

Merkt murder case heading to jury

Closing arguments began Wednesday morning in the murder trial of Brian Merkt, 23, who is accused of raping and murdering the 3-year-old daughter of his live-in girlfriend in Shakopee in March 1996.

The jury was expected to begin deliberations Wednesday afternoon, after this edition went to press.

In perhaps the most dramatic testimony in the trial, which began its fourth week Monday, Merkt denied Scott County Attorney Tom Harbinson's accusation that he beat the girl and raped her.

The girl, 3-year-old Mackenzie Bussiere, died on March 10 last year, the day after authorities found her injured in the Shakopee home. Her death was attributed to severe head trauma, and medical authorities also say the girl was sexually penetrated and had severe bruises on her body. Merkt, who was babysitting Mackenzie and her 5-year-old sister that day, contends that when he awoke from a

nap, he found the girl at the bottom of stairs.

"You beat up Mackenzie and raped her, and then you concocted this whole story about the stairway fall. Isn't that right?" Scott County Attorney Tom Harbinson insisted.

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

On March 9 last year, Shakopee police and Scott County sheriff's deputies were dispatched to the Merkt home at 2111 Valley View Road after a 911 call from Merkt at 2:11 p.m. Merkt told 911 dispatchers that MacKenzie had fallen down a flight of stairs and was not breathing. Police found the girl nude and bruised and began resuscitation efforts.

The girl was airlifted from St. Francis Regional Medical Center in Shakopee to Children's Health Care in Minneapolis, where she was kept on life support until the next day, when doctors determined she was brain

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dead.

On Monday, Harbinson pressed Merkt, quizzing him about apparent contradictions about how Merkt cleaned blood off his hands.

The girl's blood and some vomit were found on Merkt's jeans and long underwear. Harbinson suggested that Merkt forced the girl to perform oral sex. He also noted that under questioning by defense attorney Earl Gray, Merkt said he washed his hands after cleaning the girl of blood and removing her soiled underpants. Harbinson asked Merkt to review his statement to police that the girl's blood got on the crotch of his underwear because he wiped his hand there. When he asked Merkt whether he hadn't just testified that he washed his hands, the defendant replied: "I don't believe I did. No, I didn't wash my hands."

Harbinson also pointed out that lab tests found no traces of the girl's blood or fecal material under Merkt's fingernails.

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

Under questioning by Harbinson, Merkt admitted that he spanked Mackenzie after January 1996, despite telling police that he had quit spanking her after striking her hard enough to leave welts on her body at that time. But he said he just "patted her."

The defendant also said he didn't know how Mackenzie's body temperature could have dropped to 15 degrees below normal the day of the incident.

Defense attorney Gray has suggested that the girl had gone outside in the frigid weather while Merkt was sleeping and that that accounted for her body temperature.

But authorities contend that Merkt washed the girl with cold water in the bathtub, where blood stains were found.

Merkt said he washed the girl with a cloth, and that he never saw the rectal and vaginal bleeding that doctors found.

Merkt lived with the girl's mother, Justina Bussiere, and MacKenzie's 5-year-old sister. They had moved from Wisconsin a short time before the girl's death.

Merkt, who had resided in Shakopee for about a month before the death of the girl, was indicted by Scott County grand jury on May 7 last year on two counts of first-degree murder, one count of second-degree murder and two counts of first-degree criminal sexual conduct.

A doctor who conducted an autopsy on the girl ruled that she died from severe head trauma that could have resulted from an accidental fall down stairs, and that her death was homicide. And the doctor said the injuries to the girl's vaginal area were consistent with attempted penetration with a penis or some kind of object.