

<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– 37TH DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b> Court Clerk: <b>E. Vargas</b> Reporter/Tape: <b>K. Garcia, D. Dedmon</b> Bailliff: <b>H. Franco, G. Ozburn, P. Bellefeuille</b>		Date: <b>March 30, 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 Defender Rafael Torres, Deputy Public Defender	<input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per

Pursuant to adjournment of March 29, 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 Public Defender, and Rafael Torres, Deputy Public Defender, are present. All parties state they are ready to proceed.

Kristi Garcia, Court Reporter, is present at 9:08 a.m.

Detective Michele Ochoa resumes the witness stand at 9:08 a.m.

Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney, requests of the Court that the following witnesses be ordered to return:

Serafino Wesson, present, is ordered to return to court at 10:00 a.m.

Elizabeth Wesson, present, is ordered to return to court at 1:30 p.m.

The Court discusses media use of electronic devices and approves the use of laptop equipment.

Respective counsel to contact Sherry Spears, Manager of the Jury Commissioner's Office, regarding the use of other electronic devices.

The jury enters the courtroom at 9:11 a.m. and the trial resumes.

The Court advises the jury that April 22, 2005 and April 29, 2005 court days will possibly be partial or half days.

At 9:13 a.m., People's Exhibit 692A (Tape of Interview of Rosa Solorio with Detective Doug Reese and Michele Ochoa dated March 22, 2004) is played in open Court for the jury.

At 9:49 a.m., People's Exhibit 692B (2nd tape of Interview of Rosa Solorio with Detective Doug Reese and Michele Ochoa dated March 22, 2004) is played in open Court for the jury.

The Court admonishes the jury and stands in recess at 10:19 a.m.

Denise Dedmon, replaces Court Reporter, Krisit Garcia at 10:41 a.m.

The jury returns to the courtroom at 10:41 a.m. and the trial resumes.

At 10:41 a.m., the Court and the jury resume listening to People's Exhibit 692B (2nd tape of Interview of Rosa Solorio with Detective Doug Reese and Michele Ochoa dated March 22, 2004).

People Exhibit #692B (2nd tape of Interview of Rosa Solorio with Detective Doug Reese and Michele Ochoa dated March 22, 2004) concludes at 10:53 a.m.

Detective Michele Ochoa is excused from the witness stand at 10:53 a.m. and is subject to recall.

Serafino Wesson is sworn and testifies on direct examination pursuant to Evidence Code Section 776 at 10:55 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

The Court admonishes the jury and recesses at 12:00 p.m. for the noon lunch break.

The Court reconvenes at 1:30 p.m. with all parties present and ready to proceed.

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

Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney, requests of the Court that the following witness be ordered to return:

Elizabeth Wesson, present, is ordered to return to court at 2:50 p.m. with attorney, Doug Foster of Barker and Associates.

The jury returns to the courtroom at 1:32 p.m and the trial resumes.

Serafino Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to Evidence Code Section 776 at 1:32 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

The Court admonishes the jury and stands in recess at 2:47 p.m.

Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney, submits an Application for "Use" Immunity for Elizabeth Wesson to the Court.

The Court to rule on the issue of immunity for Elizabeth Wesson after the recess.

The Court stands in recess at 2:50 p.m.

Denise Dedmon, replaces Court Reporter, Kristi Garcia at 3:11 p.m.

The Court reconvenes at 3:11 p.m. with all parties present and take up the issue of immunity for Elizabeth Wesson.

Elizabeth Wesson and her attorney, Doug Foster of Barker and Associates, are present.

The Court grants the People's request for Application for "Use" Immunity for Elizabeth Wesson pursuant to Penal Code Section 1324 for her testimony in regards to matters which are the subject of events that transpired in this case.

Court orders Elizabeth Wesson to remain outside the courtroom until called and ordered to be present on Monday, April 4, 2005 at 9:00 a.m.

Court finds Elizabeth Wesson to be an adverse witness.

The jury returns to the courtroom at 3:15 p.m. and the trial resumes.

Serafino Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 3:15 p.m.

People's Exhibit 677A (Black notebook with Greek writing belonging to Serafino Wesson), is shown to witness, Serafino Wesson, by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Public Defender, begins cross examination of Serafino Wesson at 3:23 p.m.

Lisa Gamoian, Chief Deputy District Attorney, begins redirect examination of Serafino Wesson at 3:43 p.m.

Serafino Wesson is excused from the witness stand at 3:50 p.m. and is subject to recall

The Court orders witness, Serafino Wesson, to be present on April 18, 2005 at 9:00 a.m.

Elizabeth Wesson is sworn and testifies on direct examination pursuant to Evidence Code Section 776 at 3:52 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

The Court admonishes the jury and adjourns at 4:29 p.m. until April 4, 2005 at 9:00 a.m. for further jury trial.

The Court orders witness, Elizabeth Wesson, to be present on April 4, 2005 at 9:00 a.m.

Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney requests a note be marked from a juror, however, it was a note written by Deputy Henry Franco regarding a juror not feeling well. Court does not mark the note.

Court and counsel to continue working on digital transcripts regarding the scene of March 12, 2004.

Off the record, People's Exhibit 677A (Black notebook with Greek writing belonging to Serafino Wesson) is marked for identification.

The Court adjourns at 4:35 p.m.

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

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