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2 2220 Tulare Street, Suite 300 3 Fresno, California 93721 4 Telephone: (559) 488-3546 5 Facsimile: (559) 262-4104 6 Pete Jones / State Bar # 105811 / PD #0024 7 Garrick Byers / State Bar # 104268 / PD # 0010 8 E-mail: piones@fresno.ca.gov; gbyers@fresno.ca.gov 8 Attorneys for Marcus Wesson' 9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA 10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA 11 IN AND FOR THE COUNTY OF FRESNO 12 Case No.: F049017856 13 The People of the State of California, 14 Plaintiff, 15 vs. 16 Narcus Wesson, 17 Defendant 18 1. I am the lead attorney on Wesson's defense team. 19 1. I am the lead attorney on Wesson's defense team. 20 2. Late yesterday, I was advised by the prosecution that it would be filing a first amended complaint. 2. At Wesson's arraignment, his team consisted of myself and Garrick Byers. 36 Between now and then, Public Defender doubled the defense team to also include Ralph 70rres a	1	George Cajiga, Public Defender Public Defender's Office of Fresno County		
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	26	¹ Other members of Wesson's defense team include Raiph Torres and Wichael O. Casilo.		
Motion to Dismiss		Motion to I	Dismiss	

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

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

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

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

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

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

Peter M. Jones

Motion to Dismiss