

<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– 72<sup>ND</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b> Court Clerk: <b>W. Anderson/ B. Graves</b> Reporter/Tape: <b>K. Garcia, D. Dedmon</b> Bailiff: <b>H. Franco, P. Bellefeuille, R. McEwen</b>		Date: <b>May 25, 2005</b>
		Department: <b>53</b> Time: <b>9:00 a.m.</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 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 May 24, 2005, Court reconvenes at 9:00 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.

Court Reporter, Denise Dedmon is present at 9:00 a.m.

Outside the presence of the public and the media, "In chambers" conference is held 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.

Court reconvenes at 10:02 a.m. in the courtroom with all parties present, and outside the presence of the jury, Court and counsel discuss scheduling of witnesses.

Further, pursuant to PC 1119, Defense counsel makes a motion to view the scene. Counsel argue the motion and submit. Court denies the request to view the scene making the findings under 352.

Court reserves issues regarding witness Boudreau until tomorrow at 9:00 a.m.

Court and counsel further discuss the following:

Formal stipulation - cell phone statement

Court stands in recess at 10:11 a.m.

Off the record, the following exhibits were marked for identification:

DEFENSE EXHIBIT 'EEEE', (2 PG. "VISION WEST CONTACT"/ PHONE STATEMENT)  
DEFENSE EXHIBIT 'FFFF', (STIPULATION: CELLULAR TELEPHONE RECORDS)

Kristi Garcia, replaces Court Reporter Denise Dedmon at 10:38 a.m.

Court reconvenes at 10:38 a.m. with all parties present, and outside the presence of the jury, Court and counsel discuss Defense exhibit, ' DDDD'. Court reserves ruling.

The jury is brought into the courtroom at 10:41 a.m. and the trial resumes.

Christopher Tognazzini is sworn and testifies on behalf of the defendant on direct examination by Rafael Torres, Deputy Public Defender at 10:43 a.m.

Lisa Gamoian, Chief Deputy District Attorney cross examines the witness at 10:48 a.m.

Witness is excused at 10:49 a.m. and ordered subject to recall.

Dr. Venu Gopal having been previously sworn, is recalled to the witness stand by Rafael Torres, Deputy Public Defender at 10:50 a.m.

Witness is excused at 10:56 a.m. and ordered subject to recall.

Detective Douglas Reese, having been previously sworn, is recalled to the witness stand by Rafael Torres, Deputy Public Defender at 10:56 a.m.

Witness is excused at 11:00 a.m. and ordered subject to recall.

Rafael Torres, Deputy Public Defender, reads to the jury Defense Exhibit,' FFFF', (stipulation) at 11:01 a.m.

Court at this time, advises the jury that the witnesses scheduled for today are now complete. Counsel will need to meet with the court for a jury instruction conference, and that is expected to take the next couple of days. Further, Court advises the jury that they will not be needed Thursday or Friday of this week. Court further advises the jury that they will have another opportunity to review some of the exhibits on Tuesday of next week.

Court admonishes the jury at this time and adjourns at 11:04 a.m. until 5/31/05 at 9:00 a.m.

Outside the presence of the jury, Court gives counsel some case law to review for the jury instruction conference.

Court adjourns at 11:06 a.m. until 5/26/05 at 9:00 a.m.

Defendant remains remanded to the custody of the Sheriff pending his next hearing date.

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