

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- 49TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: W. Anderson Reporter/Tape: K. Garcia, D. Dedmon Bailiff: H. Franco, G. Ozburn, P. Bellefeuille		Date: April 21, 2005
		Department: 53 Time: 9:00 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 4/20/05, Court reconvenes at 9:00 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

The Court reconvenes at 9:05 a.m. in chambers with Lisa Gamoian, Chief Deputy District Attorney. Peter Jones, Senior Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. Marcus Delon Wesson is present with the aid of an electronic listening device.

Court Reporter Denise Dedmon is present in chambers at 9:05 a.m.

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 and respective counsel reconvene in the Courtroom at 9:08 a.m., and outside the presence of the jury, Court advises the media that we will be using the overhead projector for the use of the transcripts.

The jury is brought into the courtroom at 9:09 a.m. and the trial resumes.

Kiani Wesson having been previously sworn, resumes the witness stand on continued direct examination by Lisa Gamoian, Chief Deputy District Attorney at 9:10 a.m.

People's exhibit #129 is shown to Kiani Wesson.

Rafael Torres, Deputy Public Defender cross examines Kiani Wesson at 9:53 a.m.

Court admonishes the jury and takes an early break at 10:09 a.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 10:25 a.m.

Court reconvenes at 10:26 a.m. with all parties present and the jury in their seats.

Kiani Wesson having been previously sworn, resumes the witness stand on continued cross examination at 10:26 a.m. by Rafael Torres, Deputy Public Defender.

Court admonishes the jury and recesses at 11:10 a.m.

Court reconvenes at 11:21 a.m. with all parties present and the jury in their seats.

Kiani Wesson having been previously sworn, resumes the witness stand on continued cross examination at 11:21 a.m. by Rafael Torres, Deputy Public Defender.

Court admonishes the jury and recesses at 11:59 a.m. until 1:30 p.m. for the noon lunch break.

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

Court reconvenes at 1:31 p.m. with all parties present and the jury in their seats.

Kiani Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 1:31 p.m. by Rafael Torres, Deputy Public Defender.

The Court reconvenes at 2:25 p.m. in chambers with Lisa Gamoian, Chief Deputy District Attorney. Peter Jones, Senior Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. Marcus Delon Wesson is present with the aid of an electronic listening device.

Court Reporter Denise Dedmon is present in chambers at 2:25 p.m.

Lisa Gamoian, Chief Deputy District, made an objection in the courtroom on a question asked by Rafael Torres, Deputy Public Defender, and wanted to be heard. Counsel discuss the objection and submit to the Court for ruling. Court sustains the objection.

Court and respective counsel reconvene in the Courtroom at 2:28 p.m., and the trial resumes with Kiani Wesson on the witness stand under cross examination by Rafael Torres, Deputy Public Defender.

Court admonishes the jury and recesses at 2:40 p.m.

Court reconvenes at 3:01 p.m. with all parties present and the jury in their seats.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 3:01 p.m.

Kiani Wesson having been previously sworn, resumes the witness stand on continued cross examination by Rafael Torres, Deputy Public Defender at 3:02 p.m.

Court admonishes the jury and adjourns court at 4:26 p.m. until 9:00 a.m. on 4/22/05.

Outside the presence of the jury, counsel discuss exhibits. Counsel agree to take up the issue of exhibits tomorrow afternoon.

Defendant remains remanded to the custody of the Sheriff pending the next hearing date.

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