

Defendant questioned about how he cleaned blood off hands on day girl died

By Jim Adams
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Brian Merkt testified Monday in Shakopee that he did not rape or murder his girlfriend's 3-year-old daughter last year. But a prosecutor in the Scott County courtroom highlighted contradictions about how Merkt cleaned blood off his hands.

Mackenzie Bussiere was found nude and severely bruised March 9, 1996, in the Shakopee farmhouse where she lived with Merkt, her 5-year-old sister and her mother, Tina Bussiere. Merkt, 22, was watching the girls while their mother was shopping. He has said that he awoke from a nap to find Mackenzie at the bottom of the stairs.

Mackenzie's blood and traces of vomit were found on Merkt's jeans and long underwear; Scott County Attorney Tom Harbinson suggested that Merkt forced her to perform oral sex. Harbinson noted that under questioning by the defense, Merkt said he washed his hands after cleaning Mackenzie of blood and taking off her soiled underpants. Lab tests found no trace of her blood or fecal matter under his fingernails.

But the prosecutor had Merkt review his statement to police that the girl's blood got on the crotch of his long underwear because he wiped his hand there. When the prosecutor asked Merkt whether he hadn't just testified that he washed his hands, Merkt replied: "I don't believe I did. No, I didn't wash my hands."

Merkt said his jeans were unzipped and the vomit could have gotten on his long underwear as he held the girl after she fell.

The prosecutor also got Merkt to admit that he spanked Mackenzie after January 1996, despite telling police that he quit spanking her after leaving welts on her that time. After that, "I patted her. I didn't take her over my knee and spank her," he said.

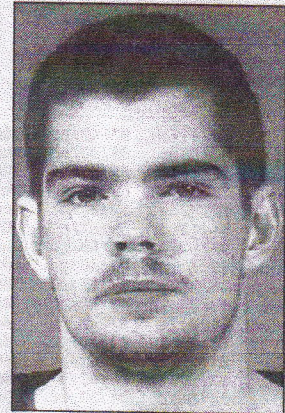
He said he couldn't explain how Mackenzie's body temperature dropped 15 degrees below normal the day of the incident.

"When I come home for breakfast ... she was fine," he told police that day.

He said her mother, with whom he had lived for about three months, put Mackenzie down for a nap



Mackenzie Bussiere



Brian Merkt

about 12:30 p.m., left her sister in an upstairs playroom and went shopping. After checking on Mackenzie, Merkt said, he fell asleep for about an hour. He said he awoke to her screams and found her at the foot of the stairs.

In opening arguments, defense attorney Earl Gray speculated that the girl had gone outside in the frigid weather while Merkt was sleeping. Police, who found her blood stains in the bathtub, surmised that Merkt washed her off in cold water. He told them that he used a cold washcloth to wipe her face and never saw the profuse rectal and vaginal bleeding that doctors found.

Merkt said he placed her on the floor by a living room sofa to watch her, but dozed off. When he awoke this time, her face was blue and he tried to resuscitate her before calling police.

Harbinson pressed him:

"You beat up Mackenzie and raped her, and then you concocted this whole story about the stairway fall. Isn't that right?" he demanded.

"No, that is not right," Merkt replied evenly.

Gray followed with several questions, implying that Merkt's inconsistent statements may have been due to the pressure of the day he was interrogated twice and then arrested.

Said Merkt, "I was tired and it was hectic."

"Were you lying and did you beat this child that day?" Gray asked.

"I was not lying and I never touched her."