

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– 44TH DAY		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, P. Bellefeuille		Date: April 13, 2005
		Department: 53 Time: 9:01 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of 4/12/05, Court reconvenes at 9:01 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

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

Outside the presence of the jury, Kiani Wesson is present and ordered to be present at 1:30 p.m. today. Court recalls the body attachment previously ordered.

Almae Wesson is present and ordered to be present on 4/27/05 at 9:00 a.m.

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

Gypsey Wesson having been previously sworn, resumes the witness stand on continued cross examination at 9:05 a.m. by Rafael Torres, Deputy Public Defender.

COURT EXHIBIT #27, (TRANSCRIPT OF 3/14/04 INTERVIEW OF GYPSEY WESSON) IS MARKED FOR IDENTIFICATION.

COURT EXHIBIT #28, (TRANSCRIPT OF 4/9/04 INTERVIEW OF GYPSEY WESSON) IS MARKED FOR IDENTIFICATION.

PEOPLE EXHIBIT #701, (VIDEO TAPE OF GYPSEY WESSON INTERVIEW) IS MARKED FOR IDENTIFICATION.

PEOPLE EXHIBIT #702, (VIDEO TAPE OF GYPSEY WESSON INTERVIEW) IS MARKED FOR IDENTIFICATION.

Court admonishes the jury and recesses at 10:20 a.m.
 Court reconvenes at 10:40 a.m. with all parties present and the jury in their seats.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 10:40 a.m.

Gypsey Wesson having been previously sworn, resumes the witness stand on continued cross examination at 10:40 a.m. by Rafael Torres, Deputy Public Defender.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of Gypsey Wesson at 10:55 a.m.

Rafael Torres, Deputy Public Defender, begins re-cross examination of Gypsey Wesson at 11:25 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re re-direct examination of Gypsey Wesson at 11:35 a.m.

Court admonishes the jury and takes a brief recess at 11:35 a.m. Outside the presence of the jury, Court admonishes and instructs Gypsey Wesson to return on 4/27/05 at 9:00 a.m. and again on 5/2/05 at 9:00 a.m. Lisa Gamoian, Chief Deputy District Attorney, will contact if not needed.

Court and counsel discuss scheduling of next witnesses. Defense Attorney, Rafael Torres, Deputy Public Defender, submits the issue regarding the playing of the video tape and cassette tape. (video tape to be played as to first interview).

The jury is brought into the courtroom at 11:40 a.m.

Officer Roy Rodriguez, Clovis Police Department, is sworn and testifies on behalf of the People on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 11:43 a.m.

Rafael Torres, Deputy Public Defender, begins cross examination of Officer Roy Rodriguez at 11:47 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of Officer Roy Rodriguez at 11:51 a.m.

Rafael Torres, Deputy Public Defender, begins re-cross examination of Officer Roy Rodriguez at 11:53 a.m.

Officer Roy Rodriguez is ordered excused and subject to recall at 11:56 a.m.

Court admonishes the jury and recesses at 11:56 a.m. for the noon lunch break.

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

Court reconvenes at 1:36 p.m. with all parties present, and outside the presence of the jury, Court and counsel discuss playing the copy of the original video on a second television for the purpose of facing that TV towards the audience.

Kiani Wesson is present in the courtroom, Court orders her to be present on 4/14/05 at 9:00 a.m.

The jury is brought into the courtroom at 1:47 p.m. and the trial resumes.

Carlos Leal, Jr., Detective with the Fresno Police Department, is sworn and testifies on behalf of the People on direct examination beginning at 1:49 p.m., by Lisa Gamoian, Chief Deputy District Attorney.

At 1:50 p.m., People exhibit # 701 & 702, (video tapes of Gypsey Wessons' interview is shown to Detective Carlos Leal.

At 1:51 p.m., Court exhibit #27, (transcript of Gypsey Wessons' interview) is shown to Detective Carlos Leal.

PEOPLE EXHIBIT'S #701 & 702, (VIDEO TAPES OF GYPSEY WESSONS' INTERVIEW) HAVING BEEN PREVIOUSLY MARKED FOR IDENTIFICATION, ARE NOW RECEIVED INTO EVIDENCE.

COURT EXHIBIT #27, (TRANSCRIPT OF INTERVIEW OF GYPSEY WESSON) HAVING BEEN PREVIOUSLY MARKED FOR IDENTIFICATION IS NOW RECEIVED INTO EVIDENCE.

At 1:52 p.m. People's exhibit #701, (video tape of Gypsey Wessons' interview) is played to the jury.

Copies of transcript are handed out to the jury panel.

Court reads CALJIC 0.50 to the jury prior to the video tape being played.

Court admonishes the jury and recesses at 2:50 p.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 3:10 p.m.

Court reconvenes at 3:11 p.m. with all parties present and the jury in their seats.

Det. Carlos Leal, Jr., having been previously sworn, resumes the witness stand during the continued playing of the video tape.

At 3:12 p.m. People's Exhibit #701, (video tape - Interview of Gypsey Wesson) is played to the jury.

Court admonishes the jury and adjourns at 4:31 p.m. until 9:00 a.m. on 4/14/05.

Court orders Detective Leal to return tomorrow at 9:00 a.m.

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

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