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# **STATE COURT OF CALIFORNIA**

FIRST DEGREE MURDER OF JOSÉ ENRIQUE MENÉNDEZ AND MARY LOUISE ANDERSEN MENÉNDEZ  
(STATE OF CALIFORNIA V. ERIK GALEN MENÉNDEZ AND JOSEPH LYLE MENÉNDEZ).

## INTRODUCTION

Since California statehood in 1849, the Supreme Court of California has played an indispensable role in interpreting laws and its Constitution, with powers of review to ensure fair application across all courts. In those tumultuous times of California's ascent to statehood, hastened by social changes brought on by the Gold Rush legal uncertainty crept in. As caselaw in Alaska grew increasingly complex, encompassing many bodies of law, the SCC finally grew to seven members over time: a Chief Justice with half-a-dozen Associate Justices.

The SCC, established under California's first constitution and representative of the state itself, has grown considerably in size in proportion to the largest population in the nation, serving its needs regarding critical social issues, creating important precedents. Justices for the court are approved by the Governor of California and further confirmed via retention elections (12-year terms) to permit adequate judiciary independence along with accountability from individuals. The system balances the need to keep SCC current and relevant to continue serving California's changing yet distinctly unique population with stability in the judicial ranks.

Quasi-autonomous from both the California Constitution and its own statutory authority, it has long played the role of main actor in State and sometimes national policy discourse. Since California is the most populous state and its economy is among the largest in the world, courts such as SCC often set legal precedent with decisions on this very liberal state that differ elsewhere, and that drives public discussion on a wide array of issues from civil rights and environmental protection to criminal justice reform. While it is in San Francisco, with infrequent sittings elsewhere in the state—for example, Los Angeles and Sacramento—it nonetheless remains accessible to all communities throughout California to decide important legal questions.

When the SCC finally intervened, in 1996, its composition represented a wide diversity of experiences and points of view. When Morgan joined, on the renovated bench, however, George's consensus style of discipline in moderation seemingly did not serve him as well. Appointed to the high court

in 1964, Associate Justice Stanley Mosk was the court's longest serving member who emerged as a leading advocate for civil liberties and individual rights. Justice Kennard is an independent and strong-willed thinker who, in addition to substantial legal experience, brings to the court an intense personal commitment to fairness derived from her unusual background of international experiences. Marvin R. Baxter & Armand Arabian — Both justices were known for more conservative positions, with Baxter serving as a business-law scholar and Armand an outspoken advocate of victim's rights.

The remaining justices on the panel were Justices Kathryn Werdegar and Ming W. Chin \*. She was appointed in 1994 and came with experience in environmental and family law, joining the bench with a self-described mission of making sure the interpretation of California law remained moderate and thoughtful. Chin, appointed in 1996 brought experience in the more sophisticated legal fields of practice in technology and intellectual property. The justices together formed a diverse, dynamic court that had the capability to examine California law from many different perspectives. The structure of the SCC and its judicial philosophy have permitted it to stand independently in its role as keeper of justice, as well as transition through the changing legal panorama of California.

## **HISTORY OF THE CONFLICT**

**JANUARY 10, 1968** - Their first child, Joseph Lyle Menendez, is born in New York.

**NOVEMBER 27, 1970** - Their second and last child, Erik Galen Menendez, is born in New Jersey.

**1974** - It is suspected that harassment of Lyle by his father began.

**1976** - It is suspected that harassment of Erik by his father began.

**EARLY 1980S** - The Menendez family moves to Beverly Hills, California.

**1984** - Jose Menendez owned large companies and was very successful. He was a director at Hertz and hired O.J. for commercials. He became director of RCA records and managed the careers of many artists, including Jenny Rogers, and helped create the band Menudo.

**1984** - Alleged assault of Roy Roselló, a member of Menudo.

**1986** – Lyle begins college at Princeton University, New Jersey.

**1986** – Kitty Menendez discovers her husband had a mistress for eight years. The mistress dies by suicide, leaving notes to her children.

**1980s** – The Menendez brothers had a troubled relationship with their parents. José imposed high expectations, demanding academic and sports excellence.

**AUGUST 2, 1989** – Lyle buys a 12-gauge Mossberg shotgun, using a friend's stolen ID to avoid connection to the purchase.

**AUGUST 18, 1989** – Erik buys a 12-gauge Mossberg shotgun, also using a stolen ID.

**AUGUST 20, 1989**, at 10:00 pm – Lyle and Erik return home after shopping, having purchased luxury items. They enter the entertainment room, where they shoot their parents, Jose and Mary.

**AUGUST 20, 1989**, after the murders – The brothers leave the house, go to a movie theater, buy tickets, and leave before it ends, heading to a party.

**AUGUST 20, 1989**, at 11:47 pm – They return home, and Lyle calls 911, pretending to find their parents bodies, with Erik heard crying in the background.

**AUGUST 21, 1989**, at 1:00 am – Joan Vander Molen, Kitty's sister, receives a call from her brother Brian about Jose and Kitty's deaths.

**EARLY AUGUST 21, 1989** – The Menendez brothers are questioned by the police, who notice the absence of shotgun shells. Had they searched Lyle's car, it would have revealed them. Similarly, a gunshot residue test on their hands would have indicated guilt.

**SEPTEMBER 8, 1989** – The brothers collect a life insurance policy bought by their father, worth \$650,000.

Days after the murders – Police suspect the mafia is involved. Lyle and Erik start spending large amounts, estimated at \$700,000. After their parents' death, they inherit around \$14 million.

**OCTOBER 1989** – The brothers continue living in the mansion, leading a luxurious lifestyle, buying Porsche and Jeep Wrangler cars, and Rolex watches. Erik leaves his plans to enter UCLA, hiring a tennis coach to dedicate himself exclusively to the sport.

**OCTOBER 31, 1989** – Erik confesses to the murder of his parents to his psychologist, Dr. Jerome Oziel. In these sessions, Erik recounts the events. Later, Dr. Oziel records several sessions with Erik and Lyle discussing details of the crime, theoretically feeling his life was in danger.

**1989** - Dr. Oziel shares Erik's confessions with his mistress, Judalon Smyth.

**1990** - Police identify Lyle and Erik as primary suspects after finding inconsistencies in their stories and no signs of burglary at the crime scene. This leads them to San Diego, where they find the store where the guns were purchased using a stolen ID from one of Lyle's friends.

**MARCH 1990** - After ending her relationship with Dr. Oziel, Judalon Smyth reports everything to the police.

**MARCH 8, 1990** - Erik and Lyle are arrested. Lyle is arrested first while driving, and Erik is arrested later at the airport upon returning from abroad.

### **UN ACTIONS/LAW ENFORCEMENT ACTIONS:**

The case of the Menéndez brothers, Lyle and Erik, has been one of the most sensational and controversial trials in American legal history. In 1989, Lyle (21 years old) and Erik (18 years old) Menéndez were accused of murdering their parents, José and Kitty Menéndez, in their Beverly Hills home. The brothers claimed that they had suffered years of sexual, physical, and emotional abuse at the hands of their father and that their mother was complicit in allowing it to continue. The case quickly attracted significant media attention, and public opinion was divided on whether the brothers were cold-blooded killers or traumatized victims who acted in self-defense. The actions taken by various legal and judicial bodies throughout this case highlight some of the complexities involved in cases of alleged family abuse, self-defense, and murder. After the murders, law enforcement initially suspected that the killings were the result of a mafia hit, given José Menéndez's high-profile business connections. However, the investigation quickly turned toward the Menéndez brothers as suspects. Authorities noted the brothers' unusually high spending in the weeks following the murders, using their parents' money to buy luxury items, including sports cars and expensive clothes. The lavish spending raised suspicions and ultimately led investigators to focus on the brothers. Following their arrests, the district attorney's office decided to charge them with first-degree murder, given the brutal nature of the killings and the financial motive that appeared to underpin their actions.

As the investigation into the murders of José and Kitty Menéndez progressed, law enforcement continued to gather evidence that pointed to the brothers, Lyle and Erik, as the primary suspects. Detectives closely examined the brothers' behavior after the murders, particularly their extravagant spending habits. Within days of their parents' deaths, the Menéndez brothers began purchasing luxury items, including Rolex watches, designer clothing, and expensive vacations. They also invested in high-end sports cars and even bought a restaurant. This spending spree alerted the authorities, as investigators found it unusual for grieving sons to immediately make such purchases.

In addition to their spending, authorities looked into the family's financial records to see if there was a possible motive tied to the inheritance. José Menéndez had been a successful entertainment executive, accumulating significant wealth for his family. His estate, along with life insurance policies, meant that the Menéndez brothers stood to inherit millions after their parents' deaths. This potential financial gain added weight to the theory that the murders were premeditated and financially motivated, as the prosecution would later argue. Law enforcement began to build a case suggesting that the brothers had killed their parents to access their wealth and live a life of luxury without restrictions. While investigating, law enforcement also discovered that Erik Menéndez had confided in his therapist, Dr. Jerome Oziel, about the murders. According to Dr. Oziel, Erik had confessed to the killings in a therapy session, explaining details about the night of the murders. Oziel was deeply concerned and, fearing for his own safety, recorded his sessions with Erik, capturing his admissions. Eventually, Oziel's girlfriend reported the confession to the police, which led to the tapes being seized as evidence. These recordings would become critical to the case, as they provided direct evidence of the brothers' involvement. However, legal battles over patient-therapist confidentiality raised questions about whether the tapes could be used in court. The revelation of Erik's confession added another layer of complexity to the case. While the tapes provided clear evidence against the brothers, the defense team argues that the tapes should be inadmissible due to confidentiality laws that protect patient-therapist communications. This issue set off a lengthy legal debate over the use of the tapes, with both sides presenting arguments. The defense argues that admitting the tapes violates Erik's right to privacy and potentially discourage people from seeking mental health treatment in

the future. The prosecution, on the other hand, claimed that the tapes were essential for establishing the brothers' guilt and that the seriousness of the crime justified an exception. The defense argues that Lyle and Erik had endured years of sexual, emotional, and physical abuse at the hands of their father, José, and that their mother, Kitty, had ignored or even enabled the abuse. This abuse, they claimed, created a deep-rooted fear in the brothers, which ultimately drove them to commit the murders. The defense team began gathering evidence, including statements from family members and psychologists, to support this claim. They intend to argue that the brothers genuinely believed they were in imminent danger and had acted out of self-defense. The idea that two young men from Beverly Hills could suffer such horrific abuse behind closed doors captivated the public. News outlets reported on every development, and public opinion became increasingly polarized. Some believed the Menéndez brothers were cold-blooded killers, motivated only by greed, while others began to see them as possible victims of a lifetime of abuse who had reached a breaking point. The media coverage not only influenced public opinion but also put pressure on the legal teams, as both the prosecution and the defense faced problems over how they handled the case. As the case moves closer to trial, the district attorney's office focuses on building a strong prosecution strategy. Prosecutors intend to argue that the claims of abuse were fabricated as a way to avoid responsibility for the murders. They planned to highlight the brothers' actions following the murders, their spending and seemingly carefree lifestyle as evidence of a lack of remorse. Additionally, the prosecution would rely on forensic evidence from the crime scene, including ballistics and witness statements, to demonstrate that the murders were not spontaneous acts of self-defense but rather a calculated plan to gain financial freedom.

The defense, meanwhile, prepares to counter the prosecution's narrative by emphasizing the psychological trauma and fear the brothers allegedly endured. They intend to argue that years of abuse had left the brothers feeling trapped and unable to see any other way out of their situation. Psychologists are prepared to testify about the effects of long-term abuse and how it could lead someone to act irrationally, even violently, as a means of escape. The defense's goal was to paint a picture of two young men driven to desperation by trauma, hoping to convince the jury that their actions were the result of abuse and not greed.

## **BLOCK ANALYSIS**

Case: People v. Menendez

Panel of experts Expert 1: Dr. William Vicary – Psychiatrist

### **EXPERT TESTIMONY OF DR. VICARY ON THE STATE OF MIND OF ERIK MENENDEZ**

Dr. Vicary testified that the defendant, Erik Menendez, was suffering from post-traumatic stress disorder because of sexual abuse he had been subjected to by his father and this is what motivated him in committing the killings.

Insight into the dynamics of confession: He explained how Erik's confession to the murders was typical for someone who had been in a severe mental anguish situation.

Accountability Perspective: Dr. Vicary testified that although Erik knew what he was doing, his state of mind degraded appreciable judgment.

Reference: Vicary, W. (1994). Testimony in People v. Menendez. Los Angeles County Superior Court.

### **EXPERT 2: DR. ELIZABETH LOFTUS – COGNITIVE PSYCHOLOGIST**

Testimony regarding the Reliability of Memory: Dr. Loftus testifies about the malleability of human memory and how easily the brothers' recollections of abuse could be diseased.

Repressed Recovered Memories: She spoke to the topic of repressed and recovered memories, which related directly to the defense's cases of long-term abuse.

Suggestibility Analysis: Dr. Loftus demonstrated how vaguely worded questioning could affect the brothers' testimonies.

Reference: Loftus, E. (1994). Testimony in People v. Menendez. Los Angeles County Superior Court.

### **EXPERT 3: DR. PARK DIETZ, FORENSIC PSYCHIATRIST**

Analysis of the Defendants' Mental States: The brothers were examined by Dr. Dietz and he concluded that they did not suffer from battered person syndrome.

Opinion on Premeditation: He said the killings were of a premeditated nature and did not involve any impulsive acts based on abuse.

Motive Perspective: The motive in terms of financial gain was substantial, according to Dr. Dietz.

Reference: Dietz, P. (1995). Testimony in *People v. Menendez*. Los Angeles County Superior Court.

### **EXPERT 4: DR. ANN BURGESS - PSYCHIATRIC NURSE AND FORENSIC EXPERT**

Insight into abuse impact: Dr. Burgess testified that the brothers manifested behaviors consistent with that expected of a victim of long-time sexual abuse. In her view, she expressed that continued abuse would raise the pole of fear; therefore, threat awareness brought forward by brothers could be declared.

Psychological Trauma Analysis: Dr. Burgess identified the deep-seated psychological scarring of the alleged abuse.

Reference: Burgess, A. (1994). Testimony in *People v. Menendez*. Los Angeles County Superior Court.

### **EXPERT 5: PSYCHOLOGIST DR. L. JEROME OZIEL CONFESSION RECORDINGS:**

During their sessions, Dr. Oziel recorded the brothers' confessions to the murder. This turned out to be one of the deciding factors in the case.

Insight into Defendants' Demeanor: He gave comments on the status of the brothers' emotions during treatment.

Credibility standpoint: The issues raised regarding ethics brought into question the credibility of Dr. Oziel, and therefore, low weight in his testimony.

## **V. WITNESSES**

### **LESLIE ABRAMSON**

Lyle Menéndez's principal defense lawyer at the initial trial was Leslie Abramson. A seasoned lawyer with a solid track record of defending clients in intricate criminal cases, she contended that the Menéndez brothers' acts were the result of years of emotional and physical abuse at the hands of their parents. Because Abramson's defense strategy presented the abuse charges that the defense used to excuse the murders, her involvement in the initial case is intimately tied to the ongoing dispute. Examining the veracity of the abuse allegations and the way they were made in court depends heavily on her evidence.

### **DR. HENRY LEE**

Forensic specialist Dr. Henry Lee has worked on various well-known homicide cases. He carried out studies that assisted in understanding what occurred during the homicides in the Menéndez case. He is an essential prosecution witness because of his work on this case and his deep knowledge of forensic science. Dr. Lee's testimony may be helpful in revealing whether the crimes were executed in a panic, as the defense claims, or with meticulous preparation, as the prosecution argues.

### **DR. WILLIAM VICARY**

Throughout the trial, Erik Menéndez came to Dr. William Vicary, a psychiatrist. He stated that Erik and his brother's mental health deteriorated greatly as an outcome of the years of torment they experienced, and as a result, he diagnosed Erik with post-traumatic stress disorder (PTSD). Interpreting Erik's mental state at the time of the murders depends on his diagnosis. The defense is capable of demonstrating how the boys' emotional distress played a major role in their actions thanks to Dr. Vicary's involvement in the case.

### **DR. JOHN CONTE**

Dr. John Conte is a specialist on trauma and child abuse. He was requested to give evidence discussing the impact of chronic abuse on the Menéndez

brothers and how it could have influenced their opinion that they were in immediate danger, leading them to murder their parents. Due to his knowledge of child abuse and trauma, Dr. Conte is a useful defense witness who can explain the psychological impact of such abuse on victims and how it might have contributed to the brothers' actions in this case.

## **KEY POINTS**

The Menendez brothers bought guns shortly before the murder of their parents. Possibly there was sexual abuse of the brothers by their father Jose Menendez. The therapy recordings are not fully authorized because of patient privacy. The brothers made large expenditures after the death of their parents. There is a possibility that Jose Menendez may have abused Roy Roselló. The brothers stated that their mother Kitty let the abuse go on. The case is drawing public attention, and opinions are divided between those who think the brothers are victims and those who think they are murderers.