

Shakopee man gets twice usual sentence for killing toddler

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By Jim Adams
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Bryan Merkt destroyed the lives of not one, but three children, his ex-girlfriend testified Friday before he was sentenced to 25 years in prison for killing her 3-year-old daughter.

Mackenzie Bussiere died at the couple's Shakopee farmhouse last year with head injuries, bruises, carpet burns and tears in her genitalia. Her 5-year-old sister, Nicole, who was home at the time, is still in foster care; Merkt is required to pay for her therapy.

And Merkt's own baby, whom Tina Herdahl was pregnant with, has been given up for adoption.

"He should sit in that prison and suffer many years for every year that 'Kenzie didn't get to live," said Herdahl, who had been engaged to Merkt and left her two girls in his care that day. "I hope he thinks of what he did to my sweet little 'Kenzie and that his guilt eats him alive."

Merkt, a 23-year-old farmhand, had nothing to say before hearing his sentence pronounced in Scott County District Court in Shakopee. It is twice that recommended for second-degree unintentional murder. With time off for good behavior, he could be released in about 16 years. A jury acquitted Merkt of rape and first-degree murder charges.

Mackenzie was found nude and covered with bruises at the foot of a flight of stairs March 9, 1996. Her blood and vomit were found on Merkt's jeans and long underwear after he called police, saying that

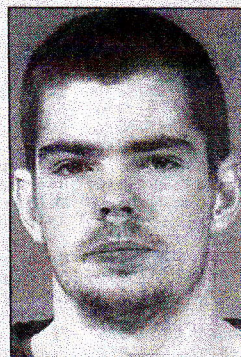
the child must have fallen while he was asleep.

Merkt maintains that he is innocent and will appeal his conviction and sentence, said his attorney, Earl Gray.

Gray said he thinks Judge Thomas Howe erred during the 3½-week trial, for example, by allowing testimony that Merkt had sexually molested Nicole. The



Mackenzie Bussiere



Bryan Merkt

prosecutor said Nicole's statement to a doctor supported his assertion that Mackenzie's injuries, including a torn hymen, weren't accidental.

The judge also granted Scott County Attorney Tom Harbinson's request that Merkt submit a DNA sample for the state's sexual offender data bank. Gray objected, but the prosecutor said the law permits it even for a person acquitted of rape if he is convicted of another serious crime linked to it.

The data bank allows officials to link new sex crimes to past offenders.

Merkt's ex-girlfriend, who now lives in Wisconsin, said in her victim-impact

statement that she's worried about Nicole and the girl born in September whom she has given up for adoption.

"It would have been selfish for me to keep her. She deserves a fair chance at life, and I am worried about Brian coming to find Nicole and even the baby. . . . You can't trust what he will do when he gets out of prison."

Herdahl said she is also tired of defending her reputation as a mother.