

FILED

AUG 20 2004

FRESNO COUNTY COURT

By _____ DEPT 53

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
9

10 THE PEOPLE OF THE STATE OF) Case No.: F04901785-6
11 CALIFORNIA,)
12 Plaintiff,) D.A. No.: 04H9621
13 vs.)
14 MARCUS DELON WESSON,) STIPULATION REGARDING
15 Defendant) EVIDENCE AND ORDER
16)
17)
18)
19)

17 The parties to this action agree that the following evidence may be
18 released by Fresno Police Department Detective Doug Reese to defense-retained
19 witness Gary Cortner for non-destructive examination:

| | | |
|--------------------------------------|------------------|-------------|
| 20 plastic bag | Ppty No. 0410184 | Item No. 27 |
| 21 45 .22 live cartridges | Ppty No. 0410185 | Item No. 28 |
| 22 3 .22 live CCI | Ppty No. 0410186 | Item No. 29 |
| 23 partial box .22 cartridges | Ppty No. 0410187 | Item No. 30 |
| 24 partial box .22 live CCI (ball) | Ppty No. 0410222 | Item No. 31 |
| 25 partial box .22 live CCI (hol pt) | Ppty No. 0410223 | Item No. 32 |
| 5 .22 CCI expended cartridges | Ppty No. 0410224 | Item No. 33 |
| D's black band watch | Ppty No. 0410198 | Item No. 41 |

ORIGINAL



| | | | |
|----|------------------------------------|----------------------|-------------|
| 1 | items removed from D's hair | Ppty No. 0410199 | Item No. 42 |
| 2 | D's white socks | Ppty No. 0410200 | Item No. 43 |
| 3 | D's underwear | Ppty No. 0410201 | Item No. 44 |
| 4 | D's black T-shirt | Ppty No. 0410202 | Item No. 45 |
| 5 | D's black pants | Ppty No. 0410203 | Item No. 46 |
| 6 | D's black boots | Ppty No. 0410204 | Item No. 47 |
| 7 | live .22 cartridge | Ppty No. 0410206 | Item No. 49 |
| 8 | expended .22 cartridge case | Ppty No. 0410207 | Item No. 50 |
| 9 | expended .22 cartridge case | Ppty No. 0410208 | Item No. 51 |
| 10 | expended bullet fragment | Ppty No. 0410209 | Item No. 52 |
| 11 | 3 expended .22 cartridge cases | Ppty No. 0410210 | Item No. 53 |
| 12 | live .22 cartridge | Ppty No. 0410211 | Item No. 54 |
| 13 | deformed live .22 cartridge | Ppty No. 0410168 | Item No. 63 |
| 14 | empty Ruger magazine | Ppty No. 0410176 | Item No. 71 |
| 15 | live .22 cartridge | Ppty No. 0410177 | Item No. 72 |
| 16 | Ruger .22 handgun with magazine | Ppty No. 0415133 | Item No. 73 |
| 17 | 4 live .22 cartridges | Ppty No. 0415134 | Item No. 74 |
| 18 | copper jacket bullet fragment | Ppty No. 0422345-80 | Item No. 80 |
| 19 | copper jacket bullet fragment | Ppty No. 0422345-81 | Item No. 81 |
| 20 | live .22 cartridge | Ppty No. 0422345-82 | Item No. 82 |
| 21 | 4 lead bullet fragments | Ppty No. 0422345-89 | Item No. 89 |
| 22 | lead bullet fragment | Ppty No. 0422345-90 | Item No. 90 |
| 23 | lead bullet fragment | Ppty No. 0422345-91 | Item No. 91 |
| 24 | copper jacket/lead bullet fragment | Ppty No. 0422345-127 | Item No.127 |
| 25 | 2 copper jacket bullet fragments | Ppty No. 0422345-128 | Item No.128 |
| | copper jacket/lead bullet fragment | Ppty No. 0422345-129 | Item No.129 |
| | live .22 cartridge | Ppty No. 0422345-155 | Item No.155 |
| | black handled knife | Ppty No. 0422345-156 | Item No.156 |

| | | | |
|----|-----------------------------|----------------------|-------------|
| 1 | carpet | Ppty No. 0422345-179 | Item No.179 |
| 2 | 2 live M89 cartridges | Ppty No. 0422345-190 | Item No.190 |
| 3 | 2 live RP 3-030 cartridges | Ppty No. 0422345-191 | Item No.191 |
| 4 | .22 live cartridge | Ppty No. 0422345-192 | Item No.192 |
| 5 | 5 live .22 cartridges | Ppty No. 0422345-193 | Item No.193 |
| 6 | 2 live .22 cartridges | Ppty No. 0422345-194 | Item No.194 |
| 7 | 3 live .22 cartridges | Ppty No. 0422345-195 | Item No.195 |
| 8 | 2 live .22 cartridges | Ppty No. 0422345-196 | Item No.196 |
| 9 | 8 expended projectiles | Ppty No. 0422345-207 | Item No.207 |
| 10 | 2 percussion caps canisters | Ppty No. 0422345-208 | Item No.208 |
| 11 | bra | Ppty No. 0422345-214 | Item No.214 |
| 12 | blouse | Ppty No. 0422345-215 | Item No.215 |
| 13 | dress | Ppty No. 0422345-216 | Item No.216 |
| 14 | 2 hair clips | Ppty No. 0422345-217 | Item No.217 |
| 15 | boots | Ppty No. 0422345-218 | Item No.218 |
| 16 | socks | Ppty No. 0422345-219 | Item No.219 |
| 17 | locket | Ppty No. 0422345-220 | Item No.220 |
| 18 | underwear | Ppty No. 0422345-221 | Item No.221 |
| 19 | pink blouse | Ppty No. 0422345-265 | Item No.265 |
| 20 | bra | Ppty No. 0422345-266 | Item No.266 |
| 21 | panties | Ppty No. 0422345-267 | Item No.267 |
| 22 | sandals | Ppty No. 0422345-268 | Item No.268 |
| 23 | black skirt | Ppty No. 0422345-269 | Item No.269 |
| 24 | 4 bullet fragments | Ppty No. 0422345-270 | Item No.270 |
| 25 | bullet fragment | Ppty No. 0422345-271 | Item No.271 |
| | 4 bullet fragments | Ppty No. 0422345-272 | Item No.272 |
| | live ammunition and holster | Ppty No. 0407604 | Item No.283 |

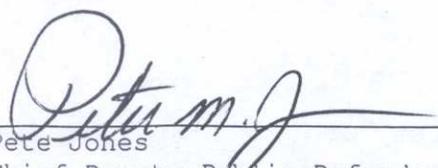
1 The parties further stipulate as follows:

- 2 1. The defendant waives any claim as to loss of or damage to such
3 evidence during the time such evidence is out of the People's
4 custody and control;
- 5 2. The defendant waives any claim as to chain of evidence on such
6 evidence during the time such evidence is out of the People's
7 custody and control;
- 8 3. The defendant stipulates that, should the People's criminalist
9 who did the original analysis become "unavailable as a witness",
10 as defined in Evidence Code section 240, the original analyses
11 may be introduced into evidence;
- 12 4. The defendant stipulates that, should the People's criminalist
13 become unavailable for a reason not set forth in Evidence Code
14 section 240, the defendant agrees to continue this matter to
15 allow the People to either obtain said witnesses' attendance or
16 to have the items re-tested and a new criminalist present said
17 testimony;
- 18 5. The defendant agrees that he will make every effort to have the
19 evidence returned to the People's custody and control before the
20 commencement of trial;
- 21 6. The defendant stipulates that, should the evidence not be
22 returned undamaged to the People by the time set for trial to
23 commence, the jury will be instructed as to the reason why it is
24 not present and the People will be allowed to present pictures,
25 testimony, and any other secondary evidence regarding said
physical evidence.

#344
Applies
to evidence
released
to
Criminalist

Upon completion of such examination, the parties further agree that
defense-retained witness Gary Cortner will return all of the evidence to
Fresno Police Department Detective Doug Reese.

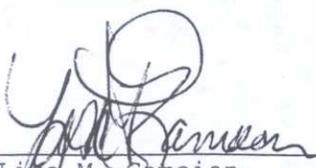
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Pete Jones
Chief Deputy Public Defender
Attorney for Marcus Delon Wesson

Date: 8/20/04

Marcus Delon Wesson
Defendant

Date: _____


Lisa M. Gamoiian
Chief Deputy District Attorney

Date: 8-20-04

IT IS HEREBY ORDERED.


Judge R.L. Putnam

Date: 8-20-04