1 2	TAPE RECORDED TELEPHONE CONVERSATION BETWEEN LYLE MENENDEZ AND NORMA NOVELLI.	ì
3		
4		
5		
6		
7		
8	CASE NAME: People v. Lyle & Erik Menendez CASE NO.: BA068880 CHARGE: 187 P.C., Murder TAPE NO.: #25	
10	DEPUTY D.A.: David Conn Major Crimes Division	
11	najor crimes brasion	
12		
13		
14		
15		
16	LEGEND:	
17 18 19	L - Lyle Menendez N - Norma Novelli *** - Unintelligible	
20		
21		
22		
23		
24		
25		
26	TRANSCRIPT PROVIDED BY	
27	Los Angeles County District Attorney's Office	
-1	February 1995	

pw

- L I need to somehow -- I need -- you know, I need to put some thought between now and Monday when he gets on the stand, Monday or Tuesday.
 - N But this is sort of preparation?
- L How -- how exactly we're going to cross-examine this guy, you know.
 - N Yeah.
- L What -- how exactly we're going to establish his motive, all right? It looks to me like the stuff he's saying is really unbelievable, and he says it in a way that is relatively convincing.
 - N Uh-huh.
 - L And, although the stuff he's actually talking about --

N Yeah.

L He's not convincing at all, but the way he says it --

N Yeah.

L -- is convincing.

He doesn't look like an honest guy and he looks a little shifty, but he's a very smart guy.

N Yeah.

L So he looks like he recollects everything perfectly, almost as if he's seeing it in his mind.

N Right.

L Which is just because he's sort of a psychopath kind of guy.

N So he's putting it over real well, huh?

L You know, anybody that's had enough experience -- you know, he's a psychologist.

N Of course.

L You know, he knows how to talk in a way that's convincing.

N Sure.

L He'll probably sit there for patient after patient and sound like they're very caring, convincing people.

N Well, yeah, you have to be like an actor. You know, it's just like when you're an attorney, you've got to be an actress, an a- -- an a- -- or an actor.

L He is. And he is.

N Yeah.

L And so I need to just -- my feeling is that I should not go in there like we originally intended and say that -- you

know, I just -- we just didn't tell him the truth and so we therefore said these things that he's saying we said instead. Because these things he's saying and said are just so far out of the character of anything I would say.

- N Yeah, all of that.
- L Anybody that would even make this stuff up is a sick person.
 - N Right.
- L They're talking about perfect murder and this and that and all. This stuff is amazing, right, and all made up, never happened in our sessions. We've had very casual sessions.
 - N Mmnh-mmnh.
- L Never really discussed anything. And this guy has just made these tapes. And I never did get to find out the motive 'cause I got arrested too soon, basically, you know?
 - N Yeah.
- L But my feeling is we can already show that I've paid him three thousand dollars for two sessions that happened the first two days after the memorial services.
 - N That time what did he charge?
 - L Huh?
 - N Three thousand dollars?
- L Well, he showed up after my parents died for two days and hung out with -- at the hotel with my family.
 - N Yeah.
- L And five -- you know, six weeks later he charges me for it after my brother confessed. 'Cause he had me by the balls, what could you do, I got to pay.

N Yeah. But I'm saying before he --28

L He never got our voices on tape, you know what I mean?

N Yeah, right.

L Then he couldn't do any of this shit.
Anyway -- and he destroyed his original notes.

N Yeah.

L I mean, his tapes, supposedly, like he says, a week later. Right.

But, any case, my thinking is that to -- to tell a story, talk about him coming --

N Uh-huh.

L -- see, and us having a meeting of some sort on which he basically says, you know, I have this tape, maybe plays the whole tape or a portion of it --

N Mmnh-mmnh.

L -- and -- and it's a blackmail meeting. You know what I'm saying?

N Yeah, right.

L *** and -- 'cause I'm going to have to make something up to show this guy's motive because sometimes people can lie too convincingly.

N Oh, sure.

L Now, look at this guy, Glenn Stevens, yesterday --

N So you've got to be just as convincing?

L Oh, yeah, which is no problem for me. I mean, I can do that --

N Yeah.

L -- just as well as he can.

N Right.

L You know what I mean? I mean, I'm a smart guy and

he's a smart guy, and ***

N Mmnh-mmnh.

L But my credibility is less at issue, really, because I'm also a nice guy and e- -- everybody's said that so far, even in their case.

N Mmnh-mmnh, right.

L This guy's not. And we have many a people to say that.

N Okay.

L But the difference is I need to establish some clear motive because I can't figure the guy out.

N Oh.

L Because we never before could figure where he was really going with this tape.

N Yeah.

L And I don't know whether to say -- I haven't figured out, like that he made the tape for life insurance reasons, like he was genuinely afraid for some reason.

N Yeah.

L And he was paranoid. The guy thought I was going to kill him or something, right?

N Yeah.

L And --

N Did he use drugs?

L No.

N Oh.

L He gave them to millions of people but he didn't use them.

N Yeah, they gave them to others, didn't he, yeah?

L Yes. So -- and, you know, either say that he made the tapes for life insurance purposes and basically said, hey, I made this tape --

N Yeah.

L -- and played some of it, and I'm like, you know -- he and I knew that that tape never happened, it was just a fabrication.

N Mmnh-mmnh.

L But it made me look like a killer and a dangerous person. And he said anything happens to me and this is going to the police.

N Yeah.

L You know what I mean?

N Right.

L And I'm going to just lie -- and -- and he understood it and I understood it. You know what I mean?

N Mmnh.

I And I say that's it. All right, fine. And then he asks me for money for the sessions, the two days, and I paid him three thousand dollars, boom, no problem, I knew he had me.

N Right.

L And I started giving him money and I knew that I was going to have to be seeing him forever and paying him off.

N Yeah, sure. If he would have asked you for ten thousand you would have had to pay, wouldn't you?

L Yeah. And I don't know if I should even add in, because, you know, I've got a lot of people that can come

forward for me, whatever I need.

N Oh.

L And maybe talk about that there was a payment made or something in cash or something like that, or a meeting with a third party, 'cause bring somebody else into it to say, yeah, this happened, and let him deny it.

N Yeah.

L And let someone come in and impeach him. You know what I mean?

N Yeah. And I'm trying to think, Lyle -- I'm trying to think rapidly as you're talking.

L Well, just think about it --

N Oh --

L -- for awhile, because I don't have to decide today.

N Yeah.

L I've got all weekend.

N Okay.

L But I'm thinking of actually talking about a meeting that takes place shortly after these sessions in which he sits down with me, meeting in a restaurant, and we meet somewhere.

N Mmnh-mmnh.

I And I've got to be vague as to time. And I don't -I can't be vague as to the place, but as to the time because --

N Yeah.

L -- 'cause I don't know if he can somehow verify he was here or he was there or, you know.

N Yeah. Right, 'cause you don't know what kind of alibi he's got, right?

25

26

27

28

L Right.

N So you --

L Right. And so I can't just say this, but I --

N What do you -- you could pick a day that you know you went to see him.

L Right.

N But did he make a note of all your visits? He probably does, huh?

L Yeah.

N Yeah, especially you guys, he probably does make a note of your visits.

L Oh, we have pretty much a lot of information on that time period.

N Oh, do you?

L From Judalon Smyth, his girlfriend from his previous testimony, and from all that stuff.

N Yeah.

L So I think that I can get enough details to know pretty much where he was.

N Can you?

L Yeah, and what was happening.

N Yeah.

L I'm going to get them all from Mike tonight or tomorrow, and that -- maybe I can help piece together something from that.

N Okay.

L 'Cause I want to make sure it's as sound as possible.

N Right.

11

12

13 14

15

16 17

18 19

20

21 22

23

24

25

2627

28

L What I may then do is use a witness that'll say, yeah,
Lyle said he had to go to this meeting with a psych at this
restaurant.

N Uh-huh.

L He came back and he was real frazzled and everything. Something like that might be good, you know what I mean?

N Yeah. Okay.

L That gives me a little more time to set that up because then I don't need to know by Monday, I don't need to know 'til I testify.

N Yeah. Okay.

L You know what I mean?

N Yeah. Right.

L But I -- I need to know basically what it's going to be so that when he comes on the stand just for the cross-examination --

N Yeah.

L -- they can say isn't it true you met with Lyle here and you said so and so and so, and -- and then that's as far as we can take it. 'Cause if we have anything that can prove that we have to do it in our case.

N Right.

L or --

N Ah, so --

L ***

N Huh? What was that?

(Pause).

L Hello?

N Yeah.

L And he'll -- then I'll -- I'll just say you just ask those questions, that's all.

N Ri- -- right.

L Don't worry about a thing. And he understands that.

And, you know, I think he understands that this guy is a problem.

N Mmnh-mmnh.

L Because he is such --

N So what time period is -- is this --

L *** convincing liar, but I think people are going to wonder can anybody have made up all that stuff. He's got conversations --

N Yeah.

L *** and I remember he nodded and I remember his face

*** you know what I mean?

N Yeah. Is this about the August period, August, September? What?

L When?

N This -- this whole period that you're going to make this thing up where you're going to have to fit something in, what period of time is it going to be in?

L Halloween.

N Halloween time?

L Yeah.

N Around there? Okay.

L Exactly Halloween.

N Oh, Halloween Day?

1 \mathbf{L} Yeah. 2 N Okay. 3 \mathbf{L} And --4 But -- well, do you know where he was on Halloween? N 5 L We have a friend in town --6 N Yeah. 7 L -- at that moment, but he's in Greece, so --8 N Oh. 9 -- I would need to get that number out there. Like I L 10 said, I have a little time. 11 N Yeah. 12 And -- and maybe he can help me out. He could say he 13 dropped me off at the meeting or whatever, of -- of that sort. 14 You know what I mean? 15 Yeah. And I know you didn't know many people around 16 Beverly Hills at that particular time, did you, 'cause you 17 haven't been here long enough? 18 L No, but I --19 N To fall back on now, I mean. 20 Unfortunately, that's true. L 21 N Yeah. 22 L *** I can also -- have -- get verification from people 23 in Jersey or anywhere in the country whom I told later this had 24 happened or whatever. 25 N Yeah. 26 And it could be a prior consistent statement. Like if \mathbf{L} 27 they try to suggest that I'm lying --28 N Yeah.

L -- then I can bring in so and so to say, no, he told me that it was -- this happened or whatever.

N Yeah. Okay.

L So I -- I can bring in other people. It's unfortunate that I wasn't aware of this problem earlier because a lot of the people that can help me I've used for other things. But, you know, I was going to use --

N What about Jill, though? Well, she -- well -- well, she'll have to go along with it, won't she?

L Oh, yeah.

N Okay.

L They won't be happy, but I -- I don't give a fuck,
it's my defense team.

N Mmnh-mmnh.

L You know?

N Yeah.

L It's very honest. But, on the other hand, you know, if I say, hey, I'm going to say this, so, you know --

N Yeah.

L -- nothing they can do about it.

You know, they're not going to do anything about it.

They -- they don't have a control issue over me.

N Yeah. But who's actually going to say -- okay, he's going to be on the stand getting questioned back and forth, right?

L Michael.

N Michael's going to do it?

L Yeah.

N Okay. He's going to chip in with what your telling him that you did.

L I don't know, I haven't -- I haven't talked to him yet.

N Okay, you're going to tr- -- okay.

L I'll talk to him when I get back from the visiting hour.

N All right. 'Cause he might want the waters not ruffled.

L I've got to figure something that's most believable.

N Right. Yeah.

L And my feeling is -- *** --

N And something not too complicated.

L Yeah. It's -- it's clear on the tape, right?

N Yeah.

L That he's saying that I'm dangerous, that I'll like kill him, that he thought -- he took the things I said as threats.

N Yeah.

L I never said I'm going to kill you, but he took these things as threats, you know, "Good luck, Dr. Oziel." and stuff like that.

N Yeah.

L And he actually -- and there's lot of documented things. He went and bought shotguns, he upgraded the security system on his house, he moved his family to a hotel. He -- it was clear that he was paranoid and in fear, you know what I mean?

N Yeah. And he was -- Lyle, it was -- it was --

L It is reasonable to just go ahead and -- and see that this guy was paranoid with fear.

N Yeah, but Lyle, he was embellishing. You know, this is on the -- on that latest fashion word "embellished". He was embellishing his story.

L Stevens embellished. This guy -- this guy is unbelievable. This is straight fabrication. I told Michael. He laughed at it. I said when he's testifying Erik and I should be dressed in clown suits.

N Ha, ha, ha, ha.

L Just to make a scene.

N (Laughing).

L You know what I mean?

N Yeah. Right.

L And then he should ask him, "Isn't it true, Dr. Oziel, you're turning these proceedings into a circus?" and Erik and I will be there in clown suits.

N Right.

L And -- and the press would love that.

But as a guy, I mean, I can't even believe that my life is hanging in the balance for somebody like this.

N Yeah, really.

L And he's a guy that I didn't even want to spend five minutes with.

N Mmnh-mmnh, right.

L You know what I mean?

N Yeah. What a pity your father picked this guy.

22

23

24

25

26

27

28

L And I'm a very private, secretive person, I don't go around just telling anybody anything --

N Mmnh-mmnh.

L -- in my life.

N Right.

L That's why there's no confessions against me or nothing.

N Yes.

L And this fucking guy has the nerve to come and say that I've told him all these things. And there's just no way in hell.

N Yeah.

L There's no way in hell.

N Do you think he was just -- I -- I think basically he was sort of probably trying to boost his business, you know, bit of notoriety and fame. Don't you think?

L His business is through, the District Attorney --

N It is now, but he didn't think so at the time, did he?

L No.

N So he's -- he's got to -- he's got to add things on.

L It's not his fault. This is not his fault. See, he never meant -- he never intended to go to the police.

N It's Judalon Smyth?

L The girlfriend turned him in.

N Right, Judalon Smyth.

L Yeah.

N Yeah.

L And the girlfriend was lying, saying she overheard

23

24

25

26

27

this and that and the other, and she didn't.

- N Right.
- L So it was like a lie because she was so unstable --
- N Yeah.
- L -- *** to him, and then this whole thing broke open and he realized he had these tapes, which he clearly was going to use for some other purpose.
 - N Right.
 - L And he figures, fuck, I'd better stick with them.
- N Yeah, I saw last week what he said, "I'm telling you, Judalon, you'll get killed." He was just trying to frighten her off from going, wasn't he?
 - L Yeah. They know who you are.
- N I know he -- yeah, she sounded -- he sounded like he didn't want to --
 - L We had no idea who she was. You know what I mean?
 - N Yeah.
 - L I never heard of the lady 'til I got arrested.
 - N Yeah. Right.
 - L So how could she be in danger?
- N Well, of course, he's not going to talk about his girlfriends, only the patients, so of course you wouldn't know her 'til afterwards.
- L And, you know, the judge is not -- the judge doesn't think it's relevant that he raped another girl.
 - N Oh, really.
 - L You know what I mean, he raped --
- 28 N Yeah.

L *** isn't relevant to his -- his credibility. Give me a break.

N Yeah, what a sleazeball.

L So I don't think he's going to let it in that he raped another girl, like -- like the jury should know that.

N Yeah.

L I mean, come on, give me --

N I know. There's a lot of things that they hide, you know. And it's not fair, is it?

L It's totally unfair. If I rape somebody you can be sure that's shit will be coming in.

N That's like an injustice when somebody like him is going on the stand and the jury don't get to know his past, you know.

L Yeah.

N And they're going to judge him by how he's dressed and stuff.

L Yeah.

N Yeah. They're going to think he's a nice guy.

L Yeah.

N 'Cause he's a doctor. And it's all -- yeah, it's wrong, a double standard.

L Yeah, it is. You know, my feeling is, you know, you fight fire with fire.

N I mean, they're getting to know all about your background, why they don't -- don't they tell all about his background.

L Yeah.

1 That'll make it fair then. N 2 L Yeah. So then that's how you find out about people. 3 N Sure. 4 L *** resume. 5 N Exactly. 6 *** Glenn Stevens. \mathbf{L} 7 N Yeah. 8 They would have never known about this kid's resume L 9 unless it was allowed in. 10 N Right. 11 And that really changed their mind on this kid, L 12 realized he's a liar. 13 N Right. So why are they letting this *** off, this 14 guy? 15 Uhn, it's just -- you know why, because the judge L 16 wants us to lose. 17 Do you think so? N 18 Oh -- \mathbf{L} 19 N Do you think he's still biased? 20 L Believe me, it's not even a -- it's not even a 21 consideration, he thinks we should go to the gas chamber, 22 straight out, no doubt about it. And -- hold on a second. 23 (Pause). 24 L Hello? 25 N Yeah. 26 L I got a visit. 27 But you think about it.

28

N

Yeah.

L Think about some scenario that you think makes sense.

N Okay.

L Him coming to me, actually scared, and saying this is my life insurance, me maybe telling him, hey, you know, I don't -- I don't know why you're so concerned.

N Mmnh-mmnh.

L You know what I mean?

N Yeah.

L I mean, I would never do anything to him. You know what I mean?

N Yeah.

L Or -- or this is -- or maybe blackmail, he wants money. You know, I can't figure out which it is, maybe a combination or something like that.

N Yeah. Okay.

L And how the meeting would take place and then this and that, and the things that would be said because I'll have to recount all that.

N Yeah.

L And Michael will have to ask him if that thing happened. 'Cause my feeling is unless Michael comes up and says something like that, right --

N Yeah.

L -- it's not going to put enough doubt in this juries' mind after they hear his direct, 'cause his direct will just make me look like a fucking Dau- -- you know, Jeffrey Daumer?

N Yeah.

L Yeah.

3

4 5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21 22

23

24

25

26

27

28

Oh, ha, ha, well. N I -- I don't know about that.

 \mathbf{L} Oh, absolutely.

N That's a really bad comparison.

No, no, no, no, I will look worse than Jeffrey Daumer. L

You haven't heard the direct, you haven't heard the things he said. He says that, you know, it was a -- it was a plan, or there was no way to kill the father once -- there was no way to kill the father without killing the mother 'cause -there was just no easy way to kill the father, so it was a plan, and we thought about taking the mother out, maybe she didn't deserve to die, but, fuck it, we figured it was a perfect plan, we'll just go with it.

N Yeah.

L You know, stuff like that.

N Oh, he was -- Jesus.

L Him -- him saying, yeah, we're socio- -- me saying, yeah, I'm a sociopath, I have no feelings, once I -- once I kill I just keep going, I can't stop myself.

N Mmnh-mmnh.

I'm one of those guys that I just -- wants the perfect plan, I get so excited I can't stop. That's Daumer, that's pretty close to Daumer. Pretty close.

That's pretty close to insanity. N

L Yeah.

N Yeah.

I mean, you know -- I mean, give me a fucking break, L this quy.

N Yeah.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

tell anybody that even if I felt that way.

L

N Right.

L But I'm just going to sit there and go, hey, I just thought I'd let you know that, you know, give you -- give you enough stuff to put me in the gas chamber.

Unfuckingbelievable. You know, like I'm ever going to

N Yeah, sure.

L After you're already the most unstable person and I'm-- I'm not happy, you know.

N Yeah. You're unstable and I'm insane, yeah.

L Yeah. Fucking ***

N That's what he's going to make out.

L Unbelievable, this guy. But, luckily, let's see if he says -- don't sound very believable, you know what I mean?

N Yeah.

L If he had just toned it down a little and made it look semi, it will be more believable.

N Right.

L Because, I mean, if you're going to lie you might as well lie -- lie -- lie convincingly.

N Mmnh-mmnh.

L And -- but he just --

N Without the exaggeration.

L This stuff is like a -- a bad movie.

N Yeah.

L It's like Erik's script. Erik's script is better than this.

N Ha, ha, ha, ha.

Oh, okay, they canceled that. Okay, then, so we've

got Friday, Saturday, Sunday, yeah. Okay, they're taking me, so I've got to go. L N All right, love. I'll call you when I get back. L N Okay. L Bye. I'm going to go out and have a bite to eat. N L Okay. N Bye. (END OF SIDE A, TAPE NO. 25) -00000-