

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– 86TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: June 17, 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
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones, Chief Deputy Public 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 June 16, 2005, and upon the return of all 12 jurors, deliberations resume at 9:00 a.m.

At 9:36 a.m., the jury notifies Deputy Henry Franco that a verdict has been reached.

At the request of the jury, they take a break at 9:45 a.m. until 10:15 a.m.

Court reconvenes at 11:21.m. with all parties present, and outside the presence of the jury. Court and respective counsel take up the matter of scheduling a date for the Penalty Phase, if one is needed. The Court and respective counsel agree on the date of June 22, 2005 at 9:00 a.m. to meet with counsel and June 22, 2005 at 1:30 p.m. to begin the penalty phase.

The Jury, at their request, enters the Courtroom at 11:24 a.m and are seated in their respective places, stating to the Court that they have agreed upon a verdict.

The Court orders the verdict to be secured and it is so secured. The Court reviews the verdict forms and finds them to be in order.

The Court orders the Clerk to read the verdict and it is so read and recorded.

The Court inquires of Counsel if either side desires a poll of the Jury, Rafael Torres, Deputy Public Defender requests that the jury be polled. It is so done.

The Court instructs the Clerk to file the verdicts as read into the record, and they are so filed. (See attachments)

Court orders the Penalty Phase to begin on June 22, 2005 at 9:00 a.m.

The Court admonishes the jury and releases them until June 22, 2005 at 9:00 a.m. for the Penalty Phase.

Lisa Gamoian, Chief Deputy District Attorney, informs the Court that she has not received discovery for the Penalty Phase of this trial. The Court orders that discovery be provided to Lisa Gamoian, Chief Deputy District Attorney, by 4:00 p.m. today.

The Court stands in recess at 11:55 a.m.

Outside the presence of the jury, "Closed Hearing" is held at 1:30 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.

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 1:52 p.m. until June 21, 2005 at 9:00 a.m. for possible 402 Hearing. The Penalty Phase remains set for June 22, 2005 at 9:00 a.m.

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

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