

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– 33RD 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, O. Briones		Date: March 23, 2005
		Department: 53 Time: 8:53 a.m.

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 3/22/05, Court reconvenes at 8:53 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 8:53 a.m.

People's Proposed Record Corrections in Compliance with California Rules of Court Rule 34.2 is filed.

The following Court Reporter Transcripts are certified by the Court:

Volumne L hearing date of March 3, 2005 is certified as corrected.

Volumne LI hearing date of March 4, 2005 is certified as corrected.

Volumne LII hearing date of March 7, 2005 is certified as corrected.

Volumne LIII hearing date of March 8, 2005 is certified as corrected.

Volumne LIV hearing date of March 9, 2005 is certified as corrected.

Volumne LV hearing date of March 10, 2005 is certified as corrected.

Lisa Gamoian, Chief Deputy District Attorney, requests of the Court to have the following witnesses ordered to return;

Rosa Solorio is present and ordered to remain in front of the courtroom until further notice.

Elizabeth Wesson is present and ordered to return on March 24, 2005 at 1:30 p.m.

Kiani Wesson is present and ordered to return on March 24, 2005 at 9:00 a.m.

Serafino Wesson is present and ordered to return on March 28, 2005 at 9:00 a.m.

The jury is brought into the courtroom at 9:13 a.m. and the trial proceeds.

Marcus Delon Wesson, Jr., having been previously sworn, resumes the witness stand on continued re-direct examination at 9:13 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Deputy Public Defender, begins re-cross of Marcus Delon Wesson, Jr. at 9:21 a.m.

Witness, Marcus Delon Wesson, Jr. is admonished and excused, subject to recall.

Rosa Solorio is sworn at 9:23 a.m. and takes the witness stand for direct examination by Lisa Gamoian, Chief Deputy District Attorney.

The Court admonishes the jury and the jury stands in recess at 10:20 a.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 10:41 a.m.

The jury returns to the courtroom at 10:41 a.m. and the trial resumes.

Rosa Solorio, having been previously sworn, resumes the witness stand on continued direct examination at 10:41 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

The Court admonishes the jury and stands in recess at 11:58 a.m.

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

Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney, states the the witnesses Rosa Solorio and Elizabeth Wesson are not present. The witnesses arrive at 1:32 p.m.

Elizabeth Wesson is present and the Court orders her to be present on March 24, 2005 at 1:30 p.m.

The jury returns to the courtroom at 1:33 p.m. and the trial continues.

Rosa Solorio, 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.

The Court admonishes the jury and the jury stands in recess at 2:13 p.m.

At 2:14 p.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.

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 recesses at 2:37 p.m.

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

The jury returns to the courtroom at 2:53 p.m., and the trial continues.

Rosa Solorio, having been previously sworn, resumes the witness stand on continued direct examination at 2:53 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

Court admonishes the jury and the jury adjourns at 4:00 p.m. until 9:00 a.m. on March 24, 2005.

Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney, asks for clarification on sustained objections. Rafael Torres, Deputy Public Defender, states to the Court that the parties have almost agreed on the transcript for the electronic recording of the incident.

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

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