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FILED
FRESNO COUNTY
SUPERIOR COURT
2005 JAN 28 AM 11:34
TAMARA DEARD, CLERK
BY  DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO

THE PEOPLE of the)
State of California,)
)
Plaintiff,)
)
vs.)
)
MARCUS WESSON,)
)
Defendant.)

CASE NO.: F04901785-6

RESPONSE TO PEOPLE'S
MEMORANDUM REGARDING
VOIR DIRE

Date: January 31, 2005
Time: 9:00 a.m.
Dept.: 53

TO THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT
AND TO THE DISTRICT ATTORNEY OF FRESNO COUNTY:

I.

"DEATH QUALIFICATION VOIR DIRE SHOULD PROCEED
USING THE WITHERSPOON / WITT STANDARD OF REVIEW."

While the Prosecution's general proposition regarding the "substantial
impairment" standard is accurate, it should be applied equally to both death
qualifying and life qualifying jurors. Care should be taken not to excuse jurors
simply because they express an opposition to the death penalty or a preference
for Life without Parole. *People v. Stewart* (2004) 33 Cal.4th 425.

_____ /

Public Defender
County of Fresno
Fresno, California

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NOTICE

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