W04912039-B

FILED
MAR 30 2004
FRESNO COUNTY SUPERIOR COURT
By _____ DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

CENTRAL DIVISION

IN RE SEALED SEARCH WARRANT AFFIDAVIT AND RETURN

No.: **ORDER SEALING WARRANT, AFFIDAVIT, RETURN AND AFFIDAVIT REQUEST FOR ORDER SEALING SEARCH WARRANTS DOCUMENTS:** [PER CRC Rule 243.1]

The court having read and considered the affidavit submitted in support of sealing the above-mentioned warrants, affidavits and returns, and upon the representations made therein that the investigation of Marcus Delon Wesson is ongoing, and further based upon the fact that the investigation would be compromised by a public disclosure of the warrant and any items obtained after service of the warrant, the court orders that the warrant, affidavit in support thereof and any return of the warrant to remain under seal pending further order of this court.

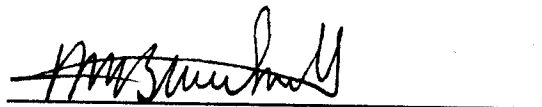
The court specifically finds as follows:

- There exists an overriding interest that overcomes the right of public access to the record;
- The overriding interest supports sealing the record;
- A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- The proposed sealing is narrowly tailored; and
- No less restrictive means exist to achieve the over-riding interest.

THIS ORDER IS OPEN TO PUBLIC INSPECTION. THE AFFIDAVIT REQUESTING A SEALING ORDER SHALL BE SEALED WITH THE WARRANT AND RETURNS AND SHALL NOT BE UNSEALED PENDING FURTHER ORDER OF COURT

IT IS SO ORDERED.

Dated the 30th day of March 2004.



~~Robert Oliver~~ M. Bruce Smith
Superior Court Judge
Superior Court of California, Fresno County