

<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- 12<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>		Date: <b>February 14, 2005</b>
Court Clerk: <b>B. Graves, M. Salas</b>		Department: <b>53</b> Time: <b>9:00 a.m.</b>
Reporter/Tape: <b>K. Garcia, D. Dedmon</b>		
Bailiff: <b>H. Franco, L. Van Meter</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
Defendant: <b>Marcus Delon Wesson</b>	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones - Chief Deputy Public Defender	<input checked="" type="checkbox"/> Appearing
		Rafael Torres - Deputy Public Defender	<input type="checkbox"/> Pro Per

Pursuant to the adjournment of February 10, 2005, Court reconvenes at 9:00 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 G35 and G43.

The Court and respective counsel begin individual questioning of Group G at 9:03 a.m.

Prospective juror G1 is questioned by the Court and respective counsel beginning at 9:03 a.m. and concludes at 9:12 a.m.

Prospective juror G3 is questioned by the Court and respective counsel beginning at 9:13 a.m. and concludes at 9:30 a.m.

Prospective juror G4 is questioned by the Court and respective counsel beginning at 9:31 a.m. and concludes at 9:38 a.m.

Prospective juror G7 is questioned by the Court and respective counsel beginning at 9:39 a.m. and concludes at 9:58

Prospective juror G8 is questioned by the Court and respective counsel beginning at 9:59 a.m.. The Court clears the courtroom and juror G8 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.

and concludes at 10:12 a.m. and the courtroom is opened to the public.

Prospective juror G33 is questioned by the Court and respective counsel beginning at 10:15 a.m. and concludes at 10:29

Prospective juror G34 is excused for hardship.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following prospective jurors for cause: G1, G3, G8 and G33.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: G1, G3 and G33 are excused for cause. G8 is denied.

The Court stands in recess at 10:42 a.m. until 10:57 a.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 10:57 a.m.

Prospective juror G9 is questioned by the Court and respective counsel beginning at 10:57 a.m.. The Court clears the courtroom and juror G9 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 11:14 a.m. and the courtroom is opened to the public.

Prospective juror G11 is questioned by the Court and respective counsel beginning at 11:14 a.m. and concludes at 11:30 a.m.

Prospective juror G12 is questioned by the Court and respective counsel beginning at 11:31 a.m. and concludes at 11:38 a.m.

Prospective juror G13 is questioned by the Court and respective counsel beginning at 11:38 a.m. and concludes at 11:52 a.m.

Prospective juror G14 is questioned by the Court and respective counsel beginning at 11:53 a.m. and concludes at 12:07 p.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following jurors for cause: G9, G11, G13 and G14. Ms. Gamoian has no challenges at this time .

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows:G11 and G13 are excused for cause. G9 and G14 are denied.

The Court stands in recess at 12:07 p.m.

Court Reporter K.Garcia replaces Denise Dedmon at 1:31 p.m.

Respective counsel stipulate to excuse the following prospective jurors for cause: I1, I3, I15, I16, I17and I27. The Court takes I10 and I23 under advisement.

Prospective juror G15 is questioned by the Court and respective counsel beginning at 1:35 p.m. and concludes at 1:53.m.

Prospective juror G16 is questioned by the Court and respective counsel beginning at 1:53 p.m. and concludes at 2:04 p.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following juror for cause: G16. Ms. Gamoian challenges the following juror for cause: G15.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: G15 and G16 are denied.

Prospective juror G20 is questioned by the Court and respective counsel beginning at 2:09 p.m. and concludes at 2:18 p.m.

Prospective juror G21 is questioned by the Court and respective counsel beginning at 2:19 p.m. and concludes at 2:32 p.m.

Prospective juror G22 is questioned by the Court and respective counsel beginning at 2:33 p.m. and concludes at 2:40 p.m. Parties stipulate to excuse for cause.

Prospective juror G23 is questioned by the Court and respective counsel beginning at 2:40 p.m. and concludes at 2:57 p.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the following prospective jurors for cause: D21 and G23 . Ms. Gamoian has no challenges at this time.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: G23 is excused for cause. G21 is denied.

The Court stands in recess at 3:03 p.m. until 3:17 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 3:17 p.m.

Prospective juror G24.is questioned by the Court and respective counsel beginning at 3:17 p.m. and concludes at 3:25 p.m.

Prospective juror G36 is questioned by the Court and respective counsel beginning at 3:26 p.m. and concludes at 3:32 p.m. The parties stipulate to excuse for cause.

Prospective juror G26 is questioned by the Court and respective counsel beginning at 3:34 p.m. and concludes at 3:41 p.m.

Prospective juror G27 is questioned by the Court and respective counsel beginning at 3:42 p.m. and concludes at 3:56 p.m.

Prospective juror G28 is questioned by the Court and respective counsel beginning at 3:57 p.m. and concludes at 4:04 p.m.

Prospective juror G29 is questioned by the Court and respective counsel beginning at 4:05 p.m. and concludes at 4:14 p.m.

Prospective juror G31 is questioned by the Court and respective counsel beginning at 4:15 p.m. and concludes at 4:23 p.m.

Prospective juror G32 is questioned by the Court and respective counsel beginning at 4:24 p.m. and concludes at 4:32 p.m.

The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the follow prospective jurors for cause:G26, G27, G29 and G31. Ms Gamoian challenges the following prospective juror for cause: G27.

The Court, after hearing and observing the prospective jurors and hearing arguments of respective counsel, rules as follows:G27 and G29 are excused for cause. G26 and G31 are denied.

Court adjourns at 4:39 p.m. until February 15, 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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