

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> Criminal Department, Central Division		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 19<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b> Court Clerk: <b>B. Graves/W. Anderson</b> Reporter/Tape: <b>K. Garcia/D. Dedmon</b> Bailiff: <b>H. Franco, M. Duenes</b>		Date: <b>March 1, 2005</b>
		Department: <b>53</b> Time: <b>9:08 a.m.</b>

Plaintiff: <b>The People of the State of California</b>	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian- Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: <b>Marcus Delon Wesson</b>	<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 adjournment of February 28, 2005, Court reconvenes at 9:08 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.

Roll call of the prospective jurors at 9:08 a.m. by the Judicial Assistant, Barbara Graves. All prospective jurors are present except for F13.

The Judicial Assistant, Barbara Graves, calls the next 7 prospective jurors from the random list.

The Court questions the 7 new prospective jurors beginning at 9:19 a.m. and concludes at 9:21 a.m.

Mr. Torres, Deputy Public Defender, questions the 7 new prospective jurors beginning at 9:22 a.m. and concludes at 9:40 a.m.

Ms. Gamoian, Chief Deputy District Attorney, questions the 7 new prospective jurors beginning at 9:41 a.m. and concludes at 9:52 a.m.

Respective counsel each pass for cause.

The Judicial Assistant, Barbara Graves calls the next 7 prospective jurors from the random list.

The Court questions the 7 new prospective jurors beginning at 9:58 a.m. and concludes at 10:00 a.m.

Mr. Torres, Deputy Public Defender, questions the 7 new prospective jurors beginning at 10:01 a.m. and concludes at 10:12 a.m.

Ms. Gamoian, Chief Deputy District Attorney, questions the 7 new prospective jurors beginning at 10:12 a.m. and concludes at 10:21 a.m.

The prospective jury stands in recess at 10:21 a.m.

Outside the presence of the prospective jury, Mr. Torres request and offer of proof for the People's Conspiracy Theory. Matter is argued by respective counsel. The Court will allow the People's Theory of Conspiracy.

The Court stands in recess at 10:27 a.m.

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

Ms. Gamoian, Chief Deputy District Attorney, continues to question the 7 new prospective jurors beginning at 10:45 a.m. and concludes at 10:52 a.m.

In Chambers, outside the presence of the public, Ms. Gamoian is present for the people. Mr. Torres and Mr. Jones are present on behalf of the defendant. Marcus Delon Wesson is present with the aid of an Electronic Listening Device. The Court and respective counsel discuss challenges for cause. Defense challenges A4 and the People challenge C5. The Court orders that A4 and C5 be excused for cause.

The Judicial Assistant, Barbara Graves calls the next 7 prospective jurors from the random list.

The Court questions the 7 new prospective jurors beginning at 11:02 a.m. and concludes at 11:11 a.m.

Prospective juror B2 is released for cause.

Mr. Torres, Deputy Public Defender, questions the 7 new prospective jurors beginning at 11:12 a.m. and concludes at 11:27 a.m.

Ms. Gamoian, Chief Deputy District Attorney, questions the 7 new prospective jurors beginning at 11:28 a.m. and concludes at 11:34 a.m.

In Chambers, outside the presence of the public, Ms. Gamoian is present for the people. Mr. Torres and Mr. Jones are present on behalf of the defendant. Marcus Delon Wesson is present with the aid of an Electronic Listening Device. The Court and respective counsel discuss a hardship release for prospective juror E19. The Court excuses prospective juror E19 for hardship. The Court and respective counsel discuss challenges for cause. Prospective jurors B32 and D4 are challenged for cause. The Court orders that prospective jurors B32 and D4 be released for cause.

The Judicial Assistant, Barbara Graves calls the next 7 prospective jurors from the random list.

The Court questions the 7 new prospective jurors beginning at 11:48 a.m. and concludes at 11:50 a.m.

Mr. Torres, Deputy Public Defender, questions the 7 new prospective jurors beginning at 11:50 a.m. and concludes at 12:00 noon.

The Court admonishes the prospective jurors and stands in recess at 12:00 noon.

Court Reporter Kristi Garcia replaces Denise Dedmon at 1:31 p.m.

Mr. Torres, Deputy Public Defender, continues to question the 7 new prospective jurors beginning at 1:33 p.m. and concludes at 1:40 p.m..

Ms. Gamoian, Chief Deputy District Attorney, questions the 7 new prospective jurors beginning at 1:40 p.m. and concludes at 1:52 p.m.

Mr. Torres, Deputy Public Defender, requests to make a motion outside the presence of the prospective jurors.

The prospective jurors stand in recess at 1:54 p.m.

Outside the presence of the prospective jurors, Mr. Torres makes a motion to dismiss this panel pursuant to Wheeler. Mr. Jones argues the matter to the Court on behalf of the defendant, Marcus Delon Wesson. Ms. Gamoian argues the matter to the Court on behalf of the People.

The Court stands in recess at 2:09 p.m. until 2:11 p.m.

The Court denies the motion to dismiss this panel.

The Judicial Assistant, Barbara Graves, calls the next 7 prospective jurors from the random list.

The Court questions the 7 new prospective jurors beginning at 2:18 p.m. and concludes at 2:21 p.m.

Mr. Torres, Deputy Public Defender, questions the 7 new prospective jurors beginning at 2:22 p.m. and concludes at 2:33 p.m.

Ms. Gamoian, Deputy District Attorney, questions the 7 new prospective jurors beginning at 2:34 p.m. and concludes at 2:41 p.m.

The Court admonishes the prospective jurors and the respective jurors stand in recess at 2:41 p.m. Outside the presence of the prospective jurors and the public the Court and counsel discuss hardship requests from prospective jurors C15, E28 and I6. Prospective jurors C15 and E28 are excused for hardship.

The Court stands in recess at 2:46 p.m.

Court reporter Denise Dedmon replaces Kristi Garcia at 3:05 p.m.

Ms. Gamoian, Deputy District Attorney, continues to question the 7 new prospective jurors beginning at 3:05 p.m. and concludes at 3:11 p.m.

In Chambers, outside the presence of the public, Ms. Gamoian is present for the people. Mr. Torres and Mr. Jones are present on behalf of the defendant. Marcus Delon Wesson is present with the aide of an Electronic Listening Device. The Court and respective counsel discuss challenge for cause. Prospective juror C8 is challenged for cause. The Court orders that prospective juror C8 be released for cause.

Proceedings are regularly taken to empanel a jury. The prospective jurors, having been sworn on Voir Dire, were examined, selected and accepted by counsel for the People and defendant are sworn to try this case at 3:30 p.m. and the following names of the Jurors are incorporated by reference to the jury seating chart and is sealed pursuant to CCP 237. Jurors selected are as follows: #1- 44, #2 - 49, #3 - 16, #4 - 32, #5 - 15, #6 - 22, #7 - 26, #8 - 48, #9 - 9, #10 - 55, #11 - 54, #12 - 12.

Proceedings are regularly taken to empanel alternate jurors. The prospective jurors having been sworn on Voir Dire, were examined, selected and accepted by counsel for the People and defendant are sworn to try this case at 3:40 p.m. and the following names of the Jurors are incorporated by reference to the jury seating chart and is sealed pursuant to CCP 237. Jurors selected are as follows: Alt 1-58, Alt 2 -59, Alt 3 -60, Alt. 4 - 62 and Alt.5 - 64 .

The Court admonishes the jury and adjourns at 4:00 p.m. until March 2, 2005 at 9:00 a.m. for jury trial.

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

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