

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 PENALTY PHASE OF A CAPITAL CASE- 3RD DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: June 23, 2005
Court Clerk: B. Graves/ W. Anderson		Department: 53 Time: 9:00 a.m.
Reporter/Tape: K. Garcia, 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 the adjournment of June 22, 2005, the Court reconvenes at 9:00 a.m. outside the presence of the jury, " 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.

Court Reporter, Kristi Garcia is present at 9:00 a.m.

COURT EXHIBIT 50(PEOPLES QUESTIONS FOR JURORS) MARKED FOR IDENTIFICATION.

COURT EXHIBIT 51(DEFENDANTS QUESTIONS FOR JURORS) MARKED FOR IDENTIFICATION.

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 9:51 a.m.

Court Reporter Denise Dedmon replaces Kristi Garcia at 10:21 a.m.

Outside the presence of the jury, " A Closed Session" conference is held at 10:21 a.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.

Court reconvenes at 10:47 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed. The jury is not present.

The Court finds that there has not been any misconduct by a juror. The Court states that the Penalty Phase will begin at 1:30 p.m.

The Court stands in recess at 10:49 a.m.

The jury enters the courtroom at 1:41 p.m. all parties are present and ready to proceed.

Court Reporter Kristi Garcia is present at 1:41 p.m.

Lisa Gamoian, Chief Deputy District Attorney, makes an opening statement on behalf of the People beginning at 1:43 p.m. and concludes at 1:44 p.m.

Peter Jones, Chief Deputy Public Defender, makes an opening statement on behalf of the defendant, Marcus Delon Wesson, beginning at 1:44 p.m. and concludes at 1:53 p.m.

Lisa Gamoia, Chief Deputy District Attorney, request that Peoples exhibit 823, having been previously marked, be received into evidence. Peoples exhibit 823 is received into evidence.

People rest.

Cheryle D. Penton is sworn at 1:57 p.m. and is examined on behalf of the defendant, Marcus Delon Wesson, by Peter Jones, Chief Deputy Public Defender.

The Court admonishes the jury and stands in recess at 2:27 p.m.

Denise Dedmon, Court Reporter, replaces Kristi Garcia at 2:42 p.m.

The jury enter the courtroom at 2:42 p.m. with Cheryle D. Penton resuming the witness stand to further testify on behalf of the defendant, Marcus Delon Wesson.

Lisa Gamoian, Chief Deputy District Attorney, begins cross examination at 2:45 p.m. of witness, Cheryle D. Penton. Witness is excused at 2:52 p.m., subject to recall.

Gregory Bledsoe is sworn at 2:53 p.m. and examined on behalf of the defendant, Marcus Delon Wesson, by Peter Jones, Chief Deputy Public Defender.

Lisa Gamoian, Chief Deputy District Attorney, begins cross examination at 3:05 p.m. of Gregory Bledsoe. Witness is excused at 3:07 p.m.

Defense rests.

The Court admonishes the jury and the jury stands in recess a 3:08 p.m.

The jury returns to the courtroom at 3:14 p.m. and the Court admonishes the jury and releases them until June 24, 2005 at 9:00 a.m. for further trial.

The Court stands in recess at 3:15 p.m.

At 3:30 p.m. all parties are present and outside the presence of the jury, the Court and respective counsel further conduct the Jury Instruction Conference until 4:03 p.m.

Peter Jones, Chief Deputy Public Defender, makes a motion to use only 2 verdict forms. Matter is argued by respective counsel and submittes. Motion is denied.

The Court adjourns at 4:05 p.m. until June 24, 2005 at 9:00 a.m. for the Penalty Phase.

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

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