

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– 74TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: W. Anderson/ B. Graves Reporter/Tape: K. Garcia, D. Dedmon Bailiff: H. Franco, P. Bellefeuille		Date: May 27, 2005
		Department: 53 Time: 10:15 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 26, 2005, Court reconvenes at 10:15 a.m. 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. Lisa Gamoian, Chief Deputy District Attorney and the jury panel are not present at this time.

Court Reporter, Denise Dedmon is present at 10:15 a.m.

COURT EXHIBIT #42, (9 page handwritten document - Marsden Motion request) is marked for identification.

At 10:16 a.m., Court takes up the "Marsden" hearing with the Defendant. Defendant, Marcus Delon Wesson states to the Court his reasons why he submitted a request for a Marsden.

Court orders Court's exhibit #42 - SEALED.

Court denies the Marsden Motion.

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.

Peter Jones, Chief Deputy Public Defender advises the Court that he will need to leave the courtroom momentarily, and that the defendant, Marcus Delon Wesson, has waived his counsel appearance.

Lisa Gamoian, Chief Deputy District Attorney, is now present in the courtroom at 10:25 a.m.

Court again takes up the informal jury instruction conference at 10:40 a.m. with Lisa Gamoian, Chief Deputy District Attorney present, along with the defendant, Marcus Delon Wesson and his counsel, Rafael Torres, Deputy Public Defender.

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.

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- (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 breaks at 12:00 p.m.

Court Reporter, Kristi Garcia replaces Denise Dedmon at 2:03 p.m.

Court reconvenes at 2:03 p.m. with all parties present outside the presence of the jury. The Court rules on the objection by Lisa Gamoia, Chief Deputy District Attorney as fully stated on the record.

The stands in recess at 2:10 p.m. and the Court room is closed to the public.

Court again takes up the informal jury instruction conference at 2:10 p.m..m. with Lisa Gamoian, Chief Deputy District Attorney present, along with the defendant, Marcus Delon Wesson and his counsel, Rafael Torres, Deputy Public Defender.

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 adjourns at 2:50 p.m.

The defendant, Marcus Delon Wesson, is to remain in the custody of the Sheriff of Fresno County until next hearing.

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