

Bisek interviewed ~~by~~ by Neill -

~~Break:~~

Earl Gray questioning Bisek now -
about tractor on steps. Brian said he
knocked one tractor down from steps.

Exhibit 116 shows yellow tary on step - Earl
says John Deere is green & yellow right so,
settles the argument as to white or yellow tary.

E.G. Talking about Bisek talking to Dr Levitt
and going to N. Richmond.

Bisek wanted Levitt to ~~interview~~ ~~examine~~
mostly ^{Nicole} - Waited in another room while they
talked to Nicole - asked him about talking to Brian.

~~Neill now~~
* Witness

Anita Cholewa - U. of M. & Idaho - PhD in

Botany, study of plants. Asked by Kirkegaard
to assist in Mc Case to examine some particles
that were on articles of evidence.

Ex # 95 Shows towel & # 96-361C Brian's shirt.
also Ex 91 Brian's pants - on 91 - his jeans had
blueberries on them from vomit. Inside the zipper
and flap of pants. Both had blueberries on.
Towel & shirt also had same seeds of blueberries.

* Witness - Marlip Harens - employed Hen. Cty Sheriff office
Bach of Science degree - Criminal apprehension.

Worked with Kirkegaard on Mar. 9 & on.

(81)

Shows Brian's long john's - Ex 83 - Cuttings also
Ex - 71A, B, clothing Mc T-shirt

Tubes of blood of Tina - Nicole - Swabs from Brian

(08)

- Going all through each item of evidence.
400 dismissed.

✓ April 23 - Wed.

Photos Ex 132-137 - were taken March 22 not Mar 9

* Witness Paul Kish research - criminal justice
N.Y. Criminal investigator. Works throughout
the world - Blood specialist - teaches classes
on blood stains - Can determine what happened
etc. Chg. 150 per hour - to testify in court
\$1,500. Looking at Ex 91 - Brian's Pants.
Ex 83 - Long john's Ex 78 - Mc white jeans.

Ex 94 ^{gray} towel Ex 95 - towel? Ex 77 Mc T shirt Ex 11 Brian's
shirt. Ex 82 socks - Ex 38 towel Ex Comforter #93

Rec'd by him on Nov. 8, 1996 - Carl Boch flew
to Elmira, N.Y. and given to Dr Mc Donald - They
were sealed in brown bags then - released back to
Carl Boch, Deputy after examination on Dec. 2 -

Blood stains T shirt, gray towel, Comforter -

Blood spatters - impact spatters - Transfer blood stains.

Splatter of blood on 1 sock of Brian's, plus other articles

He also examined these articles for vomit

Blue Gray Ex 95 towel had vomit on it.

Comforter had vomit on it on white side of it; Primary
vomit on white side, but also some ~~off~~ on other side.

Vomit on Brian's shirts, sleeveless - Long sleeve on
outside & inside of his long sleeve one.

Front of shirt in waist area of his shirt.
Tan Towel he had examined before cuttings
of blood stains were taken. Vomit on #91
Denim men's pants had vomit on zipper area
and inside of zipper - shows zipper was
down about 3 inches when she vomited.
Earl Gray - asking about pants being buttoned
Watness says it couldn't have been.
Did you test that area, Earl says. Earl
says take it out of the plastic & show me.
Judge says they can't be opened for
health reasons. Earl showing jury closely
about zipper being partially open - Earl
questioning him more about it. E.G. says -
Dr. Mc Donald is your boss, right? Questioning
about the blood spatter on Brian's sock - E.G. says
it could be from coughing blood etc. a cast
off blood stain comes from a beating, so blood
is thrown off. E.G. has a book on blood stains,
showing it to witness. Printed 1997 - written
by Mc Donald, (this section) -
E.G. questioning about vomit again. Sgt Kaley
took the long sleeve shirt & sleeveless
shirt were put in the same bag at scene
so E.G. says they could have got on
each other then, seeing as how vomit was
inside of the sleeveless shirt. E.G. says they should

have been packaged separately. E.H. wants to see Mr. ~~Kish~~'s notes. Recessed so E.H. can get to see them. E.H. - How much was the bill you sent to Scott County for these services? How much time did you spend on this case - answer 25-30 hours at \$150.⁰⁰ an hour, 4500.⁰⁰ E.H. says - you get expenses plus \$1500.⁰⁰, so bill is \$6,000.⁰⁰ right? Yes.

Neil now - Did you see the autopsy report? yes - The type of injuries here shows there was.

E.H. says there was no blood coming out of the rectum or vagina at the house - Mad!!! Did you read the reports - Was there any blood in her soiled panties. E.H. mad - Loud! E.H. says Did you read { You come here for 6000.⁰⁰ the reports!!!!

* Witness - Brian Kasperson. Ken. Cty Sheriff Dept Sgt in field supervising. Respond to Crime scene. Contacted by Sgt Erlandson from Scott Cty, then Sgt Bock. Suggested Bock to use ^{Luminal} ~~Luminal~~ for blood detecting. He was at Children's Hosp 2 hours. He was given #20 Ex. but left it there when he left. He went to the house; tested in bathroom area with Luminal; took photos. Used hemosticks there. Looked for water line - none.

Results of hemosticks were some positive,
some negative. Ex # 143-145 - photos -
taken of hemosticks of bathtub. Show to jury.
Put yellow ruler stick-on on tub.

Luminal is 3 chemicals in testing blood
that cannot be seen. It is a presumptive
test used by eliminating any light from
the room with black Poly. Spray wall
& mark the area to photograph area that
shows up positive. He sprayed entire bath
room. Inside of tub & edge & all walls.
Area around the drain & top edge was
fluoresced very brightly - also lip
of north edge. Inside - Lg area on
north side slightly curved greatly fluoresced,
you have areas that looked like small
streams on flat part going toward drain.
Walls of tub did fluoresce. Smear
type here. Walls were sprayed - area fl.
bright on lip of tub by wall. Bathroom floor
sprayed - large area fluoresced.

Edge of tub - large area in center greatly fl.,
~~fl.~~ N.E. corner around toilet were some
fluoresce.

Other parts of house. photos # 113 & 114 -

Stairway - & landing up on top. Started at
top & steps & walls of stairs. Very faint
glow common on carpeting. Very faint reaction.

This tells him it is negative & not blood stains. Carpet at bottom had been removed. L.R area sprayed floor & wall foam pad. Very faint glow here. Wainscoting on wall sprayed. Results none - Heads of nails showed up as sparkle. Carpet in kitchen - ~~none~~ - some articles there glowed. These were cut out & taken to lab. Also tested with a thermometer, the water faucet turned to cold, let run - temp recorded 9 or 10 samples, Cold side - 18° Celsius, 10° Cell - after while it was 5° Cell - or 41° regular. Hot showed it rose to rapidly. Tub folded fast even with drain open to 2 or 3 inches.

apr. 12

EJ says it was a slow draining tub - There was rust there, right. This causes (rust) to fluoresce, right. EJ asks why were you looking for water line? To see if someone had layed in there that was bleeding.

EJ - EJ # 144 - shows hemosticks 14 of them & only one shows positive blood -

Tom - Will luminal react to soap? No -
adj for Noon - 11:30 till 12:45

* Suzanne ~~Kirk~~ ^{Weston} Kirkegaard Crime Lab Tech
at Hennepin Cty - Tests blood & fluids.
asked to assist in Mc Case. Tom shows her
all the evidence, piece by piece. Took 1 whole hour

Still Kirkegaard -

Tom about cuttings - They are taken to Crime
aprehension and kept in freezer or dry area
to keep instead of whole article. Items are
photographed & placed in envelope. She has
done rapid specie of stains, on antibodies
found in blood. Proteins & enzymes in your
body that you inherit from parents and are
passed on. Became involved in this case
on March 11, 1996. Total items on this case
is about 100 items. Saw blue automobile
and investigated it. It was Tina's car.
Brought by R. Laurence from Shakopee.
Vehicle is thoroughly looked at. ~~There~~ No
blood was found in it. Another vehicle
investigated was ^{from Shakopee} Found no stains
in there either. Also on April 17 - She
tested was many towels, carpet, hide a bed,
cushions. LR carpet brought in and sprayed
with luminal. ^{big piece's small.} They found a couple areas
of fluorescent - circled, marked & cut out.
Then tested for human protein - Negative.
In our bodies fluid are ^{many} proteins. They test
for human protein. Also tested #103 - chair, a
dk brown recliner. Tested with luminal
2 areas of fluorescence on it. Cut them
out. Negative for human protein. Couch or

(87)

(88)

hide-a-bed was tested. Sprayed. Found no areas of fluorescent. No remarkable stains, so, further testing not done. Other items that were tested - towels, washcloth, child's sock & underwear. Towels were found with fluorescent and carpet from kitchen showed no signs of " . on another date they found Apr. 12 - and found some areas then that fluorescent - all were negative for human protein. More testing done on item # 96 carpet - large piece. Carpet showed no fl. Shows large charts now. Ex 148 chart of human protein from Kern Crime Lab - adult jeans positive for human protein, washcloth, positive for human protein. # 83 long johns & found positive " " # 78 Mc jeans from back left ~~positive~~ pocket, was positive. # 11 - brown adult undershirt - bottom found positive for human protein. Items found positive are sent on for DNA except for very small ones. Also prepared other items - # 149 chart - blood rule from Brian. They put some on clean cotton cloth & then test it. Ex 19 - then Mc. blood & made stains from this. # 88 - two stains from Tina, also Nicole's blood. They were compared to each others blood. Mc was type A others were type O. Ex # 150 - chart

Charts
from
Kennebec
Crime Lab
Testing

shows tests on the stains they made.

Saved for further testing. Ex # 77 Mc T shirt.

77 was found to be positive of her blood.

Two cuttings on adult jeans - ?

Pink washcloth - no results

83 long johns - two cuttings - Results were from Mackenzie's blood on ankle area.

83 further tested. Ex # 82 - men's socks - toe area - ~~one~~ came from two of the individuals

One genetic marker - matched Mc. or Justina child's jeans - left back pocket - cutting

no genetic markers obtained - Sent on further testing. # 95 blue towel - 2 cuttings taken

from center of towel - 2 genetic markers were obtained - was from Mackenzie. # 94 was

blue towel taken - results were that it was Mc blood. Testing # 93, Comforter shows

4 cuttings from the lower corner. Results were Mc blood on it. Ex # 11 Brown long sleeve

shirt - collar & front - button band button.

Justina or Mc. ^{genetic stain} blood also vomit stain on it. Short sleeve shirt possible vomit only.

Ex # 151 - Chart - Long john bottoms

Large photo of underwear - 3 ft x 24" ?

also
Ex # 83

Upper left hip - stain was too small to be tested. Tested for human blood & fecal ^{Residue} stain on knee - ~~no~~ negative

Tested tiny spots for blood, positive.
#152 - Long sleeve undershirt, dk brown.
3 cuttings for DNA testing - Results
were that ^{blood} genetic - could be Justin or Mc.
was positive

#84 - *153 - Photo of the staining from
green underwear shorts. Taken on Mar 20 '96.
Used fiber — light used to fluoresce
stains. Found on crotch area - also tested
for color change, microscopic + Prorate Protein.
✓ Sperm was detected on green shorts.

#30 C Crime Lab report. Pair of soiled child's
underwear from top of stairs - Searched by
light. Stain found to be fecal material.
E#79 - child's underwear - E# objects - so overruled.
#78 - ~~child jeans & short~~ underwear - no vomit found.

#83 ^{Bruce Long Johns} ~~child jeans~~ - vomit & blueberry stains
#79 child's underwear.

#154-156 photos of child's soiled underwear

#155 Inside photo of Crotch area

#154 - Photo of outside area of it.

#79 - Inside of child's underwear - Piece of
toilet tissue, positive for human protein
& human fecal material.

Inside of garment shows stains on inside of underwear
E#-objects showing this -

• She works with hemoglobin also -

a healthy 3 year old ^{37 lbs - 38 in high} would have
12.5 lbs of blood - 1,177 milometers -
Normal hemoglobin would 12.5

Figure she lost about 283 milometers of
blood or about $\frac{1}{4}$ amount of her blood or
a little less. She had training on this
and says she trained for adults, so
doesn't really know if she would go
unconscious from this.

at the house she found no blood on stairs.
About bathtub, she was present when tested.
Temp of water - after 30 seconds, was
41°.

157 Photo of adult soiled jeans -

91 adult dk jeans, actual jeans.

Photo shows crotch area of them.

Examined crotch area & found that half way
down was vomit. Inside flap - on fly
also vomit on top half - zipper had to
be down 3 inches.

Bathtub drain - tests show that
the chemicals show could be blood. Tests
E/S. further show no blood.

Stool on photos was dry & dehydrated
asking about Brian's long johns and vomit
on them. Child's underwear with stool was
on top of stairs.

(91)

OP

Found no blood on LR carpet, she says.
Eg. Vaginal swab shows no sperm. Right?
Rectal swab, no sperm -
Long underwear - #83 - no sperm in crotch.
Green underwear had sperm -
Sheets, no sperm - child's underwear
no sperm - fitted sheet, no sperm -
State done further testing on all these -
Tom #78 - 3 cuttings on Mc. jeans on back
of crotch had fecal material; (stool)
Mackenzie's blood found on comforter.
adjourned - 4:00

April 24 - Thursday -

*Witness - Craig Edwards employed Nat'l Weather
Service, meteorologist. at 12:50^{PM} on March 9 '96
it was 22 degrees ^{at then} at 2:50 PM it was 26° F. Visibility
was 15 miles. Show 1" snow cover that day -
Skies clear -

*Douglas Brunette - employed Hen. Cty Medical
Center - Emergency Medicine. Clinical work.
Teaches students also. Does Editorial work revolves around
violence. on Rewarming on animals, he has written
about hypothermia. Circulating warming fluid
through ~~lungs~~ chest - make opening in chest to circulate it,
on humans. Massage chest, Cerebral warming,

Uses animals in research to obtain answers because you can't use humans for this research. He has treated about 200 ^{hypothermia}. In cases less than 86° he has treated a dozen or so. 15 years he's been there.

Lower than 95° is hypothermia.

Less than 86° is severe hypothermia.

Severe head injuries affect this.

Patient is unable to shiver.

Difference in adult & children is children gets hypothermia faster. Adults ~~have~~ more fat. Temp of heart & brain important mostly.

Need to increase these. Accurate way to measure is to put tube in artery & other ways.

Temp in bladder is more accurate.

Reviewed records of Mackenzie & autopsy etc.

His opinion - hypothermia does not cause spontaneous to bleeding. Would not cause bleeding in barrel. It causes blood to not clot, however. His opinion is that she was in a severe category according to records.

Heart beat slow - in 80° 's. slow for 3 yr old.

Difficult to find a pulse. Her death was not caused by hypothermia - it was brain injury. Paramedics were able to get a low heart beat.

Her heart had not stopped beating when they arrived at house. She had stopped

breathing because of hypothermia, unconscious
& vomiting on her back. Tongue becomes
loose & goes back into throat. Also her
head injuries could cause it.
Being in cold water, cools temp fastest,
definitely.

His opinion - within a $\frac{1}{2}$ hour, she could
become hypothermic being immersed in
cold water in her battered condition.

His opinion - impossible to become that
way outside even naked in that short a time.

It would take much longer - maybe $1\frac{1}{2}$ hrs.
which was not enough time to have happened.

He has treated hundreds of people with
head injuries in his 15 years at Hen. Med. Ctr.
a person can become hypothermic solely from
the trauma itself, because hers was 83° .

From severe head trauma you can become
hypothermic in a house at 70° , would take
two hours - Blood found in her large bowel
was a lot - total blood volume - 160 grams
or 180 cc of the 1400 normal - 12% of volume
In subdural in head was 140 cc.

20% loss of her blood. Low ~~ing~~ temp to 83°
would have been by cold water or something
similar, not by Trauma alone.

His opinion - a child could absolutely not be talking, crying or anything else. She would be in a coma.

E.G. - Being in water would make your skin wrinkle, right.

E.G. has medical articles. He's reading on hypothermia.

When you examined the photos of her, you said some of the injuries were very small blood vessels inside skin ^{that} were bleeding in forehead area, ears etc. (Petechial) Paradoxal

Torn - Paradoxal undressing? Dr comments -

If patient is undressed or partially undressed causes you to think they may have been sexual abused.

If a 3 year old is totally undressed, the injuries were not as a result of hypothermia. Paradoxal undressing is if you take your clothes off when you are hypothermic. a person could not walk back into the house the way she was injured.

Break

* Witness. Gerard Donahue - employed by Hen Cty

Sheriff Dept 15 yrs. Crime lab tech.

Responds to crime scenes. Degree in Criminal Justice. Blood staining expert classes. Has been

to hundreds of crime scenes & loss of blood cases & what causes this kind of loss of blood.

Examined several items of Brian's.

neil nelson

(95)

HP

He examined
Brian's long sleeve shirt & sleeveless one. and also

Ex 93 - Comforter -

Neil

Blood is a fluid & when force is applied
blood ~~it~~ breaks up before it can clot.

It hits the objects, spreads out and leaves
a stain. The more force the smaller the
stain, because it spreads out from force.

Ex 151, 158 through 214 Photos & slides (same)

Ex 163A child's t shirt - stained on "Guess" - not dirty,
but blood - Transfer stain like someone swiped
it with a finger or the like. Also small circular
stains & impact stains, small like dotting it
with ~~transferring~~ pen is 1 millimeter in size

Guess
shirt

Ex 164A Mc ~~Jeans~~ - blood stained, but small
strawberry Rubberized logo on front of shirt kept
it from going through. Shirt was wrong side
out.

183A Slide Black men's jeans - Vomit stains on zipper 3 inches
and small blood stains. Shows it was open part way.

187A Slide - Long underwear top - Small blood
stains & a blood transfer stain on neck area.
Small stain to chest area.

Ex 194A - Slide of Long Johns - Series of small spatters
& linear stain like blood dropped on to underwear
& swiped by something. Heavy through & through
stains on these also.

(96)

191A Stockings, one stocking had series of small blood

(97)