

Tues. April 15

★ Dr. Aliene Dahm Resident in
Jan. 9, 1996 Xray taken - no fracture seen Mayo Clinic, Orthopedic Surgery
Jan. 11, 1996 Mc - right index finger
Injured 1-6-96 fracture at base of finger
Jan. 13 Splint replaced
Jan. 17 Cast applied. Told to return in 2 1/2 - 3 weeks

★ Robin Jettters Maple Plain, MN

Met Tina the Tues. before March 9

Ann Jettters staying w/ her

Mc ate 10 pancakes

1:20 to Mall of America, 3:30 to Wal-Mart

N = "all her fault Mc had fallen down the stairs."

Mc playing w/ toys, Brian on the couch.

B had spanked Mc.

Gray Tina's stairs steep.

10:50 am ★ Ron Jettters (worked 10 mo. at farm)

B = (2 weeks prior to accident) mentioned couldn't discipline the children bec. they bruised very easily. He had spanked them once and it had left a bruise on their behind, so tried not to discipline them again.

Gray: B very hard worker. Long hours.

Maintained a friendship w/ B.

B wanted to be a good father. Confrontation w/ Sean and said he was doing the best he could

in taking care of the children.

11:10pm (★) Anne Letters Cashier at Grand Cassino, Milledocs
Played w/ girls upstairs - helped with dress-up.
Easter dresses.

Me slid down steps ^{on their bottom} and walked.

(★) Connie Edstadt - Ch. Health Care, staff nurse in Ped.

Ex. 20 Two specimens handed to her by helicopter nurse. Gave to Hennepin Co. policeman. Then to Shakopee Police. Kept sealed. CT, then head to toe assessment. Blood in diaper. Catheter w/ temp. sensor. Urine leaking. Changed from size 8 to size 10 catheter.

Ex. 74 Size 8

Ex. 75 Size 10 w/ temp. sensor. At 5:15 pm temp. was 31.7°C , 89°F . Heating lamps and warm blankets. Nurse until 7:30 pm, then charting. Family there Objection - Rule 403

Withdrawn Tina extremely distraught and unable to enter the room ^(tried several times) until a family member and nurse helped her physically into the room.

(Gray) Made notes at 7 pm. Bruising becoming increasingly apparent.

1:00 pm Tina met B in Jr. Hi dated 2 months

met Sean when Soph in H.S. dated 1 year.

Married Sean 6-27-90. Ended 1-19-95.

Tina got Custody. Babysitter = Megan.

Somerset, WI. Sean paid child support twice

\$50 and \$17. Then state took out of check, but kept it.

~~B~~ Jason K = 8 mo.

Brian Nelson = 5 mo.

Brian Markt Nov '95 Met at a bar

Proposed New year's day. Said yes.

Moved to Rochester mid January. Stayed w/step-mom
Audrey & Morris.

Talked to B. about a spanking. At work.

Realized he spanked her hard, got scared and
laid her down. ~~Tina~~ saw a handmark on her
buttucks.

Page 1036 Grand jury -

B spanked me with ? Pause (Come back later)

Tina got home saw black + blue handmark
on both buttucks. Talked w/B about it. Told
him not to spank her girls again.

Tom: Was B crying? Tina: No.

In Rochester 1½ weeks more.

Moved to Shakopee. Work hours.

Normally took ^{barn} pants off around house.

N said B pinched her. Left girls
alone w/ Brian once every other day or so.

Mc. did OK on stairs except when tried to carry something. Fell down 3-4 stairs but nothing happened.

No potty accidents. Wiped herself well except Tina helped after BM's. B never helped.

Tom Take Mc temp before 3-9? Yes.

Loss of appetite, wasn't eating right.

Page 1054 Grand Jury - line 14-17

Tom Did B use anything other than his head to spank Mc? No.

Mc felt fine 3/6-9 except didn't want to eat. Played outside w/ N and Tina. Didn't vomit, or act groggy.

Never wandered outside by herself. Have sex 2-3 wks before 3-9? No. Morning sickness.

Mc + N get along Pretty well, sometimes couldn't stand each other. N physically hurt Mc? No.

B have farm set? (described) Rebuilt tractors, glue pieces together, play w/it.

Towels = solid and striped Cannon. Ralph Loren? No.

Night before 3-9. Mc feeling fine.

Mc got up at 7:10am. Tina got up 7:11am.

B got up 4-4:30am. Breakfast at 8:30am.

B picked them up and went to Jett's house.

Breakfast and Paul Bunyon movie. Mc ate

pancakes. Mc Not minding that well that morning.

discussed going to Home and Garden Show
or Mall. decided to take the girls along.

B done with chores and Put Mc shoes on.

Mc cried and wanted to go shopping. Went home.

Laid Mc down w/ her on Tina's bed for
1 1/2 hr. When Robin got there at 12:20, got up.
Changed Mc clothes after Robin came.

Very hot upstairs. Window open and fan on.
Used a book. Ex. 76 Book

Changed Mc to white Guess jeans and T-shirt.
Only pair. Deputy handed clothes.

Ex. 77, a+b,

Ex 78, a+b Mc pants

Ex 79 soiled underwear

Clothes were clean when Tina left. Brought
Mc downstairs. Saw Robin didn't have daughter
so would be back by 4 pm. Took Mc back
up and laid her down. B playing w/ farmset.
Had work pants on, long shirt. Mc OK.

Phonebook on stairs 3-4 stairs up,
face up. Left for mall 12:30 - 45. Mc in ^{her} bed.
B upstairs. N down in K by table.

At mall, ate at Arby's. Walked around.
Cheese Store, Wall Mart 1/2 hr. Went home.
4 pm. Saw cop car.

Said to Robin - B got pulled over bec. tabs expired. Policeman came out. Into house. B said Mc will be OK. I love you.

Went to Robin's. Made phone calls. Went to hosp.

Was B wearing same pants? No

When at hosp. - not sure of time she got there.

How did Mc + B get along? Some days good, some not so good.

Dec '95. 16th weekend. Megan + Mom babysat. Tina observe bruises on Mc butt? No. Tina cause injuries? No

Broken finger. B said he was pushing her on a toy car and she hurt her finger on a doorframe. In the room? No.

Mc tell how it happened? No. N? No.

To hosp. 2-3 times. Put cast on arm. Tell them to bring her back to remove cast? yes. B pulled cast off at K table. Round-shaped scar on her right wrist from cast rubbing.

Feb 24, '96 asked ¹Ann Ressler to babysit.

Picked girls up at Connie's. N fell against coffee table - got red mark on forehead.

Mc injury to back? 2 brown scrapes on lower back. Mc said she tripped on her pants and fell against her bed. Tina in next room. Also 3 bruises on left side of face.

Don't know how she got them.

Custody hearing in WI. Lied when said
Me had fallen. (face)

See injuries on chest Feb. 24? No.

(2pm) Other? On legs? Little bruises on sides of
her knees, both sides.

Did Ann R talk to you on Sunday? Ask
about bruising? Yes. Said on back from
falling on bed, didn't tell her how others

Asked if B was spanking the girls. I said
No. Was that true? No. Lied bec
didn't want to lose my kids.

Asked at Hudson if B spanked?
I said No, B hadn't spanked more than once.
True? No. Under oath.

B main disciplinarian Feb + March.

Did B spank Me + W? Yes.

Ex 79, 77, 78, 76. Get from Deputy Wolf? yes
When at the hosp. were you able to see the
injuries on Me? yes. Stayed at hosp until Me
passed away ~~the~~ the next day.

Injuries on Me. Did you cause any? No.
Did you cause any injuries or bruises to Me?

(Gray) Did B cause any other bruises? Not to my knowledge.

Hard, on bare butt spanking? No.
Pat on the butt, go to room, etc. Also did to yourself? yes.

Planning a life together so trying to have a family situation. Wait til your Dad (B) comes home. Fair skin - see bruises easily.

Tell anyone/Robin girls bruise easily? No ... could have. Did they bruise easy? yes.

Window was open. Not sure fan was on. Not sure.

Jeans clean - out of drawer.

Went to Robin's and Ron's estimating the times Laid down bec. headache. Could be shorter than 1 1/2 hrs? yes.

Sex w/ B. - Reason not having bec morning sickness and B tired. B not demanding sex. No. Not a sexual person was he? No.

Form set lined up on steps and sides. Gave N and Mc their own sets. Played w/ them. Glue gun still on Feb. 20 - burned hole in floor.

Objection overruled - speaks for itself.

N didn't disagree w/ what B said about broken finger. Didn't see fracture at first.

Splinters. Cast. B concerned. To Shakopee.
Cast loose, smelled. Asked B to take cast off.
Tina there. Mc seemed OK. Otherwise would
have brought her back to hosp.

Living with Audrey - B worked long distance.
Small place. Got along very well.

Concerned about B spanking children? No
described B w/ mellow temper.
described B as being very good w/ girls - couldn't
be anyone better. yes.

Ch. never reported B had harmed them? No.

Conflict w/ Ann R? yes. Questioning ability
to take care of ch? yes.

Bruises on face? Tell. Not true.
Large? No. Concern you before Ann asked?
No. Mc Eye on a hook? Blanket,
Active? yes.

Ever see B put bruises on cheek? No
Ch would have told you? Yes.

N talking to you about what happened -
always said Mc fell down the steps. Rolled
just once at Mom's house 2 days later.

B not w/ ch much bec long working hours.
Fall asleep/napped easily. To bed early after
supper. B caught in farm elevator
and laid up 1-2 days.

(2:20 pm)

Inside door of house couldn't shut unless kicked it.

Mc fell backwards 3-4 steps, bowl of grapes. Hot upstairs so Mc would take clothes off. Sweat profusely. Towels around toilet overflowing.

Mc wake up soaking wet after nap. Yes. Spanking paddle in the house? No.

Kids would have said? yes, did they? No.

3-9 bruises on lower back? No, not that I recall. Page 1050, at 12:45 3-9.

Can't quite remember. Under oath at Grand Jury?

yes. [Gray Conferred w/Brian outside.] done.

Tom Lines 18-20 lower middle back a bruise?

At one time. On 3-9 was a scar? No other bruises.

When B spanked Mc in Rochester, tell why? Objection - outside scope of

cross-exam. (Withdrawn objection.)

B spanked bec. Mc peed on the floor after he asked if she had to go to the bathroom.

Statement of 3-11 to police, p. 8.

Gray - Grand Jury - 1034 lines 3-7

Tom removed documents

B was scared when talked to Tina.

Upset? No Stopped spanking bec realized what he was doing!

Did B ever get angry w/ girls yes.

Who got spanked more? Me

Gray Objection - leading. Overruled

Tom B's mood in Feb when spanked.

Gray Objection - too vague

Judge Understand? Kind of. Restate question!

Tom Remember Grand Jury? Remember if B

spanked out of anger? Page 1051.

Yes. Got angrier at me.

Overruled ~~as hearsay~~

To store, left B.

Gray Complain about B when returned? No

(raised voice)

Asked leading questions at G.J. Pats on the butt. Prosecutor asked leading questions.

Me got more pats on butt bec got into more trouble.

Nowhere did you say B was angry.

Telling the truth in front of jury.

3:00

Officer Carl Bach.

Exh. 80-81: Photographs taken at the scene on 3/9. at about 5 PM.

Neil:

80: Child's bedroom.

81: Blow up of left side of ex 80.

Officer on exhibit 5 indicate children's bedroom.

Officer Karl Reehling - Scott Co. S. D.

Corrections officer

On duty 3/9/96 8-8 PM.

Cares for inmates in custody.

Clothes are taken and secured

Exh. 82 - 84

82, socks.

He takes the clothing from inmates in his presence and folds them and places them on a table.

83. long underwear pants

As he removed them he noticed what he believed to be dry blood on the thigh.

84. Underwear taken into property.

Green underwear - briefs.

How was Brian wearing? Green briefs beneath long johns.

Booking started at 7 PM.

EG. With respect to Ex 82, ~~what~~ how do you know these are the socks you obtained from Brian. Did you mark them?

No

E6: Do you have your notes there?

Described rocks as white

Didn't put down that they had blue & white rocks.

How do you know these are the Rong Johns? Brian

Agreed they were his. He signed the form. He's in the room when the items are placed in a bag.

He takes his clothes off. You put it in a bag and then do you have him sign. He was sitting there when

He was putting it in the bag. He takes the property into the property room and then has Brian sign

NN. Is that the way you handle all property? yes.

E6:

Today we got done with witnesses early.

3:30.

discuss Choices for next wk. 3 options -

- 1) M-F
- 2) 1/2 day off Friday
- 3) whole day off Friday

April 16 - Shakopee 9 AM

Witness

* Dr. Mary Case grad 1965 - Psychology -

Employed - St Louis, Mo. in 4 counties

Duties - medical examiner - autopsies etc.
anatomologist
pathologist - examines tissues, forensics
pathologist (sudden death) exams - neuropathologist
is of brain, spinal cord, nervous systems.

She has done approx 9000 exams, many children.

Written book - a textbook on head injuries.

She was asked to consult on Mc. case.

Reviewed her case - autopsy etc. Photos of scene, house, windows. Looked at pictures of Mc at hospital. Her opinion is that she died of head injuries ~~to~~ on left side. Hemorrhages - also brain death, she was comatose.

Her opinion is that it is not accidental. Could be throwing her or ~~being~~ bashing. Could not be from a fall on down stairs.

Earl Gray objects - I want info stricken from record. about falling down stairs. Objection overruled.

E.G. objects again - Judge overrules & can proceed. Dr. explaining studies on falls.

E.G. objects again - Judge overrules - She says children don't obtain injuries like hers from stairs, they hump down & the brain is loose so moves back & forth as they fall. Mc brain injury is

seen only in severe cases. Under age 4 injuries are different. Head is large on children. Brain develops as they grow.

Brain of child is 'soft gelatin', a lot of water content. Their neck is not very muscular so brain (head) rotates easily. This changes after age 4. An accidental stair fall shows this is different than her injury. Her injuries in the brain were ~~very widespread~~ Her damage was deep in the brain. She was immediately * unconscious & didn't wake up again.

So she couldn't have walked etc.

E.H. objects - judge overruled & told her she could show the pictures of Mr. injuries to brain etc. E.H. objects - Judge overruled.

Hers shows abusive injuries.

Show picture of house - she (Dr) says it could not have been caused by fall from window. E.H. objects - Judge says overruled - Dr opinion is couldn't be from a fall even on frozen ground.

Injury on her right arm - opinion is that this was from grasping her & twisting it. 5 year old couldn't have injured her.

Had to be adult force - E.H. objects - Judge overruled. Couldn't be from respirator Dr says.

Dr Lindsey
Thomas
asked
her to
come

or Trying to give her CPR.

E# 33 - shows me in hospital - bruise on right arm - Dr. says it's caused from abuse only, not picking her up.

E.G. - Cross exam - Nasty -

asking her lots of questions on how much time she's spent (in hours) on this. Says she reviewed past history of her & everything thorough, but doesn't have ~~no.~~ of hours with her. Earl upset. Earl gets her papers & reads 4 page letter to himself while we wait.

Dr Lindsey asked her to do this consulting. also Dr. Thomas asked her opinion on her hypothermia.

Shock alone could cause blood in colon.

E.G. asking how much she had talked to Tom. She talked to Tom 9:15 to 11:45 last nite.

E.G. upset. Says she read on plane reviewing case etc. E.G. upset - he's looking over her papers & questioning her on how much she read last night. E.G. - rustling papers etc. Taking up fees with her on coming her - she gets 75% of 1500 over & above salary. She flies around U.S. 2 or 3 times a year for this. E.G. says Nicole could of done this as she was jealous of me. E.G. says Nicole's grandmother said Nicole said she hated her sister etc. & she was jealous of her.

Dr case continues. Tom questioning now.

Head injury caused her death. she says. Tom showing ex # 85 - court record. E. H. again nasty - Jury dismissed so Judge could talk to attys - E. H. mad because Dr case talked about & called it abuse. Judge says Dr case only compared child abuse to falls, so O.K.

Witness
X

Janet Lee Legid employed at Children's Hosp. she was in Helicopter, got ~~vitals~~ from St Francis.

Witness

Officer Craig Robson - officer in Shakopee police 6 yrs Rec'd call 2:13 on March 9. He assisted in CPR. Mr Merkt on couch - Mc on floor, naked ~~at~~ by couch. Noticed injury around eye punched mark on chest - Skin felt plastered & cold. Eyes partially open & lifeless. Mr Merkt said she fell downstairs, had vomited etc.

Nicole upstairs. Talked to Brian - asked why she was naked - Brian said she was too hot & took clothes off. Officer said he'd have to call an investigation. Brian knocked down a toy tractor on his way up to show Officer the upstairs. Brian said I'm in trouble.

Showing ex # 38 - towel. He said towel used to cover Mackenzie. He called "Detective".

E.D. Cross examining officer - Brian said he was sleeping upstairs & said Mackenzie wake him up by crying.

Said TV on loud & could be heard downstairs.

E.G. - showing towel again to him. (Noon Recess)

(afternoon)

* Witness Kevin Nelson, Police Scott County 13 years -
Correction Supervisor. March 10 - Midnite - 8 AM.
at Jail - Nelson contacted by officer Bock
at 1:15 AM to come & take Brian's clothing
from Property room for evidence. Showing
Brian's clothes again like yesterday. Brian
was booked 6:07 March 9 -

E. Gray questioning - Brian was in room with
one other inmate - would hold 4. He was put
in holding cell at first for one person.

* Witness Deputy Honza Scott City deputy 9 yrs.
also works part time in city areas.

March 20, 1996 - working & called out to the house.
Crime tech. Jim England, policeman was
there. He was called out because Tina was
there moving out and found the glue gun hot.
Showing photos of house, hole in carpet from
glue gun. Checked 2 steps that were loose.
observed a piece of burned newspaper in upstairs,
also pieces of farm machinery. Glue gun on
the burned newspaper.

E.G. - arguing about scratches on stairway.

May recall Tina Earl Gray says about Plywood
at the top and the scratches.

* Witness Englin, officer - state trooper now - was Shakopee
Police

(56)

Mar. 9, 1996 - He was asked to place police tape around the house at 2111 Valley View Rd E. Left & 2 other officers arrived at 11:15 PM. March - called again to house by Doug & Audrey.

Witness #

Cletus Mathison - Police officer - deputy - transports people. He is a volunteer reserved deputy. He was asked to go to 2111 U.V. Rd. at 11:16 PM. arrived 11:25 & stayed until 7:43 AM.

Noone came to the house. Then another deputy Jean Baker & T. Irish came.

* Wit.

Lady

Jean Baker - lady officer - at Scott County. March 10 '96 - went out to the house. arrived 7:43 AM to relieve other officers. She left at 11:40 AM.

* Witness

Debra Wolf deputy (lady) New Richmond Clinic worker. Registered lab technician. Run blood urine specimens. April 25 - Exhibit 88 - 89 - Blood drawn on Tina & Nicole. Women there from Scott County Police & also man from Scott County - gave samples to them then.

Witness #

54 witnesses already
so far

Robert Warburg - employed as investigator in Shakopee police dept. Crime Lab. - Brian's blood & also was at N.R. Clinic with Debra Wolf. Took samples to Shakopee. Took Brian 1:30 AM to S.F. Hospital for tests.

Apr. 17 - Thursday

Nikki on first - we couldn't go in.

* Witness. Nurse from St Francis Hospital

Ex. 90^{more} Telling about saliva samples of Brian, they are dried & blood stains taken; put in slides.

Taken 2:30 AM - Brian examined - No wounds found on body - He was calm & cooperative. Talked in monotone & very quiet - No thoughts disorder - Brian had vomited previously after coming to jail. He denied any harm or sexual contact with either of the girls. Fingernails scraped & sample taken & kept. Swabs taken of his penis area. Pulled 25 hairs from head.

* Witness - Scott Burossa - employee of St Frances lab technician since Dec. 1995 - Took blood samples to test them.

* Witness Becky ~~Bo~~ Baumann - nurse St Frances since 1981 - Med. lab tech.

March 11 - Got a call from Hen City for Mackenzie's blood samples they had.

* Witness - Trevor Tjelmans - Medical - Remax - Courier driver - In March 96 - Took blood samples to Abbott Northwestern Lab.

* Wt. Amy Murphy - Nurse at Abbott NW - received the samples that St. Francis brought. She gave them to coroner.

* Witness Jol Kucala - Hen. City Investigator.

Investigates deaths, esp. unnatural
ones - March 11 - started ^{on it} picked up blood specimens
& brought to med. examiner office

* Witness Roger Day - Employed as investigator in
Hen. Cty. - March 14 - transported ^{me} blood samples
to Hen Cty Medical Toxicology technician.

* Wit. Deane Harrison, emp. Hen Cty Medical Tech
analyzed specimens on March 14 - Tested for drug
abuse etc.

* Wit. Anita Wong - employee Hen Cty Med. Center -
Medical anologist - March 20 -

* Wit. Mike Burakowski - Hen Cty Med examiner
investigator -

^{Break}
Wit. * Russel Lawrence - emp. Police Dept Shakopee
investigator - 25 years. Took items from Sheriff
Dept to Crime Lab - Hen County -

E+91 Pair of dark jeans rec'd. in ^{brown} paper bag sealed -
taken to Crime lab -

Small pair of underwear - sealed in bag - ^{Muckenzies}

E+
93A-D Plastic plumbing - Trap - sealed in bag - sealed.

Comforter, sealed in bag - floral

Pair of long Johns -

Bath towel - Colored -

Small pair of white jeans -

Pair of green under shorts

Bath Towel - Large ~~white~~ - gray -

Bath towel Large grey

Pair of socks -

Cont'd

Small T-shirt - Mackenzie's

Kaki Brown short sleeve shirt + long sleeve shirt

taken
on
Mar. 13
11 items

Kit. of sexual assault of Mackenzie

Sexual assault evidence of Brian ⁸ Sealed

2 vials of swabs

Ex 96

Section of Carpet

Ex 10

Small Towel + washcloth, Pink -

Lg bath Towel, Light colored ~~blue~~ -

Another Lg Bath towel - blue -

March
15
40 items
taken

* Witness Recalled investigator ~~is Detective~~ Detective Forberg
here yesterday -

Canvassed neighborhood at 2111 Valley View Road

Interviewed John O'Laughlin, Mary O'Laughlin
by telephone - Sean B. March 12 - Neighbors all
knew by then that this had ^{newspaper on TV} happened Earl says -

* Earl says there could have been a stranger in the
neighborhood on March 9

He received a couch, a maroon chair - Carpet
a cushion, ⁺ automobile - on March 22 -

aftr Neil said he got no information from neighbors.
He went to their houses personally -

(Ex #97 - 8 envelopes of swabs of Brian in jail.

* Witness Jeff Schiebel - Hen County Sheriff - in Crime Lab
Responds to crime scenes. He was asked to
assist at Shakopee Police Dept.

Met with Sgt Wolf - Went to Scott Cty Jail &
examined Brian from blood stains, penis, legs,
genital area. Took swabs. Results were -

(60)

* #3 from Penis & #6 came back positive. Swabs
were showing blood on #3 - Read in one minute
#6 - did it again - same as 3. Legs were negative.

Sweat changes color from yellow to blue if blood is present as in #3 sweat. He was also involved in exhibits being shown this AM - Brian's pants, Kenzie's pants jeans etc. all same as before, clothes, socks - red & blue stripes - Shows items in Sexual Kit - several envelopes didn't say what they were.

Shows bath tub trap.

Shows other Sexual Kit ^{one} envelope of blood sample - many more envs.

He came out to house on March 10 - Jail first, then house - photos taken at house - obtained tunnels, clothes, cushions & all that.

Tom Shows him ex # 38 - tunnel in question - he didn't know

He didn't see the glue gun - remembers fan upstairs - asked about plywood upstairs - He didn't remember it without his photos he didn't have along.

* Witness Janina Wresch - Ken Cty Crime Lab Evidence Technician - Stores the evidence - since 1985 Shows her the same items as above.

* Witness Julie Trebick - employed as Forensic evidence in Crime Lab - Marks evidence etc. Showing her evidence

* Witness David Petersen - employed by Mn. Criminal Bureau of apprehension - Showing item #91? ^{an} envelope

* ^{major} witness Charlotta Logan-Moody - employed bureau of apprehension, Crime Lab - Receives evidence from Law enforcement agencies.

* Witness Betty ~~Price~~ Chreiss - employed as Forensic scientist

does DNA testing, blood samples etc. Ex H 93A
shows Kenzie's pants (jeans) & other evidence, Brian's
clothes, sexual assault kits. She sealed all the
evidence in bags from evidence vaults.

Break
3:00

*Witness Savanne Beck employed by Mn. Forensic Crime
Lab. specialist - Enters info into computer
Ex 93A Showing her all the same evidence.

She turned everything over to James Liberty, and

Pat —

Done at 3:15