

Day 4 - Thursday - Apr. 10 - 9 AM. Shapace
witness Cindy Khong Nurse from Mchildren's Hosp^{ER}, Intensive care
asked ^{her} to exam me - . Set up cart for Dr
Blasko - took samples of vaginal, rectum etc
put in separate envelopes. Sexual assault
kit - had with ~~her~~ here. Exhibit # 39 - A - N.
Sgt Wolf presented it to her on arrival at Court
House Today - Saliva samples - Blood spread on cloth,
dried + put in env., Rectal swab, Vaginal swabs,
oral swabs from mouth, skin swabs, found none
because she had been bathed prior. Hair,
foreign eye - none, blood in tube, transfusion
stains. Collected & sealed, put back in kit.

Earl Gray - why? she told him they were looking
for sperm - Earl - questioned the bathing!

Don - Rectal exam when taken ~~me~~ spurted out
blood & filled diaper.

witness * Donald Fehr - Scott County Highway Dept.
Keep records of property in county - aerial etc.
Aerial map exhibit 40 - Marshall Road or Cty 17 -
shows Valley ~~at~~ View Rd. gravel Road.

witness * J. Douglas Cameron attended St Olaf med school Chicago
Interned N.Y. ophthalmologist pathologist. Hennepin Cty.
& U of M. prof Exhibit # 41 of eye. Described the
eye. This is his chart, not Mackenzie's. He assisted
in exam of me. Received her eyes. They were hemorrhaging
in both eyes. His decision was that was non-accidental.

can't'd.

Hem. in both eyes the same. Whole head was injured by blow or shaking of head.

Wit. * Lindsey Thomas - Coroner

Protocol - Background info, ^{look for} external injuries
internal "

Photos from sheriff's office - her camera didn't work that day

forensic - law + med. Combined

Tom shows her photos already recorded as exhibits

introduces new pics. Grey objects Rule 403 counsel approaches

47A - 53 pics. + slides taken at outtop agree 54A - 62A introduced

62 section brain

61 "

60 dura 59A Brain 58 Brain

57 top Brain 56⁺⁵⁵ sculpt skull 54 face

63-66 computer images of inside head

Break 10:45 - 11:00

Tom entered 67-69 ~~at~~ during break

LT looks at 2413 describes blunt blow to head 2414 describes ~~recent~~

2415 scrape to arm very recent

2418 butt very recent

no color changes that bruise shows in day or two

notes from viewing slides

#1 L shape bruise or scratch to R of navel
bruises both sides of wrist like
it had been grabbed

Dr. notes bruises are pattern bruise
meaning object would be striking
fall down stairs would cause
more gen. bruises like lg. round bruise
Break

Coroner continues after break

Death certificate presented

* Witness Sgt. Kelley - officer recalled - was here Tuesday too -
in regard to exhibits: sweater - towel.
(# 10 & 11)

March 9 - after they got in house - saw victim on floor -
nude. Defendant there - 3 ~~feet~~ feet away, talking
to 911. Girl ashen in color, bruises on head, chest
& head met.

Earl Gray showing # 11 shirt. Found white mucous
on shirt - 2 towels exhibit # 10 - really wet. washcloths
were bunched up in ball & damp. Officer had not
listened to 911 tape. Fire dept arrived & rescue unit

* Detective Bisek came & talked to Brian then other
units left.

* Ron Scherer - officer on scene, saw nude child &
Brian with phone. She had no pulse - cold - bruised.
Started CPR. Had blood on gums, wet head - cold
Brian said to him that she fell down & throw up
quit breathing. Said she fell down stairs.
Officer Robson - deputy - ambulance - fire dept came.

officer Scherer went to ER Room. Took 2 rolls
of film. at ^{the} home he requested a detective
Earl Gray arguing with him about the items
he brought to ER. Can't remember one, what it was

Witness

+ Megan Campeau. 10th grade N.R.

Tina - Sean - Nicole - Mackenzie Baby sitting Nikki
at one year of age. Mc born later - Never any
bruises on them - Tina would spank with hand.
asked ~~with~~ about potty habits - walking etc.

Noticed bruises on me - had ones on butt. Nikki
said Brian spanked me. asked about Tina giving
them food - Megan said they were always
hungry when she had them; not properly fed.

Witness

X Rene - Megan's mom.

Spring of '95 Tina moved back to T. Court.
asked about Tina with kids - Gave baths at
Megans. Mc did really good on steps.

Dec. 16, 1996 - Megan babysat at her house. Took
kids bowling. Gave them bath baths - found
black & blue bruises on Mackenzie - Nikki said
Brian had spanked her hard.

Day 5 - Apr. 11

Carolyn Levitt

Has Specialty of Child Abuse

Published in area of child sexual abuse. "Eval of Child Sexual Abuse."

Exh. #70 Curriculum Vitae of Dr. Levitt (37 pages)

Hypothermia, also published in that area in 1996.

Exh #71 Diagram. - Cross section of female genitalia.

Hymen inside the vagina a little ways. and protects the genitalia

Urethra is ~~behind~~ above that.

Reviewed hosp records - both hosp., autopsy reports, photos
investigative reports from law enforcement and reports of
other physicians.

Reasonable degree of Medical Certainty Mc was sexually
abused? yes, Opinion is that Mc was sexually abused
as she was doc. to have laceration of hymen at
3 and 9 o'clock.

objection as cumulative
(overruled)

Dr. Schmaeling determined ... objection as cumulative
sustained.

Judge "It's your opinion we want"

Is it important that there was fresh bleeding.

Injuries to hymen bleed freshly - wiped away +
bled again.

Blunt force penetrating trauma

No indication that anything else stretched and tore the hymen.

a Variation would show this bleeding

Bruising inside labia minora.

Laceration - cuts or tears from penetrating.

Is hymen elastic? yes - to a point

Is this injury consistent with penetration

yes finger, thumb, smooth surface, adult male penis.

Couldn't be full penile penetration with a child

me's age. Not likely, or there would be more i.e.

How large an object could accommodate? "Little finger
gently."

Could a Foley catheter cause these injuries? No smaller.
Except if inserted, inflated & jerked out forcibly.
Scratched? No

Hymen is sensitive - child would feel pain. Especially a child.

Blood would come right away

Could a kick cause hymenal tear? "No"

- If vaginal bleeding would it affect whether there is semen
on vagina. "Usually difficult to find semen when
there's been a lot of bleeding?"

Hemoglobin level.

Mild Coagulopathy documented at St Francis

Did Coagulopathy cause the injury.

Would hypothermia cause the vaginal injuries - No.

Stipulated that hypothermia didn't cause tears of hymen.
Accidental fall cause vag injuries "could not have"

Why? In a fall injuries are to outside of body.

Genital areas are protected so there's no way a fall could cause it.

What if a person fell down and landed on an object.

Only if there were a firm rod or something attached for the child to impale themselves on.

If child fell without clothing would it cause?

No - clothing would protect further.

Would you expect to find blood? yes, if clothing, on that.

Nicki Busierre on 3-12-96 with her mother, aunt and god mother, cousins and young children.

Did checkup in medical office

Her Protocol used.

Talked to her about easy things

New shoes she could keep.

Her sister later.

Good touch + bad touch.

Ht. history then examined Nicki.

Did exam on stuffed animals.

Equipment

Photographs

Complete exam

Dressed

Talked to Tina about findings being normal.

Exh #72. Video of Nicki's exam.

✓ Video. - Got new shoes from Connie.

Brian sparks hard with paddle stick and hand

N drew paddle stick.

"Weenie" scratches

"Mom, Brian Pinched me."

#73 Nicki's drawing (copy)

2" long 1/2" wide paddle stick.

No injuries to hymen + vagina

Culposcope machine shines light and magnifies
and takes a photo as well.

← Inspection by magnification

N Sexually abused - Yes.

Credibility Issues, addressed with Jury.

He don't care what others think - we care what you believe.

Grand Jury testimony.

It's actually uncommon to find semen in the vaginal area of young children.

Semen isn't deposited on the vaginal vault.

Bed clothes, legs, child's body is where it's found.

Did you read statements given by Brian Merkelt to Berick?
about Brice McKenric had from severe spanking?

Discussed with Tina - pinching.

Don't think she knew.

Pled her panties.

Up till now, she pled her panties.

Bill sent to Scott County, for testimony so he doesn't know what charged for court appearance.

How much does Earl Gray make?

Semen can be washed off clothing or objects.

She reviewed photos - no toys on landing that she'd seen.

If a child is examined and

Midwest Children Research is nonprofit.

13 employees.

Her salary \$48,000. from Hosp.

Blood. St Kaley's report.

Mc Nude and Spread Eagle.

She didn't read that.

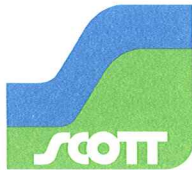
- Non clotting blood. would you bleed more?

Washing semen off clothes - expert?

Cold water constricts blood vessels.

Cold water's affect on hymenal area - restricts
bleeding. When person is warmed blood would
flow again.

Hymen is torn it would bleed immediately from
tiny vessels.



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March 31, 1997

THOMAS J. HARBINSON
County Attorney

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Enclosed please find a subpoena regarding the death of MacKenzie Bussiere. Four days have been listed on the subpoena, however, we should only need you here one day, possibly two. We have worked out a witness order and you are tentatively scheduled to testify on Monday, April 7, 1997, at 1:30 p.m. You should be here approximately 15 minutes to half an hour prior to testifying.

We will be in contact with you to let you know how the case is going. Because of the number of witnesses expected to testify, we may not be able to call you every day as we may be calling the witnesses scheduled for the next day to keep everyone lined up. To help us in contacting you, please leave a work and home phone number with Kelli where you can be reached both daytime and evening. If jury selection or testimony of witnesses scheduled to testify before you takes longer than expected, the date listed above may be moved back. Please feel free to contact our office anytime and we will let you know how testimony is going and for an estimate of when you will be testifying. We apologize for any inconvenience this may cause.

During the trial, you may contact Kelli at (612) 496-8156. Robin is our victim/witness coordinator who will be meeting you at the courthouse on the day of your testimony. If you have any questions, she may also be contacted at (612) 496-8244.

Sincerely,

THOMAS J. HARBINSON
SCOTT COUNTY ATTORNEY

Neil Nelson
Assistant County Attorney

NN:kl
Enclosures