

Department 53
DATE: 9/13/2004

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
MINUTE ORDER AND COMMITMENT

COURT CLERK: *Daniel Ferris*
CUST. STATUS: IC
CASE NO: F04901785-6
D.A. NO: 2004H9621
INTERP:

JUDGE: R. L. PUTNAM
P/NP DEFT: MARCUS DELON WESSON
P/NP DEFENSE: P.D. *P. Jones / R. Jones*
P/NP D.A. *R. Gamoran*
P/NP P.O.

RPTR/TAPE: *V Espinoza*
Certification of Transcripts
HRG/MTN: Hearing
BKG/JID #: t-213778

CHARGE(S): ***PC187(a) PC187(a) PC187(a) PC187(a)

TC: _____ TRIAL: _____ RPO: _____
995: _____ MP: _____ RP: _____
CONT TO: *9-14-04 9am* FOR: *Further motions* DOB: _____

ARRAIGNMENT-VOP T/N _____
 (Re)appt. Conflict
 PD Barker ADO/ _____ Ind.C./ _____
 Sub in _____ Relieved _____
 Def rec copy _____ amended/Compl/Info. WR/WFA/CSR
 PLEA NG NGI DENIES PRIOR ENHANCEMENT
 T/D set w/in statutory time WTFT _____
 DA & Def counsel stip disc purs to PC 1054 Adv. PC 987.8
 Def ADMITS/DENIES VOP Crt finds VOP for
 Fail to OAL/PLEA in # _____ Prob Revok
 Crt accepts admis; finds def KIV admit VOP for: _____
 Refer PO: Supp/Oral Rept HRO 1203C Rept
MOTIONS:
 Granted Denied
 Court/Peo. Mtn; case dismiss _____
COP/TC/HTA DEJ NOCS PC17(b)
 Guilty No Contest Prelim waived HTA as to _____

Admits Enh. In Ct. _____ priors strikes Cert to Sup. Ct.
 COP form signed, filed in open Cr. CRT accept Plea, find KIV made & Supp'd by factual basis. Ref PO RPO DV/PC1000 Assess.
 Def adv Serious felony enh. -PC667/PC969f.
 Mtn. Dismiss rem cts & alleg. Grtd. w/RTC&Rest. Arbuckle waiver
 Go No Go Time Est: _____ Trial # _____

REJECTION PLEA-MTN WITHDRAW PLEA
 DA does not support plea agreement Crt rejects plea
 Def mtn w/draw plea. Cont. to Muni CVMC

RPO & JUDGMENT
 Orig. Supp Rept of PO read & considered Plea renegotiated
 Rept of Dr. _____ read.
 Def WFA/NLC Def WTFS Waives RPO & Req immed sent.
Prob: granted denied reins same T&C Mod termin.
 additional term _____ yrs. Misd. Sent

LOCAL COMMIT. Def waives _____ days credit for local/all purposes.
CT _____ L/M/U _____ YRS+ _____
CT _____ L/M/U _____ YRS+ _____
 Concur Consec. Parole Viol. Any other sent.
 Exec of sent stay _____ yrs;
 IMPOS of jdg/sent susp _____ yrs Formal Cond. Prob.
 Commit _____ days Co. jail all susp./stayed except _____ days
 All susp./stayed on condition def comply with Probation.
 Exec of sent. stayed to _____ am/pm at FCJ. Pending Rev. Hrg.
 Ref: AOWP WFO Report to PO _____
 CFTS _____ (Actual _____ /GTWT _____ /Trmt _____) TRD _____
FINE: \$

FEES: PC1202.4 (rest.) _____ Cite _____ Drug/DV Diversion _____
PC290.3 _____ H&S 11372.5 _____ PO rept fee _____
PC1203.1b \$ _____ TTP _____ Pay by _____
or \$ _____ per mo. begin _____ thru Court/RRD/as directed by PO.
Atty fee _____ thru RRD by _____
Bkg fee _____ payable to arresting agency.
OTHER

PRISON COMMIT. Rule 412 Prob. Denied CDC Stay lifted
 CYA housing - WIC 1731.5(c) CYA purs to WIC 1731.5(a)
CT _____ L/M/U _____ YRS+ _____

PC667.5(b); 1 yr. HS 11370.2; 3 yrs. 667(a); 5 yrs.

Tot Priors _____ yrs Ct _____ db/trpl purs to _____

PC 654 stay: _____ Sentence: Concur Consec.

Case # _____ Parole Viol Any other sent.

PC 1202.4 _____ ; HS 11372.5 _____

PC290.3 fees _____ Testing: PC1202.1 PC290.2

REG PC 290.1 REG HS 11590 Recom Housing/PC2684

No visitation between def and child victim purs to PC1202.05.

Def advised Parole Appeal

CFTS: _____ Sent. Stayed to _____

TOTAL DETERMINATE YRS _____ **MOS** _____

TOTAL INDETERMINATE TERM _____

CRC COMMITMENT Sent susp purs WIC 3051

Rept Dr. _____ read. Rec'd into evidence.

Purs to stip Counsel Crt finds def addicted or in imminent danger

Per CRC parole status of addiction to narcotics

Commit to CRC purs to WIC 3051 for prev imposed term

CRC

Def waives CRC exclusion hrg. Crt vacates civil addict commit

Crim proc reins def on Prob 1 day & terminate

SERVE TERM PREV IMPOSED _____ CREDIT _____

Time credit exceed term imposed, commit purs PC 1170(a)(3)

Report to Parole forthwith

DIAGNOSTIC EVALUATION

Crim Proc susp purs PC 1203.03 WIC 707.2 commit

PC 1170(d): _____ 120-day eval. Crt maintains jurisdiction

APPOINTMENT OF DOCTOR Crim Proc Susp.

Appt Dr. purs to WIC 3051 PC 288.1 PC 1368

PC457 General sent Rept; Other _____

Dr. _____ to exam def at: Main Jail Clinic, 2nd fl;

Dr's office on _____ at _____ am/pm

Def ordered to appear for Dr's appt. Report due: _____

COMPETENCY/SANITY FINDINGS

Crt finds def is/is not Competent Sane

Crim proc rem susp/reins Ref to Forensic M.H. for rept/recom:

Def comm to state hosp purs to _____ ; Transp upon receipt rept

TERMS OF PROBATION/RELEASE/SENTENCE/VOP FINDINGS-SEE BACK

OAL T(ALC/NAR) SS Fin Decert FS/AFDC 6 mos/1 yr

MR(PO/FSD/FCU) AD EN(MH/ALC/NAR) SW

PRGM _____ (In/Out) patient/Batterer's trmt

SM CMS HRS: _____ PEEP REP. PO

PDW CONS ALC USE NAR MIN V FV

CHK PRE PROP CO-DEF DMV INS DMA

REVOK/SUSP/RES _____

Reg: HS11590 PC 290 Protective Order PC1202.6 Testing

Weapon (destroy/dispose/other: _____)

OUT OF CUSTODY DEFT STATUS: Remains OR FR Cite NS SB CB PB OP Released OR
 FTA: Appearing to be in VOP CB SB PB forfeited. OR FR Cite NS revoked.

BW to issue. bail \$ _____ B/W (recalled) (filed) (held until) _____

BOND ORDERS: Fort vac purs to reassumption letter filed by _____ SB CB PB reins. & exon.

Upon payment of Reins. Fee _____ OTHER: _____

IN CUSTODY DEFT STATUS: Remains IC Remanded No Bail Bail set/incr./red. _____
 Released OR Cruz Waiver on record W/CFTS All Cts On Prob _____ St. Parole Purs. to PC 1170(a)(3)
 FSO ordered to transport Def to _____ CDC _____ CRC _____ CYA upon acceptance
 State Hospital _____ Upon available bed space, Def may be rel. to rep. of: _____
 Ref 4011.6 PC (72hr) Other _____ Def to be trans. on Salvation Army bus for interview on _____ *9/14*

CRIMINAL MINUTE ORDER ATTACHMENT

DATE: 9-13-2004 Motions

People v. Marcus Delon Wesson CASE NO. F04 901785-6

- Witnesses excluded on motion of _____
- Chief Investigating Officer _____
- Jurors sworn to try this matter. (Jury seating chart sealed pursuant to CCP 237.)
- Opening statement made by counsel for People.
- Opening statement made reserved by counsel for deft.

WITNESSES

1. Ebbe Bruce Ebbesen - Ph.D.
2. _____
3. _____
4. _____
5. _____
6. _____

Sworn and testified on behalf of the People

1. Roger Gladley - news director Ch. 26
2. Edward Nelson - Ph.D.
3. _____
4. _____
5. _____
6. _____

Sworn and testified on behalf of the Defendant

EXHIBITS:

ID

EVID.

1. Vita: Ebbe B. Ebbesen
2. Results/Analysis of Surveys - Chg of Venue
3. _____
4. _____
5. _____
6. _____

On behalf of the People

- A. Vita: Edward Nelson
- C. Rpt: Change of Venue, June - July 2004
- F. Supp Rpt: Change of Venue, June - July 2004

On behalf of the Defendant

- People rest. Defense rests.
- Matter submitted with/without argument.
- Case argued to the jury by both counsel. Court instructs the jury as to the law. Bailiff sworn.
- Jury retires at _____ and at _____ returns with the following verdict:
- "We, the Jury in the above mentioned cause, find the defendant _____
 guilty not guilty as to _____."
 (Signed verdict form sealed pursuant to CCP 237.)
- It appearing to the Court that the jury is unable to reach a verdict, the Court declares a mistrial.