

FILED

JAN 24 2005

FRESNO COUNTY COURTS

By \_\_\_\_\_  
DEPT 53

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
CENTRAL DIVISION

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff

vs.

Marcus Delon Wesson

Defendant

CASE NUMBERS:

Court No. F04901785-6

Arraignment Date: 04/27/2004

Department: CEN 96

DA FILE NO: 2004H9621

SECOND AMENDED INFORMATION

The District Attorney of the County of Fresno, by this Information alleges that:

COUNT 1

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Sebhrenah April Wesson, a human being.

It is further alleged that said defendant Marcus Delon Wesson personally and intentionally discharged a firearm which proximately caused death to Sebhrenah April Wesson within the meaning of Penal code section 12022.53(d).

1 It is further alleged as to defendant Marcus Delon Wesson, that in the commission  
2 and attempted commission of the above offense a principal in said offense was armed with  
3 a firearm, said arming not being an element of the above offense, within the meaning of  
4 Penal Code section 12022(a)(1).

5 \*\*\*\*\*

6 COUNT 2

7 On or about March 12, 2004, in the above named judicial district, the crime of  
8 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by  
9 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Elizabeth  
Breani Kina Wesson, a human being.

10 It is further alleged that said defendant Marcus Delon Wesson personally and  
11 intentionally discharged a firearm which proximately caused death to Elizabeth Breani Kina  
12 Wesson within the meaning of Penal code section 12022.53(d).

13 It is further alleged as to defendant Marcus Delon Wesson, that in the commission  
14 and attempted commission of the above offense a principal in said offense was armed with  
15 a firearm, said arming not being an element of the above offense, within the meaning of  
16 Penal Code section 12022(a)(1).

17 \*\*\*\*\*

18 COUNT 3

19 On or about March 12, 2004, in the above named judicial district, the crime of  
20 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by  
21 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Jeva St.  
Vladensvspry Wesson, a human being.

22 It is further alleged that said defendant Marcus Delon Wesson personally and  
23 intentionally discharged a firearm which proximately caused death to Jeva St.  
24 Vladensvspry Wesson within the meaning of Penal code section 12022.53(d).

25 It is further alleged as to defendant Marcus Delon Wesson, that in the commission  
26 and attempted commission of the above offense a principal in said offense was armed with  
27 a firearm, said arming not being an element of the above offense, within the meaning of  
28 Penal Code section 12022(a)(1).

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COUNT 4

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Sedona Vadra Wesson, a human being.

It is further alleged that said defendant Marcus Delon Wesson personally and intentionally discharged a firearm which proximately caused death to Sedona Vadra Wesson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to defendant Marcus Delon Wesson, that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

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COUNT 5

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Marshey St. Christopher Wesson, a human being.

It is further alleged that said defendant Marcus Delon Wesson personally and intentionally discharged a firearm which proximately caused death to Marshey St. Christopher Wesson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to defendant Marcus Delon Wesson, that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

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COUNT 6

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Ethan St. Laurent Wesson, a human being.

1 It is further alleged that said defendant Marcus Delon Wesson personally and  
2 intentionally discharged a firearm which proximately caused death to Ethan St. Laurent  
3 Wesson within the meaning of Penal Code section 12022.53(d).

4 It is further alleged as to defendant Marcus Delon Wesson, that in the commission  
5 and attempted commission of the above offense a principal in said offense was armed with  
6 a firearm, said arming not being an element of the above offense, within the meaning of  
7 Penal Code section 12022(a)(1).

8 \*\*\*\*\*

9 COUNT 7

10 On or about March 12, 2004, in the above named judicial district, the crime of  
11 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by  
12 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Illabelle  
13 Carrie Wesson, a human being.

14 It is further alleged that said defendant Marcus Delon Wesson personally and  
15 intentionally discharged a firearm which proximately caused death to Illabelle Carrie  
16 Wesson within the meaning of Penal Code section 12022.53(d).

17 It is further alleged as to defendant Marcus Delon Wesson, that in the commission  
18 and attempted commission of the above offense a principal in said offense was armed with  
19 a firearm, said arming not being an element of the above offense, within the meaning of  
20 Penal Code section 12022(a)(1).

21 \*\*\*\*\*

22 COUNT 8

23 On or about March 12, 2004, in the above named judicial district, the crime of  
24 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by  
25 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Aviv  
26 Dominique Wesson, a human being.

27 It is further alleged that said defendant Marcus Delon Wesson personally and  
28 intentionally discharged a firearm which proximately caused death to Aviv Dominique  
Wesson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to defendant Marcus Delon Wesson, that in the commission  
and attempted commission of the above offense a principal in said offense was armed with

1 a firearm, said arming not being an element of the above offense, within the meaning of  
2 Penal Code section 12022(a)(1).

3 \*\*\*\*\*

4 COUNT 9

5 On or about March 12, 2004, in the above named judicial district, the crime of  
6 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by  
7 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder  
8 Johnathan St. Charles Wesson, a human being.

9 It is further alleged that said defendant Marcus Delon Wesson personally and  
10 intentionally discharged a firearm which proximately caused death to Jonathan St. Charles  
11 Wesson within the meaning of Penal Code section 12022.53(d).

12 It is further alleged as to defendant Marcus Delon Wesson, that in the commission  
13 and attempted commission of the above offense a principal in said offense was armed with  
14 a firearm, said arming not being an element of the above offense, within the meaning of  
15 Penal Code section 12022(a)(1).

16 SPECIAL CIRCUMSTANCE

17 It is further alleged that in this proceeding, the defendant Marcus Delon Wesson has  
18 been convicted of more than one offense of Murder in the First or Second degree, within  
19 the meaning of Penal code section 190.2(a)(3).

20 \*\*\*\*\*

21 COUNT 10

22 On or about January 1, 1988 through October 20, 1989, in the above named judicial  
23 district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of PENAL CODE  
24 SECTION 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and  
25 unlawfully engage in three or more acts of "substantial sexual conduct", as defined in  
26 Penal Code section 1203.066(b), or three or more acts in violation of Section 288 with  
27 [REDACTED] a child under the age of 14 years, while the defendant resided with, and  
28 had recurring access to the child.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
filed within one year from the date the victim, who was under 18 years old at the time the  
crime was committed, reported the crime to a California law enforcement agency. There is

1 independent evidence that clearly and convincingly corroborates the victim's allegation.  
2 Further, that the statute of limitations under 800 and 801 has expired and the crime  
3 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

4 \*\*\*\*\*

5 COUNT 11

6 On or about January 1, 1990 through December 31, 1990, in the above named  
7 judicial district, the crime of FORCIBLE ORAL COPULATION, in violation of Penal Code  
8 section 288a(c)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully  
9 participate in an act of oral copulation with [REDACTED], and did accomplish said act  
10 against said victim's will by force, violence, duress, menace, and fear of immediate and  
11 unlawful bodily injury to said victim and to another.

12 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
13 filed within one year from the date the victim, who was under 18 years old at the time the  
14 crime was committed, reported the crime to a California law enforcement agency. There is  
15 independent evidence that clearly and convincingly corroborates the victim's allegation.  
16 Further, that the statute of limitations under 800 and 801 has expired and the crime  
17 involves substantial sexual conduct as described in Penal code section 1203.066(b).

18 \*\*\*\*\*

19 COUNT 12

20 On or about January 1, 1991 through October 20, 1991, in the above named judicial  
21 district, the crime of FORCIBLE ORAL COPULATION, in violation of Penal Code section  
22 288a(c)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully  
23 participate in an act of oral copulation with [REDACTED], and did accomplish said act  
24 against said victim's will by force, violence, duress, menace, and fear of immediate and  
25 unlawful bodily injury to said victim and to another.

26 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
27 filed within one year from the date the victim, who was under 18 years old at the time the  
28 crime was committed, reported the crime to a California law enforcement agency. There is  
independent evidence that clearly and convincingly corroborates the victim's allegation.  
Further, that the statute of limitations under 800 and 801 has expired and the crime  
involves substantial sexual conduct as described in Penal code section 1203.066(b).

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COUNT 13

On or about January 1, 1988 through April 22, 1991, in the above named judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and unlawfully engage in three or more acts of "substantial sexual conduct", as defined in Penal Code section 1203.066(b), or three or more acts in violation of section 288 with [REDACTED], a child under the age of 14 years, while the defendant resided with, and had recurring access to the child.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was filed within one year from the date the victim, who was under 18 years old at the time the crime was committed, reported the crime to a California law enforcement agency. There is independent evidence that clearly and convincingly corroborates the victim's allegation. Further, that the statute of limitations under 800 and 801 has expired and the crime involves substantial sexual conduct as described in Penal Code section 1203.066(b).

\*\*\*\*\*

COUNT 14

On or about January 1, 1995 through April 22, 1995, in the above named judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, [REDACTED], not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was filed within one year from the date the victim, who was under 18 years old at the time the crime was committed, reported the crime to a California law enforcement agency. There is independent evidence that clearly and convincingly corroborates the victim's allegation. Further, that the statute of limitations under 800 and 801 has expired and the crime involves substantial sexual conduct as described in Penal code section 1203.066(b).

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COUNT 15

On or about January 1, 2002, through December 31, 2002, in the above named judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, [REDACTED], not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

\*\*\*\*\*

COUNT 16

On or about January 1, 1988 through November 6, 1991, in the above named judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and unlawfully engage in three or more acts of "substantial sexual conduct", as defined in Penal Code section 1203.066(b), or three or more acts in violation of section 288 with [REDACTED], a child under the age of 14 years, while the defendant resided with, and had recurring access to the child.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was filed within one year from the date the victim, who was under 18 years old at the time the crime was committed, reported the crime to a California law enforcement agency. There is independent evidence that clearly and convincingly corroborates the victim's allegation. Further, that the statute of limitations under 800 and 801 has expired and the crime involves substantial sexual conduct as described in Penal Code section 1203.066(b).

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COUNT 17

On or about January 1, 1995, through November 6, 1995, in the above named judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, [REDACTED], not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

1 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
2 filed within one year from the date the victim, who was under 18 years old at the time the  
3 crime was committed, reported the crime to a California law enforcement agency. There is  
4 independent evidence that clearly and convincingly corroborates the victim's allegation.  
5 Further, that the statute of limitations under 800 and 801 has expired and the crime  
6 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

7 \*\*\*\*\*

8 COUNT 18

9 On or about January 1, 1988 through November 14, 1992, in the above named  
10 judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code  
11 section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and  
12 unlawfully engage in three or more acts of "substantial sexual conduct", as defined in  
13 Penal Code section 1203.066(b), or three or more acts in violation of section 288 with  
14 [REDACTED], a child under the age of 14 years, while the defendant resided with, and  
15 had recurring access to the child.

16 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
17 filed within one year from the date the victim, who was under 18 years old at the time the  
18 crime was committed, reported the crime to a California law enforcement agency. There is  
19 independent evidence that clearly and convincingly corroborates the victim's allegation.  
20 Further, that the statute of limitations under 800 and 801 has expired and the crime  
21 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

22 \*\*\*\*\*

23 COUNT 19

24 On or about November 15, 1992, through December 31, 1993, in the above named  
25 judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section  
26 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and  
27 accomplish an act of sexual intercourse with a person, to wit, [REDACTED], not his  
28 spouse, against said person's will, by means of force, violence, duress, menace and fear  
of immediate and unlawful bodily injury on said person and another.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
filed within one year from the date the victim, who was under 18 years old at the time the

1 crime was committed, reported the crime to a California law enforcement agency. There is  
2 independent evidence that clearly and convincingly corroborates the victim's allegation.  
3 Further, that the statute of limitations under 800 and 801 has expired and the crime  
4 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

5 \*\*\*\*\*

6 COUNT 20

7 On or about January 1, 1998, through October 20, 1999, in the above named  
8 judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section  
9 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and  
10 accomplish an act of sexual intercourse with a person, to wit, [REDACTED], not his spouse,  
11 against said person's will, by means of force, violence, duress, menace and fear of  
12 immediate and unlawful bodily injury on said person and another.

13 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
14 filed within one year from the date the victim, who was under 18 years old at the time the  
15 crime was committed, reported the crime to a California law enforcement agency. There is  
16 independent evidence that clearly and convincingly corroborates the victim's allegation.  
17 Further, that the statute of limitations under 800 and 801 has expired and the crime  
18 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

19 \*\*\*\*\*

20 COUNT 21

21 On or about September 1, 2001, through September 8, 2002, in the above named  
22 judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section  
23 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and  
24 accomplish an act of sexual intercourse with a person, to wit, [REDACTED], not his spouse,  
25 against said person's will, by means of force, violence, duress, menace and fear of  
26 immediate and unlawful bodily injury on said person and another.

27 \*\*\*\*\*

28 COUNT 22

On or about January 1, 1988 through December 27, 1997, in the above named  
judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code  
section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and

1 unlawfully engage in three or more acts of "substantial sexual conduct", as defined in  
2 Penal Code section 1203.066(b), or three or more acts in violation of section 288 with  
3 [REDACTED], a child under the age of 14 years, while the defendant resided with, and  
4 had recurring access to the child.

5 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was  
6 filed within one year from the date the victim, who was under 18 years old at the time the  
7 crime was committed, reported the crime to a California law enforcement agency. There is  
8 independent evidence that clearly and convincingly corroborates the victim's allegation.  
9 Further, that the statute of limitations under 800 and 801 has expired and the crime  
10 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

11 \*\*\*\*\*

12 COUNT 23

13 On or about August 8, 2001, through August 7, 2002, in the above named judicial  
14 district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a  
15 felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish  
16 an act of sexual intercourse with a person, to wit, [REDACTED] not his  
17 spouse, against said person's will, by means of force, violence, duress, menace and fear  
18 of immediate and unlawful bodily injury on said person and another.

19 \* \* \* \* \*

20 Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting  
21 that defense counsel provide discovery to the People as required by Penal Code Section  
22 1054.3.

23 THIS INFORMATION CONSISTS OF 23 COUNTS.

24 ELIZABETH A. EGAN  
25 DISTRICT ATTORNEY  
26 County of Fresno  
27 State of California

28 By: \_\_\_\_\_  
LISA M. GAMOIAN  
Chief Deputy District Attorney

1 Agency: Fresno Police Department

Agency Report Number: 04-22345

2 Defendant

Birth Date

Booking No.

3 Marcus Delon Wesson

08/22/1946

04-7556

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