE BEFORE YOU GOT THERE, CORRECT?

17 A THAT'S CORRECT.

18 Q AND THAT'S WHEN YOU REMEMBERED THERE HAD

19 BEEN A CONTACT BETWEEN YOURSELF AND MR. WRIGHT

20 BEFORE YOU AND THE REST OF THE FAMILY GOT TO

21 MR. WRIGHT'S HOME, CORRECT?

22 A THAT'S CORRECT.

23 Q BUT RIGHT NOW WOULD IT BE FAIR TO SAY

24 YOU DON'T REMEMBER WHO CONTACTED THE LOCKSMITH OR

25 HOW THE LOCKSMITH GOT THERE?

26 A THAT'S CORRECT.

27 Q IN FACT, IS IT FAIR TO SAY YOU DON'T

28 REMEMBER HOW MANY LOCKSMITHS GOT THERE?

1 A ONLY ONE COMPANY CAME.

2 Q BUT YOU DON'T KNOW HOW MANY MEN?

3 A IT WAS MORE THAN ONE.

4 Q OKAY. AND YOU SAID YOU -- THAT YOU WERE
5 THE PERSON WHO PAID; IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q AND DID YOU PAY IN CASH?

8 A YES, MA'AM.

9 Q DID YOU GET A RECEIPT?

10 A YES, MA'AM.

11 Q DO YOU HAVE IT?

12 A I DON'T KNOW IF I DO. I'VE NOT SEEN
13 IT. I MAY HAVE GIVEN IT TO CARLOS. I DON'T KNOW.

14 Q YOU MAY HAVE GIVEN IT TO CARLOS BARALT?

15 A YES.

16 Q NOW, THIS GARAGE, WAS IT ATTACHED TO THE
17 WRIGHT HOME?

18 A AS I RECALL IT WAS.

19 Q AND WAS THERE A WAY TO GET INTO THE
20 GARAGE RIGHT THROUGH THE HOUSE?

21 A AS I RECALL THERE WAS.

22 Q AND WHAT ELSE WAS IN THE GARAGE BESIDES
23 THE SAFE?

24 A I DIDN'T -- I DON'T HAVE RECALL OF WHAT

25 ELSE WAS IN THE GARAGE.

26 Q YOU DON'T HAVE A MEMORY OF ANYTHING IN
27 THAT GARAGE BESIDES THE SAFE?

28 A I DO NOT RECALL WHAT WAS IN THE GARAGE

39726

1 OTHER THAN THE SAFE.

2 Q AND, IN FACT, DO YOU RECALL WHAT WAS IN
3 THE SAFE ONCE YOU LOOKED INSIDE?

4 A NOT SPECIFICALLY.

5 Q THERE WAS SOMETHING IN THE SAFE, WASN'T
6 THERE?

7 A THERE WAS.

8 Q AND WASN'T WHAT WAS IN THE SAFE THE KEY
9 TO THE SAFE DEPOSIT BOX AND INSTRUCTIONS ON HOW TO
10 FIND THE SAFE DEPOSIT BOX?

11 A I DO NOT RECALL THAT.

12 Q YOU'VE RECALLED THAT IN THE PAST WHEN
13 YOU DISCUSSED THIS WITH THE PROSECUTORS, DIDN'T
14 YOU?

15 A I DON'T -- IT'S THE SAME QUESTION. I
16 DON'T RECALL THAT.

17 Q DO YOU RECALL TELLING DETECTIVE ZOELLER,
18 MR. CONN AND MS. NAJERA, ON FEBRUARY 22ND OR 23RD --
19 IT'S NOT CLEAR -- 1994, THAT ONCE THE SAFE WAS

20 OPENED HE, BEING YOURSELF, AND CARLOS, WERE TOLD BY
21 LYLE AND ERIK THAT THERE WAS NOTHING OF ANY
22 IMPORTANCE IN THE SAFE EXCEPT FOR THE KEYS TO THE
23 BANK SAFETY DEPOSIT BOX PLUS INSTRUCTIONS ON THE
24 LOCATION OF THAT BOX?

25 DID YOU TELL THAT TO THE PROSECUTORS AND
26 DETECTIVE ZOELLER IN FEBRUARY OF 1994?

27 A I MAY HAVE. I DON'T RECALL THAT.

28 Q DO YOU RECALL THAT HAPPENING, THOUGH,

39727

1 THAT LYLE OR ERIK OR BOTH OF THEM TOLD YOU WHAT'S IN
2 THE SAFE IS THE KEY TO ANOTHER PLACE, THE SAFE
3 DEPOSIT BOX?

4 A I THINK I'VE BEEN ANSWERING THAT
5 QUESTION AND THE ANSWER IS I DON'T RECALL THAT.

6 Q NOW, YOU'VE TESTIFIED THAT THEY WERE ALL
7 ALONE IN THE GARAGE WHEN THEY LOOKED INTO THE SAFE,
8 CORRECT?

9 A YES, MA'AM.

10 Q SO THEY HAD AN OPPORTUNITY, ACCORDING TO
11 YOUR VERSION, TO TAKE THOSE KEYS AND THOSE
12 INSTRUCTIONS AND CONCEAL THEM FROM YOU, CORRECT?

13 A I WAS NOT WITH THEM.

14 Q SO THEY COULD HAVE DONE THAT?

15 A I DON'T KNOW WHAT THEY COULD HAVE DONE.

16 Q WELL, LET ME JUST ASK YOU PHYSICALLY.

17 PHYSICALLY, YOU COULD NOT HAVE SEEN THEM IF THEY HAD

18 CHOSEN TO REMOVE THE SAFE DEPOSIT KEY AND THE

19 INSTRUCTIONS FROM THE SAFE?

20 A THAT'S CORRECT.

21 Q AND THEN YOU WOULDN'T HAVE EVEN KNOWN

22 THERE WAS A SAFE DEPOSIT BOX, CORRECT?

23 A I DON'T KNOW THAT THAT'S TRUE.

24 Q WELL, DID YOU HAVE ANY OTHER RECORDS OF

25 A SAFE DEPOSIT BOX THAT YOU NOW CAN RECALL?

26 A THERE MAY HAVE BEEN OTHER DOCUMENTS,

27 RECEIPTS. I DON'T RECALL HOW I WOULD KNOW THERE WAS

28 A SAFETY DEPOSIT BOX.

39728

1 Q YOU SEEM TO RECALL IN FEBRUARY THAT THE

2 REASON YOU KNEW THAT IS BECAUSE LYLE OR ERIK OR BOTH

3 TOLD YOU, CORRECT?

4 A I DON'T RECALL HOW I KNEW THERE WAS A

5 SAFETY DEPOSIT BOX.

6 Q SO YOU'RE HAVING DIFFICULTY THEN,

7 MR. ANDERSEN, REMEMBERING WHAT YOU SAID IN FEBRUARY

8 OF 1994; IS THAT A FAIR STATEMENT?

9 A I DON'T RECALL WHAT THE CONVERSATION WAS

10 REGARDING THE SAFETY DEPOSIT BOX.

11 Q IN FEBRUARY OF 1994?

12 A THAT'S CORRECT.

13 Q AND YOU DON'T RECALL WHAT THE

14 CONVERSATION WAS ABOUT A SAFETY DEPOSIT BOX IN

15 AUGUST OF 1989 EITHER; IS THAT TRUE?

16 A AS TO WHEN IT WAS OR WHERE IT WAS?

17 Q AS TO HOW YOU EVEN KNEW IT WAS.

18 A THAT'S CORRECT.

19 Q NOW, DID YOU LEAVE MR. WRIGHT'S

20 RESIDENCE AT SOME POINT?

21 A YES, MA'AM.

22 Q THAT DAY, WHATEVER THAT DAY WAS?

23 A YES, MA'AM.

24 Q DID YOU LEAVE -- WHERE DID YOU GO WHEN

25 YOU LEFT THERE?

26 A I DON'T RECALL.

27 Q HOW DID YOU LEAVE THERE?

28 A THE SAME WAY I GOT THERE, IN THE CAR

39729

1 WITH CARLOS BARALT.

2 Q WHO WAS DRIVING THAT CAR?

3 A CARLOS BARALT.

4 Q CARLOS WAS DRIVING A CAR?

5 A AS I RECALL.

6 Q YOU DON'T RECALL THAT IT WAS A
7 LIMOUSINE; IS THAT CORRECT?

8 A I DO NOT.

9 Q AND WHERE DID YOU GO?

10 A I DON'T RECALL.

11 Q AND WHAT TIME OF DAY WAS IT?

12 A LATE IN THE DAY.

13 Q LATE? EVENING? DARK?

14 A NO.

15 Q WHAT TIME WAS IT WHEN YOU GOT THERE?

16 A MIDDLE OF THE DAY. I DON'T RECALL
17 EXACTLY.

18 Q HOW LONG WERE YOU THERE?

19 A I'M GUESSING AN HOUR.

20 Q AND WHERE DID ERIK GO?

21 A I DON'T REMEMBER.

22 Q DO YOU REMEMBER HIM GOING ANYWHERE?

23 A I DO NOT RECALL.

24 Q WHERE DID LYLE MENENDEZ GO?

25 A I DON'T RECALL.

26 Q AND I TAKE IT YOU DON'T RECALL ANYTHING
27 THAT HAPPENED THE REST OF THAT DAY, CORRECT?

28 A AT THIS TIME, NO.

1 Q NOW, WHERE WERE YOU PHYSICALLY WHEN YOU
2 LEARNED OR WAS TOLD THAT A WILL HAD BEEN FOUND?

3 A I WAS AT THE BEL-AIR HOTEL.

4 Q AND THE BEL-AIR HOTEL IS DIFFERENT THAN
5 THE BELAGE HOTEL, CORRECT?

6 A YES, MA'AM.

7 Q WHAT WERE YOU DOING AT THE BEL-AIR
8 HOTEL?

9 A CARLOS AND I WENT THERE TO MEET WITH
10 LYLE, I BELIEVE.

11 Q AND WERE YOU MEETING WITH LYLE WHEN YOU
12 HEARD SOME INFORMATION INDICATING THAT A WILL HAD
13 BEEN FOUND?

14 A I DON'T REMEMBER IF HE WAS STILL THERE
15 OR NOT.

16 Q WELL, DO YOU REMEMBER AT SOME POINT
17 AFTER YOU LEARNED THAT A WILL HAD BEEN FOUND THAT
18 CARLOS AND LYLE LEFT THE BEL-AIR HOTEL AND WENT TO
19 THE HOUSE?

20 A CARLOS LEFT. LYLE MAY HAVE GONE WITH
21 HIM.

22 Q I'M SORRY. I DIDN'T HEAR THAT.

23 A CARLOS LEFT. LYLE MAY HAVE BEEN WITH
24 HIM. I DON'T REMEMBER THAT.

25 Q ALL RIGHT. BUT YOU DIDN'T LEAVE?

26 A NO, MA'AM.

27 Q YOU STAYED AT THE BEL-AIR?

28 A YES, MA'AM.

39731

1 Q AND WHAT WERE YOU DOING THERE, AFTER
2 THEY LEFT?

3 A WAITING FOR SOMEONE TO PICK ME UP.

4 Q WELL, WHY DIDN'T YOU GO WITH THEM?

5 A AS I RECALL SOMEONE ELSE WAS SUPPOSED TO
6 SHOW UP THERE AND I WAS SUPPOSED TO MEET WITH THEM.

7 Q OKAY. NOW, LET ME ASK YOU THIS: BACK
8 IN NOVEMBER OF 1993, DURING THE FIRST TRIAL, WERE
9 YOU INTERVIEWED BY MRS. BOZANICH WHO WAS THE
10 PREVIOUS LEAD PROSECUTOR IN THIS CASE?

11 A IT WAS ABOUT THAT TIME, YES, MA'AM.

12 Q AND DID YOU TELL MRS. BOZANICH THAT LYLE
13 AND ERIK FOUND THE WILL AND HANDED IT TO CARLOS?

14 A I DON'T RECALL. IT WAS A VERY EMOTIONAL
15 TIME.

16 Q I RECOGNIZE, MR. ANDERSEN, THAT AUGUST
17 OF 1989 WAS A VERY EMOTIONAL TIME.

18 WAS NOVEMBER 21ST OF 1993 ALSO AN
19 EMOTIONAL TIME?

20 A YES, MA'AM.

21 Q SO YOU DON'T REMEMBER TELLING
22 MRS. BOZANICH THAT STATEMENT?

23 A I DON'T REMEMBER THE SEQUENCE OF EVENTS,
24 AS TO WHO FOUND THE WILL.
25 Q ARE YOU NOW SAYING YOU DON'T KNOW
26 WHETHER OR NOT ERIK AND LYLE FOUND THE WILL?
27 A NO, MA'AM.
28 Q DIDN'T YOU JUST SAY THAT WHEN YOU HEARD

39732

1 ABOUT IT YOU WERE AT THE BEL-AIR MEETING WITH LYLE
2 AND CARLOS AND YOU THINK LYLE LEFT AND WENT BACK TO
3 THE HOUSE?

4 A I DON'T REMEMBER IF LYLE WAS STILL THERE
5 OR LEFT WITH CARLOS.

6 Q SO IF CARLOS BARALT HAS A BETTER MEMORY
7 THAN YOU AND HE SAYS THAT HE WAS THERE AT THE
8 BEL-AIR AND HE AND LYLE LEFT THE BEL-AIR AND WENT
9 BACK TO THE HOUSE WHEN HE HEARD ABOUT THE WILL,
10 WOULD THAT BE MORE RELIABLE THAN YOUR MEMORY?

11 MR. CONN: OBJECTION. ASSUMES FACTS NOT IN
12 EVIDENCE. NO EVIDENCE OF --

13 THE COURT: SUSTAINED.

14 Q BY MS. ABRAMSON: IN FACT, DO YOU
15 REMEMBER TELLING MRS. BOZANICH, SPECIFICALLY
16 CONCERNING THE DISCOVERY OF THE WILL, THAT THE
17 DEFENDANTS WERE WITH TERRY AND THEY FOUND THE WILL?

18 MR. CONN: OBJECTION. CALLS FOR HEARSAY. NO
19 PRIOR INCONSISTENT STATEMENT.
20 THE COURT: SUSTAINED.
21 Q BY MS. ABRAMSON: DID YOU EVER KNOW
22 THAT?
23 MR. CONN: OBJECTION.
24 MS. ABRAMSON: WELL, STRIKE THAT.
25 Q DID YOU EVER SAY THAT TO MRS. BOZANICH?
26 MR. CONN: OBJECTION. CALLS FOR HEARSAY.
27 MS. ABRAMSON: I DON'T THINK IT'S HEARSAY,
28 YOUR HONOR. BE HAPPY TO BE HEARD.

39733

1 THE COURT: WHY DON'T YOU REPEAT WHAT IT IS
2 YOU'RE ASKING HIM.
3 MS. ABRAMSON: ALL RIGHT.
4 Q DO YOU RECALL -- LET ME ASK YOU THIS:
5 YOU DON'T NOW KNOW, AND YOU'RE NOT NOW TESTIFYING,
6 THAT LYLE AND ERIK FOUND THE WILL WITH TERRY, ARE
7 YOU?
8 A NO, MA'AM.
9 Q AND YOU'RE NOT NOW TESTIFYING THAT LYLE
10 AND ERIK FOUND THE WILL AND HANDED IT TO CARLOS; IS
11 THAT RIGHT?
12 A CARLOS WHO?

13 Q I DON'T KNOW. ANY CARLOS. YOU'RE NOT
14 TESTIFYING TO THAT NOW?

15 A NO, MA'AM.

16 Q BUT DID YOU TELL BOTH OF THOSE THINGS TO
17 MRS. BOZANICH IN NOVEMBER OF 1993?

18 MR. CONN: OBJECTION. NO FOUNDATION. NO
19 PERSONAL KNOWLEDGE THAT'S WHAT HE SAID.

20 THE COURT: SUSTAINED.

21 MS. ABRAMSON: WELL, I'M NOT OFFERING IT FOR
22 TRUTH. I'M OFFERING IT AS SIMPLY HIS SAYING
23 SOMETHING THAT IS INCONSISTENT WITH WHAT HE'S SAYING
24 NOW.

25 THE COURT: WELL, IT'S IRRELEVANT BECAUSE IF
26 SOMEONE ELSE TOLD HIM SOMETHING AND HE JUST REPEATED
27 WHAT SOMEONE ELSE SAID, IT WOULDN'T HAVE BEEN
28 PROVEN. YOU'RE TRYING TO GO TO WHAT HE SAW OR

39734

1 DIDN'T SEE.

2 MS. ABRAMSON: WELL, I DON'T WANT TO QUIBBLE
3 WITH IT NOW, YOUR HONOR.

4 Q BUT WAS IT YOUR UNDERSTANDING THAT ERIK
5 AND LYLE FOUND THE WILL? DID ANYBODY EVER -- WELL,
6 DID ERIK AND LYLE EVER TELL YOU THAT, THAT THEY
7 FOUND THE WILL?

8 A I DON'T RECALL THAT.

9 Q DID ANYBODY ELSE EVER TELL YOU THEY
10 FOUND THE WILL?

11 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

12 THE COURT: THAT WHO FOUND THE WILL?

13 MS. ABRAMSON: THAT THE DEFENDANTS FOUND THE
14 WILL.

15 THE COURT: OVERRULED.

16 THE WITNESS: AGAIN, I DON'T RECALL THAT.

17 Q BY MS. ABRAMSON: SO IF YOU DID TELL
18 MRS. BOZANICH THAT THE DEFENDANTS FOUND THE WILL,
19 WERE YOU MAKING IT UP?

20 MR. CONN: OBJECTION. ARGUMENTATIVE.
21 ASSUMES FACTS NOT IN EVIDENCE.

22 THE COURT: SUSTAINED.

23 Q BY MS. ABRAMSON: WOULD YOU SAY,
24 MR. ANDERSEN, THAT WHEN YOU CAME TO -- THAT AFTER YOU
25 CAME TO LOS ANGELES ON AUGUST 23RD, 1989, YOU
26 ASSISTED CARLOS BARALT IN TRYING TO FIND THE MOST
27 RECENT WILL OF KITTY AND JOSE MENENDEZ?

28 A YES, MA'AM.

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1 Q AND WASN'T THE EFFORT TO LOOK IN THE
2 SAFE PART OF THAT EFFORT TO FIND THE MOST RECENT

3 WILL?

4 A I DON'T REMEMBER THAT WAS THE CASE.

5 Q AND IS IT YOUR TESTIMONY NOW THAT YOU
6 CAN'T RECALL WHETHER GOING OVER TO THE WRIGHT HOUSE
7 OCCURRED ON THE DAY THAT YOU ARRIVED OR ON THE DAY
8 AFTER?

9 A THAT'S CORRECT.

10 Q AND ISN'T IT TRUE THAT WHEN YOU WENT TO
11 THE WRIGHT HOUSE, W-R-I-G-H-T, THE WRIGHT HOUSE, YOU
12 WERE LOOKING FOR A SECOND WILL?

13 A I THINK YOU ASKED THAT QUESTION. I
14 DON'T RECALL THAT.

15 Q WOULD IT REFRESH YOUR RECOLLECTION IF I
16 SHOWED YOU THE STATEMENT THAT YOU GAVE IN FEBRUARY
17 OF 1994 TO MR. CONN, MS. NAJERA AND DETECTIVE
18 ZOELLER?

19 A IT MAY.

20 MS. ABRAMSON: I WANT TO UNDERLINE SOMETHING,
21 YOUR HONOR, MAKE IT EASIER.

22 Q MR. ANDERSEN, IF YOU WOULD TAKE YOUR
23 TIME AND JUST READ THIS PARAGRAPH ON THE BOTTOM OF
24 THIS PAGE, PARTICULARLY THE LINE I'VE UNDERLINED,
25 AND THEN THE PARAGRAPH ON THE NEXT PAGE.

26 A (WITNESS COMPLIES.)

27 OKAY, WHAT IS THE QUESTION?

28 Q DIDN'T YOU TELL THESE PROSECUTORS AND

1 DETECTIVE ZOELLER, IN FEBRUARY OF 1994, THAT THE
2 TRIP TO RANDY WRIGHT'S HOUSE WAS TO LOOK FOR A
3 SECOND WILL?

4 A APPARENTLY.

5 Q AND, IN FACT, IF YOU WANT I CAN SHOW YOU
6 DETECTIVE ZOELLER'S NOTES.

7 DO YOU THINK THAT MIGHT REFRESH YOUR
8 RECOLLECTION AS WELL?

9 A I THINK IT -- IF IT'S THE SAME.

10 Q IT'S THE SAME.

11 SO ISN'T IT TRUE, MR. ANDERSEN, THAT THE
12 WILL, THE ORIGINAL WILL, THE ONE THAT'S BEEN
13 PROBATED, WAS FOUND BEFORE YOU EVER WENT TO
14 MR. WRIGHT'S HOUSE AND LOOKED AT THE SAFE?

15 A BASED ON MY UNDERSTANDING AT THAT TIME,
16 YES.

17 Q OKAY. AND DO YOU THINK YOUR MEMORY'S
18 GETTING BETTER AS THE YEARS GO BY OR DO YOU THINK
19 IT'S GETTING WORSE?

20 A QUESTION AS TO MY MEMORY, PROBABLY
21 GETTING WORSE AS TIME GOES BY.

22 Q THAT'S TYPICALLY WHAT HAPPENS, ISN'T
23 IT?

24 A YEAH.

25 MS. ABRAMSON: YOUR HONOR, I THINK THIS WOULD
26 BE A GOOD PLACE TO BREAK.

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

28 8:30.

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1 DON'T DISCUSS THE MATTER WITH ANYONE,
2 LADIES AND GENTLEMEN. DON'T FORM ANY FINAL OPINIONS
3 ABOUT IT. WE'LL SEE YOU BACK HERE TOMORROW AT
4 8:30.

5 (AT 4:25 P.M., AN ADJOURNMENT
6 WAS TAKEN UNTIL FRIDAY,
7 NOVEMBER 3, 1995, AT 8:30 A.M.)

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LEGEND:

25 A = MS. ABRAMSON C = MR. CONN
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26 N = MS. NAJERA T = MS. TOWERY

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