

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- 65TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: W. Anderson/ B. Graves Reporter/Tape: K. Garcia, D. Dedmon Bailiff: H. Franco, G. DeLa Cerda, P. Bellefeuille		Date: May 16, 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 May 13, 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.

Outside the presence of the jury, Court and counsel discuss what witness Michael Varin would testify too with regards to statements made by Marcus Wesson Jr., on "Amounts of food which was given to the family." Lisa Gamoian, Chief Deputy District Attorney, states on the record, the following page bate stamp numbers in which supports the testimony:

#6173-6175, #6229, 6231, 6234, 6236. Area's of Concern; "Defendant had special powers."

Court overrules the objection.

Rafael Torres, Deputy Public Defender, makes a motion to have an " In Camera" hearing, with regards to Illabelle Lee.

Court further inquires of defense counsel, as to how Brandi Wessons interview tape is going.

Outside the presence of the public and the media, "In chambers" conference is held at 9:10 a.m., with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

At defense request, In Chambers hearing is held regarding, "Illabelle Lee's opinion."

- * 7/20 - interview - Defendant 75 % in control of situations. (page 16)
- * Defendant, Marcus Delon Wesson, told Illabelle Lee of a time he was at the police station and, "crapped on the floor." (page 45)
- * Discussion of sex with Illabelle Lee and Marcus Delon Wesson.

Court overrules the objections.

Court and counsel return to the courtroom at 9:23 a.m.

The jury is brought into the courtroom at 9:24 a.m. with all parties present and ready to proceed.

Michael Varin, having been previously sworn, resumes the witness stand on continued direct examination at 9:24 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Deputy Public Defender, cross examines the witness at 9:46 a.m.

Lisa Gamoian, Chief Deputy District Attorney, examines the witness on re-direct examination at 9:55 a.m.

Rafael Torres, Deputy Public Defender, examines the witness on re-cross examination at 9:57 a.m.

Court orders witness Michael Varin excused and subject to recall.

Illabelle Lee is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 10:02 a.m.

Court admonishes the jury and recesses at 10:20 a.m.

Denise Dedmon replaces Court Reporter, Kristi Garcia at 10:40 a.m.

Court reconvenes at 10:40 a.m. with all parties present and the jury in their seats.

Illabelle Lee having been previously sworn, resumes the witness stand on continued direct examination by Lisa Gamoian, Chief Deputy District Attorney at 10:41 a.m.

Rafael Torres, Deputy Public Defender, examines witness on cross examination at 11:15 a.m.

Outside the presence of the public and the media, "In chambers" conference is held at 11:23 a.m., with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

At the request of the prosecution, an objection is made against "defense questioning", is exceeding the scope of direct.

Court, upon hearing argument from both sides, orders defense counsel to lay out a foundation, prior to asking his questions.

Court and counsel reconvene in the courtroom at 11:27 a.m., with all parties present and the jury in their seats.

Court overrules the objection.

Illabelle Lee, having been previously sworn, remains on the witness stand and is again questioned by Rafael Torres on cross examination.

Lisa Gamoian, Chief Deputy District Attorney, examines the witness on re-direct examination at 11:35 a.m.

Witness Lee, is excused at 11:37 a.m. and ordered subject to recall.

Detective Carlos Leal, having been previously sworn, is recalled to the witness stand by Lisa Gamoian, Chief Deputy District Attorney at 11:39 a.m.

The following exhibits are shown to the witness: 390,388,385,386,391, 393,387,394,395,396,401,491,399,398,489,492,493,494,495,497,496,400,265,487,510,509,508,507,506,482, 483,479,480,478,502,504,501,484,477,481,505,503

Court admonishes the jury and recesses for noon lunch break at 11:54 a.m. until 1:25 p.m.

Outside the presence of the jury, the following list of People's exhibits are received into evidence:

390,388,385,386,391,393,387,394,395,396,401,491,399,398,489,492,493,494,495,497,496,400,265,487,510, 509,508,507,506,482,483,479,480,478,502,504,501,484,477,481,505,503.

Court stands in recess at 12:00 p.m.

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

Court reconvenes at 1:30 p.m. with all parties present and the jury in their seats.

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

At 1:31 p.m., Peoples's exhibit photos which were received into evidence prior to the lunch hour are now being published to the jury.

The following is a list of People's exhibits being shown to witness; Carlos Leal.

#261,397,257,258,259,260,262,273,270,272,267,275,276,354,356,357,383,384,375,374,358,359,360,361,363, 364,366,379,380,381,298,300,299,297,296,266,277,371,372,373,330,329,292,291,288,289,283,281,280,279, 286,285,295,294,293,282,287,326,304,327,255,316,312,313,332,342,317,336,341,306,305,307,309,310,318, 314,319,320,499,500,352,247,248,249,250,251,252,253,346,335,324,323,333,339,338

At 2:22 p.m., Rafael Torres, Deputy Public Defender asks some clarifying questions to the witness.

Court admonishes the jury and recesses at 2:24 p.m. Outside the presence of the jury panel, the following list of people's exhibits are received into evidence:

#261,397,257,258,259,260,262,273,270,272,267,275,276,354,356,357,383,384,375,374,358,359,360,361,363, 364,366,379,380,381,298,300,299,297,296,266,277,371,372,373,330,329,292,291,288,289,283,281,280,279, 286,285,295,294,293,282,287,326,304,327,255,316,312,313,332,342,317,336,341,306,305,307,309,310,318, 314,319,320,499,500,352,247,248,249,250,251,252,253,346,335,324,323,333,339,338

Court stands in recess at 2:35 p.m.

Denise Dedmon, replaces Court Reporter Kristi Garcia at 2:46 p.m.

Court reconvenes at 2:46 p.m. with all parties present and the jury in their seats.

At 2:46 p.m., People's exhibit photos which were received into evidence prior to the break, are now being published to the jury.

At 3:17 p.m., Rafael Torres, Deputy Public Defender cross examines Detective Leal.

Court admonishes the jury and recesses at 3:34 p.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 3:50 p.m.

Court reconvenes at 3:50 p.m. with all parties present and the jury in their seats.

Detective Carlos Leal, having been previously sworn, resumes the witness stand on continued cross examination by Rafael Torres, Deputy Public Defender at 3:51 p.m.

The following list of People's exhibits are shown to the witness:
#328, 376,377,337,325,345,315.

The following people's exhibits are received into evidence and published to the jury:
#328, 376,377.325,345,315.

At 4:16 p.m., Lisa Gamoian, Chief Deputy District Attorney, examines Detective Carlos Leal, on re-direct examination.

Rafael Torres, Deputy Public Defender, begins re-cross examination of Detective Leal at 4:16 p.m.

Witness is ordered excused at 4:17 p.m. and subject to recall.

Lisa Zamaripa is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 4:18 p.m.

Rafael Torres, Deputy Public Defender cross examines the witness at 4:22 p.m.

Witness is ordered excused at 4:23 p.m. and subject to recall.

Esmeralda Criego, Certified Spanish Interpreter is administered an oath.

Maria Elena Leyva is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 4:26 p.m., and is being assisted by the Court Certified Spanish Speaking Interpreter.

Rafael Torres, Deputy Public Defender, cross examines the witness at 4:30 p.m.

Witness is ordered excused at 4:31 p.m. and subject to recall.

Marilyn Dunlap is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 4:33 p.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 4:35 p.m.

Witness is ordered excused at 4:35 p.m. and subject to recall.

Court admonishes the jury and adjourns at 4:35 p.m. until 9:00 a.m. on 5/17/05. Outside the presence of the jury, the following witnesses are ordered to return on 5/17/05 at 9:00 a.m.:

Doreen Sanchez
Dave Evanoff
Barbara Alee
Connie Howard

Court stands in adjournment at 4:40 p.m.

Off the record, the following people's exhibit is marked for identification.

PEOPLE EXHIBIT #810, (SHOE BOX CONTAINING MANUSCRIPTS, LOOSE RECEIPTS, DISKS AND CD'S).

Defendant remains remanded to the custody of the Sheriff pending the next hearing date.