

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 GUILT PHASE OF A CAPITAL CASE– 75TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves/W. Anderson Reporter/Tape: L. Bjerke, D. Dedmon Bailiff: H. Franco, P. Bellefeuille, J. Lail		Date: May 31, 2005
		Department: 53 Time: 9:00 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of May 27, 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. The jury panel is not present.

Court Reporter, Leslie Bjerke is present at 9:00 a.m.

Lisa Gamoian, Chief Deputy District Attorney, requests of the Court to order back the following witnesses:

Elizabeth Wesson is present and ordered to return on June 7, 2005 at 9:00 a.m.
 Rosa Solorio is present and ordered to return on June 7, 2005 at 9:00 a.m.

DEFENSE EXHIBIT GGGG(STIPULATION: TESTIMONY OF BRIAN WRAXALL) MARKED FOR IDENTIFICATION.

The jury returns to the courtroom at 9:05 a.m. and the trial resumes.

Gary Cortner, having been previously sworn, is recalled to the witness stand at 9:06 a.m. to further testify on direct examination by Rafael Torres, Deputy Public Defender.

Witness, Gary Cortner, is excused at 9:07 a.m., subject to recall.

Allen Boudreau, having been previously sworn, is recalled to the witness stand at 9:08 a.m. to further testify on direct examination by Rafael Torres, Deputy Public Defender.

The following Defense exhibits, having been previously marked, are received into evidence: DDDD12, DDDD13, DDDD15, DDDD28, DDDD29, DDDD30, DDDD31, DDDD32, DDDD33, DDDD34, DDDD35, DDDD36, DDDD37, DDDD38, DDDD39, DDDD40, DDDD44, DDDD45 AND DDDD46.

Lisa Gamoian, Chief Deputy District Attorney, begins cross examination at 9:58 a.m. of Allen Boudreau.

PEOPLES EXHIBIT 821(BLOW UP PHOTO OF A BROWN BOOT WORN BY SEBHRENAH WESSON) MARKED FOR IDENTIFICATION.

Peoples exhibit 821 is shown to the witness.

Rafael Torres, Deputy Public Defender, begins re-direct examination at 10:15 a.m. of Allen Boudreau.

The following Defense exhibits are shown to the witness: LLL, MMM, PPP AND QQQ.

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

Court Reporter Denise Dedmon replaces Leslie Bjerke at 10:40 a.m.

The jury returns to the courtroom and the trial continues at 10:41 a.m.

Allen Boudreau, having been previously sworn, resumes the witness stand at 10:41 a.m. to further testify on re-direct examination by Rafael Torres, Deputy Public Defender.

Lisa Gamoian, Chief Deputy District Attorney, begins re-cross examination at 10:56 a.m. of Allen Boudreau.

PEOPLES EXHIBIT 822(8 1/2 X 12 PHOTO SEBHRENAH WESSON, NUDE, ON AUTOPSY TABLE)
MARKED FOR IDENTIFICATION.

Rafael Torres, Deputy Public Defender, begins re-re-direct examination at 11:00 a.m. of Allen Boudreau.
Witness is excused at 11:02 a.m., subject to recall.

Defense exhibit GGGG, having been previously marked, is received into evidence. Defense exhibit GGGG is read to the jury by Rafael Torres, Deputy Public Defender.

Defense rests.

The Court admonishes the jury and the jury stands in recess at 11:05 a.m.

Outside the presence of the jury, the Court informs respective counsel that the jury will be given time to look at the exhibits. the Court further orders that the Judicial Assistant and Deputy will be present during the viewing.

The jury returns to the courtroom at 11:09 a.m. and the Court informs the jury that they will be given time to view the exhibits. The Court admonishes the jury not to discuss the exhibits with any other juror.

The jury returns to the juryroom to view the exhibits at 11:12 a.m.

Outside the presence of the jury, Lisa Gamoian, Chief Deputy District Attorney, requests the Peoples exhibits 821 and 822, having been previously marked, be received into evidence. Peoples exhibit 821 is received into evidence. Peoples exhibit 822 is reserved.

Lisa Gamoian, Chief Deputy District Attorney, moves to amend, according to proof, Count 19 to read On or about November 15, 1992, through November 14, 1996. Motion is granted.

The Court and respective counsel discuss Defense exhibit DDDD. The following Defense exhibits are received into evidence: DDDD1, DDDD2, DDDD3, DDDD4, DDDD5, DDDD6, DDDD7, DDDD8 AND DDDD9.

The Court stands in recess at 11:25 a.m.

Court Reporter Leslie Bjerke replaces Denise Dedmon at 1:42 p.m.

All parties are present and outside the presence of the jury at 1:42 p.m. the following Defense exhibits, having been previously marked are received into evidence: FFFF, FFF, RR, VV, EEEE, GGG.

Peoples request to receive Peoples exhibit 822 is denied.

The Court adjourns at 1:58 p.m.

Court Reporter Denise Dedmon replaces Leslie Bjerke at 3:55 p.m.

Outside the presence of the jury and the public the Court and respective counsel conduct a jury instruction conference.

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 returns to the courtroom at 3:55 p.m. and is excused until June 1, 2005 at 9:00 a.m.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County until the next hearing date.

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