

<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– 80<sup>TH</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>		Date: <b>June 7, 2005</b>
Court Clerk: <b>B. Graves, W. Anderson</b>		Department: <b>53</b> Time: <b>9:00 a.m.</b>
Reporter/Tape: <b>K. Garcia</b>		
Bailiff: <b>H. Franco, P. McLean</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 June 6, 2005, and upon the return of all 12 jurors, deliberations resume at 9:00 a.m.

Outside the presence of the jury, "In chambers" conference is held at 9:30 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 requests a time estimate from respective counsel for the possible Penalty Phase.

Lisa Gamoian, Chief Deputy District Attorney states 1/2 a day.

Peter Jones, Chief Deputy Public Defender, states 2 days.

Ms. Gamoian states that she has not received any discovery for the Penalty Phase of the Trial. Court orders that discovery be provided to Ms. Gamoian.

The Court informs respective counsel that family members will be allowed in the courtroom for the verdict.

The Court inquires from respective counsel if a poll of the jury is requested will they want individual polling or general polling. Parties stipulate to a general polling of the jury.

Court reconvenes at 9:41 a.m. with all parties present, and outside the presence of the jury.

Lisa Gamoian, Chief Deputy District Attorney, request of the Court to release the following witnesses:

Elizabeth Wesson is present and is released by the Court.

Rosa Solorio is present and is released by the Court.

The Court states that it has changed it's ruling on family members being present when verdict is read. The Court will allow family members to be present when verdict is read.

The Court stands in recess at 9:43 a.m.

At the request of the jury, they take a break from deliberating at 10:20 a.m., and upon the return of all 12 jurors, deliberations resume at 10:35 a.m.

At the request of the jury, they take a break from deliberating at 10:45 a.m., and upon the return of all 12 jurors, deliberations resume at 10:50 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 1:30 p.m. and with all 12 jurors present, deliberations resume.

At 1:55 p.m. the Court receives a Request from the Jury.  
COURT EXHIBIT 45 (REQUEST FROM THE JURY) MARKED FOR IDENTIFICATION.

At the request of the jury, they take a break from deliberating at 2:45 p.m.

Outside the presence of the jury, "In chambers" conference is held at 2:46 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 jury is brought into the courtroom at 3:03 p.m. Court inquires about question, if they want the Peoples CD player or Defense laptop? The jury foreperson requests the Defense laptop. The Court informs the jury that Deputy Franco will bring the gun, bent bullet and the knife into the juryroom for viewing.

The jury is taken back to the juryroom at 3:06 p.m. for further deliberations.

Outside the presence of the jury, the request for a magnifying glass and headphones are denied. The parties stipulate to Court Services Technician, Joseph Delgado, may enter the juryroom to play back the digital recording to the jury.

Sworn Deputy, Henry Franco, shows the gun, knife and bent bullet to the jury beginning at 3:16 p.m. and concludes at 3:33 p.m.

The Court admonishes Joseph Delgado, Court Services Technician, not to discuss anything with the jury. He is only to play the digital recording as requested by the jury.

The Court stands in recess at 3:38 p.m.

Joseph Delgado, Court Services Technician, enters the juryroom to play the digital recording for the jury beginning at 4:10 p.m. and concludes at 4:30 p.m.

At the request of the jury, the jurors leave for the evening at 4:30 p.m. until 9:00 a.m. on June 8, 2005 at 9:00 a.m. for further deliberations.

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

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