

<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– 25<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>	Court Clerk: <b>B. Graves, W. Anderson</b>	Date: <b>March 9, 2005</b>
Reporter/Tape: <b>D. Dedmon, K. Garcia</b>	Bailiff: <b>H. Franco, P. Bellefeuille, G. Ozburn</b>	Department: <b>53</b> Time: <b>8:50 a.m.</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 Rafael Torres, Deputy Public Defender	<input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per

Pursuant to adjournment of March 8, 2005, Court reconvenes at 8:50 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 jury, respective counsel file their proposed record corrections in compliance with California Rules of Court Rule 34.2.

The following Court Reporter transcripts are certified by the Court:

Volume XLIV hearing date of February 22, 2005, is certified as corrected.

Volume XLV, hearing date of February 24, 2005, is certified as corrected.

Volume XLVI, hearing date of February 25, 2005, is certified as corrected.

Volume XLVII, hearing date of February 28, 2005, is certified as corrected.

Volume XLVIII, hearing date of March 1, 2005, is certified as corrected.

Volume XLIX, hearing date of March 2, 2005, is certified as corrected.

The Court schedules the next Certification date for March 16, 2005 at 8:45 a.m.

Rafael Torres, Deputy Public Defender, informs the Court that he will request a PC 402 hearing on possible testimony of Sofina Solorio.

Elizabeth Wesson is present and the Court orders her to be present on March 17, 2005 at 9:00 a.m. in this department.

"In Camera" hearing is held in chambers with Lisa Gamoian, Chief Deputy District Attorney, is present on behalf of the People. Peter Jones, Chief Deputy Public Defender, and Rafael Torres, Deputy Public Defender are present and defendant, Marcus Delon Wesson is present via an electronic listening 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.

The Court stands in recess at 9:20 a.m. until 9:30 a.m.

The jurors return to respective places at 9:34 a.m. and the trial proceeds.

Sofina Solorio, having been previously sworn, retakes the witness stand for further direct examination by Ms. Gamoian, Chief Deputy District Attorney beginning at 9:35 a.m.

Peoples exhibit 640(Diary book - Pink/flowers) marked for identification.

Peoples exhibit 641( Diary book - Blue border) marked for identification.

Peoples exhibit 642(Calendar - Hallmark 2000) marked for identification.

Peoples exhibit 643(Diary book - Purple) marked for identification.

Peoples exhibit 644(Diary book - Autumn leaves) marked for identification.

Peoples exhibit 645(Calendar book - 2000) marked for identification.

Peoples exhibit 646(Diary book - Heart picture) marked for identification.

Peoples exhibit 647(1996 - Desk Weekly Planner) marked for identification.

Peoples exhibit 648(Sealed manilla envelope) marked for identification.

The Court admonishes the jury and stands in recess at 10:25 a.m.

Court reporter Kristi Garcia replaces Denise Dedmon at 10:40 a.m.

In a closed courtroom, the Court and respective counsel conduct a PC 402.

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.

The courtroom is opened to the public at 10:57 a.m.

The jurors return to respective places at 10:58 a.m. and the trial proceeds.

Sofina Solorio, having been previously sworn, retakes the witness stand for further direct examination by Ms. Gamoian, Chief Deputy District Attorney beginning at 10:58 a.m.

The Court admonishes the jury and stands in recess at 11:50 a.m.

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

Gyspey Wesson is present and the Court orders her to appear on March 21, 2005 at 9:00 a.m.

Kiani Wesson has failed to appear as ordered by the Court on March 7, 2005. The Court orders that a body attachment to issue. Ms. Gamoian asked the Court to hold the body attachment for her to locate Kiani Wesson. Body attachment is held until March 10, 2005.

Peoples exhibit 636A(Diary - flowers on cover) marked for identification.

Peoples exhibit 636B(Dairy - black) marked for identification.

Peoples exhibit 636C(Diary - black and white) marked for identification.

Peoples exhibit 636D(Diary - ) marked for identification.

Peoples exhibit 636E(Diary - ) marked for identification.

Peoples exhibit 636F(Diary - ) marked for identification.

The jury returns to their resepective places at 1:34 p.m. and the trial proceeds

Sofina Solorio, having been previously sworn, retakes the witness stand for further direct examination by Ms. Gamoian, Chief Deputy District Attorney beginning at 1:34p.m.

Defendant exhibit JJ, (compact disc ) is marked for identification.

Defendant exhibit KK, ( compact disc ) is marked for identification.

Defendant exhibit LL, ( compact disc) is marked for identification.

Defendant exhibit MM, (original - Digital Audio Recording - transcript) is marked for identification.

Defendant exhibit NN, (original - Digital Audio Recording - transcript ) is marked for identification.

Defendant exhibit OO, (8 1/2 x 11 photo - items on floor with number markers) is marked for identification.

The Court admonishes the jury and the jury stands in recess at 1:50 p.m.

Outside the presence of the jury, the Court and respective counsel conduct a PC 402 hearing in re: Personal knowledge of the vampire issues beginning at 1:52 p.m. and concludes at 2:04 p.m.

The jury returns to their respective places at 2:05 p.m. and the trial proceeds.

Sofina Solorio, having been previously sworn, retakes the witness stand for further direct examination by Ms. Gamoian, Chief Deputy District Attorney beginning at 2:05 p.m.

The Court admonishes the jury and stands in recess at 2:50 p.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 3:10 p.m.

The jury returns to their respective places at 3:12 p.m. and the trial proceeds.

Sofina Solorio, having been previously sworn, retakes the witness stand for further direct examination by Ms. Gamoian, Chief Deputy District Attorney beginning at 3:12 p.m.

The Court admonishes the jury and adjourns at 4:30 p.m. until March 10, 2005 at 9:00 a.m. for further jury trial.

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

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