

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- 31ST DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: March 21, 2005
Court Clerk: W. Anderson		Department: 53 Time: 8:55 a.m.
Reporter/Tape: K. Garcia, D. Dedmon		
Bailiff: H. Franco, R. Hicks, M. Belloli		

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 Defender Rafael Torres, Deputy Public Defender	<input type="checkbox"/> Pro Per
			<input checked="" type="checkbox"/> Appearing
			<input type="checkbox"/> Pro Per

Pursuant to adjournment of 3/17/05, Court reconvenes at 8:55 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with his counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Denise Dedmon, Court Reporter is present at 8:55 a.m.

Outside the presence of the jury, Mrs. Elizabeth Wesson is present, and Court appoints Mark Broughton of the Office of Barker and Associates, to represent her. Court instructs Mrs. Elizabeth Wesson and counsel Mark Broughton to go outside the courtroom and discuss matters. Lisa Gamoian, Chief Deputy District Attorney, requests of the Court to have Mrs. Elizabeth Wesson ordered back at 9:00 a.m. on 3/22/05.

Lisa Gamoian, Chief Deputy District Attorney, further request of the Court to have the following witnesses to remain;

Marcus Wesson Jr., and Rosie Solorio are admonished and ordered to remain in front of the courtroom until further notice.

Lisa Gamoian, Chief Deputy District Attorney, further advises the Court that Gypsey Wesson was previously ordered to be present today at 9:00 a.m., and she has not as of yet arrived. Court indicates that it was not yet 9:00 a.m.

The jury is brought into the courtroom at 9:04 a.m. and the trial proceeds.

Officer Eloy Escareno is sworn and testifies on behalf of the people on direct examination beginning at 9:05 a.m.

PEOPLE EXHIBIT #683, (1 PAGE DOCUMENT, "THE HOUSE OF ELIZABETH"), IS MARKED FOR IDENTIFICATION.

PEOPLE EXHIBIT #684, (6 PAGE DOCUMENT, "OUR HOUSE IS BEING DIVIDED") IS MARKED FOR IDENTIFICATION.

PEOPLE EXHIBIT #685, (1 PAGE DOCUMENT, " OUR HOUSE IS BEING DIVIDED") IS MARKED FOR IDENTIFICATION.

People exhibit # 447 and 449 are shown to witness Escareno.

Rafael Torres, Deputy Public Defender begins re-cross examination of witness Escareno at 11:38 a.m.

Rafael Torres, Deputy Public Defender request to publish the following exhibits to the jury; # 446, 447 & 449.

PEOPLE EXHIBIT #447 & 449 , (PHOTOS) HAVING BEEN PREVIOUSLY MARKED ARE NOW RECEIVED INTO EVIDENCE.

People's exhibit #446, 447 & 449 are shown to the jury at this time.

Witness Eloy Escareno, is excused at 11:47 a.m. and ordered subject to recall.

Marcus Delon Wesson, Jr., is sworn and testifies on behalf of the people on direct examination beginning at 11:48 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

Court admonishes the jury and breaks at 12:00 p.m. for the noon lunch break. Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney, request a witness be ordered back;

Rosa Solorio is ordered to be present at 1:30 p.m. today.

Court and counsel further discuss the authenticity of the letter from the doctor, (Court's exhibit #19).

Court further orders that a body attachment be issued on Gypsey Wesson, and held until 9:00 a.m. on 3/22/05.

Court stand in recess at 12:04 p.m.

Denise Dedmon, replaces Court Reporter, Kristi Garcia at 1:30 p.m.

Court reconvenes at 1:31 p.m. with all parties present, and outside the presence of the jury, Court and counsel discuss witness Rosa Solorio.

The jury is brought into the courtroom at 1:32 p.m. and the trial continues.

Marcus Delon Wesson, Jr., having been previously sworn, resumes the witness stand and further testifies on direct examination at 1:33 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

Court admonishes the jury and recesses at 2:46 p.m. Outside the presence of the jury, Court orders Rosa Solorio to be present and on time when ordered. Court further orders Rosa Solorio to remain outside the courtroom until further notice.

Court stands in recess at 2:49 p.m.

Kristi Garcia, replaces Court Reporter, Denise Dedmon at 2:50 p.m.

Court reconvenes at 3:06 p.m. with all parties present and the jury in their seats.

Marcus Delon Wesson, Jr., having been previously sworn, resumes the witness stand on continued direct examination at 3:07 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

Court admonishes the jury and adjourns at 4:17 p.m. until 9:00 a.m. on 3/22/05. Outside the presence of the jury, Court and counsel take up further questioning of witness Marcus Delon Wesson, Jr.

Court admonishes Witness Marcus Wesson, Jr. and orders him to be present tomorrow at 9:00 a.m. on 3/22/05.

PEOPLE EXHIBIT #686, (1 PAGE DOCUMENT, " JEW COMMANDMENT GOD'S LAW"), IS MARKED FOR IDENTIFICATION.

PEOPLE EXHIBIT #687, (1 PAGE DOCUMENT, "PROVERBS, 6:20) IS MARKED FOR IDENTIFICATION.

Rafael Torres, Deputy Public Defender, cross examines witness Escareno beginning at 10:09 a.m.

Court admonishes the jury and recesses at 10:20 a.m. Outside the presence of the jury, counsel, Mark Broughton, comes into the courtroom advising the court that another attorney from his office, Mr. Doug Foster, will be appearing tomorrow on his behalf to represent witness Elizabeth Wesson. Further, Mark Broughton, request of the court to have an in chambers conference.

Krisit Garcia, replaces Court Reporter, Denise Dedmon at 10:20 a.m.

At 10:25 a.m., Court, court staff, counsel all appear in the court's chambers. Marcus Delon Wesson is not present, but, is being assisted by an electronic hearing device. Mr. Broughton discusses matters in chambers with regards to the discussion he had earlier with Elizabeth Wesson. Further, discussions are stated on the record regarding Gypsey Wesson.

Defense attorney, Rafael Torres, request that the in chambers hearing be sealed. Court grants the request,

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.

Court instructs that the letter from the doctor, not be sealed. Clerk is ordered to make copies of the letter for all counsel.

Court stands in recess at 10:29 a.m.

COURT EXHIBIT #19, (LETTER FROM DR. RENEE HALSTEAD, CNM) IS MARKED FOR IDENTIFICATION.

Court reconvenes at 10:45 a.m. with all parties present and the jury in their seats.

Officer Eloy Escareno, having been previously sworn, resumes the witness stand and continues with cross examination by defense counsel at 10:46 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of witness Eloy Escareno at 11:19 a.m.

Counsel discuss the questions and answers of witness Marcus Wesson Jr., which was asked outside the presence of the jury. Court will allow questioning before the jury and overrules defense objection.

Court stands in adjournment at 4:23 p.m. until 9:00 a.m. on 3/22/05.

Off the record, the following People's exhibits are marked for identification.

- EXHIBIT #675, (MANILA ENVELOPE WITH 2 ITEMS INSIDE)
- EXHIBIT #676, (MANILA ENVELOPE CONTAINING BOOK)
- EXHIBIT #677, (MANILA ENVELOPE CONTAINING BLACK BOOK)
- EXHIBIT #678, (12 PAGE DOCUMENT, "HELLO GENTLEMEN")
- EXHIBIT #679, (1 DOCUMENT, "VANTAGE PRESS, LETTER)
- EXHIBIT #680, (VANTAGE PRESS - BROCHURE)
- EXHIBIT #681, (FLAG DIARY)
- EXHIBIT #682, (GOLD LEAF JOURNAL)
- EXHIBIT #683, (1 PAGE DOC., "THE HOUSE OF ELIZABETH")
- EXHIBIT #684, (6 PAGE DOC., "OUR HOUSE IS BEING DIVIDED")
- EXHIBIT #685, (1 PAGE DOC., OUR HOUSE IS BEING D IVIDED)
- EXHIBIT #686, (1 PAGE DOC., "JEW COMMANDMENT, GOD'S LAW")
- EXHIBIT #687,(1 PAGE DOC., "PROVERBS 6:20)
- EXHIBIT #688,(SMALL MANILA EVIDENCE ENVELOPE)

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