

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- 6TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves/W. Anderson Reporter/Tape: K. Garcia/D. Dedmon Bailiff: H. Franco/ G. Ozburn/D. Barile		Date: February 2, 2005
		Department: 53 Time: 9:07 a.m.

Plaintiff: The People of the State of California Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian - Chief Deputy District Attorney Counsel: Peter Jones - Chief Deputy Public Defender Rafael Torres - Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to the adjournment of February 1, 2005, Court reconvenes at 9:07 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.

The Court and respective counsel begin individual questioning of Group A at 9:15 a.m.

Prospective juror A1 is questioned by the Court and respective counsel beginning at 9:15 a.m. and concludes at 9:20 a.m.

Prospective juror A3 is questioned by the Court and respective counsel beginning at 9:21 a.m. and concludes at 9:31 a.m.

Prospective juror A4 is questioned by the Court and respective counsel beginning at 9:32 a.m. and concludes at 9:44 a.m.

Prospective juror A5 is questioned by the Court and respective counsel beginning at 9:45 a.m. and concludes at 9:55 a.m.

Prospective juror A6 is questioned by the Court and respective counsel beginning at 9:56 a.m. and concludes at 10:02 a.m.

Prospective juror A8 is questioned by the Court and respective counsel beginning at 10:03 a.m. and concludes at 10:06 a.m.

Outside the presence of the prospective jurors, the Court and respective counsel discuss challenges for cause. The following prospective jurors are challenged for cause: A1, A3, A4, A5, A8.

The Court, after hearing and observing the prospective jurors and considering argument of respective counsel, rules as follows: A3, A4 are denied. A1, A5, A8 are excused for cause.

Prospective jurors A14 and A16 are ill and have been rescheduled to appear on February 17th, 2005 at 2:20 p.m.

The Court stands in recess at 10:19 a.m. until 1:30 p.m.

Court reporter Denise Dedmon replaces Kristi Garcia at 1:31 p.m.

Prospective juror A9 is questioned by the Court and respective counsel beginning at 1:31 p.m. and concludes at 1:41 p.m.

Prospective juror A10 is questioned by the Court and respective counsel beginning at 1:48 p.m. and concludes at 1:54 p.m.

Prospective juror A11 is questioned by the Court and respective counsel beginning at 1:57 p.m. and concludes at 2:07 p.m.

Prospective juror A12 is questioned by the Court and respective counsel beginning at 2:09 p.m. and concludes at 2:15 p.m.

Prospective juror A13 is questioned by the Court and respective counsel beginning at 2:16 p.m. This prospective juror requests to answer questions in private. The Court clears the courtroom and all questions are answered 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.

Questioning concludes at 2:25 p.m. and the courtroom is opened to the public.

Prospective juror A15 is questioned by the Court and respective counsel beginning at 2:26 p.m. and concludes at 2:37 p.m.

Outside the presence of the prospective jurors, The Court and respective counsel discuss challenges for cause. Respective counsel challenges the following prospective jurors for cause: A9, A11 and A15.

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: A15 is denied. A9 and A11 are excused for cause.

The Court stands in recess at 2:50 p.m. until 3:09 p.m.

Outside the presence of the prospective jury at 3:09 a.m., the Court and counsel take up matters of law and procedure.

Respective counsel stipulate to excuse the following prospective jurors for cause: B8, B15, B16, B24, B30 and B33.

Prospective juror A17 is questioned by the Court and respective counsel beginning at 3:12 p.m. and concludes at 3:21 p.m.

Prospective juror A20 is questioned by the Court and respective counsel beginning at 3:22 p.m. and concludes at 3:29 p.m.

Prospective juror A21 is questioned by the Court and respective counsel beginning at 3:30 p.m. and concludes at 3:41 p.m.

Prospective juror A22 is questioned by the Court and respective counsel beginning at 3:42 p.m. and concludes at 3:47 p.m.

Prospective juror A23 is questioned by the Court and respective counsel beginning at 3:48 p.m. and concludes at 3:53 p.m.

Prospective juror A24 is questioned by the Court and respective counsel beginning at 3:54 p.m. and concludes at 4:02 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: A21, A23, A24. Ms. Gamoian challenges the following jurors: A22 and A27 .

The Court, after hearing and observing the prospective jurors and considering arguments of respective counsel, rules as follows: A21, A22, A23, A24 and A27 are excused for cause.

The Court adjourns at 4:09 p.m. until February 3, 2005 for further jury selection.

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

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