

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Criminal Division**

**Clara Shortridge Foltz Criminal Justice Center Dept. - 100**

**XCNBA068880-01**

**July 7, 2025**

**The People of the State of California**

**8:30 AM**

**vs.**

**MENENDEZ, ERIK GALEN**

Honorable William C. Ryan, Judge

B. Perez, Judicial Assistant

Not Reported, Court Reporter

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PC187(a), PC187(a), PC182(a)(1)

**NATURE OF PROCEEDINGS:** Judicial Action

The following parties are present for the aforementioned proceeding:

No Appearances

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The matter is called for Judicial Action.

ORDER RE: ORDER TO SHOW CAUSE (HABEAS CORPUS)

TO RESPONDENT, THE PEOPLE OF THE STATE OF CALIFORNIA:

On May 3, 2023, Petitioners Erik Menendez and Lyle Menendez filed the instant habeas petition alleging the discovery of two new pieces of evidence that would have more likely than not changed the outcome of their second trial, at which they were convicted of murdering of their parents, Kitty and Jose Menendez<sup>1</sup>. (Pen. Code, §1473, subd. (b)(3(A).) First, Petitioners present a letter from Erik Menendez to Andy Cano, which Petitioners allege corroborates Cano's testimony and the sexual abuse allegations Petitioners made at trial. (Petr. at p. 4; Exh. A.) Second, Petitioners present a declaration of Roy Rossello, a member of the popular 1980's band named Menudo, admitting he was anally raped and orally copulated by Jose in 1983 or 1984. (Exh. F.) Petitioners allege that this new admission counters the prosecution's argument that Jose was "restrained and forgiving", "not a violent and brutal man", and "not the kind of man" that would abuse his children". (Petr. at p. 5.)

On October 24, 2025, Respondent filed a motion requesting the recall and resentencing of Petitioners pursuant to section 1172.1, stating that the brothers "have demonstrated exceptional post-conviction conduct" and that "they no longer present a public safety risk pursuant to Penal Code Section 667.5 such that their current sentence is no longer in furtherance of justice". (Motion at p. 3.) Ultimately, on May 13, 2025, Petitioners were resentenced to 25 years to life on all three counts, however, count 2's term is to run consecutive to count 1 and count 3's term is stayed. (Amended AOJ, dated May 15, 2025.)

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Meanwhile, Respondent filed an Informal Response to the instant Petition on February 21, 2025. Respondent argues that both the Cano Letter and the Rossello Declaration do not constitute “new evidence” under the definition in section 1473, subdivision (b)(1)(C), and that the Rossello Declaration is inadmissible, immaterial, and lacks credibility. Respondent also argues that the Cano letter is procedurally barred as untimely.

Petitioners filed their Reply to the Informal Response on May 22, 2025, reasserting their claims for relief and countering the assertion that the claims are untimely.

**ORDER TO SHOW CAUSE**

Assuming the truth of Petitioner’s factual allegations, as the court must at this stage of the proceeding, the court finds Petitioner has made a prima facie showing that he is entitled to habeas corpus relief. (Cal. Rules of Court, rule 4.551(c)(1).) Accordingly, Respondent is ORDERED TO SHOW CAUSE, if any he has, why the relief requested should not be granted. Respondent is to file a return on the Petition within 30 days of service of this order. (Cal. Rules of Court, rule 4.551(e).)

Petitioner may file a traverse or denial 30 days after filing and service of the return. (Cal. Rules of Court, rule 4.551(f).) Unless further hearing is ordered, the matter will be deemed submitted upon receipt of Petitioner’s traverse or denial or after the expiration of the time for filing the traverse or denial. (Cal. Rules of Court, rule 4.551(g).)

The Clerk is ordered to serve a copy of this order upon Mark Geragos, Esq., and Cliff Gardner, Esq., as counsel for Petitioners and upon Deputy District Attorney Seth Carmack, as counsel for Respondent, the People of the State of California.

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Footnote:

<sup>1</sup> Because Petitioners and both victims share the same last name, each will be subsequently referred to by their first name.

Minute order is prepared by B. Munoz on July 8, 2025.

**CLERK’S CERTIFICATE OF MAILING**

I, David W. Slayton, Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served a copy of the above minute order of July 7, 2025 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States Mail at the courthouse in Los Angeles, California, one copy of the original

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filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: July 8, 2025

By: /s/ B. Munoz

B. Munoz, Deputy Clerk

Mark Geragos, Esq.  
644 S. Figueroa St.  
Los Angeles, CA 90017

Cliff Gardner, Esq.  
1448 San Pablo Ave.  
Berkeley, CA 94702



Office of the District Attorney  
Sex Crimes Division  
211 West Temple St.  
9th Floor  
Los Angeles, CA 90012  
Attn: Seth Carmack, Deputy District Attorney