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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO
CENTRAL DIVISION

The People of the State of California,

Plaintiff,

vs.

Marcus Wesson,

Defendant

Case No.: F049017856

Declaration of Pete Jones

to Accompany

Wesson's Motion to Dismiss

1. I am the lead attorney on Wesson's defense team.

2. Late yesterday, I was advised by the prosecution that it would be filing a first amended complaint.

3. At Wesson's arraignment, his team consisted of myself and Garrick Byers. Between now and then, Public Defender doubled the defense team to also include Ralph Torres and Michael O. Castro.

¹ Other members of Wesson's defense team include Ralph Torres and Michael O. Castro.

1 4. If the prosecution had provided us with the constitutionally-required
2 discovery in a timely manner, listed in our previous discovery motion, my best
3 professional judgment is that we would have been prepared for Wesson's preliminary
4 examination today, and it would have proceeded no later than the tenth court day
5 following arraignment (which is Thursday, April 8) as required by Penal Code section
6 859b.

7 5. Of the reports that were not provided to us until yesterday, April 6,
8 approximately two-thirds are dated before Wesson was arraigned, and Public Defender
9 was appointed, on March 25, 2004.

10 6. The reports provided us yesterday do not include the search warrants and
11 affidavits. On information and belief there were three of each. On information and
12 belief, at least two of these were served before Wesson's arraignment.

13 7. The reports provided us yesterday do not include the results of the
14 gunpowder residue tests. On information and belief, the one on Wesson was done before
15 his very first court appearance, on Wednesday, March 16, 2004. On information and
16 belief, the ones on the deceased were done on or before the day of their funerals, which
17 were before Wesson was arraigned. On information and belief, it does not take three
18 weeks to obtain a result from a gunshot residue test.

19 8. ~~The reports provided to us yesterday do not include any photographs. The~~
20 ~~crime scene photographs were all taken within 48 hours of the incident.~~

21 I declare under penalty of perjury that this declaration is true and correct, except as
22 to those matters alleged on information and belief, and as to those matters, I believe them
23 to be true. This declaration was executed at Fresno, California on April 7, 2004.

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Peter M. Jones