

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– 52ND DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves/W. Anderson Reporter/Tape: D. Dedmon/K. Garcia Bailiff: H. Franco, P. Bellefeuille,		Date: April 26, 2005
		Department: 53 Time: 9:00 a.m.

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 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 April 25, 2005, Court reconvenes at 9:00 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.

Court Reporter Kristi Garcia 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 9:00 a.m. and is ordered to return on May 5, 2005 at 9:00 a.m..

The jury is brought into the courtroom at 9:02 a.m. and the trial resumes.

Detective John Viveros, Fresno Police Department, having been previously sworn, resumes the witness stand for further direct examination by Lisa Gamoian, Chief Deputy District Attorney.

The following Peoples exhibits are shown to the witness: 96, 97, 122, 119, 104, 128, 127, 126, 100, 101, 103, 148, 149, 150, 152, 151, 112, 111, 120 and 121.

The following Peoples exhibits, having been previously marked, are received into evidence and published to the jury:

121,120,104, 128, 127, 126, 100, 101, 102, 103, 148, 149, 150, 152, 151, 112, 111, 119, 122, 97, 96, 109, 107, 105, 108, 106, 85, 110, 91, 93, 98, 92, 90, 153, 95, 180, 87, 94, 88, 156, 155, 89, 113, 116, 118, 117, 115, 114, 758 and 16.

The following Peoples exhibit is shown to the witness: 15

The Court admonishes the jury and stands in recess at 10:21 a.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 10:21 a.m.

The jury returns to the courtroom at 10:43 a.m. and the trial continues.

Detective John Viveros, Fresno Police Department, retakes the witness stand at 10:43 a.m. for further direct examination by Lisa Gamoian, Chief Deputy District Attorney.

The following Peoples exhibits are shown to the witness: 243, 36, 602, 75, 74, 80, 81, 38, 37, 39, 40, 41, 61, 622, 605, 604, 607, 60, 608, 64, 62 and 63.

The Court admonishes the jury and the jury stands in recess at 11:16 a.m.

Outside the presence of the jury, the following Peoples exhibits, having been previously marked, are received into evidence: 243, 36, 602, 75, 74, 80, 81, 38, 37, 39, 40, 41, 61, 622, 605, 604, 607, 60, 608, 64, 62 and 63.

The jury returns to the courtroom at 11:26 a.m. and the trial continues.

Rafael Torres, Deputy Public Defender, begins cross examination at 11:45 a.m. of Detective John Viveros, Fresno Police Department.

The Court orders all parties to be present at 1:30 p.m.
The admonishes the jury and stands in recess at 12:00 noon.

Court Reporter Kristi Garcia replaces Denise Dedmon at 1:33 p.m.

Detective John Viveros, Fresno Police Department, having been previously sworn, retakes the witness stand at 1:33 p.m. to continue with cross examination by Rafael Torres, Deputy Public Defender.

The following Peoples exhibits are shown to the witness: 123,125,124,

The Court admonishes the jury and stands in recess at 2:29 p.m.

Off the record and outside the presence of the jury, the following Peoples exhibits are marked as follows:

PEOPLES EXHIBIT 759(8 X 12 PHOTO - END POINT OF GUN) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 760(8 X 12 PHOTO - SIDE VIEW OF SEBRENAH WESSON'S FACE) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 761(8 X 12 PHOTO - SIDE VIEW OF SEBRENAH WESSON'S FACE) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 762(8 X 12 PHOTO - ENTRY WOUND ON SEBRENAH WESSON'S FACE) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 763(8 X 12 PHOTO - BULLET AND I.D. CARD) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 764(8 X 12 PHOTO - ENTRY WOUND ON ELIZABETH WESSON'S FACE) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 765(8 X 12 PHOTO - ENTRY WOUND ON ELIZABETH WESSON'S FACE) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 766(8 X 12 PHOTO - EYE LID WOUND ON ELIZABETH WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 767(8 X 12 PHOTO - CLOSE-UP EYE WOUND OF ELIZABETH WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 768(8 X 12 PHOTO - FRONT ENTRY WOUND OF JEVA WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 769(8 X 12 PHOTO - CLOSE-UP ENTRY WOUND OF JEVA WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 770(8 X 12 PHOTO - GUN POSITIONED AT THE EYE OF JEVA WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 771(8 X 12 PHOTO - FACE/EYE WOUND OF SEDONA WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 772(8 X 12 PHOTO - FACE/EYE WOUND ENTRY OF SEDONA WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 773(8 X 12 PHOTO - BACK OF SEDONA'S HEAD SHOWING EXIT WOUND) MARKED FOR IDENTIFICATION.

PEOPLES EXHIBIT 774(8 X 12 PHOTO - MEASUREMENT TAKEN OF EYE WOUND ON SEDONA WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 775(8 X 12 PHOTO - ARM/HAND OF SMALL CHILD) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 776(8 X 12 PHOTO - FACE OF MARSHEY WESSON SHOWING EYE INJURY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 777(8 X 12 PHOTO - FACE OF ETHAN WESSON SHOWING EYE INJURY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 778(8 X 12 PHOTO - FACE OF ETHAN WESSON SHOWING EYE INJURY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 779(8 X 12 PHOTO - ENTRY WOUND ON FACE OF ETHAN WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 780(8 X 12 PHOTO - SIDE VIEW OF ETHAN WESSON'S BODY SHOWING BULLET INJURY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 781(8 X 12 PHOTO - SIDE VIEW OF ETHAN WESSON'S BODY SHOWING BULLET INJURY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 782(8 X 12 PHOTO - FRONT VIEW OF ILLABELLE COVERED IN BLOOD) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 783(8 X 12 PHOTO - CLOSE-UP VIEW OF EYE INJURY ON ILLABELLE WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 784(8 X 12 PHOTO - CLOSE-UP VIEW OF EYE INJURY ON ILLABELLE WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 785(8 X 12 PHOTO - EXPOSED SKULL/INTERIOR OF ILLABELLE WESSON'S HEAD) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 786(8 X 12 PHOTO - EXPOSED MUSCLE/FRONT VIEW OF ILLABELLE WESSON'S BODY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 787(8 X 12 PHOTO - FACE/ENTRY WOUND OF AVIV WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 788(8 X 12 PHOTO - CLOSE-UP VIEW OF EYE INJURY ON AVIV WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 789(8 X 12 PHOTO - CLOSE-UP VIEW OF EYE INJURY ON AVIV WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 790(8 X 12 PHOTO - CLOSE-UP VIEW OF EYE INJURY ON AVIV WESSON) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 791(8 X 12 PHOTO -FACE OF JONATHAN WESSON SHOWING EYE INJURY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 792(8 X 12 PHOTO - FACE OF JONATHAN WESSON SHOWING EYE INJURY) MARKED FOR IDENTIFICATION.
PEOPLES EXHIBIT 793(8 X 12 PHOTO - CLOSE-UP VIEW OF JONATHAN WESSON'S FACE SHOWING EYE INJURY) MARKED FOR IDENTIFICATION.

Court Reporter Denise Dedmon replaces Kristi Garcia at 3:10 p.m.

Detective John Viveros, Fresno Police Department, having been previously sworn, retakes the witness stand at 3:10 p.m. to continue with cross examination by Rafael Torres, Deputy Public Defender.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination at 3:25 p.m. of Detective John Viveros, Fresno Police Department.

Rafael Torres, Deputy Public Defender, begins re-cross examination at 3:29 p.m. of Detective John Viveros, Fresno Police Department.

Lisa Gamoian, Chief Deputy District Attorney, begins re-re-direct examination at 3:32 p.m. of Detective John Viveros, Fresno Police Department.

Rafael Torres, Deputy Public Defender, begins re-re-cross examination at 3:33 p.m. of Detective John Viveros, Fresno Police Department.

Lisa Gamoian, Chief Deputy District Attorney, begins re re-re-direct examination at 3:34 p.m of Detective John Viveros, Fresno Police Department.

Rafael Torres, Deputy Public Defender, begins re-re-re-cross examination at 3:35 p.m. of Detective John Viveros, Fresno Police Department.

Lisa Gamoian, Chief Deputy District Attorney, begins re-re-re-re-direct examination at 3:36 p.m of Detective John Viveros, Fresno Police Department.

Rafael Torres, Deputy Public Defender, begins re-re-re-re-cross examination at 3:37 p.m. of Detective John Viveros, Fresno Police Department.

Witness, Detective John Viveros, Fresno Police Department, is excused at 3:38 p.m., subject to recall.

Detective Michael G. Harris, Fresno Police Department, is sworn at 3:40 p.m. and tesifies on direct examination by Lisa Gamoian, Chief Deputy District Attorney.

The following Peoples exhibits are shown to the witness: 612, 611, 616, 617, 614, 618, 619, 620, 621.

The following Peoples exhibits, having been previously marked, are received into evidence and published to the jury: 612, 611, 616, 617, 618, 619, 614 and 610.

The following Peoples exhibits are shown to the witness: 534, 532, 531, 563, 609, 519, 518, 517, 515, 514, 516, 513, 551, 571, 523, 544, 520, 521, 522, 542, 537, 538, 539, 540, 541, 530 and 529.

The Court orders all parties to be present on April 27, 2005 at 9:00 a.m.

The Court admonishes the jury and adjourns at 4:30 p.m. until April 27, 2005 at 9:00 a.m.

Defendant, Marcus Wesson, remains remanded to the custody of the Sheriff of Fresno County pending the next hearing date.

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