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– 41ST	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. Ozburn, B. Lehman**	Date: **April 7, 2005** Department: **53** Time: **9:00 a.m.**

Plaintiff: **THE PEOPLE OF THE STATE OF CALIFORNIA**	☐ Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	☒ Appearing ☐ Pro Per
Defendant: **Marcus Delon Wesson**	☒ Appearing	Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	☒ Appearing ☐ Pro Per

Pursuant to adjournment of 4/6/05, 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.

Denise Dedmon, Court Reporter, is present at 9:00 a.m.

Outside the present of the jury, Court makes an inquiry of todays scheduled time frames with counsel. Court further makes an inquiry of the jail transcripts, if defense counsel are prepared. Rafael Torres, Deputy Public Defender, advises the Court that defense still has not had enough time to complete their review.

Lisa Gamoian, Chief Deputy District Attorney further advises the Court that she estimates approximately 7 hours of Elizabeth Wesson 's interview tape for playing to the jury.

Lisa Gamoian, Chief Deputy District Attorney, request the following witness be ordered back to court; Gypsey Wesson is ordered to return to court on April 11, 2005 at 1:30 p.m., April 12th, 13th, & 14th at 9:00 a.m.

Court advises Gypsey Wesson that the District Attorney Office will call if she is not needed.

The jury is brought into the courtroom at 9:05 a.m.

Court gives a clarification to the jury of the attorney/client privilege that was discussed on 4/6/05.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 9:06 a.m., by Rafael Torres, Deputy Public Defender. Doug Foster,of the Office of Barker and Associates, is present with Elizabeth Wesson.

DEFENSE EXHIBIT 'ZZ', (3 PAGE DOCUMENT - "OFFICIAL TRANSCRIPT" - SAN JOSE CITY COLLEGE) IS MARKED FOR IDENTIFICATION.

At 9:52 a.m., Rafael Torres, Deputy Public Defender, shows defense exhibit XX, (black binder containing listed titles).

Court admonishes the jury and recesses at 9:54 a.m.
Witness Elizabeth Wesson is ordered to return.

Outside the presence of the jury, Court clarify's for the record, that the Bate Stamped documents shown yesterday to witness Elizabeth Wesson was marked as Defense Exhibit YY (Rosie's Journal).

Court stands in recess at 9:57 a.m.

Court reconvenes at 10:11 a.m. with all parties present and the jury in their seats.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 10:12 a.m., by Rafael Torres, Deputy Public Defender. Doug Foster,of the Office of Barker and Associates, is present with Elizabeth Wesson.

People's exhibit #153 & #154 are shown to Elizabeth Wesson at 10:13 a.m.
Defense exhibit "V", "U", "II" are shown to Elizabeth Wesson at 10:18 a.m.

At 10:33 a.m., Lisa Gamoian, Chief Deputy District Attorney, starts re-direct examination of Elizabeth Wesson having been previously sworn, under Evidence Code 776.

Defendant, Marcus Delon Wesson, speaks out at the Court regarding the demeanor of the deputy district attorney. Court advises the defendant to speak to his counsel.

Court admonishes the jury and recesses at 11:05 a.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 11:19 a.m.

Court reconvenes at 11:19 a.m. with all parties present and the jury in their seats.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued re-direct examination pursuant to 776 of the Evidence Code at 11:20 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Defendant, Marcus Delon Wesson, begins to speak out - Court takes a break at 11:33 a.m. Court asks the jury to return to the juryroom, and asks the witness, Elizabeth Wesson to step off the witness stand. Outside the presence of the jury and the witness, Court directs comments to the defendant with regards to his speaking out. Defendant, states that he has some disputes with his counsel not making objections on his behalf about the dis-repect being made against the judge. Court advises the defendant that he has a right to be heard in private. Defendant state he understands and will state his comments in the public's view.

Defendant advises that he cannot sit in court, with having his counsel not argue on his behalf about misrepresentations. Counsel are not objecting with regards to Court not being respected. Further, improper inferance to the case- Court clarify's what the Court's own meaning of dis-respect. Defendant states he realize he was being disrepectful. Court indicates that he is not representing himself and shouldn't be making objections. He must go through his attorney's. Defendant agrees.

The jury is brought back into the courtroom at 11:43 a.m.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued re-direct examination pursuant to 776 of the Evidence Code at 11:43 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

People exhibit #696, (order dated 1/8/05) is shown to witness Elizabeth Wesson at 11:57 a.m.

Court admonishes the jury and recesses at 11:59 a.m. Outside the presence of the jury and witness, Court discusses with attorney Doug Foster about the understanding that the witness, Elizabeth Wesson knows regarding the "Immunity". Attorney Doug Foster advises the court.

Court further discusses with counsel about discussing the "Facts of the case" with witnesses.

Court stands in recess at 12:06 p.m.

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

Court reconvenes at 1:32 p.m. with all parties present and the jury in their seats.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued re-direct examination pursuant to 776 of the Evidence Code at 1:32 p.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Elizabeth Wesson, having been previously sworn, remains on the witness stand and at 1:41 p.m., defense counsel, Rafael Torres, Deputy Public Defender begins re-cross examination. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued re re-direct examination pursuant to 776 of the Evidence Code at 1:45 p.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Court admonishes Elizabeth Wesson and excuses her at 1:46 p.m. Court further orders her to not discuss her testimony with anyone and orders her to return on 4/12/05 at 9:00 a.m.

At 1:47 p.m., Court, court staff, counsel all appear in the court's chambers. Marcus Delon Wesson is not present, but, is being assisted by an electronic hearing device. Ralph Torres, Deputy Public Defender, makes a request of the Court to admonish the jury using 0.50 Jury Instruction, regarding discussion to witness with detectives. Lisa Gamoian. Chief Deputy District Attorney, does not object. Court indicates that he will read a section relating to Questions and Answers, out of Caljic 0.50 to the jury. Lisa Gamoian, Chief Deputy District Attorney, further stipulates to allowing the court reporter need not report while the tape is being played.

Court reconvenes at 1:54 p.m. with all parties present and the jury in their seats.

At this time, Court reads jury instruction Caljic 0.50 to the jury.

Detective Michelle Ochoa having been previously sworn, is recalled to the witness stand at 1:56 p.m.

Court exhibit #23 is shown to witness Michelle Ochoa at 1:56 p.m.

People exhibit #294 is opened and 2 cassette tapes are removed.

PEOPLE EXHIBIT #294A, (CASSETTE TAPE 1 - INTERVIEW OF ELIZABETH WESSON ON 3/13/04) IS MARKED FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.

PEOPLE EXHIBIT #294B, (CASSETTE TAPE 2 - INTERVIEW OF ELIZABETH WESSON ON 3/13/04) IS MARKED FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.

People exhibit #294A, (interview of Elizabeth Wesson on 3/13/04) is played to the jury at 1:58 p.m.

Court admonishes the jury and recesses at 2:30 p.m.
Court reconvenes at 2:47 p.m. with all parties present and the jury in their seats.

Detective Michelle Ochoa having been previously sworn, resumes the witness stand while the playing of the cassette tape interview continues.

At 2:48 p.m., continuation of 3/13/04 interview with Elizabeth Wesson tape is played.

COURT EXHIBIT #25, (SMALL HANDWRITTEN NOTE FROM FRESNO BEE REPORTER, PABLO LOPEZ) IS MARKED FOR IDENTIFICATION.

Court admonishes the jury and recesses at 3:35 p.m.
Court reconvenes at 3:45 p.m. with all parties present and the jury in their seats.

Detective Michelle Ochoa having been previously sworn, resumes the witness stand at 3:47 p.m. while the playing of the cassette tape interview continues.

People exhibit #294A, (interview tape of 3/13/04 - Elizabeth Wesson) is played to the jury at 3:47 p.m.

Court admonishes the jury and adjourns at 4:28 p.m. until 4/11/05 at 9:00 a.m.

Court orders Detective Michelle Ochoa to return on 4/11/05 at 9:00 a.m.

Outside the presence of the jury, Court and counsel discuss getting together to move exhibit's into evidence. Further, Ralph Torres, Deputy Public Defender discusses with the court that he has prepared CD'S and transcripts previously marked as; Defense exhibit JJ, LL, KK.

Court states that he will review the transcripts and CD of exhibit JJ.

Court stands in adjournment 4:33 p.m. until 9:00 a.m.

Off the record,

DEFENSE EXHIBIT #JJ -1, (TRANSCRIPT OF 3/12/04 INTERVIEW) IS MARKED FOR IDENTIFICATION.
DEFENSE EXHIBIT #JJ -2, (TRANSCRIPT PAGE #125 & #127 OF THE 3/12/04 INTERVIEW)

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

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