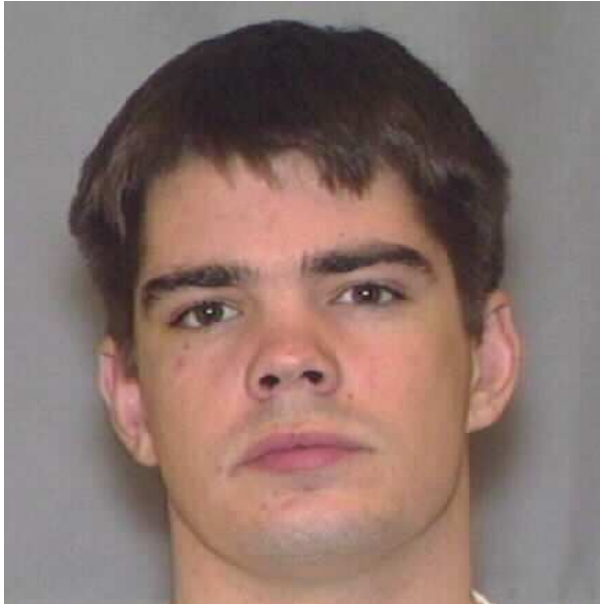


# Minnesota Department of Corrections



## Offender Information



### Demographic Information

OID Number: 192206  
Name: BRIAN PATRICK MERKT  
Birth Date: 11/29/1973  
Current Status: Incarcerated  
Location: [Minnesota Correctional Facility Stillwater](#)  
Admit Date: 6/13/1997  
Anticipated Release Date \*\*: 12/9/2013  
Expiration Date: 4/4/2022  
Case Worker: E. Guevara (651) 779-2700  
Supervising Agent:

### Controlling Offense Information \*:

Offense Description: [MUR 2-COMMITTING OTH FELONY-UNK WEAP-CHILD-ACQ](#)  
Offense Modifier: NOT/APPL  
Minnesota Statute(s): [609.19-2](#) See details on page 2  
County of Conviction: SCOTT  
Court File Number:

**MOC Code:** H2805

**General Description:** Homicide

**Category :** Murder 2

**Act :** While Committing Other Felony Offense (Not Listed Above)

**Victim :** Child - Acquaintance

[Minnesota Statutes 2003, Table of Chapters](#)  
[Table of contents for Chapter 609](#)

**609.19 Murder in the second degree.**

Subdivision 1. **Intentional murder; drive-by shootings.**

Whoever does either of the following is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years:

(1) causes the death of a human being with intent to effect the death of that person or another, but without premeditation or

(2) causes the death of a human being while committing or attempting to commit a drive-by shooting in violation of section [609.66](#), subdivision 1e, under circumstances other than those described in section [609.185](#), clause (3).

Subd. 2. **Unintentional murders.** Whoever does either of the following is guilty of unintentional murder in the second degree and may be sentenced to imprisonment for not more than 40 years:

(1) causes the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence or a drive-by shooting; or

(2) causes the death of a human being without intent to effect the death of any person, while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the perpetrator is restrained under an order for protection and the victim is a person designated to receive protection under the order. As used in this clause, "order for protection" includes an order for protection issued under chapter 518B; a harassment restraining order issued under section [609.748](#); a court order setting conditions of pretrial release or conditions of a criminal sentence or juvenile court disposition; a restraining order issued in a marriage dissolution action; and any order issued by a court of another state or of the United States that is similar to any of these orders.

HIST: 1963 c 753 art 1 s 609.19; 1981 c 227 s 10; 1992 c 571 art 4 s 6; 1995 c 226 art 2 s 16; 1996 c 408 art 4 s 8; 1998 c 367 art 2 s 8

*Copyright 2003 by the Office of Revisor of Statutes, State of Minnesota.*