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| <b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b><br><b>Criminal Department, Central Division</b> |  |
| TITLE OF CASE:<br><b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>                  |  |
| <b>TRIAL BY JURY IN THE PENALTY PHASE OF A CAPITAL CASE- 6<sup>TH</sup> DAY</b>                        | Case Number:<br><b>F04901785-6</b>           |
| Judge/Temporary Judge: <b>R. L. Putnam</b>   | Date:<br><b>June 28, 2005</b>                |
| Court Clerk: <b>B. Graves</b>  | Department: <b>53</b> Time: <b>9:00 a.m.</b> |
| Reporter/Tape: <b>D. Dedmon</b>  |  |
| Bailiff: <b>H. Franco, P. Bellefeuille</b>   |  |

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| 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<br><input type="checkbox"/> Pro Per |
| Defendant: <b>Marcus Delon Wesson</b>                   | <input checked="" type="checkbox"/> Appearing | Counsel: Peter Jones, Chief Deputy Public Defender<br>Rafael Torres, Deputy Public Defender | <input checked="" type="checkbox"/> Appearing<br><input type="checkbox"/> Pro Per |

Pursuant to adjournment of June 27, 2005, and upon the return of all 12 jurors, deliberations resume at 9:00 a.m.

At 9:00 a.m., Court receives a note from Juror #12.

COURT EXHIBIT 53(NOTE FROM JUROR #12) MARKED FOR IDENTIFICATION.

Outside the presence of the jury, " In Chambers" conference is held at 9:15 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. Juror #12 is brought into chambers and the Court inquires if Juror #12 will need any additional time off. Juror #12 states that no further time off will be needed. Juror # 12 is returned to the juryroom.

Pursuant to the adjournment of June 27, 2005, the Court reconvenes at 9:20 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson with counsel Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

The jury enters the courtroom at 9:22 a.m., the Court informs the jury that they will be released at 12:00 noon. The jury returns to the juryroom at 9:23 a.m. to continue with deliberation.

The Court stands in recess at 9:23 a.m.

At the request of the jury, they take a break from deliberating at 10:20 a.m., and upon the return of all 12 jurors, deliberations resume at 10:40 a.m.

At the request of a juror, the jurors leave for the day at 12:00 noon until June 29, 2005 at 9:00 a.m. for further deliberations.

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

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