

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> Criminal Department, Central Division		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 26<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>		Date: <b>March 10, 2005</b>
Court Clerk: <b>B. Graves, W. Anderson</b>		Department: <b>53</b> Time: <b>9:01 a.m.</b>
Reporter/Tape: <b>D. Dedmon, K. Garcia</b>		
Bailiff: <b>H. Franco, P. Bellefeuille, A. Esmay</b>		

Plaintiff: <b>The People of the State of California</b>	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: <b>Marcus Delon Wesson</b>	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones, Chief Deputy Public Defender	<input checked="" type="checkbox"/> Appearing
		Rafael Torres, Deputy Public Defender	<input type="checkbox"/> Pro Per

Pursuant to adjournment of March 9, 2005, Court reconvenes at 9:01 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

Outside the presence of the jury, Kiani Wesson is present at 9:01 a.m. Court orders that the Body Attachment ordered on March 9, 2005 is recalled. The Court orders Kiana Wesson to appear on March 15, 2005 at 1:30 p.m. unless Ms. Gamoian, Chief Deputy District Attorney, notifies Kiani Wesson by phone to appear on March 17, 2005 at 9:00 a.m.

The Court and respective counsel discuss the issue of the audio recording beginning at 9:07 a.m.. The Court orders that the parties meet and confer and resolve their differences on the transcript of the audio recording.

The jury returns to their respective places at 9:20 a.m. and the trial resumes.

Sofina Solorio, having been previously sworn, retakes the witness stand at 9:21 a.m. and Mr. Torres, Deputy Public Defender, begins cross examination.

The Court admonishes the jury and stands in recess at 10:20 a.m.

Court Reporter Kristi Garcia replaces Denise Dedmon at 10:43 p.m.

The jury returns to their respective places at 10:43 a.m. and the trial resumes.

Sofina Solorio, having been previously sworn, retakes the witness stand at 10:43 a.m. and Mr. Torres, Deputy Public Defender, continues with cross examination.

The Court admonishes the jury and stands in recess at 11:59 a.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 1:30 p.m.

The jury returns to their respective places at 1:32 p.m. and the trial resumes.

Sofina Solorio, having been previously sworn, retakes the witness stand at 1:32 p.m. and Mr. Torres, Deputy Public Defender, continues with cross examination.

The Court admonishes the jury and releases them at 2:50 p.m. until March 14, 2005 at 9:00 a.m. for further jury trial.

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

Outside the presence of the jury, the Court and respective counsel discuss exhibits that should be received into evidence. Peoples exhibits 26, 27, 28, 29, 30, 31, 32 33, 73, 86 and 99, having been previously marked, are received into evidence. Defense exhibit PP is received into evidence.

The Court orders that the courtroom be cleared and the courtroom is cleared by the Deputy.

Defendants Motion in Limine is argued by respective counsel.

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 releases Sofina Solorio until March 14, 2005 at 9:00 a.m. for further cross examination.

The Court orders that Defense's Motion pursuant to EC 782 be published.

The Court adjourns at 4:00 p.m. until March 14, 2005 at 9:00 a.m. for further jury trial.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

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