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| SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division | | |
| TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON | | |
| TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 10TH DAY | | Case Number: F04901785-6 |
| Judge/Temporary Judge: R. L. Putnam | | Date: February 9, 2005 |
| Court Clerk: B. Graves, M. Salas | | Department: 53 Time: 8:58 a.m. |
| Reporter/Tape: D. Dedmon, K. Garcia | | |
| Bailiff: H. Franco, P. Bellefeuille | | |

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| Plaintiff: The People of the State of California | <input type="checkbox"/> Appearing | Counsel: Lisa Gamoian - Chief Deputy District Attorney | <input checked="" type="checkbox"/> Appearing |
| Defendant: Marcus Delon Wesson | <input checked="" type="checkbox"/> Appearing | Counsel: Peter Jones - Chief Deputy Public Defender | <input checked="" type="checkbox"/> Appearing |
| | | Rafael Torres - Deputy Public Defender | <input type="checkbox"/> Pro Per |

Pursuant to the adjournment of February 8, 2005, Court reconvenes at 8:58 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

The following Court Reporter transcripts are certified by the Court.

Volume XXXII hearing date of January 31, 2005, is certified as corrected.

Volume XXXIII, hearing date of February 1, 2005, is certified as corrected.

Volume XXXIV, hearing date of February 2, 2005, is certified as correct.

Volume XXXV, hearing date of February 3, 2005, is certified as corrected.

The Court and respective counsel begin individual questioning of Group E at 9:04 a.m.

Prospective juror E1 is questioned by the Court and respective counsel beginning at 9:04 a.m. and concludes at 9:25 a.m.

Prospective juror E2 is questioned by the Court and respective counsel beginning at 9:26 a.m. and concludes at 9:38 a.m.

Prospective juror E3 is questioned by the Court and respective counsel beginning at 9:39 a.m. and concludes at 9:48 a.m.

Prospective juror E4 is questioned by the Court and respective counsel beginning at 9:49 a.m. and concludes at 10:01 a.m.

Prospective juror E5 is questioned by the Court and respective counsel beginning at 10:03 a.m. and concludes at 10:20 a.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following prospective jurors for cause: E1, E2, E3 and E4 Ms. Gamoian challenges the following juror for cause: E5

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: E1 is denied. E2, E3, E4 and E5 are excused for cause.

The Court stands in recess at 10:30 a.m. until 10:45 a.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 10:45 a.m.

Prospective juror E6 is questioned by the Court and respective counsel beginning at 10:47 a.m. and concludes at 10:53 a.m.

Prospective juror E7 is questioned by the Court and respective counsel beginning at 10:54 a.m. and concludes at 11:01 a.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. There are no challenges at this time.

Prospective juror E10 is questioned by the Court and respective counsel beginning at 11:05 a.m. and concludes at 11:10 a.m. The Court excuses this juror for hardship.

Prospective juror E11 is questioned by the Court and respective counsel beginning at 11:10 a.m. and concludes at 11:20 a.m.

Prospective juror E12 is questioned by the Court and respective counsel beginning at 11:20 a.m. and concludes at 11:33 a.m.

Prospective juror E13 is questioned by the Court and respective counsel beginning at 11:34 a.m. and concludes at 11:46 a.m.

Prospective juror E15 is questioned by the Court and respective counsel beginning at 11:47 a.m. and concludes at 11:59 a.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following prospective juror for cause: E15. Ms. Gamoian challenges the following jurors for cause: E11 and E13 .

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: E15 is denied. E11 and E13 are excused for cause.

The Court stands in recess at 12:02 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 1:30 p.m.

Respective counsel stipulate to excuse the following prospective jurors for cause: F4, F9, F14, F19, F20, F22, F25 and F30.

Prospective juror E16 is questioned by the Court and respective counsel beginning at 1:37 p.m. and concludes at 1:46 p.m.

Prospective juror E19 is questioned by the Court and respective counsel beginning at 1:47 p.m. and concludes at 2:00 p.m.

Prospective juror E20 is questioned by the Court and respective counsel beginning at 2:03 p.m. and concludes at 2:12 p.m.

Prospective juror E21 is questioned by the Court and respective counsel beginning at 2:12 p.m. and concludes at 2:21 p.m.

Prospective juror E22 is questioned by the Court and respective counsel beginning at 2:22 p.m. and concludes at 2:38 p.m.

Prospective juror E24 is question by the Court and respective counsel beginning at 2:39 p.m. and concludes at 2:53 p.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following prospective jurors for cause: E16, E20 and E24. Ms. Gamoian challenges the following prospective jurors for cause: E21 and E22.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: E16, E20, E21, E22 and E24 are excused for cause.

The Court stands in recess at 3:05 p.m. until 3:20 p.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 3:20 p.m.

Prospective juror E25 is questioned by the Court and respective counsel beginning at 3:21 p.m. and concludes at 3:30 p.m.

Prospective juror E28 is questioned by the Court and respective counsel beginning at 3:31 p.m. and concludes at 3:39 p.m.

Prospective juror E29 is questioned by the Court and respective counsel beginning at 3:40 p.m. and concludes at 3:45 p.m.

Prospective juror E30 is questioned by the Court and respective counsel beginning at 3:46 p.m. and concludes at 3:56 p.m.

Prospective juror E31 is questioned by the Court and respective counsel beginning at 3:57 p.m. and concludes at 4:07 p.m.

Prospective juror E32 is questioned by the Court and respective counsel beginning at 4:08 p.m. and concludes at 4:20 p.m.

The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the follow prospective jurors for cause: E25, E29, E30, E31 and E32 . Ms Gamoian challenges the following prospective juror for cause: E29.

The Court, after hearing and observing the prospective jurors and hearing arguments of respective counsel, rules as follows: E25, E29 and E30 are excused for cause. E28, E31 and E32 are denied.

The Court informs respective counsel that a Summons and a letter have been sent to prospective juror E9.

Court adjourns at 4:32 p.m. until February 10, 2005, at 9:00 a.m. for further jury selection.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

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