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

OCT 23 2024

David W. Slayton, Executive Officer/Clerk of Court

6 Attorney for Milton Andersen, brother of murder victim Kitty Menendez

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10
11 **THE PEOPLE OF THE STATE OF**
12 **CALIFORNIA,**

13 vs.

14 **ERIC MENENDEZ and LYLE MENENDEZ,**

15 Defendants

16 In re ERIK MENENDEZ and

17 LYLE MENENDEZ,

18 Petitioners,

19 On Habeas Corpus
20
21

No.: BA068880

APPLICATION TO FILE AN AMICUS
CURIAE BRIEF AND AMICUS CURIAE
BRIEF RE HABEAS CLAIM AND ANY
POTENTIAL RESENTENCING PETITION;
DECLARATION OF KATHLEEN CADY

22 **TO THE HONORABLE WILLIAM C. RYAN, JUDGE OF THE SUPERIOR COURT,**
23 **GEORGE GASCON, PROSECUTOR, AND MARK GERAGOS AND CLIFF GARDNER,**
24 **COUNSEL FOR DEFENDANTS/PETITIONERS:**

25 Kathleen Cady submits this Application requesting permission to file an Amicus Curiae
26 Brief to assist the court by providing informed perspective of the murder victim, Kitty Menendez'
27

28 **APPLICATION TO FILE AN AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF**
RE HABEAS CLAIM AND ANY POTENTIAL RESENTENCING PETITION

1 brother, Milton Andersen, as well as relevant law regarding any pending Habeas Claim and/or
2 Petition for Resentencing. Cal. Rules of Court, Rule 8.882(d).

3 Although there is no clear authority for permitting an amicus curiae brief in the trial court,
4 there is also no authority that precludes the court from allowing the filing of an amicus curiae brief
5 if the court finds it helpful.

6
7 “Amicus curiae presentations assist the court by broadening its perspective on the issues
8 raised by the parties. Among other services, they facilitate informed judicial consideration of a
9 wide variety of information and points of view that may bear on important legal questions.” *Bily v.*
10 *Arthur Young & Co.* (1992) 3 Cal.4th 370, 405. “Amicus curiae briefs in the trial court are
11 permitted at the discretion of the court when the court feels that the amicus has something to add to
12 the issue. *Jersey Maid Milk Products Co., Inc. v. Brock* (1939) 13 Cal.2d 661, 665; *La Mesa Lemon*
13 *Grove & Spring Valley Irr. Dist. V. Halley* (1925) 195 Ca. 739, 743; *McFarland v. City of Sausalito*
14 (1990) 218 C.A.3d 909, 912.

15
16 A Petition for Habeas Corpus relief was filed in May, 2023. “[I]f the district attorney in the
17 county of conviction or the Attorney General concedes or stipulates to a factual or legal basis for
18 habeas relief, there shall be a presumption in favor of granting relief. This presumption may be
19 overcome only if the record before the court contradicts the concession or stipulation or it would
20 lead to the court issuing an order contrary to law.” Penal Code 1473(g).

21
22 The elected District Attorney has publicly stated that he is considering the Habeas Petition
23 and is also potentially considering a Resentencing Petition. The media has reported that Gascon’s
24 office stated a decision would be made within 10 days of October 16.

25 Despite numerous requests on behalf of Milton Andersen to “reasonably confer,” and to
26 receive notice of any decision, the District Attorney’s Office has not provided any substantive
27

28 **APPLICATION TO FILE AN AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF
RE HABEAS CLAIM AND ANY POTENTIAL RESENTENCING PETITION**

1 information or responded to the request to "reasonably confer." This leaves Mr. Andersen in a
2 difficult position of having no idea of how or what position Mr. Gascon intends to take on the
3 Habeas Petition. Mr. Andersen also does not know whether Mr. Gascon intends to file a
4 Resentencing Petition or upon what code Mr. Gascon would rely for such a Resentencing Petition.

5 This leaves Mr. Andersen in the untenable position of filing a Amicus Curiae brief for the
6 court's consideration.

7 California Rules of Court, rule 8.882(d)(1) establishes the rules for filing an amicus curiae
8 brief with the appellate court.

9 *Applicant's Interest in the Proceedings* (California Rules of Court 8.200(c)(2))

10 Applicant's Interest is to ensure that the court is aware of all facts before ruling on a Habeas
11 claim.

12 *Purpose and Assistance of Proposed Amicus Brief* (California Rules of Court 8.200(c)(2))

13 Applicant seeks to have the court consider Mr. Andersen's objection to a concession of the
14 Habeas Petition or to any Resentencing Petition.

15 *Authorship of the Brief* (California Rules of Court 8.200(c)(3))

16 Applicant's proposed brief was authored by signing counsel who is pro bono and has
17 received no monetary contribution for preparation or submission of the brief. See Declaration of
18 Kathleen Cady.

19 Based on the foregoing, Mr. Andersen respectfully requests that the application for
20 permission to file a brief as *amicus curiae* be granted.

21 Respectfully submitted this 22nd day of October, 2024

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26 KATHLEEN CADY, Applicant

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28 **APPLICATION TO FILE AN AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF
RE HABEAS CLAIM AND ANY POTENTIAL RESENTENCING PETITION**

1 **AMICUS CURIAE BRIEF**
2 **STATEMENT OF FACTS'**
3

4 At approximately 10:30 p.m. on August 20, 1989, Joseph Lyle Menendez and Erik Galen
5 Menendez entered the den of their parents' home in Beverly Hills and fired shotguns multiple times,
6 killing their parents, Jose Menendez and Kitty Menendez. The shotguns had been purchased two
7 days earlier in San Diego by the defendants using false identification.

8 At the time of the shooting, Jose and Kitty were unarmed, watching television and eating.
9 Jose suffered four gunshot blasts with buckshot ammunition. Kitty suffered seven gunshot
10 blasts with buckshot ammunition and two gunshot blasts with birdshot ammunition.
11

12 Lyle told an attorney and friend of the family that he thought his father might have changed
13 his will and that changes might be in the family computer.

14 Lyle told witnesses that either the Colombian Cartel or Mafia were responsible for the
15 killings.

16 Jose and Kitty's assets were valued at over 10 million dollars.

17 Erik and Lyle each received over \$325,000 in life insurance proceeds.

18 Erik and Lyle told a therapist that they killed their father because they hated him and the
19 murder of their mother was a "mercy killing."
20

21 Two witnesses, Amir Eslaminia and Jamie Pisarcik, testified about efforts to fabricate
22 evidence. Eslaminia, a high school friend of Erik's from Beverly Hills High School, started visiting
23 the brothers in jail. Lyle asked Eslaminia to give testimony favorable to the defense, specifically to
24 testify falsely that the day before the murders, Lyle and Erik came to him and said they needed a
25

26 _____
27 ¹ These facts are taken directly from the February 27, 1998 Court of Appeal opinion and the Declaration of Kathleen
28 Cady.

1 handgun for protection from their parents. Pisarcik was the other witness who testified that Lyle
2 had asked her to give false testimony. In December 1990, Lyle asked her to testify that his father
3 had done to her what had been done to a character in a movie called "At Close Range." Pisarcik
4 was familiar with this movie, having seen it with Lyle. In the movie, a man gives his son's
5 girlfriend a sedative, then tells the girl to stop seeing his son. The girl refuses, and the father
6 violently rapes the girl. Lyle said Pisarcik had to do it because a large sum of money was to be
7 placed in her bank account. Pisarcik said if money appeared in her account she would tell the
8 police.

10 Erik Menendez testified at trial that his father had molested him. Erik's cousin, Andy Cano
11 testified at trial that Erik told Cano that his father had been touching him in a sexual manner.
12 Neither mentioned anything about Erik having written Cano a letter that referenced abuse.

14 On March 20, 1996, the jury found defendants guilty of 2 counts of murder with the special
15 circumstance of lying in wait and conspiracy to commit the murders. On July 2, 1996, the trial
16 court imposed consecutive terms of life without parole on the murders and stayed the conspiracy
17 sentence.

18 On May 3, 2023, the defense filed a Petition for Habeas Corpus claiming to have new
19 evidence.

21 Gascon is facing re-election. His opponent is Nathan Hochman.

22 On September 30, 2024, NBC reported a recent survey showed Gascon trailing Hochman by
23 24 points.

24 On October 3, 2024, the LA Times front page headline read "Teen killer's case haunts
25 Gascon."²

27 ² This headline was later changed to "Gascon gave teen killer second chance — now she's charged again."

1 On October 3, 2024, Gascon called a press conference. He made no announcement other
2 than to say he was considering the Habeas petition in the Menendez case and was also considering
3 possible Resentencing.

4 On October 8, 2024, at a recorded debate, when asked about the Menendez Habeas and/or
5 Resentencing, Gascon said "the decision will be mine."

6 On October 14, 2024, Mr. Andersen's attorney notified Mr. Gascon via email that Mr.
7 Andersen was asserting and requesting all his constitutional and statutory rights. Included in the
8 email was the following:

9
10 Mr. Andersen specifically asserts his right to be treated with fairness and respect for his
11 dignity; right to reasonably confer with you; reasonable notice of all public proceedings;
12 and right to be heard regarding the sentence or post-conviction release decision. Because
13 you have confirmed that you, personally, will be making the decision as to how to proceed,
14 Mr. Andersen is asserting his right to meet with you, personally, to discuss this case and the
15 decision that you have apparently made.

16 Kitty Menendez' brutal murder was not political. Jose Menendez' vicious murder was not
17 political. Erik and Lyle Menendez' motive was pure greed.

18 Mr. Andersen demands that any decision you make not be political. He requests to confer
19 with you immediately and hear your decision before you hold another press conference to
20 announce your decision to the press and the general public.

21 On October 16, 2024 the following email was sent to Mr. Gascon:

22 On October 16, 2024 at 9:35 a.m. I emailed Ms. Theberge asking her to confirm that your
23 office will provide notice before any action is taken in court. To date, I have not received a
24 response. This morning I filed the attached Notice of Appearance and Assertion of Rights in
25 Judge Ryan's court and served you and defense.

26 On October 15 at 2:50 p.m. Ms. Theberge invited me and my client to attend a meeting on
27 October 16 at 1:30 p.m. that was "just scheduled." I informed her that I was unable to
28 participate as I had a had a conflicting court appearance that that had been scheduled for
several weeks.

**APPLICATION TO FILE AN AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF
RE HABEAS CLAIM AND ANY POTENTIAL RESENTENCING PETITION**

1 The media has been reporting that as of Wednesday, October 16, you will make a decision
2 about the case in the "next 10 days." Although you have not responded to my October 14
3 email, Mr. Iniguez attempted to chastise me for making assumptions based on "tabloid
4 gossip, not official information from our Office." We wait with anticipation for your
5 "Office" [to] provide information. Until that time, we have no alternative but to gather
6 information from the tabloids since that appears to be your preferred method of
7 communicating.

8 The current Habeas Petition asserts a false narrative that the jury was precluded from
9 hearing evidence of abuse at the second trial. The 2/27/1998 Court of Appeal opinion,
10 however, confirms that substantial evidence of the alleged abuse was admitted at the second
11 trial. In addition to Erik's testimony, several witnesses testified that Erik and/or Lyle were
12 abused. Any excluded evidence was determined to be cumulative. The jury also heard
13 evidence that Lyle asked two witnesses to commit perjury: Amir Eslaminia testified that
14 Lyle asked him to lie and testify that the day before the murders the brothers told him they
15 needed a handgun for protection from their parents; and Janic Pisarcik testified that Lyle
16 asked her to lie and testify that Jose Menendez gave her a sedative and then violently raped
17 her. The alleged "new" evidence which is referenced in the Habeas of the letter is suspect
18 because Erik and and [sic] Andy Cano both testified at the second trial and neither
19 mentioned the letter. While we certainly hope that the DA's office has undertaken an
20 analysis of the letter, it is much more likely that the letter, if written by Erik, was written in
21 the last few years and not before the murders as the defense now suggests. In just the last
22 few days I have received information from several different sources that the letter is
23 essentially a fraud. Some of the people providing the information to me have informed me
24 that they have made multiple efforts to get this information to you, but have been ignored.
25 Additionally, even if legitimate, this "new" evidence is not sufficient to warrant granting the
26 Habeas because this evidence does not justify an imperfect self-defense instruction. The
27 evidence does not demonstrate that the brothers were in imminent peril when they murdered
28 their parents. Based on that, we urge you to oppose the Habeas.

1 it is unclear what type of "Resentencing" you may be contemplating. Of great concern
2 is that the defendants/petitioners are still fabricating a fraud on you and the court. If that is
3 true, they are certainly not rehabilitated. I have also received information that while in
4 prison the brothers have violated regulations and use cell phones for drug trafficking.
5 Again, this would demonstrate a complete lack of remorse and rehabilitation.

6 Contrary to your public assertion that you will be handling this case, on October 15 Mr.
7 Iniguez informed me "The Habeas matter is being handled by the Writs and Appeals
8 Division. The review for potential resentencing is being handled by the resentencing unit."
9 Please clarify which DDA is handling the Habeas and/or Resentencing petition and whether
10 you will be making the final decision.

11 Mr. Andersen once again requests that you meet with him and provide notice of any
12 upcoming hearing, filing or decision before any public announcement is made or any
13 information is leaked to the media.

14 **APPLICATION TO FILE AN AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF
15 RE HABEAS CLAIM AND ANY POTENTIAL RESENTENCING PETITION**

1 Although Mr. Gascon has not responded to a request to meet with Kitty's brother, Milton
2 Andersen, on October 21, 2024, Gascon took the time to be interviewed by People. As reported in
3 People, "Gascon says he will make a decision on whether or not to recommend resentencing for
4 Erik and Lyle Menendez in a matter of days – and that the brothers are not a danger to society.
5 'Based on everything that I know, I don't believe they are,' Gascon tells People. 'Quite frankly,
6 they probably haven't been for a very long time, if they ever were. I think this is not like they were
7 going around killing people or robbing people on the street.'"³

9
10 On October 22, 2024, the following email inquiry was sent to the District Attorney's Office:

11 To ensure my client constitutional rights are not violated, can you please respond to
12 the following questions:

- 13
14 1. What DDA(s) is/are assigned to review/consider a potential resentencing in this
15 case?
16 2. Under what code section(s) is a potential resentencing being contemplated?
17 3. Has a decision regarding resentencing been made?
18 4. Can you confirm that we will receive notice of any decision before any statement
19 is released or leaked to the media and/or document filed with the court?

- 20
21 1. What DDA(s) is/are assigned to review/consider the pending Habeas petition?
22 2. I have received information casting doubt on the veracity of the "new" alleged
23 evidence referenced in the Habeas petition. Given the DA's ethical obligation to
24 fully investigate any and all claims, when should I expect someone to contact me
25 about the information I have received?
26 3. Has a decision regarding the Habeas claims been made?
27 4. Can you confirm that we will receive notice of any decision before any statement
28 is released or leaked to the media and/or document filed with the court?

21 To date, we have not received responses to our inquiries or any substantive information on
22 what decision Mr. Gascon may have made regarding this case.
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27 ³ <https://people.com/menendez-brothers-resentencing-not-danger-society-da-says-exclusive-8731524>

POINTS AND AUTHORITIES

I. THE ALLEGED NEW EVIDENCE IS NOT NEW AND DOES NOT WARRANT GRANTING AN IMPERFECT SELF-DEFENSE INSTRUCTION

Given the defendants attempts to suborn perjury, the "new evidence" should be viewed with skepticism. Even at face value, however, the "new evidence" would not require an instruction on imperfect self-defense.

Quoting from the 1998 Court of Appeal opinion at pages 109-110, "Erik argues that the trial court's refusal to instruct on heat of passion was error. We disagree. The trial court determined that the evidence presented in the case did not justify the giving of the instruction. The evidence indicates that defendants, after initially shooting their parents realizing that their mother was still alive, went out to Erik's car and reloaded Lyle's shotgun and went back into the residence to complete the act of murder."

The 9th Circuit also evaluated the imperfect self-defense claim and determined "the instruction was not warranted under California law. Had either Erik or Lyle presented evidence that, at the moment of the killings, they had an actual fear in the need to defend against *imminent* peril to life or great bodily injury, this evidence would have helped explain why they had that unreasonable fear. Nonetheless, the fears leading up to the murders and the reasons why such fears might have existed simply are not the threshold issue for California's imperfect self-defense instruction. Consequently, the state court's decision was not error, let alone a violation of due process " 422 F.3d 1012, 1030 (Citation omitted).

Should the District Attorney's Office concede any Habeas claims, we ask the Court to set the matter for an evidentiary hearing pursuant to Penal Code 1473 so the court can examine all the evidence to determine whether the claim should be granted.

APPLICATION TO FILE AN AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF RE HABEAS CLAIM AND ANY POTENTIAL RESENTENCING PETITION

1 **II. PENAL CODE 1385.1 PRECLUDES STRICKING OR DISMISSING A SPECIAL**
2 **CIRCUMSTANCE ALLEGATION FOUND TRUE BY A JURY**

3 Despite requests to learn under Penal Code section Mr. Gascon may be contemplating
4 regarding filing a Resentencing Petition, we have not been provided with that information. Penal
5 Code 1385 requires that any dismissal of charges or Special Circumstance allegation be in the
6 interest of justice.

7 Based on the horrific actions taken by Lyle and Erik Menendez on August 20, 1989 which
8 the jury determined was motivated by their desire to inherit their parent's fortune, Mr. Andersen
9 believes that justice was served when the jury found Erik and Lyle Menendez guilty of multiple
10 murders for financial gain and the judge sentenced them to life without the possibility of parole.
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13
14 Respectfully submitted this 22nd day of October 2024.

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17 _____
18 KATHLEEN CADY
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28 **APPLICATION TO FILE AN AMICUS CURIAE BRIEF AND AMICUS CURIAE BRIEF**
 RE HABEAS CLAIM AND ANY POTENTIAL RESENTENCING PETITION

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DECLARATION OF KATHLEEN CADY

1. Kathleen Cady declare as follows:

1. I am an attorney licensed to practice law in the State of California.
2. I represent Milton Andersen, brother of Kitty Menendez.
3. I am pro bono and receive no compensation for representing Mr. Andersen in this action.
4. Los Angeles County District Attorney Gascon is facing re-election. His opponent is Nathan Hochman.
5. On September 30, 2024, NBC reported a recent survey showed Gascon trailing Hochman by 24 points.
6. On October 3, 2024, the LA Times front page headline read "Teen killer's case haunts Gascon."¹
7. On October 3, 2024, Gascon called a press conference. He made no announcement other than to say he was considering the Habeas petition in the Menendez case and was also considering possible Resentencing.
8. On October 8, 2024, I attended a debate between Gascon and Hochman. When asked about the Menendez Habeas and/or Resentencing, Gascon said "the decision will be mine."
9. On October 14, 2024, I notified Mr. Gascon via email that Mr. Andersen was asserting and requesting all his constitutional and statutory rights. Included in the email was the following:

Mr. Andersen specifically asserts his right to be treated with fairness and respect for his dignity; right to reasonably confer with you; reasonable notice of all public proceedings; and right to be heard regarding the sentence or post-conviction release decision. Because you have confirmed that you, personally, will be making the decision as to how to proceed,

¹ This headline was later changed to "Gascon gave teen killer second chance — now she's charged again."

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23 communicating.

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19 11. As reported in People, Gascon was interviewed by People October 21, 2024. The article
20 reported, "Gascon says he will make a decision on whether or not to recommend
21 resentencing for Erik and Lyle Menendez in a matter of days – and that the brothers are not
22 a danger to society. 'Based on everything that I know, I don't believe they are,' Gascon
23 tells People. 'Quite frankly, they probably haven't been for a very long time, if they ever
24 were. I think this is not like they were going around killing people or robbing people on
25 the street.'"²

26 12. On October 22, 2024, I sent the following email inquiry to the District Attorney's Office:

27 To ensure my client constitutional rights are not violated, can you please respond to
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1. What DDA(s) is/are assigned to review/consider a potential resentencing in this
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² <https://people.com/menendez-brothers-resentencing-not-danger-society-da-says-exclusive-8731524>

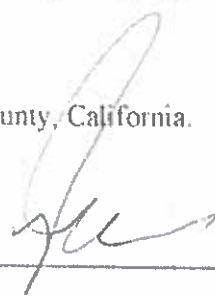
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2 3. Has a decision regarding resentencing been made?
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8 about the information I have received?
9 3. Has a decision regarding the Habeas claims been made?
10 4. Can you confirm that we will receive notice of any decision before any
statement is released or leaked to the media and/or document filed with the court?

11 13. To date, I have not received responses to my inquiries or any substantive information on
12 what decision Mr. Gascon may have made regarding this case.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing
14 is true and correct

15 Executed this 23rd day of October 2024 in Los Angeles County, California.

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17 _____
18 Kathleen Cady
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PROOF OF SERVICE

Case Name: People v. Menendez

In re Erik and Lyle Menendez, Petitioners

Los Angeles Superior Court Case Number: BA068880

I, Kathleen Cady, represent the victim. I am over the age of 18 years and not a party to the action.

My business address is Dordulian Law Group, 550 N Brand Blvd., Ste. 1990, Glendale, CA 91203.

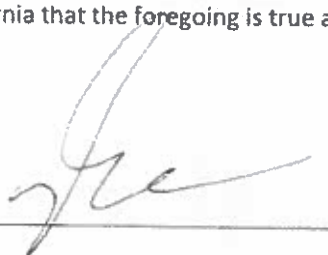
On October 23, 2024, I electronically served a copy of Application to File an Amicus Curiae Brief and Amicus Curiae Brief re Habeas Claim and any Potential Resentencing Petition and Declaration of Kathleen Cady from my electronic service address of kcady@dlawgroup.com to the following individuals at the electronic mail addresses provided, with no error message received:

Prosecutor: George Gascon at ggascon@da.lacounty.gov and Joseph Iniguez at jiniguez@da.lacounty.gov

Attorneys for defendant: Mark Geragos at Mark@geragos.com and Cliff Gardner at Casetris@aol.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 23, 2024



Kathleen Cady

1 GEORGE GASCÓN
2 District Attorney of Los Angeles County
3 By: SEZA MIKIKIAN; State Bar No. 245285
4 Deputy District Attorney
5 320 W. Temple Street, Suite 540
6 Los Angeles, CA 90012
7 Email: SMikikian@da.lacounty.gov

8 Attorney for Plaintiff

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 v.

15 COREY CARPENTER,

16 Defendant.

Case No. KA053788

**MOTION TO CONTINUE
READINESS HEARING SETTING**

Date: 10/22/24

Court: Dept. 56W/CJC

17 **TO THE HONORABLE WILLIAM C. RYAN, JUDGE OF THE ABOVE-**
18 **ENTITLED COURT; KAREN NASH, COUNSEL FOR THE DEFENDANT; COREY**
19 **CARPENTER, DEFENDANT:**

20 The People and Defense move to continue the aforementioned case for another setting on
21 December 17, 2024, at 1:30 p.m. This date has been cleared with the Judicial Assistant, Jessica
22 Arceo. The People and the Defense have communicated this request via email with the Judicial
23 Assistant, who has requested the request be in writing.

24
25
26 Dated: October 22, 2024

27 
28 SEZA MIKIKIAN
Deputy District Attorney

RECEIVED D.100

OCT 18 2024

FILED
Superior Court of California
County of Los Angeles

OCT 22 2024

David W. Slayton, Executive Officer/Clerk of Court
By: J. Arceo, Deputy

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6 Attorneys for Real Party in Interest
7 Los Angeles County Sheriff's Department
8
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 IN RE:

Case No. BH013566

Courtroom of the Honorable
William C. Ryan

14 SEARCH WARRANT SERVED ON THE
15 LOS ANGELES COUNTY
16 METROPOLITAN TRANSPORTATION
17 AUTHORITY, etc., et al.
18
19

~~PROPOSED~~ ORDER RE: REQUEST
FOR EXTENSION OF TIME TO ALLOW
REAL PARTY IN INTEREST LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT TO COMPLY WITH
AUGUST 23, 2024 COURT ORDER;
DECLARATION OF RODNEY K.
MOORE

20
21 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

22 The Court having considered the Request of Real Party in Interest the Los Angeles County
23 Sheriff's Department and the supporting Declaration of Rodney K. Moore, seeking a seventeen-day
24 extension of time for the Los Angeles County Sheriff's Department to serve on all parties and file with
25 the Court a certificate of compliance, and good cause appearing therefor,
26 //
27 //
28 //

1 **IT IS HEREBY ORDERED:**

2 That Real Party in Interest the Los Angeles County Sheriff's Department shall serve on all
3 parties and file with the Court a certificate of compliance, as required by the Court's Orders on August
4 23, 2024, in Case Nos. BH013505, BH014167, and BH013566, on or before November 8, 2024.

5 The Court further rules:

6 _____
7 _____
8 _____
9 _____

10
11 DATED: 10-22-24



By: _____

HONORABLE WILLIAM C. RYAN
JUDGE OF THE SUPERIOR COURT FOR THE
COUNTY OF LOS ANGELES

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PROOF OF SERVICE

*IN RE: SEARCH WARRANT SERVED ON THE LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY, etc., et al.,
Case No. BH013566*

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is ADAMS, DUERK & KAMENSTEIN LLP, 445 S. Figueroa Street, Suite 2300, Los Angeles CA 90071. On October 18, 2024, I served the following document(s) by the method indicated below:

**[PROPOSED] ORDER RE: REQUEST FOR EXTENSION OF TIME TO
ALLOW REAL PARTY IN INTEREST LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT TO COMPLY WITH AUGUST 23, 2024 COURT ORDER;
DECLARATION OF RODNEY K. MOORE**

- ☐ **VIA U.S. MAIL.** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, CA, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ **VIA PERSONAL SERVICE.** By placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery VIA MESSENGER of the envelope(s) to the person(s) at the address(es) set forth below.
- ☐ **VIA OVERNIGHT DELIVERY.** By placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below.
- ☒ **VIA ELECTRONIC SERVICE.** By transmitting via email to the parties at the email addresses listed in the attached Service List. The transmission was complete and without error. [Code of Civ. Proc., § 1010.6, subd. (a)(6) and CRC Rule 2.251(c)].
- ☐ **VIA THE COURT'S ELECTRONIC SERVICE PROVIDER.** Pursuant to Local Rule, I caused this document to be electronically filed with the Clerk of the Court using the Court's E-Filing System, which sent notification of such filing and service to the interested parties appearing on the electronic service list for the above-referenced case.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 18, 2024, at Los Angeles, California.



Charmaine Acosta

SERVICE LIST

**IN RE: SEARCH WARRANT SERVED ON THE LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY, etc., et al.,
Case No. BH013566**

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