

10                   Your Honor, at this time I would ask pursuant  
11 to Minnesota Statute 611A, that Tina Herdahl give her  
12 Victim Impact Statement to the court, Your Honor.

13                   THE COURT: All right. Ms. Herdahl?

14                   MS. HERDAHL: I have two letters to read  
15 today. One is from Nicole and one is from myself.  
16 Nicole writes, "Dear Judge: Brian should say in jail  
17 forever until he dies. I miss my Mommy and MacKenzie very  
18 much and judge, please keep Brian in jail so he won't  
19 hurt any other people because I like everybody. From  
20 Nicole."

21                   And then this is mine. I'm going to start out  
22 by saying nothing I write or say will ever bring back  
23 MacKenzie. There will never be someone who can put  
24 themselves in my shoes and even imagine what kind of hell  
25 I have been through.

1                   This past year has been a living nightmare, and  
2                   I wish it would just end. I am a so-called victim but I  
3                   don't think of myself as one. My daughter, MacKenzie,  
4                   was a victim. She is the one who suffered the most from  
5                   Brian's cruel acts. Because of Brian, I can only imagine  
6                   what MacKenzie would look like today. I can only imagine  
7                   what she would have been as an adult. Because of Brian,  
8                   I will never know.

9                   I went from being a happy, healthy person to  
10                  unhappy and very lonely. I can't concentrate on one  
11                  thing at a time. I can't be by myself for long periods  
12                  because I get scared. I start thinking about MacKenzie  
13                  and what Brian did to her. I think about how much I  
14                  really do miss my little 'Kenzie. There's just too many  
15                  emotional things I have had to live with every single day  
16                  so I only mention some of them that come to mind as I sit  
17                  and write.

18                 I have to make myself get up every morning. I  
19                 used to like getting up every day. I had two smiling  
20                 little faces to see. Little MacKenzie used to come in  
21                 and open my eyes with her little fingers and say, "Mommy,  
22                 are you sleeping?" We had lots of hugs and puppy kisses  
23                 from each other.

24                 I used to make breakfast every morning. Nicole  
25                 had cereal; 'Kenzie, eggs and toast. They argued over

1        which chair they were going to sit in or which Tippy Cup  
2        they would get to drink from, but things eventually  
3        worked out. We always enjoyed our time together.

4                Today I don't see a point in getting out of  
5        bed. I remember playing the quiet game while riding in  
6        the car together. 'Kenzie always wanted to play. Of  
7        course, I always lost because the girls then always got a  
8        treat. Today when I ride in the car, I would make quiet  
9        games because there are no giggly little girls in the  
10       back seat. MacKenzie always used to make me laugh by  
11       doing something silly. Today I don't laugh much.  
12       MacKenzie had a cute little laugh, a special little smile  
13       and a bubbly little voice. Her personality was one of a  
14       kind.

15               Today I can't remember all those things because  
16       my mind has completely blocked it out. It would be too  
17       painful for me to remember. I have pictures and videos  
18       but that's it. I hope that some day I can regain the  
19       memory of my precious little 'Kenzie.

20               I have been a burden on my family and friends.  
21       They have all put me first in their lives. They have  
22       given me hope, strength and courage. I just wish that I  
23       was able to give them the same back, but I don't have  
24       much to give anymore. I don't like meeting people or  
25       telling things to people. My trust for people is



1 completely gone. I loved and trusted Brian at one time.  
2 I trusted him with my child's life and now she is not  
3 here. I trusted Brian and I was betrayed. I don't know  
4 when I'll ever be able to trust again. Brian took that  
5 all away.

6 I'm becoming rundown and out of energy. I'm  
7 kind of tired of sticking up for myself. I'm sick of  
8 trying to prove to everybody that I didn't know Brian was  
9 so mean. I have been ripped apart from head to toe by  
10 attorneys, social workers, family, friends and  
11 psychologists. If I knew Brian was so mean, I would  
12 never have been with him. I'm tired of being screamed  
13 at, lied to, and really sick of people not believing me.  
14 I have been forced to remember every last detail of my  
15 entire life when it's hard enough for me to remember what  
16 I did yesterday. If I couldn't remember something or got  
17 something mixed up, I was called a liar. Does anyone  
18 know how degrading it is to be yelled at and called a  
19 liar? I have been made to look like a horrible parent  
20 because I let Brian do this to my girls. I'm not the  
21 horrible parent. Brian is the horrible child murderer,  
22 and I couldn't have known he was going to do this. I know  
23 I wasn't a horrible parent, and you know that, too. You  
24 can't tell me you are a perfect parent because there's no  
25 such thing. I'm still trying to prove to this day that

1 I'm not the criminal. Brian is.

2 I'm tired of receiving bills from hospitals,  
3 clinics and transportation. I have bill collectors  
4 calling my house, sending me nasty letters. I received a  
5 letter once saying, "On March 9, 1996, Life Link Three  
6 provided transportation and hope you are satisfied with  
7 their services. From all of us at Life Link Three, we  
8 hope MacKenzie enjoyed a speedy recovery and is now  
9 feeling much better." Next paragraph it says that I owe  
10 them \$2800, and it's past due.

11 I watched my best friend drink herself to death  
12 after MacKenzie died. She couldn't live with the things  
13 she heard that Brian did to MacKenzie and couldn't handle  
14 all the details. She felt guilty for not being there for  
15 me and the girls. She was angry at herself for not being  
16 able to save MacKenzie. My best friend died in an  
17 alcohol-related car accident last May.

18 I have horrifying nightmares and horrible  
19 flashbacks of MacKenzie lying there on the hospital bed  
20 with hundreds of different tubes running in and out,  
21 lying there with no smiles, no laughs, not even tears.  
22 Helpless. I had to make the decision to really end her  
23 life, and I always say I don't wish that feeling upon my  
24 worst enemy, but I do. I wish that Brian only knew what  
25 love was and how horrible a feeling it is to watch your

1 child lay there brain dead and helpless.

2 I guess what kills me the most is I do have  
3 Nicole left, and I'm still fighting to get her back. I  
4 have spent every penny I have on lawyers. Nicole has  
5 been through a hell of a lot for her age and she is  
6 suffering bad and she wants -- all she wants to do is be  
7 with Mommy. Just ask her.

8 Nicole not only lost one sister. She lost two  
9 out of this whole thing. I have lost two children. I  
10 had Brian's baby last September, and I placed her for  
11 adoption. It would have been selfish for me to keep  
12 her. She needs a fair chance at life. And I worry about  
13 Brian coming to find Nicole and even the baby. Brian is  
14 a horrible person, and you can't trust what he'll do when  
15 he gets out of prison. Nicole is already worried about  
16 him getting out. Nicole is deathly scared of Brian.  
17 This is only some of the suffering I have been through as  
18 a result of Brian. I couldn't possibly tell you it all.

19 The court asked me what I thought was a fair  
20 sentence for Brian and his crime. I really don't know  
21 what to tell you because no matter how much time he gets,  
22 it's not enough. He should sit in that prison and  
23 everything many years for every year that my MacKenzie  
24 cannot get to live her life. Brian is a horrible person  
25 and a slap on the hand isn't going change him. You know



1 he'll do it again. They all do. Whatever you end up  
2 giving him, whether it's 12 years or 25 years, it's not  
3 enough for taking away a life that is so priceless,  
4 precious, and so dear to me.

5 This kind of behavior is not acceptable in this  
6 world. Why show you can actually get away with it?  
7 Nicole and I have to suffer for the rest of our lives.  
8 Why shouldn't Brian?

9 I'm going to close with this. I hope that  
10 Brian thinks of what he did to my sweet little 'Kenzie  
11 every day and his guilt eats him alive. I have enclosed  
12 a picture of myself and what I do. Quite often, pictures  
13 tell a thousand words. Sincerely, Justina Beth Herdahl,  
14 MacKenzie's mother.

15 THE COURT: All right. Thank you.