

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– 84TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: June 15, 2005
Court Clerk: B. Graves		Department: 53 Time: 9:00 a.m.
Reporter/Tape: D. Dedmon		
Bailiff: H. Franco, P. Bellefeuille		

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones, Chief Deputy Public Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per

Pursuant to adjournment of June 14, 2005, and upon the return of all 12 jurors, deliberations resume at 9:00 a.m.

At the request of the jury, they take a break from deliberating at 10:25 a.m., and upon the return of all 12 jurors, deliberations resume at 10:40 a.m.

At the request of the jury, they are taken to lunch by the sworn deputy at 12:00 noon.

The jury returns to the juryroom at 1:30 p.m. and with all 12 jurors present, deliberations resume.

At 1:55 p.m., Court receives a request from the jury. COURT EXHIBIT #47, (REQUEST FROM JURY) IS MARKED FOR IDENTIFICATION. The jury requests the transcript (Court exhibit 21) for Peoples exhibits 692A & 692B and a cassette player.

Court reconvenes at 2:18 p.m. with all parties present, and outside the presence of the jury, Court and counsel take up matters of "Request from jury". Respective counsel stipulate to Court exhibit 21 and a cassette player to be given to the jury by the sworn Deputy Henry Franco.

Outside the presence of the jury, "In chambers" conference is held at 2:20 p.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.

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 2:24 p.m.

At the request of the jury, they take a break from deliberating at 3:05 p.m., and upon the return of all 12 jurors, deliberations resume at 3:25 p.m.

At the request of the jury, the jurors leave for the evening at 4:25 p.m. until 9:00 a.m. on June 16, 2005 for further deliberations.

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

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