

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– 60TH 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, G. Ozburn, P. Bellefeuille		Date: May 9, 2005
		Department: 53 Time: 9:07 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 5, 2005, Court reconvenes at 9:07 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, Denise Dedmon is present at 9:07 a.m.

PEOPLES EXHIBIT 803(CURRICULUM VITAE FOR DR. J. REID MELOY, PH.D.) MARKED FOR IDENTIFICATION.

Outside the presence of the jury, Media request is granted.

Peoples exhibits 563 and 571, having been previously marked, are received into evidence.

The Court inquires from Lisa Gamoian, Chief Deputy District Attorney, if the exhibit envelopes that have not been opened will be opened at a later time. Ms. Gamoian informs the Court that the exhibit envelopes that have not been opened, will not be opened due to the blood on the items in the envelopes.

The Court informs the parties that the trial schedule will change to include full days on Fridays and go longer in the afternoon.

The Court requests from Lisa Gamoian, Chief Deputy District Attorney, an offer of proof on Dr. J. Reid Meloy, Ph.D. and Kris Mohandie. Ph.D. Ms. Gamoian provides the Court with an offer of proof.

Peter Jones, Chief Deputy Public Defender, requests an "In Chambers" hearing.

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.

The parties return to the courtroom at 9:38 a.m. The Court orders that the EC 402 hearing will be a closed hearing.

The courtroom is cleared of the public and the media.

Dr. J. Reid Meloy, Ph.D., Forensic Psychologist, is sworn at 9:40 a.m. and testifies on direct examination pursuant to EC 402 by Lisa Gamoian, Chief Deputy District Attorney.

Peoples exhibit 803 is shown to the witness.

Peoples exhibit 803, having been previously marked, is received into evidence.

The Court stands in recess at 10:32 a.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 10:50 a.m.

Dr. J. Reid Meloy, Ph.D., Forensic Psychologist, having been previously sworn, resumes the witness stand at 10:50 a.m. for further direct examination pursuant to EC 402 by Lisa Gamoian, Chief Deputy District Attorney.

The Court stands in recess at 12:02 p.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 1:32 p.m.

Dr. J. Reid Meloy, Ph.D., Forensic Psychologist, having been previously sworn, resumes the witness stand at 1:32 p.m. for further direct examination pursuant to EC 402 by Lisa Gamoian, Chief Deputy District Attorney.

Peter Jones, Chief Deputy Public Defender, begins cross examination pursuant to EC 402 at 2:19 p.m. of Dr. J. Reid Meloy, Ph.D., Forensic Psychologist.

The Court stands in recess at 2:50 p.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 3:10 p.m.

Dr. J. Reid Meloy, Ph.D., Forensic Psychologist, having been previously sworn, resumes the witness stand at 3:10 p.m. for further cross examination pursuant to EC 402 by Peter Jones, Chief Deputy Public Defender.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination pursuant to EC 402 at 3:43 p.m. of Dr. J. Reid Meloy, Ph.D., Forensic Psychologist.

Peter Jones, Chief Deputy Public Defender, begins re-cross examination pursuant to EC 402 at 3:50 p.m. of Dr. J. Reid Meloy, Ph.D., Forensic Psychologist. Witness is excused at 3:58 p.m., subject to recall.

Dr. Kris Mohandie, Psychologist, is sworn at 4:01 p.m. and testifies on direct examination by Lisa Gamoian, Chief Deputy District Attorney.

PEOPLES EXHIBIT 804(CURRICULUM VITAE FOR DR. KRIS MOHANDIE, PH.D.) MARKED FOR IDENTIFICATION.

Peoples exhibit 804 is shown to the witness.

Peoples exhibit 804 is received into to evidence for this hearing only.

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 orders Dr. Kris Monhanie, Ph.D. to be present on May 27, 2005 at 9:00 a.m. for further examination pursuant to EC 402.

The Court orders all parties to be present on May 10, 2005 at 9:00 a.m.

The Court adjourns at 4:32 p.m.

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

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