

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- 73RD DAY	Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam	Date: May 26, 2005
Court Clerk: W. Anderson/ B. Graves	Department: 53 Time: 9:00 a.m.
Reporter/Tape: K. Garcia, D. Dedmon	
Bailiff: H. Franco, P. Bellefeuille, R. McEwen	

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	<input checked="" type="checkbox"/> Appearing
		Rafael Torres, Deputy Public Defender	<input type="checkbox"/> Pro Per

Pursuant to adjournment of May 25, 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 jury, Lisa Gamoian, Chief Deputy District Attorney, request of the Court to order back the following witnesses:

Rosa Solorio is present and ordered to return on May 31, 2005 at 9:00 a.m.
Serafino Wesson is present and ordered to return on May 31, 2005 at 9:00 a.m.

Lisa Gamoian, Chief Deputy District Attorney, objects to the use of a Power Point presentation by Allen Boudreau because it is late discovery. Matter is argued.

Allen Boudreau, having been previously sworn, is recalled to the witness stand at 10:14 a.m. for further direct examination by Rafael Torres, Deputy Public Defender. Witness is excused, subject to recall. Matter is taken under advisement. Ruling is set for May 27, 2005 at 2:00 p.m.

Rafael Torres, Deputy Public Defender, request to be able to bring a live model into court to show the jury how Sebhrenah Wesson may have held the gun to shoot herself. Request is denied. Mr. Torres informs the Court that he may bring in the Custodian of Records from Fresno Police Department to verify the Event Log of the incident. Also, Mr. Torres may call Gary Cortner. Lisa Gamoian, Chief Deputy District Attorney, request copies of Gary Courtner's notes.

The Court stands in recess at 10:37 a.m.

Denise Dedmon, replaces Court Reporter Kristi Garcia at 10:38 a.m.

The Court and respective counsel, in a confidential hearing, conduct a jury instruction conference beginning at 11:00 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.

The Court stands in recess at 12:00 noon.

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

The Court and respective counsel, in a confidential hearing, continue with the jury instruction conference.

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.

At 3:45 p.m., Rafael Torres, Deputy Public Defender, submits to the Court a 9 page Marsden Motion on behalf of his client, Marcus Delon Wesson. The Court informs the parties that he will need time to read the motion and will take up the issue at 10:00 a.m. on May 27, 2005.

Court adjourns at 3:55 p.m. until 5/31/05 at 9:00 a.m. for further jury trial.

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

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