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HALL OF JUSTICE

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October 30, 2024

VIA E-MAIL: Ashley.johansson@agov.ca.gov

The Honorable Gavin Newsom
Governor of the State of California
State Capitol
1303 10th Street, Suite 1173
Sacramento, California 95814

Dear Governor Newsom:

Re: Request to Grant Clemency for Erik Menendez, CDCR #K14101

I write in strong support of Erik Menendez's petition for clemency submitted to your office on October 28, 2024. Mr. Menendez is currently 54 years old serving his 34th year in prison at the RJ Donovan Correctional Facility.

On August 20, 1989, at 18 years old, Mr. Erik Menendez participated with co-defendant and brother, Lyle Menendez, in the homicide of their parents, Kitty and Jose Menendez, as they sat on the family's couch watching television and eating. Both Erik Menendez and Lyle Menendez fired Mossberg shotguns at their parents striking them multiple times killing them.

Mr. Menendez was sentenced at the age of 23 to life without the possibility of parole (LWOP). At the time of the offense, there were credible allegations that Erik Menendez was the victim of sexual and physical abuse at the hands of his father, Jose Menendez. The Los Angeles County Probation Report prepared in connection to the criminal case, documented the ongoing molestation Erik Menendez suffered at the hands of his father starting at age 6 and continuing through his adolescent years. At age 12, it was alleged that Jose Menendez began sodomizing his son, Erik Menendez. The sexual abuse continued to occur once every few months up until the homicide.

During his 34 years of incarceration, Mr. Menendez has worked hard to transform his life. He has participated in rehabilitation, including earning his Associates Degree in Sociology. In May of 2022, he earned his Certificate in Proficiency in American Sign Language from Southwestern College. It is reported that Erik Menendez obtained this certification in order to better communicate with the hearing-impaired individuals who are participating in the programs he has created. In May of 2023, Erik Menendez was accepted to the University of California, Irvine.¹

¹ Support for all programs developed, laudatory chronos, and the probation report are attached as exhibits to the current Penal Code 1172.1 motion filed in Los Angeles Superior Court on October 24, 2024, and can be provided upon request.

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In addition to continuing his education, Erik Menendez has created five new programs within the RJ Donovan Prison to assist his fellow inmates. The four programs include: (1) The Life Care and Hospice Connection program; (2) Victim Impact & Victim Empathy for Vulnerable Populations (VIVE); (3) Twelve Step and Meditation Class; (4) Insight Meditations Workshops; and, (5) The Starlight Peace Project.

Current statics indicate a total of 36% of people serving LWOP sentences in California are currently over 50 years old. These individuals are not eligible for elderly parole or compassionate release. Yet, most people serving an LWOP sentence are classified as low risk according to the California State Risk Assessment (CSRA). Mr. Menendez's CSRA score and classification score are the lowest levels possible for someone serving a sentence of LWOP.

Our Office has communicated with several family members regarding resentencing in this matter. All family members, except for, Mr. Milton Andersen, Kitty Menendez's brother, support commutation.

Mr. Menendez's current age of 54, his 34 years spent in custody, low CSRA, low classification scores, and his dedication to rehabilitation make him an exemplary candidate for clemency.

Should you have any questions, please do not hesitate to contact my Special Counsel, Shelan Joseph, by phone at (213) 974-3500 or email at sjoseph@da.lacounty.gov.

Thank you for your consideration.

Sincerely,



GEORGE GASCÓN
District Attorney