

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 15TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: February 17, 2005
Court Clerk: B. Graves, M. Salas		Department: 53 Time: 9:00 a.m.
Reporter/Tape: K. Garcia, D. Dedmon		
Bailliff: H. Franco, G. Ozburn		

Plaintiff: The People of the State of California	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian - Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: Marcus Delon Wesson	<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 16, 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 Court denies the challenge to excuse J18 for cause. Prospective juror J25 is excused for hardship. The Court vacates the OSC for prospective juror E9.

The Court and respective counsel begin individual questioning of Group K at 9:00 a.m.

Prospective juror K1 is questioned by the Court and respective counsel beginning at 9:04 a.m. and concludes at 9:06 a.m. The parties stipulate to excuse for cause.

Court exhibit (Dr's note for prospective juror K1) marked for identification.

Prospective juror K4 is questioned by the Court and respective counsel beginning at 9:07 a.m. and concludes at 9:23 a.m.

Prospective juror K5 is questioned by the Court and respective counsel beginning at 9:25 a.m. and concludes at 9: a.m.

Prospective juror K6 is questioned by the Court and respective counsel beginning at 9:20 a.m. and concludes at 9:36 a.m.

Prospective juror K7 is questioned by the Court and respective counsel beginning at 9:56 a.m. and concludes at 10:01 a.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: K4 and K5. 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: K4 is excused for cause. K5 is denied.

The Court stands in recess at 10:05 a.m. until 10:43 a.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 10:43 a.m.

Prospective juror K11 is questioned by the Court and respective counsel beginning at 10:43 a.m. and concludes at 10:10:58 a.m.

Prospective juror K13 is questioned by the Court and respective counsel beginning at 10:59 a.m. and concludes at 11:09 a.m.

Prospective juror K14 is questioned by the Court and respective counsel beginning at 11:09 a.m. and concludes at 11:18 p.m.

Prospective juror K15 is questioned by the Court and respective counsel beginning at 11:19 a.m. and concludes at 11:26 p.m.

Prospective juror K16 is questioned by the Court and respective counsel beginning at 11:27 a.m. and concludes at 11:43 p.m.

Parties stipulate to excuse prospective juror K9 for cause.

Prospective juror K10 is questioned by the Court and respective counsel beginning at 11:45 a.m. and concludes at 11:56 a.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: K10, K11 and K16 . Ms. Gamoian challenges the following juror for cause: K14 .

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: K9, K10, K11 and K14 are excused for cause. K16 is taken under advisement.

The Court stands in recess at 12:05 p.m.

Court Reporter Kristi.Garcia replaces Denise Dedmon at 1:33 p.m.

Prospective juror K17 is questioned by the Court and respective counsel beginning at 1:34 p.m. and concludes at 1:52 p.m.

Prospective juror K18 is questioned by the Court and respective counsel beginning at 1:53 p.m. and concludes at 2:01 p.m.

Prospective juror K19 is questioned by the Court beginning at 2:02 p.m. Prospective juror K19 presents the Court with a letter from his doctor. The Court reads and considers the doctor's letter and excuses K19 for hardship due to his medical condition and concludes at 2:04 p.m.

Court exhibit (Dr's note for prospective juror K19) marked for identification.

Prospective juror K20 is questioned by the Court and respective counsel beginning at 2:05 p.m. and concludes at 2:13 p.m.

Prospective juror K21 is questioned by the Court and respective counsel beginning at 2:14 p.m. and concludes at 2:20 p.m.

Prospective juror K23 is questioned by the Court and respective counsel beginning at 2:21 p.m. and concludes at 2: 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: K23. Ms. Gamoian challenges prospective juror K17.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: K17 are excused for cause. is denied.

The Court stands in recess at 2:32 p.m. until 2:52 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 2:52 p.m.

Prospective juror C21 is questioned by the Court and respective counsel beginning at 3:01 p.m. and concludes at 3:08 p.m. . The Court clears the courtroom and juror C21 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 3:13 p.m. and the courtroom is opened to the public

Prospective juror D26 is questioned by the Court and respective counsel beginning at 3:14 p.m. and concludes at 3:21 p.m.

The Court and respective counsel discuss challenges for cause. Mr. Jones challenges the follow prospective juror for cause: D26. Ms Gamoian has no challenges for cause at this time.

The Court, after hearing and observing the prosective jurors and hearing arguments of respective counsel, rules as follows: D26 is denied.

Court adjourns at 3:26 p.m. until February 22, 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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