

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- 62ND 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, P. Bellefeuille, G. Ozburn		Date: May 11, 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 May 10, 2005, 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.

Court Reporter, Kristi Garcia is present at 9:00 a.m.

Outside the presence of the public and the media, "In chambers" conference is held with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

Court inquires of counsel regarding the expert witness continuing with testimony.

Court and counsel go over the itinerary of dates from the jury.

Court further discusses dates that the trial will be in session:

- May 13th - adjourn at 3:45 p.m.
- May 20th - full day hearing for the purpose of continuing with the EC 402 hearing.
- May 27th - no jury (dark day for jurors)
- June 3rd - full day
- June 9th & 10th - dark day for jurors

The Court orders Court exhibits 36, 37 and 38 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 jury returns to the courtroom at 9:08 a.m. and the trial resumes.

Martin Garcia, Jr., having been previously sworn, resumes the witness stand at 9:10 a.m. for further cross examination by Rafael Torres, Deputy Public Defender.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination at 9:50 a.m. of Martin Garcia, Jr.

Rafael Torres, Deputy Public Defender, begins re-cross examination at 9:51 a.m. of Martin Garcia, Jr. Witness is excused at 9:51 a.m., subject to recall.

Louis Garcia is sworn at 9:54 a.m. and testifies on direct examination by Lisa Gamoian, Chief Deputy District Attorney.

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

Court Reporter Denise Dedmon replaces Kristi Garcia at 10:42 a.m.

The jury returns to the courtroom at 10:42 a.m. and the trial resumes.

Louis Garcia, having been previously sworn, resumes the witness stand to further testify on direct examination at 10:43 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Deputy Public Defender, begins cross examination at 11:00 a.m. of Louis Garcia.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination at 11:45 a.m. of Louis Garcia.

Rafael Torres, Deputy Public Defender, begins re-cross examination at 11:48 a.m. of Louis Garcia.

Lisa Gamoian, Chief Deputy District Attorney, begins re-re-direct at 11:52 a.m. of Louis Garcia.

Rafael Torres, Deputy Public Defender, begins re-re-cross examination at 11:53 a.m. of Louis Garcia. Witness is excused at 11:53 a.m., subject to recall.

Detective Douglas Reese, having been previously sworn, retakes the witness stand to further testify on direct examination by Lisa Gamoian, Chief Deputy District Attorney.

Peoples exhibits 798, 799,800, 801,802 and Court exhibit 35 are shown to the witness.

Peoples exhibits 798, 799 and 800, having been previously marked, are received into evidence. The parties stipulate to the playing of the processed audio recordings to the jury.

The Court admonishes the jury and stands in recess at 12:00 noon.

Court Reporter Kristi Garcia is present at 1:25 p.m.

The jury returns to the courtroom at 1:25 p.m. and the trial continues.

Peoples exhibits 799 and 800 are played to the jury beginning 1:25 p.m.

The Court admonishes the jury and stands in recess at 2:19 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 2:38 p.m.

The jury returns to the courtroom at 2:38 p.m. and Peoples exhibit 800 continues to be played to the jury. The recording concludes at 3:25 p.m.

Rafael Torres, Deputy Public Defender, begins cross examination at 3:26 p.m. of Detective Douglas Reese, Fresno Police Department.

The Court admonishes the jury and the jury stands in recess at 3:33 p.m.

Outside the presence of the jury, the Court and respective counsel take up the matter of the Peoples objection. Matter is argued and submitted. Objection is sustained.

The Court stands in recess at 3:40 p.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 3:50 p.m.

Court reconvenes at 3:52 p.m. with all parties present and the jury in their seats.

Detective Douglas Reese having been previously sworn, resumes the witness stand at 3:52 p.m. on continued direct examination by Lisa Gamoian, Chief Deputy District Attorney. Witness is excused at 3:53 p.m., subject to recall.

Brandi Sanchez is sworn and testifies on behalf of the people on direct examination at 3:55 p.m. by Lisa Gamoian, Chief Deputy District Attorney.

The Court orders all parties to be present on May 12, 2005 at 9:00 a.m.

Court advises the jury of the following schedule:

May 13th - adjourn at 3:45 p.m.

May 20th - full day hearing for the purpose of continuing with the EC 402 hearing.

May 27th - dark day for jurors

June 3rd - full day

June 9th & 10th - dark day for jurors

The Court admonishes the jury and adjourns at 4:45 p.m.

Defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County until next hearing date.

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