

<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– 43RD</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>		Date: <b>April 12, 2005</b>
Court Clerk: <b>B. Graves</b>		Department: <b>53</b> Time: <b>9:00 a.m.</b>
Reporter/Tape: <b>K. Garcia, D. Dedmon</b>		
Bailiff: <b>H. Franco, P. Bellefeuille, J. Lail</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

"In Camera" hearing is held in chambers at 9:00 a.m. with Lisa Gamoian, Chief Deputy District Attorney, is present on behalf of the People. Peter Jones, Chief Deputy Public Defender, and Rafael Torres, Deputy Public Defender are present and defendant, Marcus Delon Wesson is present via an electronic listening device. Juror # 6 is also present and states to the Court that she is feeling better and is ready to proceed. Juror # 6 provides a note from the doctor. The Court instructs Judicial Assistant to mark the doctors note and seal it. Further, the Court and respective counsel discuss the media's request for copies of the transcript before a recording is played in court.

COURT EXHIBIT 26(DOCTORS NOTE FOR JUROR #6) MARKED FOR IDENTIFICATION AND SEALED PURSUANT TO THE ORDER OF THE COURT.

Pursuant to adjournment of April 11, 2005, Court reconvenes at 9:12 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Kristi Garcia, Court Reporter, is present at 9:00 a.m.

Lisa Gamoian, Chief Deputy District Attorney, requests of the Court to have the following witness ordered to return;

Elizabeth Wesson is present at 9:12 a.m. and is ordered to return on April 26, 2005 at 9:00 a.m..

Kiani Wesson is not present and Lisa Gamoian, Chief Deputy District Attorney, request that a body attachment be ordered and held until April 13, 2005 at 9:00 a.m. It is so ordered.

The jury returns to the courtroom at 9:16 a.m., and the trial resumes.

Detective Michele Ochoa, Fresno Police Department, having been previously sworn, resumes the witness stand at 9:16 a.m. for the continued playing of Peoples exhibit 694(B)(Cassette tape 2 - Interview of Elizabeth Wesson on March 13, 2004).

The court admonishes the jury and stands in recess at 10:24 a.m.

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

The jury returns to the courtroom at 10:45 a.m. with Detective Michele Ochoa, Fresno Police Department, remaining on the stand while Peoples exhibit 693(B)(Cassette tape 2 - Interview of Elizabeth Wesson on March 22, 2004), continues to play for the jury. Cassette tape 2 concludes at 11:04 a.m.

Peoples exhibit 693(C)Cassette tape 3- Interview of Elizabeth Wesson on March 22, 2004) is played to the jury beginning at 11:04.m. Cassette tape 3 concludes at 11:46 a.m.

Witness, Detective Michele Ochoa, Fresno Police Department, is excused at 11:47 a.m., subject to recall.

Gypsey Wesson is sworn and testifies on direct examination at 11:49 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

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

Witness, Gypsey Wesson, is ordered to be present at 1:30 p.m.

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

The jury returns to the courtroom 1:31 p.m. and the trial resumes.

Gypsey Wesson, having been previously sworn, resumes the witness stand on continued direct examination at 1:31 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

The Court admonishes the jury and stands in recess at 2:40 p.m.

The jury returns to the courtroom at 3:00 p.m. and the trial resumes.

Gypsey Wesson, having been previously sworn, resumes the witness stand on continued direct examination at 3:00 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

PEOPLES EXHIBIT 698(SMALL EVIDENCE ENVELOPE CONTAINING 1 CASSETTE TAPE) MARKED FOR IDENTIFICATION.

PEOPLES EXHIBIT 699(SMALL EVIDENCE ENVELOPE CONTAINING 1 CASSETTE TAPE) MARKED FOR IDENTIFICATION.

PEOPLES EXHIBIT 700(SMALL EVIDENCE ENVELOPE CONTAINING 2 CASSETTE TAPES) MARKED FOR IDENTIFICATION.

Rafael Torres, Deputy Public Defender, begins cross examination of the witness, Gypsey Wesson at 4:08 p.m.

The Court admonishes the jury and adjourns at 4:30 p.m. until April 13, 2005 at 9:00 a.m.

Witness, Gypsey Wesson, is ordered to be present on April 13, 2005 at 9:00 a.m.

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

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