

Man guilty of 2nd-degree murder of toddler

■ Jurors acquit 23-year-old Merkt of 2 rape counts

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It took a jury 2½ days to convict Brian Merkt of second-degree murder for killing his fiancée's 3-year-old daughter, a verdict his attorney sees as a compromise.

The Scott County jury could have convicted Merkt, 23, on two counts of intentional first-degree murder in the death of MacKenzie Bussiere. His attorney, Earl Gray, said he thought the jurors settled on the second-degree murder

charge as something they all could agree on.

Jurors also acquitted Merkt on two counts of raping the girl.

Merkt showed no emotion as the verdicts were read Saturday, but Gray was disappointed and slammed his fist on the table.

"I was not happy. I hate compromises," Gray said. But he also said the jury had worked hard and that he ultimately accepted the verdict.

Merkt, who had been free on bail, is now jailed pending sentencing.

MacKenzie was the daughter of Tina Herdahl, who broke off her engagement after the girl's death in March 1996.

"The jury made its decision, and it still doesn't bring MacKenzie back," Herdahl said.

Still, her relatives said they were happy that Merkt will serve at least some prison time.

"We're kind of mixed up, (we have) mixed feelings," said Ron Jurisch, a great-uncle to MacKenzie. "We're glad that he was convicted; we're not sure that that was the correct count. There are no winners. If it didn't happen, that would have been the only way we could have won."

In his closing arguments, Scott County Attorney Tom Harbinson said MacKenzie was found covered with rug burns and that her vagina was bruised and swollen.

He said that when she stopped breathing, Merkt called police to avoid suspicion in her death. Her blood and vomit stains were found in the crotch area of his jeans and long underwear. A trace of his semen was found on his briefs.

Gray suggested that MacKenzie fell down the stairs of the Shakopee farmhouse where they lived with Merkt, or was pushed by her 5-year-old sister. Gray said Merkt found her crying at the bottom of the stairs and said Merkt may have accidentally injured her vagina while cleaning her. He also said the girl had wandered outside, where she may have received some injuries by being hit by a car.