MARK GERAGOS
(State Bar # 108325)
644 South Figueroa Street
Los Angeles, CA 90017
(213) 625-3900
Mark@geragos.com

CLIFF GARDNER
1448 San Pablo Avenue
Berkeley, CA 94702
(510) 524-1093
Casetris@aol.com

Attorneys for Petitioners
Lyle and Erik Menendez

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Superior Court of California
County of Los Angeles

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IN THE SUPERIOR COURT

OF THE STATE OF CALIFORNIA

LOS ANGELES COUNTY

ERIK MENENDEZ, Petitioner, On Habeas Corpus.	No.: Court of Appeal Case No. B104022 Superior Court Case No. BA068880
LYLE MENENDEZ, Petitioner, On Habeas Corpus.	

EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

TABLE OF CONTENTS

EXHIBIT A: Letter from Erik Menendez to Andy Cano 3

EXHIBIT B: Declaration of Erik Menendez 7

EXHIBIT C: Letter from Marta Cano 12

EXHIBIT D: Declaration of Cliff Gardner 14

EXHIBIT E: The Pop Life, New York Times (11-23-1983) 22

EXHIBIT F: Declaration of Roy Rossello 24

EXHIBIT G: *People v. Menendez* et al., Docket Report, Entry of (9/10/1996) 28

EXHIBIT H: Declaration of Lyle Menendez 35

EXHIBIT I: Declaration of Robert Rand 40

EXHIBIT J: *People v. Menendez*, Los Angeles County Superior Court Case Number BA068880, Second Trial Transcripts 45

EXHIBIT A

Hello Andy,

How are you doing? I Hope better then I am. Its 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 not to at the last minute. Mom said the flights were too ~~Exp~~ 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 Barbra. (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 stocking, 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 ~~Freaks~~ freaks out over nothing. I feel bad for her. I dont know why she puts up with dads 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 thing I'm so afraid she'll tell him whatever I say. I just can't risk it. [redacted] 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 [redacted] overweight that I can't stand to see him, I never know when when ~~he's~~ 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 Tyler 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.

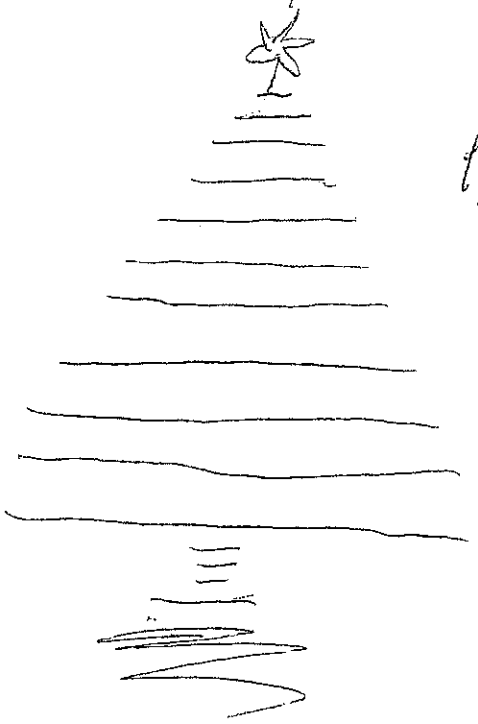
Anyway I hope <u>your</u> doing good. How's your new girlfriend, Allison? She sounds pretty great, when do I get to meet her? I can see why you don't want to leave Puerto Rico! Haha I hear your playing alot of soccer. That's great, I love soccer too bad I had to

quit. How many tap ups can you do?! I'm glad to see that school's easy for you. Sounds a alittle 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 in tennis maybe and will ease of some just in time for me to start college at Brown or ~~Berkley~~ Berkley 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

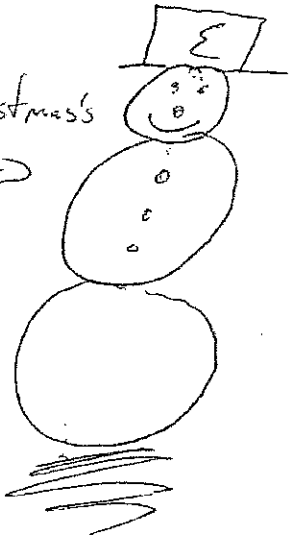
Well I'm going to go buddy It getting late and I don't feel well. Keep in touch! Hopefully I'll see you soon Until then God bless you and...

Merry Christmas!!



for the christmas's to be

for the christmas's To come



I miss you

Love

E

EXHIBIT B

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

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

In Pro Per

IN THE SUPERIOR COURT

OF THE STATE OF CALIFORNIA

LOS ANGELES COUNTY

LYLE MENENDEZ, Petitioner, On Habeas Corpus. _____ ERIK MENENDEZ, Petitioner, On Habeas Corpus. _____	No.: Court of Appeal Case No. B104022 Superior Court Case No. BA068880 DECLARATION OF ERIK GALEN MENENDEZ

I, Erik Galen Menendez, declare:

1. I am one of the defendants in *People v. Menendez*, BA068880.

2. I was convicted of two counts of murder after a trial in 1995. Because I was indigent, I was represented by appointed counsel at trial. When I appealed my

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

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

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

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

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

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

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

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

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

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

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

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

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

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 DRLIC# C500-553-41-769-0 exp. 07-29, 2021

Marta Menéndez Cano
Palm Beach Gardens, Florida
April 10, 2018

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

Notary Public State of Florida
Gregg W Gullo
My Commission FF 961183
Expires 03/02/2020

EXHIBIT D

LYLE MENENDEZ
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IN THE SUPERIOR COURT

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LOS ANGELES COUNTY

LYLE MENENDEZ, Petitioner, On Habeas Corpus. _____ ERIK MENENDEZ, Petitioner, On Habeas Corpus. _____	No.: Court of Appeal Case No. B104022 Superior Court Case No. BA068880 DECLARATION OF CLIFF GARDNER

I, Cliff Gardner, declare:

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

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

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

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

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

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

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of April, 2023 in Berkeley, California.

Cliff Gardner

ATTACHMENT 1

Hello Andy,

How are you doing? I Hope better then I am. Its 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 not to at the last minute. Mom said the Flights were too expensive, She said we could wait til christmas. But now they're 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 Barbra. (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 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 stocking, 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 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 thing, I so afraid she'll tell him whatever I say. I just can't risk it. [redacted] 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. Its still happening Andy but its worse for me now. I can't explain it. He so [redacted] overweight that I can't stand to see him, I never know when when ~~he's~~ it's going to happen and its 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.

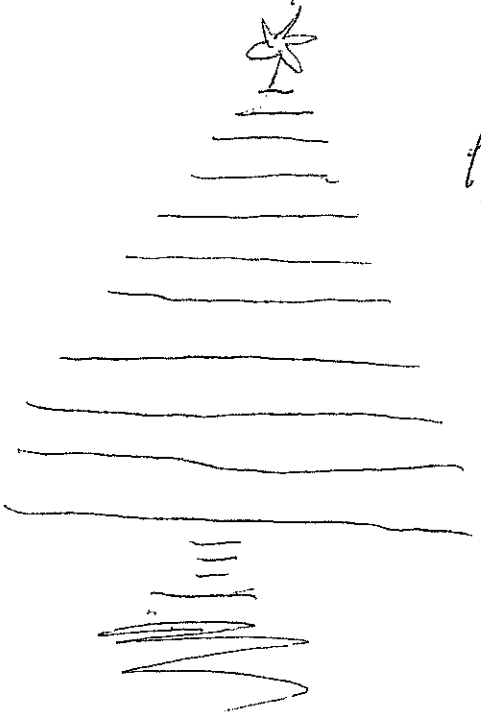
Anyway I hope <u>your</u> doing good. How's your new girlfriend, Allison? She sounds pretty great, when do I get to meet her? I can see why you don't want to leave Puerto Rico! Haha I hear your playing alot of Soccer. Thats great, I love soccer too bad I had to

part. How many pull ups can you do?! I'm glad to see that school's 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 if I really do well in tennis maybe I could use some just in time for me to start college at Brown or ~~Berkley~~ Berkley 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.

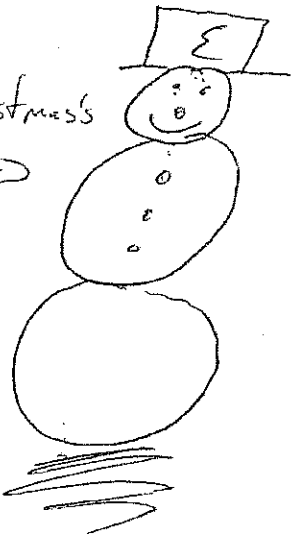
Well I'm going to go buddy It getting late and I don't feel well. Keep in touch! Hopefully I'll see you soon Until then God bless you and...

Merry Christmas!!



for the christmas's to be

for the christmas's To come →



I miss you

Love

E

EXHIBIT E

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

The Pop Life | Stephen Holden

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.

But in making these deals, RCA is not just looking for business south of its border. "America itself has become the largest Spanish market in the world, with record sales of $75 to $100 million, José Menéndez, RCA's division executive vice president, said the other day. "Hispanics are the fastest-growing segment of the population, and by the year 2000 their numbers will have surpassed that of blacks in this country."

But RCA is looking beyond the Hispanic market and may also be attempting to reach everyone else with its Latin talent. A major goal of RCA, for example, is to "break" Menudo in English-language markets. To this end, Menudo has already recorded the theme song for the Burt Reynolds movie "Cannonball II," in English, and its first English-language album will be released at the end of January. Embassy Pictures also plans to feature Menudo along with an established star in a big-budget movie.

RCA's efforts with Menudo will be closely watched by an industry that has had only limited success in selling foreign-language acts to American record buyers. In the late 1970's, for example, the Swedish quartet Abba enjoyed a huge international success but was never quite the phenomenon in the United States that it was in Europe, South America and Australia. The group's somewhat stiff, phonetic pronunciation of English is generally acknowledged to have been its major liability.

Meanwhile, the Spanish crooner Julio Iglesias, who for some years has been one of the best-selling male pop stars outside the United States, is completing his first English-language album in Los Angeles with the American producer Richard Perry. Observers agree that his success at crossing over to an English-speaking audience has everything to do with how well he sings the language.

"It's essential for Menudo to be able to sing English well," Mr. Menéndez emphasized. And to that end, the group was recently put through an intensive English-language program in Florida. That program was apparently successful: Mr. Menéndez previewed the "Cannonball II" theme song and said the group's diction had no noticeable Spanish inflections.

Another challenge to RCA will be to keep Menudo popular in the notoriously fickle pre-teen market. The group was formed in 1977 by the Puerto Rican manager-producer Edgardo Díaz, who cleverly built into its concept the principle of eternal youth. When a member's voice changes or becomes too grown up, he is replaced. That makes Menudo — theoretically, at least — an age-proof institution with pop appeal to generation after generation of youngsters between 7 and 15.

In reality, however, each generation likes to discover its own pop stars. If Menudo doesn't age, the concept of Menudo surely will. Already there are several imitation Menudos operating on the same principles.

Moreover, Menudo's prefabricated European-styled pop has no roots or any identifiable signature. Like the television-jingle pop of the Partridge Family and the Osmonds — the American prototypes for Menudo's sound and squeaky-clean image — their music may prove easily disposable.

Folk Music of Andes To Fill Carnegie Hall

With its haunting blend of pan pipes, flutes and drums, the folk music of the Andes is one of the most plaintively seductive indigenous musics of South America. A somewhat commercialized form of Andean music was popularized by the Peruvian group Urumbamba, which toured with Paul Simon in the early 1970's. But Sukay, a San Francisco-based quartet, are the leading exponents of the music in its purest form. And Friday in Carnegie Hall, they will headline an evening of South American folk music and dance.

"The roots of our music go back to before the Spanish conquest," Edmond Badoux, one of the founders of the group, explained the other day. "There's a strong relationship between the music of Ecuador, Peru and Bolivia, which were all part of the Incan empire. Later, stringed instruments brought from Europe.

Sukay was formed in 1978. Besides Mr. Badoux, who is Swiss, it comprises an American and two Bolivian musicians. They play some two dozen traditional instruments, including a notched flute called a kasa, and the charango, a 16-stringed small guitar made from the shell of an armadillo. But the pan pipes, often played in sweet two-part harmonies over syncopated drums, are the most ancient.

Quiet Riot Climbs Heavy-Metal Ladder

The visceral rock style known as heavy metal has few fans in the record business or among critics. But the idiom, which appeals mainly to 13- to 19-year-old boys, is one of the few stable trends in an ever-changing pop climate. Of the dozen or so heavy-metal groups whose albums regularly sell gold — in excess of 500,000 copies — the hottest is the Los Angeles quartet called Quiet Riot.

In a recent five-day period, CBS shipped 650,000 copies of Quiet Riot's album "Metal Health," bringing sales to nearly three million. This week, the record climbed to No. 1 on Billboard's album chart, and sales are expected to match the five million mark attained earlier this year by Def Leppard's heavy metal album "Pyromania."

Quiet Riot was formed eight years ago by the late guitarist Randy Rhoads, with the lead singer Kevin DuBrow. Like many top heavy-metal acts, the group was initially shunned by American record companies and ended up releasing two albums in Japan. Quiet Riot nearly folded when Mr. Rhoads left to be the lead guitarist for the heavy-metal star Ozzy Osbourne. Last year, Mr. Rhoads died in a plane crash.

The band struggled on and was eventually signed to CBS by Spencer Proffer, a record producer who had produced its demonstration records for a mere $30,000. Those demos became the album "Metal Health." The record slowly climbed the charts as the band played to more than a million teen-agers across the country.

If "Metal Health" shows a trend within the genre, it's toward more homogenized song-oriented music than the crunching guitar pyrotechnics and extended formats of 1970's forerunners like Led Zeppelin.

Following the successes of "Pyromania" and "Metal Health," we can expect a lot more record-company grooming of heavy-metal bands. Inexpensive to produce, the music can reap astronomical profits.

The Screen: 'Te

By JANET MASLIN

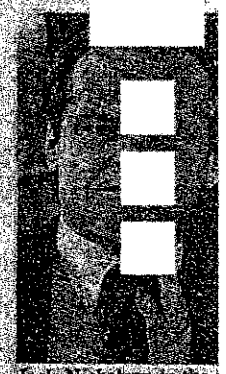
"TERMS OF ENDEARMENT" is a newly familiar, essentially timed film that covers more territory than it can really manage. It's the 30-year saga of a moocher and daughter: the story of a charmingly eccentric woman who, in her 30's, finally permits herself to fall in love, and the chronicle of a troubled marriage between a young professor and his widowed bride. It's a lovely, if at best and lighthearted, three intertwined but unexpectedly tragic in its final half hour.

A lesser movie might fall hopelessly between such drastic extremes, and "Terms of Endearment," directed, filled here and there. But it somehow manages to incorporate a great many dramatic threads. If it doesn't always do so with the utmost grace or economy, neither does it ever fail to be enormously appealing, thanks to the bright, witty, larger-than-life performances that James Brooks has elicited from his stars.

"Terms of Endearment," which opens today at the Criterion, the Baronet, [illegible] Cinema 1 and 2, the Beekman, [illegible] Brooklyn Heights Cinema and the Nov[illegible] and Cinema Village, is at least [illegible] echo th[illegible] consid[illegible] years [illegible] to the painful problems of the middle-aged, or to the fact that it frequently wanders. Instead, be concentrates on charm. And charm, at least on a scene-by-scene basis, is something "Terms of Endearment" has in abundance.

At the center of the movie is Aurora Greenway, a stern, busy, wildly

Mother and Daughter



Jack Nicholson in the "Terms of Endearment"

[illegible] numerous blond [illegible] with perfect composers by [illegible]

THE SCREEN: 'TERMS OF ENDEARMENT'

SHOW SUMMARY

[illegible] despises, and hearing him thro[illegible] direc[illegible] Aurora that the first of these is [illegible] way, she assists with typical d[illegible] Why should I be happy about [illegible] grandmother?" [illegible] But [illegible] unbelievable that of her own daughter [illegible] and finally forces Aurora and [illegible] of her wife next-door neighbor, [illegible] Aurora's current [illegible] love. This is the character Mr. [illegible] has added to the story, and as [illegible] by Jack Nicholson, he becomes [illegible] early comic invention, with a [illegible] cent repulsiveness that Mr. Nic[illegible] turns into pure hilarity. Gar[illegible] capable of making a mere [illegible] tation sound amazingly sincere [illegible] when he flirts with Aurora s[illegible] hedge that separates their hou[illegible] threatens to coax ever [illegible] into [illegible] Miss MacLaine's deliberate o[illegible] makes her a perfect foil for [illegible] of doing, and her scenes with [illegible] Nicholson are among the film's m[illegible] hilarious.

[illegible] "Terms of Endearment," [illegible] [illegible] Aurora's daily eccentricities [illegible] Hennessy's particularity in its [illegible] scenes, takes a while to get go[illegible] audience may not realize that [illegible] and groom making love o[illegible]

EXHIBIT F

DocuSign Envelope ID: 8C701664-6C4D-45D4-9974-F22C4FEDC90D

LYLE MENENDEZ
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In Pro Per

IN THE SUPERIOR COURT

OF THE STATE OF CALIFORNIA

LOS ANGELES COUNTY

LYLE MENENDEZ, Petitioner, On Habeas Corpus.	No.: Court of Appeal Case No. B104022 Superior Court Case No. BA068880 DECLARATION OF ROY ROSSELLO
ERIK MENENDEZ, Petitioner, On Habeas Corpus.	

I, Roy Rossello, declare:

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

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

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

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

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

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

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7. This was not my only sexual experience with Jose Menendez. I recall a time Menudo was performing in New York; I think we were at Radio City Music Hall. Before the show, Edgardo Diaz told me to meet Jose Menendez in the bathroom for oral sex. When I went to the bathroom, fans were already in the audience, screaming. I recall Jose Menendez telling me that the fans were screaming because he had made the group famous. Jose Menendez then orally copulated me.

8. After that show, Edgardo Diaz said he had a last favor to ask. He asked me to go with Jose Menendez to a hotel. I went with Jose Menendez in a limousine to a hotel; it was not the hotel the group was staying at. I do not recall the name of the hotel, but I do recall that it was old fashioned. Jose Menendez took me to a room and told me he was going to rape me slowly so it did not hurt. He put me on a bed, took my pants off, put saliva on my anus and penetrated me. When he was done raping me, he took me back to my hotel afterwards, he opened door to the limousine and said goodbye.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 4/10/2023 day of April 2023 in Natal, Brazil.

DocuSigned by:

Roy Rossello

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 AreRepresenting Mr. Erik Menendez; Is This The Case?
08/02/1996	Previous entry continued.	Your Prompt Response To This Ltr Is Requested AsThe Filing Of The Record On Appeal Is Anticipated
08/05/1996	Filed letter from:	Jonathan Steiner Of California Appellate ProjectRe Appmt. Of Counsel Status For Appellants.
08/06/1996	Filed letter from:	Leslie H. Abramson Says She Is Not RepresentingErik 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 ExhibitRoom, 2 Boxes Originals, 6 Boxes Of Copies)
09/10/1996	Counsel appointment order filed.	Appointing Attys Gardner & Derham For Aplt J.L.Menendez & Atty Multhaup For Aplt 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 Acceptacne Of Appointment.
09/19/1996	Order filed.	All Prior Briefing Orders Are Vacated. Aob'S Due182 Days From Filing Date Of This Order. 17a Ntc
09/19/1996	Previous entry continued.	Shall Issue 183 Days From This Order. This OrderConstitutes 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 OfLengthy Nature Of The Record, Effective Date Of
09/19/1996	Previous entry continued.	Appmt. Shall Be 9-5-96. Counsel Are To Bill ForCosts And Time Incurred In Connection With The
09/19/1996	Previous entry continued.	Mtg. In Chambers Of P.J. 9-6-96. Requests ForInterim Compensation May Be Filed On The First And
09/19/1996	Previous entry continued.	15th Day Of Each Month. This Will Insure ThatCounsel Are Promptly Paid For Costs Incurred
09/19/1996	Previous entry continued.	And Hours Spent In Preparation Of The AppropriateBriefs. There Is No Reqirement That Writ Petitions
09/19/1996	Previous entry continued.	Be Filed At The Same Time As The Briefs. The CourtExpects Time Frames For Filing Briefs In This Case
09/19/1996	Previous entry continued.	Be Fully Complied With By Parties. A Decision AsTo Time Frame For Arb'S Will Be Determined Upon
09/19/1996	Previous entry continued.	The Filing Of The Rb. There Will Be No LimitationsOn The Length Of The Briefs.**********
10/21/1996	Filed letter from:	From Mary Mcauliffe Dtd 10-12-96 --A Copy Of TheLtr. 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'SLetter Is Denied.
11/25/1996	Application filed to:	For Transmittal Of Sealed Records By Csl. For Aplt. Joseph Lyle Menendez.
12/19/1996	Order filed.	The Court Will Have All Of The Sealed TranscriptsSent 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.AWithin 30 Days After The Filing Of The Last
12/19/1996	Previous entry continued.	Opening Brief, The Parties Are To File Under SealMemoranda 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 HasReceived The 12-27-96 Letter. It Is To Be Lodged
01/03/1997	Previous entry continued.	With The Record, Photocopied And Served On AllCounsel.
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 Filing 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:	Expart 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 BeSubmitted Under Separate Cover)
05/22/1997	Motion filed.	To Serve Redacted Opening Brief & File UnredactedPages Under Seal (Erik Menendez)
05/22/1997	Received document entitled:	Appendix To Applt'S Opening Brief & RestrictionsOn 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 ForLetter Briefs)
06/12/1997	Order filed.	Attorney General'S Letter Request Dated 6-9-97Is Denied
06/12/1997	Order filed.	The Letter Of 6-9-97 Is Ordered Unsealed AndServed 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 ReSealed Transcripts & Court'S Order 12-19-96
06/26/1997	Filed letter from:	Robert Derham, Csl For Joseph Menendez Re SealedTranscripts
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 FacsimileTransmission 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 ToCourt 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 ToRemain 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) ToHon. 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 CourtReview Sealed Transcripts Ltr Dtd 8-28-97
09/03/1997	Requested - extension of time	Facsimile Rex From Atty Multhaup FiledW/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 ForO/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 ExtensionOf Time To File Reply Brief
09/17/1997	Order filed.	Joseph Lyle Menendez' Notice Of Joinder InApplication 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.'SRequest
10/10/1997	Note:	Returned Comp W/Turner'S Signature Of ApprovalTo 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 FileSealed 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 OfAtty-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-Assoicate Counsel May ArgueAs Requested. At Present, It Is Not Anticipated
11/13/1997	Previous entry continued.	That The Presiding Justice Will Sit On The PanelAlthough 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 ChartsGrtd. (Further Instructions Re Issues S/Be Argued)
11/17/1997	Filed document entitled:	Applt'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-Deft Lyle Mendez/To Req Of Erik Menendez ToVacate Submission & Recalendar Oral Argument.

12/02/1997	Order filed.	Erik Menendez'S Motion To Vacate Submission And ToRecalendar Oral Arugment & For Order Providing
12/02/1997	Previous entry continued.	Him With A Copy Of The Tape Recording Of OralArgument 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 ForRehearing By Erik Menendez (40n)
03/17/1998	Note:	Notice Sent To Counsel, Subsequent To OralArgument 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 ConcerningThis 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

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

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

In Pro Per

IN THE SUPERIOR COURT

OF THE STATE OF CALIFORNIA

LOS ANGELES COUNTY

LYLE MENENDEZ, Petitioner, On Habeas Corpus.	No.: Court of Appeal Case No. B104022 Superior Court Case No. BA068880 DECLARATION OF JOSEPH LYLE MENENDEZ
ERIK MENENDEZ, Petitioner, On Habeas Corpus.	

I, Joseph Lyle Menendez, declare:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lyle Menendez

EXHIBIT I

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

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

In Pro Per

IN THE SUPERIOR COURT

OF THE STATE OF CALIFORNIA

LOS ANGELES COUNTY

LYLE MENENDEZ, Petitioner, On Habeas Corpus.	No.: Court of Appeal Case No. B104022 Superior Court Case No. BA068880 DECLARATION OF ROBERT RAND
ERIK MENENDEZ, Petitioner, On Habeas Corpus.	

I, Robert Rand, declare:

1. I am a journalist. I have covered the Menendez case since it began years ago.

2. Attached as Attachment 1 to this declaration is a photograph of LIVE

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

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

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

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

Robert Rand

Robert Rand

ATTACHMENT 1



EXHIBIT J



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

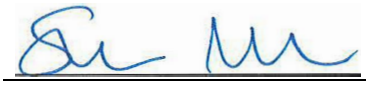
upon the parties names below by depositing a true copy in a United States mailbox in Berkeley, California, in a sealed envelope, postage prepaid, and addressed as follows:

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