

FILED

DEC 10 2004

FRESNO COUNTY COURTS
By _____ DEPT 53

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CENTRAL DIVISION

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff

vs.

Marcus Delon Wesson

Defendant

CASE NUMBERS:

Court No. F04901785-6

Arraignment Date: 04/27/2004

Department: CEN 96

DA FILE NO: 2004H9621

FIRST AMENDED INFORMATION

The District Attorney of the County of Fresno, by this Information alleges that:

COUNT 1

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Sebhrenah April Wesson, a human being.

It is further alleged that said defendant Marcus Delon Wesson personally and intentionally discharged a firearm which proximately caused death to Sebhrenah April Wesson within the meaning of Penal code section 12022.53(d).

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COUNT 4

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Sedona Vadra Wesson, a human being.

It is further alleged that said defendant Marcus Delon Wesson personally and intentionally discharged a firearm which proximately caused death to Sedona Vadra Wesson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to defendant Marcus Delon Wesson, that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

COUNT 5

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Marshey St. Christopher Wesson, a human being.

It is further alleged that said defendant Marcus Delon Wesson personally and intentionally discharged a firearm which proximately caused death to Marshey St. Christopher Wesson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to defendant Marcus Delon Wesson, that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

COUNT 6

On or about March 12, 2004, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Ethan St. Laurent Wesson, a human being.

1 It is further alleged as to defendant Marcus Delon Wesson, that in the commission
2 and attempted commission of the above offense a principal in said offense was armed with
3 a firearm, said arming not being an element of the above offense, within the meaning of
4 Penal Code section 12022(a)(1).

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6 COUNT 2

7 On or about March 12, 2004, in the above named judicial district, the crime of
8 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by
9 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Elizabeth
Breani Kina Wesson, a human being.

10 It is further alleged that said defendant Marcus Delon Wesson personally and
11 intentionally discharged a firearm which proximately caused death to Elizabeth Breani Kina
12 Wesson within the meaning of Penal code section 12022.53(d).

13 It is further alleged as to defendant Marcus Delon Wesson, that in the commission
14 and attempted commission of the above offense a principal in said offense was armed with
15 a firearm, said arming not being an element of the above offense, within the meaning of
16 Penal Code section 12022(a)(1).

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18 COUNT 3

19 On or about March 12, 2004, in the above named judicial district, the crime of
20 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by
21 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Jeva St.
Vladensvspry Wesson, a human being.

22 It is further alleged that said defendant Marcus Delon Wesson personally and
23 intentionally discharged a firearm which proximately caused death to Jeva St.
24 Vladensvspry Wesson within the meaning of Penal code section 12022.53(d).

25 It is further alleged as to defendant Marcus Delon Wesson, that in the commission
26 and attempted commission of the above offense a principal in said offense was armed with
27 a firearm, said arming not being an element of the above offense, within the meaning of
28 Penal Code section 12022(a)(1).

1 It is further alleged that said defendant Marcus Delon Wesson personally and
2 intentionally discharged a firearm which proximately caused death to Ethan St. Laurent
3 Wesson within the meaning of Penal Code section 12022.53(d).

4 It is further alleged as to defendant Marcus Delon Wesson, that in the commission
5 and attempted commission of the above offense a principal in said offense was armed with
6 a firearm, said arming not being an element of the above offense, within the meaning of
7 Penal Code section 12022(a)(1).

8 *****

9 COUNT 7

10 On or about March 12, 2004, in the above named judicial district, the crime of
11 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by
12 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Illabelle
13 Carrie Wesson, a human being.

14 It is further alleged that said defendant Marcus Delon Wesson personally and
15 intentionally discharged a firearm which proximately caused death to Illabelle Carrie
16 Wesson within the meaning of Penal Code section 12022.53(d).

17 It is further alleged as to defendant Marcus Delon Wesson, that in the commission
18 and attempted commission of the above offense a principal in said offense was armed with
19 a firearm, said arming not being an element of the above offense, within the meaning of
20 Penal Code section 12022(a)(1).

21 *****

22 COUNT 8

23 On or about March 12, 2004, in the above named judicial district, the crime of
24 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by
25 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder Aviv
26 Dominique Wesson, a human being.

27 It is further alleged that said defendant Marcus Delon Wesson personally and
28 intentionally discharged a firearm which proximately caused death to Aviv Dominique
Wesson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to defendant Marcus Delon Wesson, that in the commission
and attempted commission of the above offense a principal in said offense was armed with

1 a firearm, said arming not being an element of the above offense, within the meaning of
2 Penal Code section 12022(a)(1).

3 *****

4 COUNT 9

5 On or about March 12, 2004, in the above named judicial district, the crime of
6 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by
7 Marcus Delon Wesson, who did unlawfully, and with malice aforethought murder
8 Johnathan St. Charles Wesson, a human being.

9 It is further alleged that said defendant Marcus Delon Wesson personally and
10 intentionally discharged a firearm which proximately caused death to Jonathan St. Charles
11 Wesson within the meaning of Penal Code section 12022.53(d).

12 It is further alleged as to defendant Marcus Delon Wesson, that in the commission
13 and attempted commission of the above offense a principal in said offense was armed with
14 a firearm, said arming not being an element of the above offense, within the meaning of
15 Penal Code section 12022(a)(1).

16 SPECIAL CIRCUMSTANCE

17 It is further alleged that in this proceeding, the defendant Marcus Delon Wesson has
18 been convicted of more than one offense of Murder in the First or Second degree, within
19 the meaning of Penal code section 190.2(a)(3).

20 *****

21 COUNT 10

22 On or about January 1, 1988 through October 20, 1989, in the above named judicial
23 district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of PENAL CODE
24 SECTION 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and
25 unlawfully engage in three or more acts of "substantial sexual conduct", as defined in
26 Penal Code section 1203.066(b), or three or more acts in violation of Section 288 with
27 Jane Doe #1, a child under the age of 14 years, while the defendant resided with, and had
28 recurring access to the child.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
filed within one year from the date the victim, who was under 18 years old at the time the
crime was committed, reported the crime to a California law enforcement agency. There is

1 independent evidence that clearly and convincingly corroborates the victim's allegation.
2 Further, that the statute of limitations under 800 and 801 has expired and the crime
3 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

4 *****

5 COUNT 11

6 On or about January 1, 1990 through December 31, 1990, in the above named
7 judicial district, the crime of FORCIBLE ORAL COPULATION, in violation of Penal Code
8 section 288a(c)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully
9 participate in an act of oral copulation with Jane Doe #1, and did accomplish said act
10 against said victim's will by force, violence, duress, menace, and fear of immediate and
11 unlawful bodily injury to said victim and to another.

12 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
13 filed within one year from the date the victim, who was under 18 years old at the time the
14 crime was committed, reported the crime to a California law enforcement agency. There is
15 independent evidence that clearly and convincingly corroborates the victim's allegation.
16 Further, that the statute of limitations under 800 and 801 has expired and the crime
17 involves substantial sexual conduct as described in Penal code section 1203.066(b).

18 *****

19 COUNT 12

20 On or about January 1, 1991 through October 20, 1991, in the above named judicial
21 district, the crime of FORCIBLE ORAL COPULATION, in violation of Penal Code section
22 288a(c)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully
23 participate in an act of oral copuoation with Jane Doe #1, and did accomplish said act
24 against said victim's will by force, violence, duress, menace, and fear of immediate and
25 unlawful bodily injury to said victim and to another.

26 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
27 filed within one year from the date the victim, who was under 18 years old at the time the
28 crime was committed, reported the crime to a California law enforcement agency. There is
independent evidence that clearly and convincingly corroborates the victim's allegation.
Further, that the statute of limitations under 800 and 801 has expired and the crime
involves substantial sexual conduct as described in Penal code section 1203.066(b).

COUNT 13

On or about January 1, 1988 through April 22, 1991, in the above named judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and unlawfully engage in three or more acts of "substantial sexual conduct", as defined in Penal Code section 1203.066(b), or three or more acts in violation of section 288 with Jane Doe #2, a child under the age of 14 years, while the defendant resided with, and had recurring access to the child.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was filed within one year from the date the victim, who was under 18 years old at the time the crime was committed, reported the crime to a California law enforcement agency. There is independent evidence that clearly and convincingly corroborates the victim's allegation. Further, that the statute of limitations under 800 and 801 has expired and the crime involves substantial sexual conduct as described in Penal Code section 1203.066(b).

COUNT 14

On or about January 1, 1995 through April 22, 1995, in the above named judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe #2, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was filed within one year from the date the victim, who was under 18 years old at the time the crime was committed, reported the crime to a California law enforcement agency. There is independent evidence that clearly and convincingly corroborates the victim's allegation. Further, that the statute of limitations under 800 and 801 has expired and the crime involves substantial sexual conduct as described in Penal code section 1203.066(b).

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COUNT 15

On or about January 1, 2002, through December 31, 2002, in the above named judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe #2, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

COUNT 16

On or about January 1, 1988 through November 6, 1991, in the above named judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and unlawfully engage in three or more acts of "substantial sexual conduct", as defined in Penal Code section 1203.066(b), or three or more acts in violation of section 288 with Jane Doe #3, a child under the age of 14 years, while the defendant resided with, and had recurring access to the child.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was filed within one year from the date the victim, who was under 18 years old at the time the crime was committed, reported the crime to a California law enforcement agency. There is independent evidence that clearly and convincingly corroborates the victim's allegation. Further, that the statute of limitations under 800 and 801 has expired and the crime involves substantial sexual conduct as described in Penal Code section 1203.066(b).

COUNT 17

On or about January 1, 1995, through November 6, 1995, in the above named judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe #3, not his spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

1 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
2 filed within one year from the date the victim, who was under 18 years old at the time the
3 crime was committed, reported the crime to a California law enforcement agency. There is
4 independent evidence that clearly and convincingly corroborates the victim's allegation.
5 Further, that the statute of limitations under 800 and 801 has expired and the crime
6 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

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8 COUNT 18

9 On or about January 1, 1988 through November 14, 1992, in the above named
10 judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code
11 section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and
12 unlawfully engage in three or more acts of "substantial sexual conduct", as defined in
13 Penal Code section 1203.066(b), or three or more acts in violation of section 288 with Jane
14 Doe #4, a child under the age of 14 years, while the defendant resided with, and had
15 recurring access to the child.

16 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
17 filed within one year from the date the victim, who was under 18 years old at the time the
18 crime was committed, reported the crime to a California law enforcement agency. There is
19 independent evidence that clearly and convincingly corroborates the victim's allegation.
20 Further, that the statute of limitations under 800 and 801 has expired and the crime
21 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

22 COUNT 19

23 On or about November 15, 1992, through December 31, 1993, in the above named
24 judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section
25 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and
26 accomplish an act of sexual intercourse with a person, to wit, Jane Doe #4, not his spouse,
27 against said person's will, by means of force, violence, duress, menace and fear of
28 immediate and unlawful bodily injury on said person and another.

It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
filed within one year from the date the victim, who was under 18 years old at the time the

1 crime was committed, reported the crime to a California law enforcement agency. There is
2 independent evidence that clearly and convincingly corroborates the victim's allegation.
3 Further, that the statute of limitations under 800 and 801 has expired and the crime
4 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

5 *****

6 COUNT 20

7 On or about January 1, 1998, through October 20, 1999, in the above named
8 judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section
9 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and
10 accomplish an act of sexual intercourse with a person, to wit, Jane Doe #5, not his spouse,
11 against said person's will, by means of force, violence, duress, menace and fear of
12 immediate and unlawful bodily injury on said person and another.

13 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
14 filed within one year from the date the victim, who was under 18 years old at the time the
15 crime was committed, reported the crime to a California law enforcement agency. There is
16 independent evidence that clearly and convincingly corroborates the victim's allegation.
17 Further, that the statute of limitations under 800 and 801 has expired and the crime
18 involves substantial sexual conduct as described in Penal Code section 1203.066(b).

19 *****

20 COUNT 21

21 On or about September 1, 2001, through September 8, 2002, in the above named
22 judicial district, the crime of FORCIBLE RAPE, in violation of Penal Code section
23 261(a)(2), a felony, was committed by Marcus Delon Wesson, who did unlawfully have and
24 accomplish an act of sexual intercourse with a person, to wit, Jane Doe #5, not his spouse,
25 against said person's will, by means of force, violence, duress, menace and fear of
26 immediate and unlawful bodily injury on said person and another.

27 *****

28 COUNT 22

On or about January 1, 1988 through December 27, 1997, in the above named
judicial district, the crime of CONTINUOUS SEXUAL ABUSE, in violation of Penal Code
section 288.5, a felony, was committed by Marcus Delon Wesson, who did willfully and

1 unlawfully engage in three or more acts of "substantial sexual conduct", as defined in
2 Penal Code section 1203.066(b), or three or more acts in violation of section 288 with Jane
3 Doe #6, a child under the age of 14 years, while the defendant resided with, and had
4 recurring access to the child.

5 It is further alleged, pursuant to Penal Code section 803(g) that a complaint was
6 filed within one year from the date the victim, who was under 18 years old at the time the
7 crime was committed, reported the crime to a California law enforcement agency. There is
8 independent evidence that clearly and convincingly corroborates the victim's allegation.
9 Further, that the statute of limitations under 800 and 801 has expired and the crime
involves substantial sexual conduct as described in Penal Code section 1203.066(b).

10 *****

11 COUNT 23

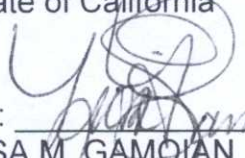
12 On or about August 8, 2001, through August 7, 2002, in the above named judicial
13 district, the crime of FORCIBLE RAPE, in violation of Penal Code section 261(a)(2), a
14 felony, was committed by Marcus Delon Wesson, who did unlawfully have and accomplish
15 an act of sexual intercourse with a person, to wit, Jane Doe #7, not his spouse, against
16 said person's will, by means of force, violence, duress, menace and fear of immediate and
unlawful bodily injury on said person and another.

17 * * * * *

18 Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting
19 that defense counsel provide discovery to the People as required by Penal Code Section
20 1054.3.

21 THIS INFORMATION CONSISTS OF 23 COUNTS.

22
23 ELIZABETH A. EGAN
24 DISTRICT ATTORNEY
25 County of Fresno
26 State of California

27 By: 
28 LISA M. GAMOI
Chief Deputy District Attorney

1 Agency: Fresno Police Department

Agency Report Number: 04-22345

2 Defendant

Birth Date

Booking No.

3 Marcus Delon Wesson

08/22/1946

04-7556