

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– 81ST DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: June 8, 2005
Court Clerk: B. Graves		Department: 53 Time: 9:00 a.m.
Reporter/Tape: K. Garcia		
Bailiff: H. Franco, G. Ozburn, 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 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 7, 2005, and upon the return of all 12 jurors, deliberations resume at 9:00 a.m.

Pursuant to adjournment of June 7, 2005, Court reconvenes at 10:19 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. The jury panel is not present.

Outside the presence of the jury, Court Services Technician, Joseph Delgado requests to play the digital recording on a laptop that the Court owns. Lisa Gamoia, Chief Deputy District Attorney, objects. Matter is argued. The Court orders that the laptop provided by Deputy Public Defender, Rafael Torres, is to be used for playback of the digital recording as it was the laptop used during trial to play the digital recording.

The Court stands in recess at 10:23 a.m.

At the request of the jury, they take a break from deliberating at 10:30 a.m., and upon the return of all 12 jurors, deliberations resume at 10:55 a.m.

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

The jury returns to the juryroom at 1:35 p.m. and with all 12 jurors present, deliberations resume.

At the request of the jury, they take a break from deliberating at 3:00 p.m., and upon the return of all 12 jurors, deliberations resume at 3:15 p.m.

Outside the presence of the jury, "In chambers" conference is held at 4:00 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 4:05 p.m.

The jury is brought into the courtroom at 4:25 p.m. The Court admonishes the jury and releases them at 4:25 p.m. until June 13, 2005 at 9:00 a.m. for further deliberations. The Court excuses Alternate Juror #1(C7 - 58) for hardship.

The Court adjourns at 4:26 p.m.

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

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