

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> Criminal Department, Central Division		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 38TH DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b> Court Clerk: <b>B. Graves, W. Anderson</b> Reporter/Tape: <b>K. Garcia, D. Dedmon</b> Bailiff: <b>H. Franco, G. Falls, D. Davenport</b>		Date: <b>April 4, 2005</b>
		Department: <b>53</b> Time: <b>9:01 a.m.</b>

Plaintiff: <b>The People of the State of California</b>	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: <b>Marcus Delon Wesson</b>	<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 3/30/05, Court reconvenes at 9:01 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with his counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Denise Dedmon, Court Reporter is present at 9:01 a.m.

Outside the presence of the jury,

Lisa Gamoian, Chief Deputy District Attorney, requests of the Court to have the following witnesses ordered to return;

Gypsey Wesson is present and ordered to return on April 5, 2005 at 9:00 a.m., April 6, 2005 at 9:00 a.m. and April 7, 2005 at 9:00 a.m.. The Court orders Lisa Gamoian, Chief Deputy District Attorney, to notify Gypsey Wesson which day to appear.

Kiani Wesson is present and ordered to return on April 6, 2005 at 9:00 a.m., April 7, 2005 at 9:00 a.m., April 11, 2005 at 9:00 a.m. and April 12, 2005 at 9:00 a.m.. The Court orders Lisa Gamoian, Chief Deputy District Attorney, to notify Kiani Wesson which day to appear.

The jury is brought into the courtroom at 9:07 a.m. and the trial proceeds.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to EC 776 at 9:07 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the office of Barker and Associates, is present with Elizabeth Wesson.

The Court admonishes the jury and stands in recess at 9:47 a.m.

Outside the presence of the jury at 10:01 a.m., the Court states for the record that the reason for the recess was that Elizabeth Wesson was too emotional to continue. The Court instructs the witness to listen to the questions and answer the questions asked.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to EC 776 at 10:04 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, Barker and Associates, is present with Elizabeth Wesson.

The Court admonishes the jury and the jury stands in recess at 10:18 a.m. Outside the presence of the jury, the Court asks Elizabeth Wesson if she is on any medication today. She replies she has not taken any medication. The Court requests Doug Foster, Barker and Associates, to talk to his client and evaluate her condition.

The Court stands in recess at 10:19 a.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 10:41 a.m.

"In chambers conference is held 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. Doug Foster, Barker and Associates is present on behalf of Elizabeth Wesson. The Court inquires of Doug Foster the condition of Elizabeth Wesson. Doug Foster states that he has 5150 concerns, he also states that Elizabeth Wesson is willing to continue with questioning.

Rafael Torres, Deputy Public Defender, request a hearing on possible redactions to the interviews of Elizabeth Wesson on 3/13/04 and 3/22/04. Court orders respective counsel to meet and confer about the possible redactions.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to EC 776 at 10:47 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, Barker and Associates, is present with Elizabeth Wesson. The Court asks Elizabeth Wesson if she is ready to proceed and she replies that she is ready to proceed.

The jury returns to the courtroom at 10:49 a.m. and the trial resumes.

The Court admonishes the jury and stands in recess at 11:59 a.m.

Denise Dedmon, replaces Court Reporter, Kristi Garcia at 1:32 p.m.

Outside the presence of the jury, the Court inquires of Rafael Torres, Deputy Public Defender, if the transcript of the audio recording of the incident is complete. Defense states it is almost ready.

The jury is brought into the courtroom at 1:36 p.m. and the trial proceeds.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to EC 776 at 1:36 p.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, Barker and Associates, is present with Elizabeth Wesson.

The Court admonishes the jury and stands in recess at 2:20 p.m.

PEOPLES EXHIBIT 693(SMALL MANILA ENVELOPE CONTAINING 3 CASSETTE TAPES) MARKED FOR IDENTIFICATION.

PEOPLES EXHIBIT 694(SMALL MANILA ENVELOPE CONTAINING 2 CASSETTE TAPES) MARKED FOR IDENTIFICATION.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to EC 776 at 2:41 p.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, Barker and Associates, is present with Elizabeth Wesson.

The Court admonishes the jury and stands in recess at 3:30 p.m.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to EC 776 at 3:40 p.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, Barker and Associates, is present with Elizabeth Wesson.

The jury is brought into the courtroom at 3:40 p.m., and the trial resumes.

The Court orders witness, Elizabeth Wesson, to be present on April 5, 2005 at 9:00 a.m.

The Court admonishes the jury and adjourns at 4:08 p.m. until April 5, 2005 at 9:00 a.m. for further jury trial.

Outside the presence of the jury, the Court and respective counsel discuss Elizabeth Wesson's emotional state and her ability to continue to testify tomorrow.

Court adjourns at 4:10 p.m.

Defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

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