

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– 64TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: May 13, 2005
Court Clerk: W. Anderson		Department: 53 Time: 8:30 a.m.
Reporter/Tape: K. Garcia, D. Dedmon		
Bailiff: H. Franco, G. Ozburn, M. Flores		

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 12, 2005, Court reconvenes at 8:30 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.

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.

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 reconvenes at 9:00 a.m. in the courtroom with all parties present and the jury in their seats.

Jesse Solorio is sworn and testifies on behalf of the people on direct examination at 9:04 a.m. by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Deputy Public Defender, cross examines witness, Jesse Solorio at 9:57 a.m.

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

Kristi Garcia, replaces Court Reporter Denise Dedmon at 10:37 a.m.

Court reconvenes at 10:37 a.m. with all parties present, and outside the presence of the jury, Court and counsel take up prior convictions of witness Jesse Solorio being used as impeachment.

False Information given -
1990 - substance: PCP
1994 - substance: Marijuana
1997 - Santa Clara Co., Possession of Methamphetamine

Court asks that witness Jesse Solorio be brought into the courtroom for further questioning of these charges.

At 10:45 a.m., Jesse Solorio retakes the witness stand and is cross examined by Rafael Torres, Deputy Public Defender regarding the prior convictions.

The jury is brought back into the courtroom at 10:49 a.m. and the trial resumes.

Jesse Solorio, having been previously sworn, remains on the witness stand on continued cross examination by Rafael Torres, Deputy Public Defender at 10:50 a.m.

Lisa Gamoian, Chief Deputy District Attorney begins re-direct examination of Jesse Solorio at 11:02 a.m. Witness is ordered excused at 11:06 a.m., subject to recall.

Lois Dugovic is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 11:09 a.m.

Rafael Torres, Deputy Public Defender begins cross examination of Lois Dugovic at 11:12 a.m. Witness excused at 11:14 a.m., subject to recall.

Zarkis Martirosian is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 11:16 a.m.

Rafael Torres, Deputy Public Defender cross examines Zarkis Martirosian at 11:23 a.m. Witness excused at 11:24 a.m., subject to recall.

Michael Varin is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 11:26 a.m.

Outside the presence of the public and the media, "In chambers" conference is held at 11:31 a.m. 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 and counsel discuss the issue of "impeachment" regarding statements made between Marcus Wesson Jr. and witness Michael Varin. Court instructs counsel to look into the dates of those statements and be prepared on 5/16/05 to discuss further. Court indicates that we will adjourn early today and allow the witness to return on Monday.

At 11:38 a.m., all parties return to the courtroom. Court admonishes the jury and orders them to return back on 5/16/05 at 9:00 a.m. Court admonishes and orders the witness, Michael Varin to also return on 5/16/05 at 9:00 a.m.

Outside the presence of the jury, Court discusses with counsel the issue of having witnesses more readily available, then having to wait 2-3 minutes going down to the end of the hallway to get the next witness. Counsel advises the Court that the witnesses are staying at the end of the hallway, because they are trying to avoid the media camera's.

Court stands in adjournment at 11:45 a.m.

The defendant remains remanded to the custody of the Sheriff of Fresno County pending the next hearing date.

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