

<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- 20<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>		Date: <b>March 2, 2005</b>
Court Clerk: <b>P. Littlefield, B. Graves, W. Anderson</b>		Department: <b>53</b> Time: <b>9:06 a.m.</b>
Reporter/Tape: <b>K. Garcia, D. Dedmon</b>		
Bailliff: <b>H. Franco, G. Ozburn</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 March 1, 2005, Court reconvenes at 9:06 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 Court advises respective counsel that the Jury Commissioner has represented to the Court that the current juror pool for Fresno County is 429,235; and respective counsel stipulate to that figure.

The Court submits the following publications to respective counsel as to Fresno County census, and respective counsel stipulate to the figures contained therein:

- 2000 U. S. Census Bureau - reflecting population of 799,000
- County of Fresno Quick Facts - reflecting population of 850,325
- Fresno County Chamber of Commerce - 3/1/05, reflecting population of 879,000

Respective counsel begin argument on Defense's Renewed Motion for Change of Venue at 9:11 a.m. and concludes a 9:53 a.m.

The matter is taken under submission by the Court until 1:30 p.m.

Court recesses at 9:53 a.m. until 1:30 p.m.

The defendant is remanded to the custody of the Sheriff of the County of Fresno.

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

Judicial Assistant, Barbara Graves replaces Peggy Littlefield at 1:30 p.m.

The Court rules as follows on the Defense's renewed Motion to Change Venue. The motion is denied.

The Court and counsel discuss Jury Instruction .50 and the parties agree to .50 as amended.

Rafael Torres, Deputy Public Defender, requests and offer of proof on the People's expert witnesses. The Court orders that a 402 hearing to be held on March 25, 2005 at 1:30 p.m.

Court instructs the Judicial Assistant, Barbara Graves, to read the Information and it is so read beginning at 2:20 p.m. and concludes at 2:50 p.m.

The Court admonishes the jury and excuses them at 2:52 p.m. until March 3, 2005 at 9:00 a.m.

Rafael Torres, Deputy Public Defender, agrees to let the People's FBI witnesses to testify out of order because they are coming from out of state.

The Court orders that defense is to provide P's & A's in response to " People's Trial Brief Evidence of Possible Third Party Culpability Should Be Excluded" . Matter to be heard on March 4, 2005 at 1:30 p.m.

Rafael Torres, Deputy Public Defender, informs the Court that the transcript of the interview of Louie Garcia provided by the People is not correct. Lisa Gamoian, Chief Deputy District Attorney, is reviewing the transcript for possible corrections.

Lisa Gamoian, Chief Deputy District Attorney, request that the Court order back her 776 witnesses to next week. Also, Ms. Gamoian informs the Court that she will be using Peoples exhibit 1 ( Wesson Family Tree) in opening arguements

The Court adjourns at 3:28 p.m. until March 3, 2005 at 9:00 a.m.

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

Off the record and outside the presence of the Court and respective counsel, the following exhibits were marked for identification.

Peoples exhibit 1(Family Tree - 8x5 foot Chart) marked for identification.

Peoples exhibit 2(Diagram - Location of house at 761 W. Hammond) marked for identification.

Peoples exhibit 3(Diagram - Floor Plan of house at 761 W. Hammond) marked for identification.

Peoples exhibit 4(Diagram - Southeast bedroom of house at 761 W. Hammond) marked for identification.

Peoples exhibit 5(Death Certificate for Sebhrenah April Wesson) marked for identification.

Peoples exhibit 6(Death Certificate for Elizabeth Breani Kina Wesson) marked for identification.

Peoples exhibit 7( Death Certificate for Jeva St.Vladensvspry Wesson) marked for identification.

Peoples exhibit 8(Death Certificate for Sedona Vadra Wesson) marked for identification.

Peoples exhibit 9(Death Certificate for Marshey St. Christopher Wesson) marked for identification.

Peoples exhibit 10(Death Certificate for Ethan St. Laurent Wesson) marked for identification.

Peoples exhibit 11(Death Certificate for Illabelle Carrie Wesson) marked for identification.

People exhibit 12(Death Certificate for Aviv Dominique Wesson) marked for identification.

Peoples exhibit 13(Death Certificate for Johnathon St. Charles Wesson) marked for identification.

Peoples exhibit 14(Birth Certificate for Athdara Wesson) marked for identification.

Peoples exhibit 15(8 1/2 x 11 Photo of the Front of the house at 761 W. Hammond) marked for identification.

Peoples exhibit 16(8 1/2 x 11 Photo of a stick wrapped in duct tape) marked for identification.

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