

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> <b>Criminal Department, Central Division</b>		Entered by:
TITLE OF CASE: <b>PEOPLE V. MARCUS WESSON</b>		
<b>CRIMINAL COURT</b> - <sup>2nd Day</sup> <b>MINUTES – PRELIMINARY HEARING</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>LAWRENCE JONES</b> Court Clerk: <b>VIRGINIA RIVERA/ELEANOR VARGAS</b> Reporter/Tape: <b>KRISTI GARCIA/LESLIE BJERKE</b> Bailiff: <b>ERIC GARCIA</b>		Date: <b>April 8, 2004</b>
		Department: <b>60</b> Time: <b>8:55 a.m.</b>

Plaintiff: <b>PEOPLE</b>	<input checked="" type="checkbox"/> Appearing	Counsel: LISA GAMOIAN, DEPUTY DISTRICT ATTORNEY	<input checked="" type="checkbox"/> Appearing
Defendant: <b>MARCUS WESSON</b>	<input checked="" type="checkbox"/> Appearing	Counsel: PETE JONES, DEPUTY PUBLIC DEFENDER	<input type="checkbox"/> Pro Per
		RALPH TORRES, DEPUTY PUBLIC DEFENDER	<input checked="" type="checkbox"/> Appearing
		GARRICK BYERS, DEPUTY PUBLIC DEFENDER	<input type="checkbox"/> Pro Per

Pursuant to adjournment of April 7, 2004, the Court reconvenes at 8:55 a.m., with all parties present and ready to proceed.

The Defense files the Defendant Wesson's Demurrer to the First Amended Complaint.

The Defense acknowledges receiving and reading of the First Amended Complaint.

Court and counsel discuss matters with respect to law and procedure regarding the Defendant's Demurrer, as stated into the record.

The People make a Motion to Amend the First Amended Complaint by interlineation and add PC 803(g) allegation to Count 12, Count 13 and Count 30.

The Court grants the Motion to Amend as stated into the record.

The Court stands in recess at 9:00 a.m. in order to research the law.

The Court reconvenes at 9:20 a.m. with all parties present and ready to proceed.

Court and counsel discuss matters with respect to law and procedure as stated into the record.

Counsel argue the Defendant's Demurrer.

The Court denies the Defendant's Demurrer as stated into the record.

The Defense makes a Motion for Severance.

The Court states the issue of Severance should be taken up after Preliminary hearing.

The Defense makes a Motion to Dismiss.

The Court denies the Motion to Dismiss.

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The Defendant acknowledges receipt of the 1<sup>st</sup> Amended Complaint and waives formal arraignment and enters a plea of not guilty as charged.

The Defendant waives a continuous Preliminary Hearing as stated into the record.

The Defense states it is not ready to proceed at this time and the Defendant will not be adequately represented due to lack of discovery, delay of discovery and the additional allegations of 33 counts.

The People designate Officer Douglas Reese, Fresno Police Department, as their Chief Investigating Officer.

The People make a Motion to Exclude Witnesses.

The Court grants the Motion to Exclude Witnesses.

Officer Frank Nelson, Fresno Police Department, is sworn and testifies on behalf of the People.

The Court stands in recess at 10:30 a.m.

The Court reconvenes at 10:40 a.m. with all parties present and ready to proceed.

Officer Eloy Escareno, Fresno Police Department, is sworn and testifies on behalf of the People.

Officer Michael Harris, Fresno Police Department, is sworn and testifies on behalf of the People.

Detective Carlos Leal, Fresno Police Department, is sworn and testifies on behalf of the People.

Eleanor Vargas replaces Virginia Rivera as Clerk of the Court at 11:40 a.m.

The Defense requests the People to provide the video, audio and notes of the interview of Gypsy, by Detective Carlos Leal, within a reasonable period of time - granted by the Court.

The Court takes the lunch recess at 11:57 a.m. until 1:30 p.m.

The Court reconvenes at 12:00 p.m., with all parties present.

Virginia Rivera replaces Eleanor Vargas as Clerk of the Court.

The Court informs all parties that it has a pre-arranged vacation day on Friday, April 9, 2004.

The Court stands in recess.

The Defendant remains in the custody of the Fresno County Sheriff's Department.

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

Leslie Bjerke replaces Kristi Garcia as the Court Reporter.

Detective Carlos Leal, Fresno Police Department, having been previously sworn, resumes the witness stand and further testifies on behalf of the People.

Officer Jimmy Ray Passmore, Fresno Police Department, is sworn and testifies on behalf of the People.

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Detective Richard G. Byrd, Fresno Police Department, is sworn and testifies on behalf of the People.

Off the record, the following People's exhibits are marked for identification only:

- People's exhibit no. 1, Certified copy of death certificate for Sebhrenah April Wesson
- People's exhibit no. 2, Certified copy of death certificate for Elizabeth Breani Kina Wesson
- People's exhibit no. 3, Certified copy of death certificate for Jeva St. Vladensvspry Wesson
- People's exhibit no. 4, Certified copy of death certificate for Sedona Vadra Wesson
- People's exhibit no. 5, Certified copy of death certificate for Marshey St. Christopher Wesson
- People's exhibit no. 6, Certified copy of death certificate for Ethan St. Laurent Wesson
- People's exhibit no. 7, Certified copy of death certificate for Illabelle Carrie Wesson
- People's exhibit no. 8, Certified copy of death certificate for Aviv Dominique Wesson
- People's exhibit no. 9, Certified copy of death certificate for Jonathan St. Charles Wesson

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

The Court reconvenes at 3:00 p.m. with all parties present and ready to proceed.

Detective Richard G. Byrd, Fresno Police Department, having been previously sworn, resumes the witness stand and further testifies on behalf of the People.

Detective Michelle R. Ochoa, Fresno Police Department, is sworn and testifies on behalf of the People.

The Defendant waives a continuous Preliminary hearing, as stated into the record.

The Court continues the matter until April 12, 2004 at 10:00 a.m. in dept. 60.

The Defendant remains in the custody of the Fresno County Sheriff's Department.

The Court stands adjourned