

1 ELIZABETH A. EGAN
DISTRICT ATTORNEY
2 LISA M. GAMOIAN
CHIEF DEPUTY DISTRICT ATTORNEY
3 2220 Tulare St., Suite 1000
Fresno, CA 93721
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FILED
FRESNO COUNTY
SUPERIOR COURT
04 AUG 12 AM 10:21
EK

5 (559) 488-3141

6 ATTORNEYS FOR THE PLAINTIFFS
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 OF FRESNO COUNTY

10 PEOPLE OF THE STATE OF
CALIFORNIA,

CASE NO: F04901785-6

11 PLAINTIFF,
12

DA CASE NO: 04H9621

13 VS.

14 MARCUS DELON WESSON,

PEOPLE'S REQUEST FOR ADDITIONAL
TIME TO FILE RESPONSE TO
DEFENDANT'S MOTION FOR CHANGE
OF VENUE; DECLARATION OF LISA
M. GAMOIAN

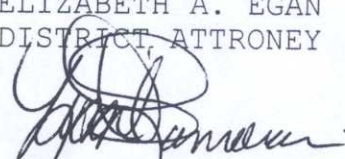
15 DEFENDANT(S).
16

17 TO: THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT, AND
TO THE DEFENDANT AND HIS ATTORNEY OF RECORD HEREIN:
18

19 COMES NOW THE DISTRICT ATTORNEY, on behalf of the People of
the State of California, requesting the Court to allow
20 additional time to file response papers to defendant's Motion
21 For Change of Venue.
22

23 Dated: August 12, 2004

Respectfully submitted,

24 ELIZABETH A. EGAN
DISTRICT ATTORNEY
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27 LISA M. GAMOIAN
Chief Deputy District Attorney
Homicide Unit
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DECLARATION OF LISA M. GAMOIAN

I, Lisa M. Gamoian, declare the following:

1. I am an attorney licensed to practice in the State of California.

2. That I am a Chief Deputy District Attorney assigned to the Homicide Unit and am the responsible prosecutor for the above-named case.

3. The People have retained Ebbe Ebbeson, Ph.D., as an expert to analyze the materials the defendant cites in support of the Motion for Change of Venue and to independently collect and analyze data on this issue.

4. For his preparation and analysis, Dr. Ebbeson requested me to obtain the raw data collected by the defense-retained witness.

5. On August 5, 2004, co-counsel for defendant, Rafael Torres provided me with a floppy disk containing this raw data.

6. On August 6, 2004, I attempted to open the files contained on the disk without success.

7. On August 9, 2004, I consulted with the office Computer Administrator, Caren Anderson, and she advised me that I could not retrieve the data on the disk as this required a computer program not available through the Fresno County Computer Services.

8. After receiving the permission of defense counsel Pete Jones, on April 9, 2004, I telephoned and spoke with the

1 defense-retained witness, Dr. Nelson, and he advised that I
2 would need a computer program entitled "spss" in order to
3 download the raw data from the floppy disk. Dr. Nelson
4 suggested I purchase the software at Fresno State for \$160 or in
5 the alternative, he offered to transfer the program from his
6 laptop to my County computer.

7
8 9. I was advised by the Computer Administrator that
9 downloading any software not previously approved by the Computer
10 Services Department was forbidden. Further, any direct
11 connection with Dr. Nelson's laptop was forbidden.

12 10. I then contacted Dr. Ebbesen who advised me that he
13 has the "spss" program and that the data could be e-mailed to
14 him.

15 11. On the afternoon of April 9, 2004, Dr. Nelson e-mailed
16 to me the "spss" data. I then e-mailed the data to Dr. Ebbesen.

17 12. In consulting with Dr. Ebbesen, he advised me that
18 given the late receipt of the raw data, the earliest he could
19 provide me with a written report would be late on Monday, August
20 16, 2004.

21 13. So that I may incorporate the data and opinion of Dr.
22 Ebbesen in my response to defendant's Motion for Change of
23 Venue, I am requesting leave to file my response on Thursday,
24 August 19, 2004, an additional two days beyond the Court's
25 briefing schedule.

26
27 14. On August 12, 2004, at approximately 8:35 AM, I
28 telephoned defense counsel Pete Jones to advise him that I would

1 need additional time within which to respond to the Motion for
2 Change of Venue. Mr. Jones had no opposition.

3
4 Executed this 12th day of August, 2004 at Fresno, California.

5
6 A handwritten signature in dark ink, appearing to read 'Lisa M. Gamoiian', is written over a horizontal line. The signature is stylized with a large, circular flourish at the top.

7 LISA M. GAMOIAN
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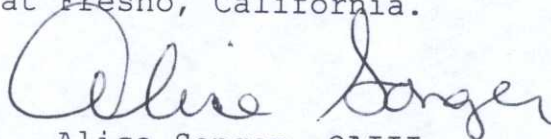
1 PROOF OF SERVICE IN PERSON - 1013a, 2015.5 C.C.P.

2 I, THE UNDERSIGNED, DECLARE AND SAY;

3 I am a citizen of the United States and a resident of
4 the County of Fresno, State of California; I am over the age of
5 eighteen (18) years, residing or employed in the County of
6 Fresno, and not a party to the within action; my business
7 address is Fresno County District Attorney's Office, 2220 Tulare
8 Street, Suite 1000, Fresno, California, 93721.

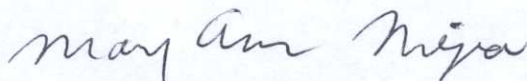
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10 On August 12, 2004, I personally served the within copy
11 of the "(PEOPLE'S REQUEST FOR ADDITIONAL TIME TO FILE RESPONSE
12 TO DEFENDANT'S MOTION FOR CHANGE OF VENUE;)", in RE: Marcus
13 Delon Wesson, Fresno County Court Case No. F04901785-6 to: Peter
14 Jones, Fresno County Public Defender's Office, 2220 Tulare
15 Street, 3rd Floor, Fresno, CA.

16 I declare, under penalty of perjury, under the laws of
17 the State of California, that the foregoing is true and correct
18 and that this declaration was executed this 12th day of
19 August, 2004, at Fresno, California.

20 

21 Alice Songer, OAI
22 Fresno County District Attorney's Office

23 Received By:

24 

25 8.12-04

26 Fresno County Public Defender's Office

27 Date