

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> Criminal Department, Central Division		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 11<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>		Date: <b>February 10, 2005</b>
Court Clerk: <b>B. Graves, M. Salas</b>		Department: <b>53</b> Time: <b>9:05 a.m.</b>
Reporter/Tape: <b>D. Dedmon, K. Garcia</b>		
Bailiff: <b>H. Franco, P. Bellefeuille</b>		

Plaintiff: <b>The People of the State of California</b>	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian - Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
Defendant: <b>Marcus Delon Wesson</b>	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones - Chief Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
		Rafael Torres - Deputy Public Defender	

Pursuant to the adjournment of February 9, 2005, Court reconvenes at 9:05 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

Outside the presence of the prospective jurors, the parties stipulate to release for cause juror F5.

Mr. Jones presents to the Court a cite in regard to his standing objection to the form of Ms. Gamoian's questions to the prospective jurors. Matter is argued, and the Court notes the objection.

The Court and respective counsel begin individual questioning of Group F at 9:10 a.m.

F1 requests to address the Court in private. The Court clears the courtroom and juror F1 addresses the Court in private. The Court orders the transcript sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

- (1) There is an overriding interest that overcomes the right of public access to the records being sealed;
- (2) These interests support sealing the records;
- (3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The sealing is narrowly tailored;
- (5) No less restrictive means exist to achieve the overriding interest.

concludes at 9:16 a.m. and the courtroom is opened to the public.

Prospective juror F1 is questioned by the Court and respective counsel beginning at 9:17 a.m. and concludes at 9:39 a.m.

Prospective juror F2 is questioned by the Court and respective counsel beginning at 9:40 a.m. and concludes at 9:47 a.m.

Prospective juror F3 is questioned by the Court and respective counsel beginning at 9:48 a.m. and concludes at 9:55 a.m.

Prospective juror F6 is questioned by the Court beginning at 9:56 a.m. and concludes at 9:58 a.m. The Court excuses F6 for hardship.

Prospective juror F7 is questioned by the Court and respective counsel beginning at 9:59 a.m. and concludes at 10:14 a.m.

Prospective juror F8 is questioned by the Court and respective counsel beginning at 10:15 a.m. and concludes at 10:24 a.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following prospective juror for cause: F2. Ms. Gamoian challenges the following jurors for cause: F1 and F7.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: F1, F2 and F7 are excused for cause.

The Court stands in recess at 10:35 a.m. until 10:52 a.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 10:52 a.m.

Prospective juror F10 is questioned by the Court and respective counsel beginning at 10:52 a.m. and concludes at 11:02 a.m.

Prospective juror F11 is questioned by the Court and respective counsel beginning at 11:03 a.m. and concludes at 11:13 a.m.

Prospective juror F12 is questioned by the Court and respective counsel beginning at 11:14 a.m. and concludes at 11:25 a.m.

Prospective juror F13 is questioned by the Court and respective counsel beginning at 11:26 a.m. and concludes at 11:38 a.m.

Prospective juror F15 is questioned by the Court and respective counsel beginning at 11:39 a.m. and concludes at 11:49 a.m.

Prospective juror F16 is questioned by the Court and respective counsel beginning at 11:50 a.m. and concludes at 11:58 a.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Ms. Gamoian challenges the following juror for cause: F13.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: F13 is denied.

The Court stands in recess at 12:02 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 1:34 p.m.

The Court advises respective counsel that a letter and a summons has been sent to prospective juror E9 to appear on February 15, 2005 at 8:30 a.m.

Respective counsel stipulate to excuse the following prospective jurors for cause: G2, G5, G6, G10, G17, G18, G19, G25 and G30.

Prospective juror F17 is questioned by the Court and respective counsel beginning at 1:38 p.m. and concludes at 1:51 p.m.

Prospective juror F18 is questioned by the Court and respective counsel beginning at 1:52 p.m. and concludes at 1:59 p.m.

Prospective juror F21 is questioned by the Court and respective counsel beginning at 2:00 p.m. and concludes at 2:04 p.m.

Prospective juror F23 is questioned by the Court and respective counsel beginning at 2:05 p.m. and concludes at 2:16 p.m.

Prospective juror F24 is questioned by the Court and respective counsel beginning at 2:17 p.m. and concludes at 2:22 p.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following prospective juror for cause: F17. Ms. Gamoian challenges the following prospective juror for cause: F24.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: F17, F21 and F24 are excused for cause.

The Court stands in recess at 2:24 p.m. until 2:53 p.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 2:53 p.m.

Prospective juror F26 is questioned by the Court and respective counsel beginning at 2:53 p.m. The Court clears the courtroom and juror F26 addresses the Court in private. The Court orders the transcript sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

- (1) There is an overriding interest that overcomes the right of public access to the records being sealed;
- (2) These interests support sealing the records;
- (3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The sealing is narrowly tailored;
- (5) No less restrictive means exist to achieve the overriding interest.

concludes at 3:11 p.m. and the courtroom is opened to the public.

Prospective juror F27 is questioned by the Court and respective counsel beginning at 3:12 p.m. and concludes at 3:21 p.m.

Prospective juror F29 is questioned by the Court and respective counsel beginning at 3:22 p.m. and concludes at 3:27 p.m. The parties stipulate to excuse for cause.

Prospective juror F31 is questioned by the Court and respective counsel beginning at 3:28 p.m. and concludes at 3:33 p.m. The parties stipulate to excuse for cause.

Prospective juror F32 is questioned by the Court and respective counsel beginning at 3:34 p.m. and concludes at 3:42 p.m. The parties stipulate to excuse for cause.

Court adjourns at 3:45 p.m. until February 14, 2005, at 9:00 a.m. for further jury selection.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

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