

Brian Meek.

①

Mid testimony

I might have not seen her in her room.

Heard me crying

He went by her room, looked down the stairs, saw her lying at the bottom

What did she have on?

Had underpants, on - that's all.

face, head, belly + arms scratched up

I Picked her up and noticed she had

Pooped in her pants

Set her down and went to the Bathroom to get TP + wadded + cleaned her up

Put in the garbage.

Exh. 79.

Took her underpants off

Had smeared all over.

She was crying while I cleaned her up

she was lying on her back. I had to

Spread her legs and cleaned her

vagina. Don't think he harmed her.

Picked her up. No blood.

Threw it away.

I Just woke up

I. Wasn't mad - I guess

After he picked her up and brought her into the living room.

Threw up.

Also on jean pants

May not have zipped them up all the way.

Grabbing stuff. Took off jeans

Took them off because they had puke on

(2)

Mouth & nose & Chest,

Girl's T-shirt. Green T-shirt

Used a lot of stuff to clean her up.

did you tell the officer there was

Grape juice? No -

T-shirt laying in living room. Clothes
all over.

Laid her in Carporter.

She seemed out of it - Groggy

Had she talked to you? well,

she Nodded her head,

Bisek - she wanted to lay there

Til her Mom got home. Clear recollection?

Not 100% - no.

What were you thinking?

Upst stomach

Sat on Couch & was watching TV

Coughed phlegm up

Nose bleeding

Blood in vomit from cut in mouth

How many times did she vomit?

Obj - "bleeding"

3 or 4 times

When she coughed I sat her up &

wiped her off.

did she get up?

I sat her up

What next.

Watching TV

opened her eyes

Her face was discolored

Started CPR

Jaw was clenched. Put hands on cheeks & Hard to get Chin - mouth open.

Blowing air into her.

You knew about CPR 3 yes.

I previously said 10 min but it seemed like forever.

didn't get her breathing so called 911.

I would like to play the 911 tape again to refresh my Client's memory.
Talk about it at the bench.

911 Tape - Exh. 2

Jury dismissed while they set up tape
Mom tells me Audrey had a heart attack and is in the hospital.

911 - "I have a 3 year old that fell down The stairs and she's not breathing."

Are you at 2111 Valley View Road | yes
I have a paramedic.

"All right"

"Hi" BM says.

55 hundred cars. 3-yr-old child not breathing
2111 East V. View Rd.

In route

to The child fell and hit its head. I have father on the phone with Health Span and at that time the child was not breathing."

"do we have a name?"

yes, last name SB Markt, First name Brian

Get the fever going. Is it a respiratory
fell down stairs sounds like respiratory
Correct.

"We don't have any respirations or pulse."
 sidebar -

Ed didn't wind tape back enough.
 * Sew old.

3 year old - no breathing.

Blueberry parakeets. She's been throwing up.

She appears to be unconscious, too.

I can see her heart beating.

Is airway clear.

I don't know if it is or not.

fell 10-12 feet onto carpeted.

Keep her still.

Is that her? Is she crying?

I blow air into her - she's gargling - spit
 up when I blow into her.

Be careful when moving her. Spinal precautions.
 Airs going through her.
 She ain't breathing.

Mr. Saunders.

"Ok anything at all? Is her chest rising
 at all?"

Ok and she's 3 years old.

Is her chest going up at all.

It does when I blow but she ain't b.
 on her own.

Is there vomit in her mouth?

Is anybody else home? I have a 5 year old.
 She's not aware of anything happening?

Is she breathing on her own.

No, she's not breathing on her own.

Ok. you got her nose pinched.

You must be familiar with CPR.

Continue giving her breath every 3 seconds.

~~Police~~ officers are here. Police officers here.

Let going keep it going.

How's her color? "She's white." Keep going.

"Nichole please go upstairs and play," okay
"What's happening?" Nichole "Please?"

U

"What happened to ~~Kenzie~~ Kenzie?" N

"She fell down the stairs." B.

Is the officer there now?

Yeah - there all here?

When officers arrived do you remember what you were wearing

Okay did you take off your underwear shirt
It had puke on it.

At some time after this did you put other clothes on?

black pants + a purple shirt.

Where did you get those?

I believe upstairs

Did you tell the police where your clothes were?

By the door

did you make a comment to N that Daddy in trouble.

Officer Robsin

I asked if I was in trouble. He didn't know he said it was procedure.

They wanted it but one touch nothing.

did you wash your hands.

No

Conversation with Biack

He said for privacy reasons we should go

(6)

I asked if I could go to the hospital?
He sat there awhile.

There was a phone call and officer Bieck
took ~~him~~^{me} to jail.

Did you hit that girl? No I did not.

Did you in any way hurt the girl.

No I did not.

Tom:

You've heard all the witness and observe all exhibits.
You testified Tina left between 12:30 + 12:45.

Yes.

Det Bieck ask you about your relationship with
Tina. You testified "I know Tina doesn't hit
either one of the girls.

No, No she loves her girls very much.

Bieck asked about your relationship with the girls.

There's conflict there.

Bieck asked Shaun's mother is putting stuff
in their head but.

Testimony is that your relationship is loving + warm.

Did you ever treat Mcbally. Nicki badley.

You took shower every morning.

Did Tina let you sleep in farm pants to bed.
I did not intend to fall asleep.

Farm pants off at the door? At night I did.

You thought the stairs were too steep?

Deeply concerned about it? Concerned.

I had told them how to go up + down the st.

I was trying to prevent

Did you worry there might be an accident

Told me to go up + down stairs on her
back.

Could have bought a gate. If I had the \$.

You could have afforded to buy a gate

borrow \$ - I spoke.

Before Tina you never lived to young girls,
you didn't think Tina disciplined
told your mom

within one month you started - yes.
incident in Jan.

when you were staying at Perrida you spanked
Infront of Andy, Mendez.

I had patted them. I didn't take her over
my knee.

didn't you tell B.

Acts like a 3 year old. Jumping, running

when I come home for breakfast.

Raushing.

Did. He ask if me. Could walk & fall

Do you recall -

She could sit up by herself

Did you tell em. Once I sat her up she could
sit up by herself. but she flopped back down.

I've seen my statement but I don't recall
saying it.

- Do you recall B asking about bruises? yes

on chin yes they play & they bump around? yes

- Show me bruises from wobbler chair. can't see them.

- When Tina left you were alone with me + n.? when you
wake up you were alone with me + n.? yes

- after Jan spanking did you tell your mom you were
scared. -

- When your mom talked to you about it did you tell
her - well you used to spank me.

- You told Mom with your hand - right?

- you testified that Tina was home? Didnt you
tell B Tina was home during that spanking?

- what you told B was not accurate right?

Did you also tell B that she had been sitting

- When I decided ^{she} you had to go to the BR you picked her up. Spanked out of D - anger? Anger, otherwise I wouldn't have spanked her.
- After that occasion did you spank again? Did you tell B you weren't going to spank. What you told B about not spanking wasn't true. yes I did - so did Tina.
- You test. Is that you spanked because she lied or because she pee'd on you.
- I figured she had to go to BR since she was already going? I wanted her to tell me she had to go. you picked her up - right.
- "When she pooped in her pants you didn't react the same way as you had in R, did you?" No.
- "You weren't"
- "Uncontrollable - wouldn't do what you'd say she did what you told her to how was she Uncont. Because she threw tantrums. wakes up + of Tina not there she thinks she's by herself.
- Protocol to call Det. After that - I'm in trouble. when paramedics got heart beat you said. Oh she's going to be okay. I meant it as a question why police there? Because Daddy's in trouble. I didn't call me Daddy. Corner house interview. Did she use the term daddy? I don't recall.
- You showed dad Back where you placed the soiled Un. right? Correct.
- I'm going to show you exh. 110. soiled underwear you'd placed it on the garage. Back seat blood on it. Grape juice - No - blood

~~They are B. Karp~~

(9)

~~Phyllis taken out alone.~~

Det Bach. Bled

Picked up a clean T-shirt from a pile of Cl. in L.R.

You admit you placed underwear on garbage:

Placed jeans near g.

I don't remember seeing her jeans - ever.

I never touched her jeans that day. "Didn't you tell det you"

There's been a pile of clothes there.

Exh. 110. These are your pants.

Do you see another pile of clothes:

Didn't know how long the pile of Cl. were there.

Not the whole pile.

- you told B. you were drunk from the Arrog for a town

- No market you weren't drunk for a town long.

- What you told B. wasn't true.

Not totally - no.

Why Mr. Naked. in L.R. always sleeps like that on in ~~your~~ underwear.

In her und. or that she sweats.

It can be cold to a normal + shell sweat. Did you say, she'll tear off her clothes in her sleep. Yes.

- In 1st St. didn't det ask you -

She didn't have any clothes on when I found her on the stairs.

In 2nd St. didn't he ask. what wearing. "Just her u?" did B. ask "she had her u on? Did she have a top on?"

Yes. Did B. ask just underpants. I consider that naked. All 3 of them sit around the house like that.

Do you recall me telling you she was cold?

Did you not mention until second statement.

- "After he told you about temp.

Rough shape - face red, crying, eye swollen shut I sit her up so she could puke.

I wiped her with wet, cold wash clothes.

Didn't turn it on warm or cold - just turned it on.

Did you tell her about outside ??

Is it your testimony that

Vomit or Crotch of pants got on her pants when carrying her.

"Back to the couch." Is it not your testimony that she vomited while... Zipper down? yes, it was.

Button of fly open? - No, it wasn't

Blood spatter Analgeta, BCA,

when perf. CPR did you take your foot & hold it over her mouth. Exh. 82. When doing CPR you didn't have sock on top of her mouth.

Is it your test. that while CPR you had Crotch over mouth when you put pants on Exh. 82.

There's no way

There was blood on long underwear - Mc blood.

When you put pants on you covered up long underwear.

Yes, patting ^{my} ass on would do that.

I'm showing Exh 201. You wipe your hand - blood off onto underwear, correct.

You cleaned up vomit & feces. you washed, right. You testified on direct you didn't.

Is your testimony that you did or didn't wash hands. Lab analysts testified - your memory is that they found vomit or fecal m. on hands.

When you spoke to Chris. you didn't tell about blood.

In 2ND Statement to B you didn't tell him about bleeding.

B we can't explain body temp.

From her mouth & nose? She was vomiting. Brian said No. "where was she bleeding from," Brian asked.

you asked B where bleeding from & B told you rectum & vagina.

You wanted him to think that you weren't aware of bl. from V & R. "No" when Brian told you that she is B. from V & R.

The only time I touched them 2 places is when I wiped the blood off.

Didn't you tell we have to wipe the girls butts once in awhile

I've never touched the girls there ~~there~~

He hadn't asked you about Nicki

Didn't he ask if he sexually abused Kenzie & Did B. ^{Indicate}

I grabbed her there I took her underpants off to wipe poop.

Smeared in front & smeared in back.

— When you cleaned vaginal area there was no blood there. No

The entire time you never saw bleeding from V or A?

That is correct.

Comforter.

Exh. 178 All blood from ear, nose & mouth?

It would have had to.

Is it your testimony that all blood come from nose, ear & mouth?

Same for

Exh. 179 - That would be true of all exhibits. Yes

"You were asked about shape

'do you recall about cleaning her up? Did you tell B

"I thought she was fine just scraped & bruised up?"

I didn't think she was seriously hurt.

In fact didn't you tell B. That she was screaming. Nothing hurt.

Did Basik ask - did y

No my main concern was that she was all right

I laid her down on the floor

lay down & close ^{eyes} Set up & start coughing again.

Kids have potty accident. Yes

Weekend of 2-24

Bruise on Chin Any other bruises? No, I don't recall.

Wk of 12-16-95 Didnt Mc have bruise on her butt.

Didnt you spank with paddle stick

No, never

you test that Mc was difficult when you left the Sadders. you carried her out. Tina handed her to me.

If you harmed her it wasnt intentional

you arent test that you shoved your finger up

She was crying. She wouldnt stop. I assumed it was from falling down the stairs.

When police arrived Comforter wasnt under her. I dont recall she wasnt wrapped

Its your testimony You turned on TV do you hear it on 911 tape. after she turned off TV so I could hear on the phone

After trouble breathing

- You test that you had to pull on her Chin because jaw clenched - Cor.
- Did B ask about when you brought M into LR? I must say she was kind of out of it.

Groggy + out of it but didnt call 911.

Talking through clenched teeth.

I wake her up + she kept going back to sleep but you didnt call 911.
I just want to lay here til mom gets back.

So I said all right.

your Test today That thats not accurate.

Did B ask you how it was

She looked in rough shape.

Faced, crying cold, shivering

I sat her up. Vomist - Didnt call 911

In 2nd statement did you tell B. I sat her up - once I sat her up. Once I sat her up she could sit up + then lay down.

At this time you decide to lie down on the couch. I didn't intend to close my eyes.

Did you feel B. the upper to be done so I laid it on her side, did you close your eyes?

I was lying there watching her. Didn't take her to the Dr. you loved her. Intended to adopt her. But didn't take her to Hosp.

you don't know how long eyes closed. After you opened eyes you saw she turned blue. Didn't call 911 right away. No, I thought it was important to get some air into her.

March 9, 1996 you told dirp, I have a 3 yr old

Fell down stairs

How far 10-12 ft | Review of 911 tapes

you said you didn't hear her say she fell

you didn't hear her fall down the stairs.

I don't know how else she could have gotten there.

you wanted Police to believe inj. were from falling down stairs.

In 1st statement B asked about scrapes, and bruise around ear + forehead.

In telling you, I know what happened today. " " " "

When B asked, ^{B answered} "Falling down the stairs" I assumed that's what from.

you beat me up + concocted this story - No, I did not.

When you gave statements did you take notes? No

E.g. you

"Was this traumatic time for you.

I was tired + it was hectic.

you told Basil

"I didn't touch the child. "

After Lunch - 2:25.

Dr. John Plunkett

Scott Co. Coroner since 1980. Also Carver, Dakota, Chicago + Houston Co
Det. Cause of death. Investigates causes of death.
Coroner, Medical Examiner (doesn't examine investigate)

In Hennepin County they have Med. Ex

Head Inj in children < 20 years

Explain problem

There are no good experimental models to get experiments on.

Living experimental models anticdote mechanical models.

Did you get call in? March 16 Tom asked him to review

P. Reports, Crime Lab, Brian + Nina's statements, slides, photographs, looked at home

He was able to conclude that significant reading was a contraction or opposite. She - her head - was in motion. Impact on the back of her skull, subdural hematoma, brain death.
Did you look at stairway? yes. Do you believe the head injury could occur if he were to fall, rotating as she fell. Couldn't be from a head

It was deceleration injury. In the case of

30MPH baseball bat. Almost always skull fx and tearing of the skull. Could it be caused by swinging her by her legs into a wall? Unlikely. Too low on her head or otherwise the shoulder would have been injured, too.

Do you have opinion whether she could walk outside.

After head inj would Cornea? No, not nec.

There is a scope / extent of symptoms that is extremely large.

Woozley - lucid intervals - immediate unconsciousness.

What about Throwing up? yes. Usually frontal nerve that goes to diaphragm may be affected. Popping joints

would it depend on carpet or not? No. Assuming she was standing up & fell backwards

How long - assuming head inj. - would you assume MC to be conscious before she quit breathing. Could die within an hour - 1/2 hour.

Die - not sufficient blood in brain. Once she quit breathing and was resuscitated it's unclear how

what caused Hypothermia? Brain inj?

Hypothermia due to exposure from cold.

Did you determine front door shut by itself.

Was the Temp 26-28° outside. Would going outside

Contribute? yes. Lying in snow? yes. Conductive heat loss.

Touch a hot frying pan burns finger.

When you looked at the scene did you look at walls? yes

Did you see areas where head hit it. House late 1800's

Farm house had stucco walls covered with paneling.

Front bite on arm, you testified at grand jury. O

Assuming she threw up what does it tell you? Head injury

Resuscitation - can't look at brain cells because if you do it

regain consciousness it's because brain cells are damaged or killed

Brain shifts blood supply, so it gets more fluid / blood. There isn't room for the brain to expand so swelling

Did you look at evidence? yes. Do you think head inj alone would cause cessation of breathing? I stated at Grand Jury it wouldn't cause lack of breathing in itself.

What caused Mc's death - Hypothermia

H. Inj may have contributed. More than 2,000 autopsies done. you det. Cause of death ^{was} ~~&~~ Homicide. you took no opinion as to

Accidental or intentional. Yes, that's correct.

What is homicide?

Homicide is death of 1 person by another person regardless of intent.

What about other inj? No ^{those were} not from a fall.

A Number of objects could have ^{caused them} ~~done it~~. Did you find anything

in house that would cause the injury? No, (10 deep litter)

Re: Bowel movement?

Re: Bowel movement. obj to leading?

Do you have opinion of BM caused by head inj.? yes, may have.

How many ^{hours} ~~days~~ spent on case? excess of 40 hours

Are you still confused? yes. What you do is take h.p. How important is history - Very important. Do you have opinion as to whether outside?

Either outside or in cold water. What about bleeding from colon.

Caused by Hypothermia

Tom Cross - X-m.

Do you recall being at house on March 19 with John Wolf.? doesn't know exactly.

Did you review Children's records. Dr. Salen

enstatel

Circumference of the head. 50 CM or 19 1/2".

Exh. 13. That kind of inj (cheek, jawbone & chin) ^{is from} being struck

These are direct force injuries from being struck - not from a fall down stairs.

Area around eyelid - not from a fall down stairs.
sides of face - Eyes + forehead.

(4)

G.J. = Grand Jury

Exh 46 Did you testify that the inj

buttock crease L shaped bruise approx $\frac{1}{2}$ to $\frac{5}{8}$ "

across.

That's not from fall - No.

Did you tell Grand J. that most sig. was head inj - yes

Did you tell G.J. head inj could be caused by tearing caused by
someone picking her up & slamming her. yes

Q I have no reasonable explanation as to how she received
these inj. except by interaction w another human being.

She could not have sustained tears from a fall.

Did you look at a number of factors to determine homicide? yes

Did you tell G.J. you could explain any inj but you need to
look at all inj together - yes.

Did you tell G.J. all could happen within 5 min. yes, except
for hypothermia. Within a short period - yes.

Would you expect to see an indentation in the wall? No
Not plywood over plaster wall.

Did you tell G.J. that being knocked unconscious wouldn't be
absolute? yes.

Jan Letaman? reliable Neuropathologist. Mark Exh 218
pg 333 - 356 of Jan Letaman's book. Personal friend wrote only
Textbook available.

You testified it wouldn't matter if floor carpeted. yes.

Do you agree with Dr. Letaman that Comp. of floor

Do you agree

Common head inj is a subdural hematoma with or without skull fr.
yes

Conclusions

Book says Accidental head inj. rarely cause severe injury.

Serious head inj at home should be considered child abuse unless proven otherwise.

Brain death - not usually cause if evidence of hypothermia.

Dr. Plunkett | Almost always child abuse is a pattern? yes.

Most often C. abuse involves multiple injuries.

When you look at child ~~do~~ you look for pattern? yes.

Look for injuries in different locations ^{that occurred} over a period of time.

did you testify in State vs McClure that it's possible for one time abuse but not usually. yes.

When you asked to define battered child? yes - Big Objection to that.

10 minute break to let EG look at cases Tom is using.

Judge - obj. to Child Battered Syndrome.

Transcripts from other hearings used / EG wants to ^{see} ~~use~~.

Judge won't allow transcripts. Issue as to Child Abuse Syndrome.

Battered Child, definition can be given today.

After discussion objection is sustained.

Tom wants Plunkett to give his 4 factors for child abuse?

To what purpose? did m. die from fall or abuse?

Judge - state has rested.

EG doesn't want to get into dysfunctional family.

Judge Cross examine on topics for which he was examined.

Calls Jury back

Tom. Dr. P when you examine cause do I look for hypo or hyperthermia?

Sure, but its backwards. If its part of evaluation fine?

Is one thing parental account not adding up.

Brain Swelling

(6)

Is one other thing failure to seek timely med care? yes.

You were asked about brain swelling. Can it occur

Very quickly? Brain swelling occurred within

~~20 min~~ 20 min on CT scans.

Lucid Intervals. Is it true LI occur you aren't familiar with exact occurrence? Were you asked about L.I.?

There are no studies of characteristics of L.I. in a 3yr old that I'm aware of.

If child has L.I. ^{they} don't have retinal hemorrhage?

Cerebral edema causes.

State vs Vorn. testimony. Page 42. Children w/ L.I. don't usually have Retinal Hemorrhaging in both eyes.

Between ~~1985~~ 1985 and 1995 - 3 Infant homicides / 2 abdominal

Re: Bowel injuries