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7 Attorneys for Petitioners  
8 Lyle and Erik Menendez

**CONFORMED COPY**  
**ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

**MAY 03 2023**  
**B. Perez**  
David W. Slayton, Executive Officer/Clerk of Court

9  
10 IN THE SUPERIOR COURT  
11 OF THE STATE OF CALIFORNIA  
12 LOS ANGELES COUNTY

14 ERIK MENENDEZ,  
15  
16 Petitioner,  
17 On Habeas Corpus.

No.:  
Court of Appeal Case No.  
B104022  
Superior Court Case No.  
BA068880

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20 LYLE MENENDEZ,  
21 Petitioner,  
22 On Habeas Corpus.

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25 EXHIBITS IN SUPPORT OF PETITION  
26 FOR WRIT OF HABEAS CORPUS  
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# EXHIBIT A

Hello Andy,

How are you doing? I hope better than I am. It's been a long time since we've been in touch! Too long. I wish we could have seen each other during thanksgiving. We almost did, we were alset to go and then my parents decided ~~to~~ not to at the last minute. Mom said the flights were too ~~to~~ expensive, she said we could wait til christmas. But now they've decided that I'm playing the Fiesta Bowl and that is not worth it just to fly out for a few days. I was all excited to see you and some highschool buddies but I'd have to wait a little I guess.

Mom and Dad had a company party here and dad hired people to decorate the whole house and bought a huge tree that they brought down from Santa Barbara. (Actually they had to bring 3 since mom didn't like the way the first two looked. they were pissed!) They also decorated the tree, wheres the christmas spirit in that!! I remember when Kyle and I used to decorate it. Times change huh? Atleast I got to put up my own stockings, and one for Rudy and Velvet, who are fine by the way.

Mom isn't doing too good. Its like shes here physically but mentally she's just like gone, if you know what I mean. She ~~for~~ freaks out over nothing. I feel bad for her. I don't know why she puts up with dad's shit.

At times I wish I could talk to her about things, you know? Some days... Especially dad and I but the way she worships him and tells him every thought so afraid she'll tell him whatever I say. I just can't risk it. ~~That's what Lyle~~ Lyle got in a huge fight with her over why we couldn't spend Christmas with the rest of the family and mom freaked out and said if he wanted to go he could go alone. I just don't know why she wants to hurt him like that. Lyle wanted to stay but dad wouldn't let him. So now I'm stuck here alone I've been trying to avoid dad. It's still happening Andy but it's worse for me now. I can't explain it. He's so ~~overweight~~ overweight that I can't stand to see him. I never know when when ~~his~~ it's going to happen and it's driving me crazy. Every night I stay up thinking he might come in. I need to put it out of my mind. I know what you said before but I'm afraid. You just don't know dad like I do. He's crazy! He's warned me a hundred times about telling anyone especially Lyle. Am I a serious whimpus? I don't know I'll make it through this. I can handle it, Andy. I need to stop thinking about it.

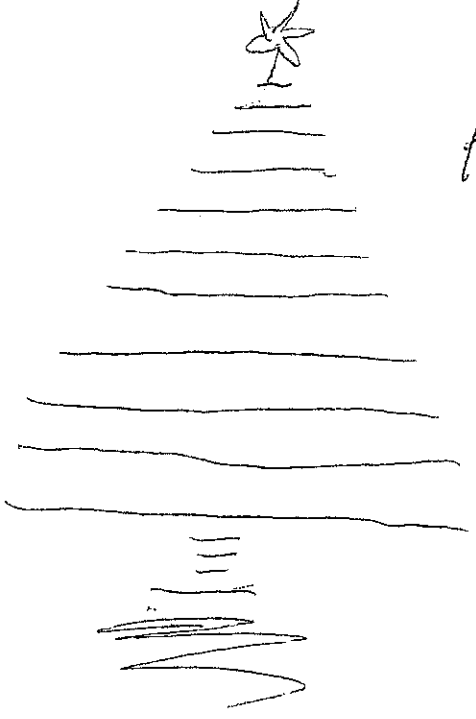
Anyway I hope you doing good. How's your new girlfriend, Allison? She sounds pretty great, when do I get to meet her? I can see why you don't want to leave Puerto Rico! Katta I hear your playing alot of Soccer. That's great, I love soccer to bad I had to

gout. How many tapups can you do?! I'm glad to see that schools easy for you sounds to a little to easy though. Are you learning? Next years the important year 11th grade transcripts are what colleges look at.

I'm doing okay so far with school. my tennis gets in the way some But next year is an important year. I think if I really do well on tennis and dad will ease of some just in time for me to start college at Brown or ~~Berkeley~~ Berkeley. Anyway I'm playing great. We really like our new coach mark. He beat cyle 6-0 the first set they played! It was so bad. Cyle even had to laugh.

Well I'm going to go buddy It getting late and I don't feel well. Keep in touch! Hopefully I'll see you soon Until then god bless you and...

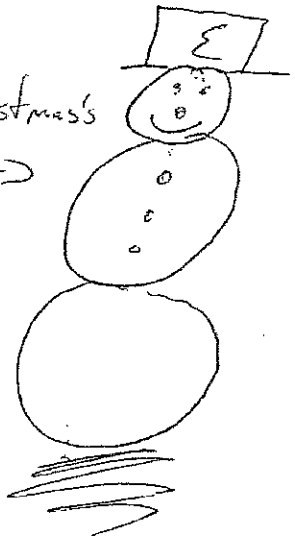
Merry Christmas!!



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# EXHIBIT B

1 LYLE MENENDEZ  
K13758  
2 R.J. Donovan Correctional Facility  
480 Alta Road  
3 San Diego, CA 92179

4 ERIK MENENDEZ  
K14101  
5 R.J. Donovan Correctional Facility  
480 Alta Road  
6 San Diego, CA 92179

7 In Pro Per

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11 LOS ANGELES COUNTY

12 LYLE MENENDEZ,  
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14 Petitioner,  
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16 On Habeas Corpus.

No.:  
Court of Appeal Case No.  
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Superior Court Case No.  
BA068880

17  
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DECLARATION OF ERIK GALEN  
MENENDEZ

18 ERIK MENENDEZ,  
19  
20 Petitioner,  
21  
22 On Habeas Corpus.

23 I, Erik Galen Menendez, declare:

- 24  
25 1. I am one of the defendants in *People v. Menendez*, BA068880.  
26  
27 2. I was convicted of two counts of murder after a trial in 1995. Because I  
28 was indigent, I was represented by appointed counsel at trial. When I appealed my



1 convictions, the Court of Appeal appointed counsel to represent me.

2  
3 3. I am still indigent. I do not have money to hire counsel or fund a habeas  
4 investigation. There is usually between \$200 and \$300 in my inmate account.

5  
6 4. Andy Cano was my cousin and was one of my closest family members and  
7 friends growing up. Andy was the son of my aunt, Marta Cano. Andy died some years  
8 ago -- around 2003.

9  
10 5. In 2015 I first heard something about a letter I had written to Andy in  
11 December of 1988. I heard about a Barbara Walters special in 2015 or 2016 covering our  
12 case. I did not see the special but heard that she talked about a letter I had written to  
13 Andy which had been offered into evidence at the trial, but was excluded. I did not recall  
14 all the evidence that was either admitted or ruled inadmissible at my two trials. But  
15 because my understanding was that Ms. Walters said the letter had been offered and  
16 excluded at trial, it never occurred to me that the letter could be considered new evidence.

17  
18 6. Sometime between February and April of 2018, my brother Lyle and I were  
19 put in the same prison. Lyle advised me that he had been told his trial lawyer from the  
20 first trial (Jill Lansing) said she had no recollection of any such letter being offered at trial  
21 and excluded. He said that he then contacted his appointed appellate lawyer, Cliff  
22 Gardner, who said he knew nothing about such a letter and would try and contact Lyle's  
23 trial lawyers from the second trial to see if they recalled such a letter. Lyle later told me  
24 that Mr. Gardner had contacted Lyle's trial counsel from the second trial who also had no  
25 recollection of having seen such a letter. Lyle said that Mr. Gardner advised him to try  
26 and get a copy of the letter. Lyle asked journalist Robert Rand, who has covered the case  
27 for many years and knew my Aunt Marta, to see if he could get a copy of the letter. I was  
28 later told that Aunt Marta gave Mr. Rand a letter Andy had received from me and Mr.

1 Rand gave a copy of this letter to Mr. Gardner.

2  
3 7. Lyle told me that after seeing the letter, Mr. Gardner said he did not recall  
4 having seen it before. But to make sure the evidence was indeed new evidence and had  
5 not been offered and excluded at trial as Ms. Walters had said in her 2015 special, Mr.  
6 Gardner advised Lyle to review the transcripts from both trials to see if this evidence had  
7 actually been offered.

8  
9 8. This presented a problem. Neither Lyle nor I had a copy of the transcripts  
10 from either trial. But sometime in 2020, Court TV posted on its website transcripts of the  
11 second trial and a video of the first trial. It turns out that Ms. Walters made a mistake and  
12 my letter to Andy had not been offered (and excluded) at either trial.

13  
14 9. Lyle told me that he had been told Mr. Rand had many audio-taped  
15 interviews conducted with witnesses at my trial and that he was in the process of  
16 transcribing. Lyle said that Gardner told him that generally, state habeas petitioners get  
17 one shot at habeas relief, and that in order to present all potential claims in one petition  
18 we should wait until Mr. Rand had transcribed these interviews. In that way we could  
19 determine if there was any additional new evidence.

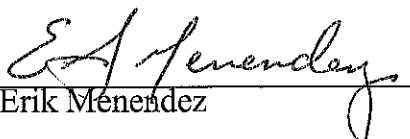
20  
21 10. While waiting for these transcriptions to be completed, I learned that  
22 producers of a documentary involving Menudo, a boy band formed in Puerto Rico, had  
23 approached Gardner with new information. In November 2022 I was told that a former  
24 member of the band had come forward to say that my father had raped him. I have a  
25 vague recollection of meeting some members of the band when I was a boy, and when my  
26 family lived in New Jersey.

27  
28 11. I am now 52 years old. My senior year of high school was the 1988-1989

1 school year. I would have entered college in the fall of 1989.

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I declare under penalty of perjury that the foregoing is true and correct. Executed  
this 13 day of MARCH, 2023 in SAN DIEGO, California.

  
Erik Menendez

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# EXHIBIT C

# Fwd: (#2) Letter from Erik Menéndez to Andy Cano . . .

Robert Rand <trulifestories@gmail.com>

Tue 4/10/2018 3:09 PM

To: manager1303@theupsstore.com <manager1303@theupsstore.com>;

Second of two documents.

----- Forwarded message -----

From: Robert Rand <trulifestories@gmail.com>

Date: Tue, Apr 10, 2018, 2:44 PM

Subject: Letter from Erik Menendez to Andy Cano . . .

To: Marta M Cano <martacano1@att.net>

To: Cliff Gardner  
Attorney

From: Marta M. Cano

Re: Letter from Erik Menéndez to my son Andy Cano

Date: April 10, 2018

On March 21, 2018, I was going through paperwork of my son, Andres Cano, who died in January 2003.

I discovered the original copy of a letter which I believe Erik Menéndez wrote to my son Andy in December 1988.

I have turned this letter over to Robert Rand and asked him to hand deliver it to you at your office in Berkeley, California.

*Marta M. Cano*

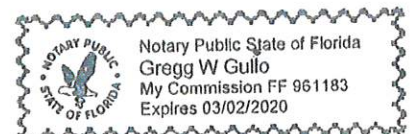
FL DULIC# C500.553.41-769-0 exp. 07-29, 2021

Marta Menendez Cano  
Palm Beach Gardens, Florida

April 10, 2018

STATE OF FLORIDA, COUNTY OF PALM BEACH  
Signed and acknowledged before me this 10<sup>th</sup> day of April 2018 by Marta M. Cano.

*Gregg W. Gullo*



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# EXHIBIT D

1 LYLE MENENDEZ  
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3 San Diego, CA 92179

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B104022  
Superior Court Case No.  
BA068880  
DECLARATION OF CLIFF  
GARDNER

17 \_\_\_\_\_  
18 ERIK MENENDEZ,  
19  
20 Petitioner,  
21  
22 On Habeas Corpus.

23 I, Cliff Gardner, declare:

24  
25 1. I am a lawyer licensed to practice in California. Because Lyle Menendez  
26 was indigent, in September of 1996, I was appointed to represent him on appeal in *People*  
27 *v. Menendez*, B104022. I have not represented Lyle Menendez since 2005.

1           2.       At some point in early 2018, I was told about a letter Erik Menendez wrote  
2 to his cousin Andy Cano, a letter that had been offered into evidence and excluded. I do  
3 not recall how I learned about this. Although I had read the trial record many years  
4 earlier, when I represented Lyle on appeal and in subsequent federal habeas proceedings,  
5 I did not recall such a letter having been offered and excluded. I contacted Terri Towery,  
6 one of Lyle's trial attorneys, and asked if she had ever heard of this letter. She had not. I  
7 advised Mr. Menendez to get a copy of the letter if he could.

8  
9           3.       During the course of my representation I met Robert Rand, a journalist who  
10 had covered the two trials. In April of 2018, Mr. Rand provided me with a letter he had  
11 obtained from Marta Cano, Andy's mother. A copy of that letter is attached to this  
12 declaration as Attachment 1. Mr. Rand also told me that he had numerous tape recorded  
13 interviews (in the hundreds as I recall) -- some with people who were called as witnesses  
14 and some with people who were never called -- from his years of working on the case,  
15 and he was having these interviews transcribed to see if there was any additional evidence  
16 in the case.


17  
18           4.       After reading the letter from Erik to Andy, I still did not have any  
19 recollection of such a letter ever having been offered at trial. But because my memory of  
20 the trial record was many years old, I advised Lyle Menendez to review the records from  
21 the two trials to see if the letter had been offered into evidence but excluded by the trial  
22 judge. Given the content of the letter, if the evidence had not been offered and excluded,  
23 it might qualify as new evidence on which a habeas petition could be based. Assuming  
24 the evidence was new, and in light of Mr. Rand's statement that he was having his  
25 witness interviews transcribed, I advised Lyle Menendez that (1) California courts looked  
26 with disfavor upon piecemeal presentation of habeas claims in a series of habeas petitions  
27 and (2) to avoid piecemeal presentation of any future claims which might arise should  
28 these transcriptions reveal relevant evidence that had not been presented at trial, it would



1 be best to wait until the transcriptions were completed before pursuing a round of habeas  
2 relief.

3  
4 5. In November of 2022, I learned that during an interview for a documentary,  
5 Roy Rossello -- a member of the boy band Menudo -- admitted that he had been raped by  
6 Jose Menendez.

7  
8 I declare under penalty of perjury that the foregoing is true and correct. Executed  
9 this 24<sup>th</sup> day of April, 2023 in Berkeley, California.

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12 \_\_\_\_\_  
13 Cliff Gardner  
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ATTACHMENT 1

Hello Andy,

How are you doing? I hope better than I am. It's been a long time since we've been in touch! Too long. I wish we could have seen each other during thanksgiving. We almost did, we were alset to go and then my parents decided ~~to~~ not to at the last minute. Mom said the flights were too ~~to~~ expensive, she said we could wait til christmas. But now they've decided that I'm playing the Fiesta Bowl and that is not worth it just to fly out for a few days. I was all excited to see you and some highschool buddies but I'll have to wait a little I guess.

Mom and Dad had a company party here and dad hired people to decorate the whole house and bought a HUGE tree that they brought down from Santa Barbara. (Actually they had to bring 3 since mom didn't like the way the first two looked, they were pissed!) They also decorated the tree, where's the christmas spirit in that!! I remember when Kyle and I used to decorate it. Times change huh? Atleast I got to put up my own stockings, and one for Rudy and Velvet, who are fine by the way.

Mom isnt doing too good. Its like shes here physically but mentally she's just like gone, if you know what I mean. She ~~for~~ freaks out over nothing. I feel bad for her. I dont know why she puts up with dad's shit.

At times I wish I could talk to her about things, you know? Some days... Especially dad and I but the way she worships him and tells him every thought so afraid she'll tell him whatever I say. I just can't risk it. ~~That's why~~ Lyle got in a huge fight with her over why we couldn't spend Christmas with the rest of the family and mom freaked out and said if he wanted to go he could go alone. I just don't know why she wants to hurt him like that. Lyle wanted to stay but dad wouldn't let him. So now I'm stuck here alone I've been trying to avoid dad. It's still happening Andy but it's worse for me now. I can't explain it. He so ~~overweight~~ overweight that I can't stand to see him. I never know when when ~~the~~ it's going to happen and it's driving me crazy. Every night I stay up thinking he might come in. I need to put it out of my mind. I know what you said before but I'm afraid. You just don't know dad like I do. He's crazy! He's warned me a hundred times about telling anyone especially Lyle. Am I a serious whimpus? I don't know I'll work it through this. I can handle it, Andy. I need to stop thinking about it.

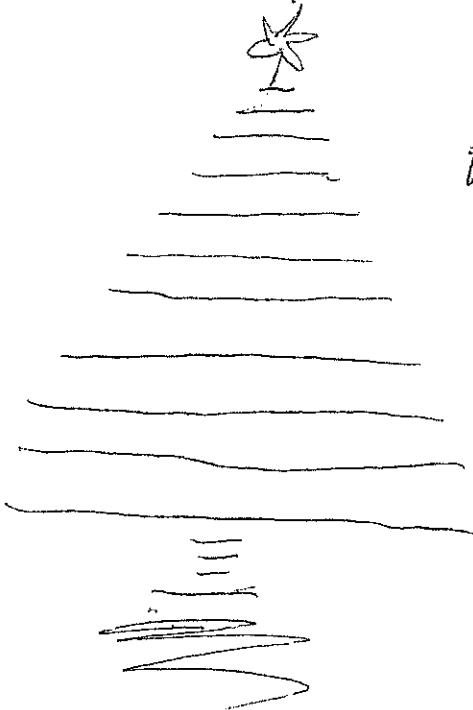
Anyway I hope your doing good. How's your new girlfriend, Allison? She sounds pretty great, when do I get to meet her? I can see why you don't want to leave Puerto Rico! Kaka. I hear your playing alot of Soccer. That's great, I love soccer to bad I had to

got. How many tapups can you do?! I'm glad to see that schools easy for you sounds a little to easy though. Are you learning? Next years the important year 11th grade transcripts are what colleges look at.

I'm doing okay so far with school. my tennis gets in the way some But next year is an important year I think of I really do well on tennis now and that will ease of some just in time for me to start college at Brown or ~~Berkeley~~ Berkeley Anyway I'm playing great. We really like our new coach Mark. He beat Kyle 6-0 the first set they played! It was so bad Kyle even had to laugh.

Well I'm going to go buddy It getting late and I don't feel well. Keep in touch! Hopefully I'll see you soon Until then God bless you and...

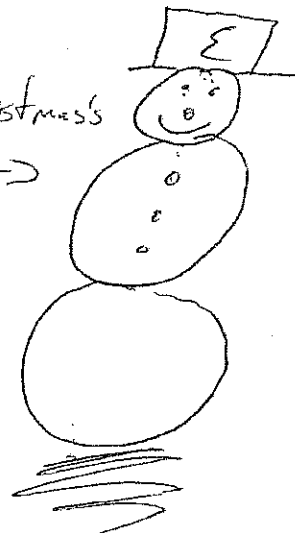
Merry Christmas!!



for the christmas's  
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I miss you  
Love  
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for the christmas's  
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# EXHIBIT E

HOME SEARCH ARCHIVE

INDEX

SUBJECTS

# THE POP LIFE

## MENUDO SIGNS LONG TERM RCA PACT

Menudo, the Puerto Rican teen pop group that has been called "the Hispanic Beatles," has signed a long-term recording contract with RCA Records. RCA declined to specify the size of the deal, but executives there said that the contract, which calls for 12 albums in six years, excluding potential movie soundtracks, was comparable to the company's multimillion-dollar agreements with Kenny Rogers and Diana Ross. The campaign behind Menudo is part of a broader effort by RCA to cultivate the Spanish-language market. Last week, for example, the company announced that it would distribute the Latin music of Ariola America, one of the most successful recording companies in Spanish-speaking countries.

CONTINUE READING: Full Text

PUBLISH DATE

WEDNESDAY, NOVEMBER 23, 1983

C18

# The Pop Life

Stephen Holden

## Menudo Signs Long-Term RCA Pact

**M**ENUDO, the Puerto Rican teen pop group that has been called "the Hispanic Beatles," has signed a long-term recording contract with RCA Records. RCA declined to specify the size of the deal, but executives there said that the contract, which calls for 12 albums in six years, excluding potential movie soundtracks, was comparable to the company's multimillion-dollar agreements with Kenny Rogers and Diana Ross.

The campaign behind Menudo is part of a broader effort by RCA to cultivate the Spanish-language market. Last week, for example, the company announced that it would distribute the Latin music of Ariola America, one of the most successful recording companies in Spanish-speaking countries.

But in making these deals, RCA is not just looking for business growth in one of the largest Spanish-speaking markets in the world, with record sales of \$75 to \$100 million, Joe Menendez, RCA's division executive vice president, said the other day. "Hispanics are the fastest growing ethnic group in the United States and the population will have surpassed that of blacks in this country."

RCA is looking for a market that also has a lot of potential. The Hispanic market is estimated to be at least \$1 billion a year, and RCA's division executive vice president, Joe Menendez, said the company's goal is to have the Hispanic market reach \$2 billion a year by the end of the decade.

Menudo is already recording its first RCA album, "Menudo," in English, and the first Spanish album, "Menudo," will be released at the end of January. Menendez also plans to feature Menudo along with an established Latin act, such as the Cuban singer Celia Cruz.

Menendez said that RCA will be looking for a market that also has a lot of potential. The Hispanic market is estimated to be at least \$1 billion a year, and RCA's division executive vice president, Joe Menendez, said the company's goal is to have the Hispanic market reach \$2 billion a year by the end of the decade.

Menendez, the Spanish crooner Julio Iglesias, who for some years has been one of the best-selling male pop stars outside the United States, is album in Los Angeles with the Argentine producer Richard Perry. Menendez agrees that his success at crossing

Menudo to an English-speaking audience. "It's essential for Menudo to be able to sing English well," Mr. Menendez emphasized. And to that end, the group was recently put through a program in Florida. That program was apparently successful. Mr. Menendez previewed the "Cariacoli" album and said the group's direction had no undesirable

Another challenge for RCA will be to keep Menudo popular in the more than 100 million people in the Hispanic market. The group was formed in 1977 by the Puerto Rican singer and producer Eduardo Ybarra and manager-producer Roberto Diaz. The group's goal is to create the principle of eternal youth. When a member's voice changes or becomes too grown up, he is replaced. That makes Menudo — the only group of its kind — a perpetual youth group.

In reality, however, each generation has to discover its own pop sound. Menudo's previous recordings have been a blend of pop and Latin. There are several imitations of Menudo operating on the same principles. Menendez's production company, however, has no more or less than one copy of the original. Menendez said that he is looking for a market that also has a lot of potential. The Hispanic market is estimated to be at least \$1 billion a year, and RCA's division executive vice president, Joe Menendez, said the company's goal is to have the Hispanic market reach \$2 billion a year by the end of the decade.

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## Quiet Riot Climbs Heavy-Metal Ladder

The visceral rock style known as heavy metal has few new faces in the current music scene, but Quiet Riot is the exception. The band's new album, "Metal Health," is a heavy metal classic that has already reached the top of the charts. The band's previous album, "Quiet Riot," was a commercial success, but "Metal Health" is a more powerful statement. The band's sound is a blend of hard rock and heavy metal, and it is a sound that has been missing in the current music scene.

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The band's new album, "Metal Health," is a heavy metal classic that has already reached the top of the charts. The band's previous album, "Quiet Riot," was a commercial success, but "Metal Health" is a more powerful statement. The band's sound is a blend of hard rock and heavy metal, and it is a sound that has been missing in the current music scene.

## The Screen: 'Terms of Endearment'

**T**ERMS OF ENDEARMENT, which stars Shirley Maclaine and Robert Redford, is a touching and moving story of a woman's life. The film is a masterpiece of storytelling, and it is a film that is worth watching. The film is a masterpiece of storytelling, and it is a film that is worth watching.

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The film is a masterpiece of storytelling, and it is a film that is worth watching. The film is a masterpiece of storytelling, and it is a film that is worth watching.

## THE SCREEN: 'TERMS OF ENDEARMENT' SHOW SUMMARY

**T**ERMS OF ENDEARMENT, which stars Shirley Maclaine and Robert Redford, is a touching and moving story of a woman's life. The film is a masterpiece of storytelling, and it is a film that is worth watching. The film is a masterpiece of storytelling, and it is a film that is worth watching.

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PAGE 64 OF 92

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# EXHIBIT F



1 LYLE MENENDEZ  
K13758  
2 R.J. Donovan Correctional Facility  
480 Alta Road  
3 San Diego, CA 92179

4 ERIK MENENDEZ  
K14101  
5 R.J. Donovan Correctional Facility  
480 Alta Road  
6 San Diego, CA 92179

7 In Pro Per

8  
9 IN THE SUPERIOR COURT  
10 OF THE STATE OF CALIFORNIA  
11 LOS ANGELES COUNTY

12 LYLE MENENDEZ,  
13  
14 Petitioner,  
15  
16 On Habeas Corpus.

No.:  
Court of Appeal Case No.  
B104022  
Superior Court Case No.  
BA068880

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DECLARATION OF ROY  
ROSSELLO

18 ERIK MENENDEZ,  
19  
20 Petitioner,  
21  
22 On Habeas Corpus.

23 I, Roy Rossello, declare:

24  
25 1. I was born on May 1, 1969 in Puerto Rico. In 1983, I joined the Puerto  
26 Rican singing group Menudo. Menudo was a boy band formed by Edgardo Diaz in the  
27 late 1970s. I was with the group until 1986.

1           2,       In the fall of 1983 or 1984, the group was performing in New York. I recall  
2 that this was shortly before the time that Edgardo Diaz signed a recording contract with  
3 RCA for the group.

4  
5           3.       One evening at the hotel, Mr. Diaz told me I would be having dinner with  
6 Jose Menendez, who was an RCA executive. Diaz said I was going to “do a favor” and  
7 “do something great” for Menudo and for him. I was taken in a limousine to Jose  
8 Menendez’s house; as I recall it was in New Jersey. Jose Menendez was in the limousine  
9 as was Edgardo Diaz.

10  
11           4.       After arriving at the Menendez home, I saw one of his boys sitting behind  
12 the front door. I was directed to the dining room. Another boy was at the dining room  
13 table. Neither of the boys said anything to me. Jose Menendez was there along with his  
14 wife, as was Edgardo Diaz. Jose Menendez offered me a glass of wine at the table and  
15 told me it was expensive wine so I should drink the entire glass. I felt sick after drinking  
16 it; things looked blurry and I felt like I could not move. I was partially pushed and  
17 partially carried down a hallway. It felt like I had no control over my body.

18  
19           5.       Jose took me to a room. He closed the door. I could not move my body; he  
20 put me into a bed. I felt him take off my pants, and felt him penetrate me in the ass. I  
21 think that I told him I did not want to do this but he continued to rape me in the anus very  
22 hard.

23  
24           6.       I recall being carried back to the limousine. Later I woke up in the hotel  
25 where the group was staying. I was bleeding from the anus. I was in pain for a week; the  
26 pain was unbearable. Edgardo Diaz said I would be better soon and this was normal. I  
27 accused Diaz of selling my body to Jose Menendez; he told me not to mention this to  
28 anyone.



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# EXHIBIT G

# Appellate Courts Case Information

2nd Appellate District

Change court ▼

## Docket (Register of Actions)

The People v Menendez

Division 5

Case Number B104022

Date	Description	Notes
07/26/1996	Notice of appeal lodged/received (criminal).	N/A Dtd 07-02-96/Menendez, Erik Gal/Dob-11-27-70Ntr-7-3-96
07/26/1996	Appellant notified re: right to counsel.	
07/26/1996	Financial affidavit sent.	
07/26/1996	Notice of appeal lodged/received (criminal).	N/A Dtd 7-2-96/Menendez, J/Dob-1-10-68
07/26/1996	Appointment request for counsel filed.	
08/02/1996	Letter sent to:	Atty. Abramson Re Our Records Indicate You Are Representing Mr. Erik Menendez; Is This The Case?
08/02/1996	Previous entry continued.	Your Prompt Response To This Ltr Is Requested As The Filing Of The Record On Appeal Is Anticipated
08/05/1996	Filed letter from:	Jonathan Steiner Of California Appellate Project Re Appmt. Of Counsel Status For Appellants.
08/06/1996	Filed letter from:	Leslie H. Abramson Says She Is Not Representing Erik Menendez On Appeal.(Erik Menendez In Pro Per)
08/23/1996	Financial affidavit filed.	Applt. Erik Menendez
09/05/1996	Record on appeal filed.	C-49, R-329, S-144 (Sealed Transcripts In Exhibit Room, 2 Boxes Originals, 6 Boxes Of Copies)
09/10/1996	Counsel appointment order filed.	Appointing Attys Gardner & Derham For Appt J.L.Menendez & Atty Multhaup For Appt Erik Menendez.
09/17/1996	Order filed.	Clerk To Send Copies Of B086735, B090015, B092878B0903372, B093358, B94413 & B099769
09/19/1996	Filed letter from:	From Atty. Gardner Dtd 9-10-96 Memorializing Mtg. With P.J. Re Acceptance Of Appointment.
09/19/1996	Order filed.	All Prior Briefing Orders Are Vacated. Aob'S Due 182 Days From Filing Date Of This Order. 17a Ntc
09/19/1996	Previous entry continued.	Shall Issue 183 Days From This Order. This Order Constitutes Ntc Pursuant To 17a, C. Rb Shall Be

09/19/1996	Previous entry continued.	Due 182 Days From Filing Of Last Aob. Rule 17b, CNtc To Issue 183 Days Following Filing Of Last Aob
09/19/1996	Previous entry continued.	This Order Constitutes Rule 17b,C Ntc. Because Of Lengthy Nature Of The Record, Effective Date Of
09/19/1996	Previous entry continued.	Appmt. Shall Be 9-5-96. Counsel Are To Bill For Costs And Time Incurred In Connection With The
09/19/1996	Previous entry continued.	Mtg. In Chambers Of P.J. 9-6-96. Requests For Interim Compensation May Be Filed On The First And
09/19/1996	Previous entry continued.	15th Day Of Each Month. This Will Insure That Counsel Are Promptly Paid For Costs Incurred
09/19/1996	Previous entry continued.	And Hours Spent In Preparation Of The Appropriate Briefs. There Is No Requirement That Writ Petitions
09/19/1996	Previous entry continued.	Be Filed At The Same Time As The Briefs. The Court Expects Time Frames For Filing Briefs In This Case
09/19/1996	Previous entry continued.	Be Fully Complied With By Parties. A Decision As To Time Frame For Arb'S Will Be Determined Upon
09/19/1996	Previous entry continued.	The Filing Of The Rb. There Will Be No Limitations On The Length Of The Briefs.*****
10/21/1996	Filed letter from:	From Mary Mcauliffe Dtd 10-12-96 --A Copy Of The Ltr. Is Ordered Placed With The Record, Served On
10/21/1996	Previous entry continued.	All Counsel. It Will Not Be Considered In Conjunction With The Merits Of The Appeal.
10/21/1996	Received:	For Lodging Ltr From C.A.P.--Under Seal
10/21/1996	Order filed.	Ltr From C.A.P. Lodged And Sealed.
11/07/1996	Received:	Ltr From A.G. Opo To Filing Of Ltr From Mary K.Mcauliffe To Be Placed With The Record
11/08/1996	Filed letter from:	Resp.'S Ltr Dtd 11-7-96 Filed With Permission (Re Opo To Mary K. Mcauliffe'S Ltr)
11/08/1996	Order filed.	Respondent'S Request Re Filing Of Mary Mcauliffe'S Letter Is Denied.
11/25/1996	Application filed to:	For Transmittal Of Sealed Records By Csl. For Appt. Joseph Lyle Menendez.
12/19/1996	Order filed.	The Court Will Have All Of The Sealed Transcripts Sent To The Parties Who Were At The In Camera
12/19/1996	Previous entry continued.	Hearing. None Of The Transcripts Which Are The Subject Of This Order Were Those Considered In
12/19/1996	Previous entry continued.	Connection With The Case Of Menendez V S.C.L.A Within 30 Days After The Filing Of The Last
12/19/1996	Previous entry continued.	Opening Brief, The Parties Are To File Under Seal Memoranda Discussing The Issue Of Whether Any Of
12/19/1996	Previous entry continued.	Present Sealed Transcripts Should Remain So.(See Order)
01/02/1997	Request filed to:	Request By Robert Derham (Csl For Joseph Menendez) For Interim Payment (Sent To Capp This Dt)
01/03/1997	Filed letter from:	Received From Mary K. Mcauliffe--The Court Has Received The 12-27-96 Letter. It Is To Be Lodged
01/03/1997	Previous entry continued.	With The Record, Photocopied And Served On All Counsel.
03/18/1997	Motion filed.	Rec'D Under Sealed (Atty Cliff Garnder)& Letter Dtd 3-14-97
03/19/1997	Order filed.	The 3-14-97 Letter Is To Be Serviced On The A.G. Who Shall Have 5 Days To Respond To The Request

03/19/1997	Previous entry continued.	Sealed Motion & Letter In Safe Zgh
03/20/1997	Response filed:	From Kenneth C. Byrne, Dag, Ltr Dtd 3-20-97Re: Ojects To The Filling Of Motion Under Seal
03/21/1997	Order filed.	Order Re: Confidential Request For Permission ToExpend Funds,The Motion Is Granted,
03/21/1997	Previous entry continued.	The Application Shall Remain Under ** Sealed ***If Add. Sums Are Necessitated, A Similar
03/21/1997	Previous entry continued.	Confidential Request Should Be Submitted To TheCrt. The A.G. Should Be Notified That There Has
03/21/1997	Previous entry continued.	Been A Request To File The Doc Under Seal.(In Safe)
03/24/1997	Filed letter from:	From Atty Derham Re: 35e Letter
03/27/1997	Order filed.	Re 35 (E) Ltr Rec'D 3-24-97. All Documents Copied& Sent To Parties (Except Sealed Rptr'S Not To Be
03/27/1997	Previous entry continued.	Served Upon Respondent). Declaration Of M. FadaleNoticed Re Vols 269, 281 & 286 Of Rptr'S Trans.
03/27/1997	Previous entry continued.	Accordingly, All Prior Filing Deadlines Set ForthIn Order Of 9-19-96 Remain In Full Forec & Effect.
03/27/1997	Filed document entitled:	Affidavit Of Rptr Marilyn Fadale.
03/31/1997	Filed document entitled:	Amendment To Previous 35 (E) Letter.
04/14/1997	Requested - extension of time	To 5-19-97 To File Aob (Deft Erik Menendez)
04/14/1997	Denied - extension of time.	Erik Menendez
04/15/1997	Requested - extension of time	Joseph Menendez
04/14/1997	Filed document entitled:	Expant Declaration Of Eric Multhaup In SupportOf Motion To Recall (17a) Notice( Sealed***)
04/16/1997	Order filed.	Defense Counsel Shall Have 10 Days To ExplainWhy The Declaration Of Mr. Multhaup Shall Remain
04/16/1997	Previous entry continued.	Sealed. The Response Shall Be Filed And Served OnThe Attorney General
04/16/1997	Denied - extension of time.	Rques To Joseph Menendez Is Denied
04/22/1997	Motion filed.	To Dismiss Both Defendants Appeals.
04/22/1997	Order filed.	Defts Csl Shall Have Five Days To Respond To TheMtn For Dismissal
04/22/1997	Note:	Court'S Orders Faxed To Both Defts Csl
04/24/1997	Change of address filed for:	For Atty Multhaup, Mill Valley, Ca
04/28/1997	Opposition filed.	To Mtn To Dismiss (Deft Joseph Lyle Menendez)
04/28/1997	Opposition filed.	To Motion To Dismiss (Atty Multhaup)
04/29/1997	Opposition filed.	By A.G. Re: Dismissal
05/19/1997	Received document entitled:	Aobs For Both Defts (Permission To File Needed)
05/19/1997	Filed document entitled:	Application To File Sealed Aob & Served RedactedBrief (Joseph Lyle Menendez)
05/19/1997	Request filed to:	For Judicial Notice (Joseph Lyle Menendez)
05/19/1997	Order filed.	Application To File Sealed Aob & Servce RedactedAob Granted
05/19/1997	Order filed.	Request For Judicial Notice Granted
05/19/1997	Order filed.	The Dismissal Motion Is Denied
05/19/1997	Order filed.	Mr. Multhaup'S Declaration Shall Be Unsealed AndServed On All Counsel
05/19/1997	Appellant's opening brief.	Joseph Menendez Reacted (Filed With Permission)
05/19/1997	Appellant's opening brief.	Sealed (Joseph Menendez) Filed With Permission

05/19/1997	Appellant's opening brief.	Erik Menendez (Reacted) (Sealed Pages To Be Submitted Under Separate Cover)
05/22/1997	Motion filed.	To Serve Redacted Opening Brief & File Unredacted Pages Under Seal (Erik Menendez)
05/22/1997	Received document entitled:	Appendix To Applt'S Opening Brief & Restrictions On Lay Witnesses Testimony (Erik Menendez; Permis-
05/22/1997	Previous entry continued.	Sion To File Needed.)
05/23/1997	Order filed.	Erick Menendez'S Motion To Serve Reacted Aob & To File Unredacted Pages Under Sealed Granted
06/09/1997	Request filed to:	A.G. (Request To File Under Seal & Request For Letter Briefs)
06/12/1997	Order filed.	Attorney General'S Letter Request Dated 6-9-97 Is Denied
06/12/1997	Order filed.	The Letter Of 6-9-97 Is Ordered Unsealed And Served On All Counsel. All Request Denied
06/19/1997	Order filed.	Appellant'S Memorandum Due In 7 Days
06/23/1997	Filed letter from:	Eric Malthaup, Csl For Applt Eric Menendez Re Sealed Transcripts & Court'S Order 12-19-96
06/26/1997	Filed letter from:	Robert Derham, Csl For Joseph Menendez Re Sealed Transcripts
07/09/1997	Request filed to:	From A.G. Re: Unsealing Of Hearing Held 6-20 & 6-21-97 & Req To Take Judicial Notice Of B094413
07/09/1997	Order filed.	Defts Shall Have 7 Days To Respond Via Facsimile Transmission To Mr Bryne'S Ltr Dtd 7-9-97
07/16/1997	Filed document entitled:	Eric Multhaup Response To Court'S Order 7-9
07/16/1997	Filed letter from:	From Ag Responding To Mr. Malthaup'S Ltr Faxed To Court This Dt.
07/17/1997	Filed letter from:	Dtd 7-15-97 Fm Gardner & Derham
07/21/1997	Order filed.	Prior Orders Concerning Sealed Prtns Of Record To Remain In Effect Pending Further Written Order.
07/24/1997	Order filed.	Unredacted Pages From Aob Filed Under Seal (In Safe)
08/15/1997	Note:	Hand-Delivered Aob'S (Redacted & Unredacted) To Hon. Frank Jackson, Scla, Lancaster, Dept. B.
08/28/1997	Respondent's brief.	2 Volumes
08/28/1997	Request filed to:	Respondent'S Req For Judicial Ntc
08/29/1997	Request filed to:	By A.G. (Respondent Request That The Court Review Sealed Transcripts Ltr Dtd 8-28-97
09/03/1997	Requested - extension of time	Facsimile Rex From Atty Multhaup Filed W/Permission
09/03/1997	Granted - extension of time.	Reply Briefs Due 10-20-97
09/04/1997	Requested - extension of time	Arb'S To 12-10-97
09/11/1997	Request filed to:	A.G. Dtd 9-11-97 To Allow 2 Lead Atty & Time For O/A
09/15/1997	Order filed.	Defts Shall Have 20 Days To Respond To Ms. Pollack'S Request. The Response May Be Filed
09/15/1997	Previous entry continued.	And Served Via Facsimile Transmission
09/17/1997	Filed document entitled:	Notice Of Joinder In Application For Extension Of Time To File Reply Brief
09/17/1997	Order filed.	Joseph Lyle Menendez' Notice Of Joinder In Application For Ext Of Time To File Arb Denied
10/06/1997	Filed letter from:	From Atty Cliff Gardner Dtd 10-1-97-No Objection To A.G. Requests
10/08/1997	Filed letter from:	From Atty Multhaup Re: No Objection To A.G.'S Request
10/10/1997	Note:	Returned Comp W/Turner'S Signature Of Approval To Cap This Date
10/20/1997	Requested - extension of time	Eric Menendez/Req To 10-24 To File Aob



10/20/1997	Granted - extension of time.	Both Arb'S Due 10-24
10/21/1997	Request filed to:	Csl For Joseph Menendez/Req Permission To File Sealed Reply Brief & Serve Redacted Brief
10/22/1997	Order filed.	Request To File Sealed Reply Brief Granted
10/22/1997	Appellant's reply brief.	Redacted & Sealed Arb (Joseph L. Menendez)
10/28/1997	Calendar notice sent. Calendar date:	
10/27/1997	Appellant's reply brief.	Erik Menendez (40n)
10/27/1997	Case fully briefed.	
11/04/1997	Filed letter from:	From The A.G., Dtd., 11-4-97, Re: Requesting A Ruling On The 9-11-97 Requests Re: Oral Argument.
11/06/1997	Counsel fee request for interim payment recd/filed.	Robert Derham
11/06/1997	Counsel fee request for interim payment recd/filed.	Eric S. Multhaup
11/06/1997	Counsel fee request for interim payment recd/filed.	Clifford Gardner
11/06/1997	Counsel fee order filed in amount of:	Granted (Robert Derham)
11/06/1997	Counsel fee order filed in amount of:	Granted (Eric S. Multhaup)
11/06/1997	Counsel fee order filed in amount of:	Granted (Clifford Gardner)
11/07/1997	Order filed.	Re Oral Argument: Both Sides May Argue For 30 Min.
11/10/1997	Motion filed.	To Make Ex Parte In Camera Argument On Issue Of Atty-Client Privilege (Joseph Menendez)
11/10/1997	Filed letter from:	From A.G./If Ct Grants Mtn Re In Camera Argument, Would Req It Be Heard Immediately Prior To 2 P.M.
11/10/1997	Previous entry continued.	Celendared Argument.
11/12/1997	Order filed.	Oral Argument Rescheduled For 1 P.M. 11-18-97
11/12/1997	Order filed.	Mtn To Make In Camera Argument Denied.
11/12/1997	Filed letter from:	(Via Fax) From Multhaup Re Req To Argue In Camera
11/12/1997	Filed letter from:	Dtd 11-7 Eric Multhaup Re Oral Argument & Composition Of Panel.
11/13/1997	Order filed.	In Re; Erik Menendez-Associate Counsel May Argue As Requested. At Present, It Is Not Anticipated
11/13/1997	Previous entry continued.	That The Presiding Justice Will Sit On The Panel Although That Is Subject To Change. It Is Not
11/13/1997	Previous entry continued.	Anticipated There Will Be Any Change
11/14/1997	Received document entitled:	Erik Menendez Csl/Req (In Essence) For Reconsider-Ation Of Order Re Time Allowed For Argument
11/14/1997	Previous entry continued.	(Via Fax, Permission To File Needed)
11/17/1997	Opposition filed.	By Ag To Request For Use Of Charts At Oral Argum-Ent.
11/17/1997	Letter sent to:	All Parties: Request To Provide Court With Charts Grtd. (Further Instructions Re Issues S/Be Argued)
11/17/1997	Filed document entitled:	Appl'S Exhibit For Oral Argument
11/18/1997	Cause argued and submitted.	
11/24/1997	Motion filed.	Vacate Submission & Recalendar Oral Argument & Order Providing Applt W/Copy Of Tape Oral Argument
12/01/1997	Filed joinder of:	Co-Def't Lyle Mendez/To Req Of Erik Menendez To Vacate Submission & Recalendar Oral Argument.

12/02/1997	Order filed.	Erik Menendez'S Motion To Vacate Submission And To Recalendar Oral Arugment & For Order Providing
12/02/1997	Previous entry continued.	Him With A Copy Of The Tape Recording Of Oral Argument Denied Etc (See Order)
02/27/1998	Opinion filed.	Judgments Are Affirmed, Npub, 112 Pgs, J-G-A (Judge Jackson Assigned)
03/17/1998	Rehearing petition filed.	40n-Deft Erik Menendez
03/17/1998	Filed document entitled:	Joinder Of Deft Joseph Lyle Menendez In Petn For Rehearing By Erik Menendez (40n)
03/17/1998	Note:	Notice Sent To Counsel, Subsequent To Oral Argument In This Case The Second Dist. Reversed
03/17/1998	Previous entry continued.	Plicy Concerning Audiotapes Of Oral Arugment. Counsel May Now Listern To The Audiotape In The
03/17/1998	Previous entry continued.	Clerk'S Office. Further Information Concerning This Procedure May Be Obtained From The Clerk'S
03/17/1998	Previous entry continued.	Office
03/26/1998	Petition for rehearing denied.	Petition For Rehearing & Joinder Denied
04/07/1998	Record transmitted to Supreme Court.	29 Boxes /Ct 49, Rt 3295 Sealed Boxes/4 Confidential & 1 Box Sealed Brief
05/15/1998	Exhibits returned to county clerk.	All Exhibits
06/02/1998	Record returned from Supreme Court.	
05/27/1998	Petition for review denied in Supreme Court.	
06/11/1998	Remittitur issued.	
11/01/1998	Case complete.	
12/09/2008	Note:	Record on Preserved Shelf PR #26-38
01/11/2017	Record returned to archives.	

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# EXHIBIT H

1 LYLE MENENDEZ  
K13758  
2 R.J. Donovan Correctional Facility  
480 Alta Road  
3 San Diego, CA 92179

4 ERIK MENENDEZ  
K14101  
5 R.J. Donovan Correctional Facility  
480 Alta Road  
6 San Diego, CA 92179

7 In Pro Per

8  
9 IN THE SUPERIOR COURT  
10 OF THE STATE OF CALIFORNIA  
11 LOS ANGELES COUNTY

12 LYLE MENENDEZ,  
13  
14 Petitioner,  
15  
16 On Habeas Corpus.

No.:  
Court of Appeal Case No.  
B104022  
Superior Court Case No.  
BA068880

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DECLARATION OF JOSEPH  
LYLE MENENDEZ

18 ERIK MENENDEZ,  
19  
20 Petitioner,  
21  
22 On Habeas Corpus.

23 I, Joseph Lyle Menendez, declare:

24  
25 1. I am one of the defendants in *People v. Joseph Lyle Menendez and Erik*  
26 *Galen Menendez*.

27  
28 2. I was convicted of two counts of murder after a trial in 1995. Because I

1 was indigent, I was represented by the Los Angeles County Public Defender's office. I  
2 appealed my conviction; because I was indigent the Court of Appeal appointed counsel to  
3 represent me.

4  
5 3. I am still indigent. I do not have money to hire counsel or fund a habeas  
6 investigation. There is approximately \$50.00 currently in my inmate account.

7  
8 4. Andy Cano was my cousin. Andy was the son of my aunt, Marta Cano.  
9 Andy died some years ago -- around 2003. In 2015 I first heard something about a letter  
10 my brother Erik had written to Andy when they were younger. There was a Barbara  
11 Walters special about our case in 2015, and the special covered a letter which Erik had  
12 written to Andy. Ms. Walters said this letter was presented by our lawyers at trial but  
13 ruled inadmissible by the judge. See [https://www.youtube.com/watch?v=Kav](https://www.youtube.com/watch?v=KavYPuL3XUA)  
14 [YPuL3XUA](https://www.youtube.com/watch?v=KavYPuL3XUA) Although I did not recall all the evidence that was either admitted or ruled  
15 inadmissible at my two trials, because the report said the letter had been offered and  
16 excluded at trial, it never occurred to me that the letter could be considered new evidence.  
17 I gave it no more thought.

18  
19 5. In early 2018, I was advised that my trial counsel Jill Lansing had said she  
20 had no recollection of any such letter being offered at trial and excluded. I contacted  
21 Cliff Gardner, who had been appointed to represent me on appeal years earlier. Mr.  
22 Gardner had not heard of any such letter and said he would contact my trial lawyers from  
23 the second trial to see if they recalled such a letter. Some time later Mr. Gardner  
24 informed me that he had spoken with Terri Towery, and she had no recollection of having  
25 seen such a letter, much less having offered it into evidence. Mr. Gardner advised me to  
26 try and get a copy of the letter.

27  
28 6. Robert Rand is a journalist who has continued to cover this case since well

1 before the first trial and whom I have known for some time. Mr. Rand has continued to  
2 investigate the case, and has written a book about the case as well. In the course of his  
3 investigation he has spoken with, and he knows, my Aunt Marta. I asked Mr. Rand to see  
4 if he could obtain a copy of the letter. In April of 2018 Mr. Rand informed me that he  
5 had been in touch with Marta Cano, my aunt. My understanding is that Aunt Marta came  
6 across some of Andy's papers and gave Mr. Rand a letter Andy had received from Erik.  
7 That same month, Mr. Rand gave a copy of this letter to Cliff Gardner.

8  
9 7. After seeing the letter, Mr. Gardner explained that he did not recall ever  
10 seeing this letter before. But because it had been so long since he had reviewed  
11 transcripts from the trials, and to make sure the evidence was indeed new evidence and  
12 had not, in fact, been offered and excluded as the 2015 Barbara Walters special had  
13 indicated, he advised me to review the transcripts from both trials to see if this evidence  
14 had actually been offered.

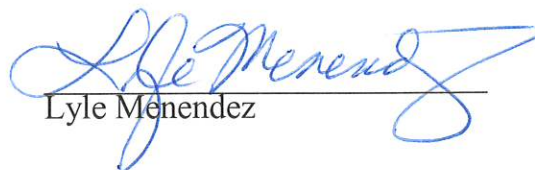
15  
16 8. At that point, I was stymied. I no longer had a copy of the transcripts from  
17 either trial. I tried various places to obtain a copy of the transcripts without success. In  
18 late 2020, Court TV posted on its website a transcript of the second trial and a video of  
19 the first trial. Because I did not have access to the internet, my wife and other family  
20 members reviewed this material and we concluded that the letter was indeed new  
21 evidence and had not been offered (and excluded) at either trial.

22  
23 9. Mr. Gardner advised me that Mr. Rand had informed him that he was in the  
24 process of transcribing hundreds of audiotaped interviews he had conducted with  
25 witnesses at my trial. Mr. Gardner explained that California courts frown on petitioners  
26 presenting habeas claims in "piecemeal" fashion -- that is, in separate habeas petitions  
27 filed one after another. He suggested waiting until Mr. Rand completed these  
28 transcriptions before pursuing habeas relief. In this way, I was advised, we could avoid

1 the piecemeal presentation of habeas claims should these transcriptions reveal any new  
2 evidence that had not been presented at trial.

3  
4 10. While waiting for the transcriptions to be completed, I learned that  
5 producers of a documentary involving Menudo, a boy band formed in Puerto Rico, had  
6 approached Mr. Gardner with new information they believed was relevant to my case. In  
7 November 2022 I was told that a former member of the band had come forward to say  
8 that my father had raped him.

9  
10 I declare under penalty of perjury that the foregoing is true and correct. Executed  
11 this 29 day of March, 2023 in San Diego, California.

12  
13   
14 Lyle Menendez

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# EXHIBIT I



1 LYLE MENENDEZ  
K13758  
2 R.J. Donovan Correctional Facility  
480 Alta Road  
3 San Diego, CA 92179

4 ERIK MENENDEZ  
K14101  
5 R.J. Donovan Correctional Facility  
480 Alta Road  
6 San Diego, CA 92179

7 In Pro Per

8  
9 IN THE SUPERIOR COURT  
10 OF THE STATE OF CALIFORNIA  
11 LOS ANGELES COUNTY

12 LYLE MENENDEZ,  
13  
14 Petitioner,  
15  
16 On Habeas Corpus.

17 \_\_\_\_\_  
18 ERIK MENENDEZ,  
19  
20 Petitioner,  
21 On Habeas Corpus.

No.:  
Court of Appeal Case No.  
B104022  
Superior Court Case No.  
BA068880  
DECLARATION OF ROBERT  
RAND

22  
23 I, Robert Rand, declare:

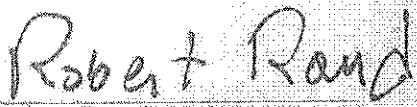
- 24  
25 1. I am a journalist. I have covered the Menendez case since it began years  
26 ago.  
27  
28 2. Attached as Attachment 1 to this declaration is a photograph of LIVE

1 Entertainment employees at a Christmas party held at the Menendez home in Beverly  
2 Hills in the winter of 1988. Live Entertainment was the company which Jose Menendez  
3 worked at in 1988 and 1989.  
4

5 3. I can authenticate this as a photograph taken at the Beverly Hills Menendez  
6 home because I visited the home on a number of occasions to interview members of the  
7 family. I recognize the staircase.  
8

9 4. In my work reporting on the Menendez brother case, I spoke with numerous  
10 employees of LIVE entertainment who were at the party. One of them provided the  
11 photograph attached as Attachment 1. All explained that this was a Christmas party held  
12 in December 1988. In addition, there is Christmas garland on the bannister.  
13

14 I declare under penalty of perjury that the foregoing is true and correct. Executed  
15 this 21 day of APRIL, 2023 in Berkeley, California.

16   
17 Robert Rand  
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ATTACHMENT 1



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# EXHIBIT J

**LAGOS & GERALD**  
*Petition for Writ of Habeas Corpus*



**EXHIBIT J:**  
**People v. Menendez,**  
**Los Angeles County Superior**  
**Court Case Number BA068880,**  
**Second Trial Transcripts**

CERTIFICATE OF SERVICE

I, the undersigned, declare as follows: I am a citizen of the United States, over the age of 18 years and not a party to the within action. My business address is 1448 San Pablo Avenue, Berkeley, California 94702.

On May 3, 2023, I served the within:

EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

upon the parties names below by depositing a true copy in a United States mailbox in Berkeley, California, in a sealed envelope, postage prepaid, and addressed as follows:

Mr. Lyle Menendez, K13758  
R.J. Donovan Correctional Facility  
480 Alta Road  
San Diego, CA 92179

Office of the District Attorney  
211 West Temple Street  
Suite 1200  
Los Angeles, CA 90012

Mr. Erik Menendez, K14101  
R.J. Donovan Correctional Facility  
480 Alta Road  
San Diego, CA 92179

I declare under penalty of perjury that the foregoing is true. Executed on May 3, 2023 in Berkeley, California.



Declarant