STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

AFFIDAVIT OF ANDREW MARKQUART

- I, Andrew Markquart, under penalty of perjury, state as follows:
- 1. I am an attorney at Great North Innocence Project in Minneapolis. Our organization represents individuals claiming to have been wrongfully convicted of crimes.
- 2. I am currently working on the case of Marvin Haynes. Mr. Haynes is serving a life sentence based on a conviction in Minnesota state court for first-degree murder and second-degree assault. Mr. Haynes was alleged to have shot and killed Harry Sherer after demanding money at gunpoint from Mr. Sherer and another worker at Jerry's Flower Shop in Minneapolis on May 16, 2004. Mr. Haynes asserts that he is innocent of this crime and that he played no role whatsoever in the killing of Mr. Sherer.
- 3. Anthony Todd was a witness for the state in Mr. Haynes's 2005 trial. At trial, Mr. Todd testified that he had been with Mr. Haynes and others on the morning on May 16, 2004, and that he had heard Mr. Haynes say that we was going to "hit a lick." There was testimony at trial indicating that this expression is slang for committing a robbery.
- 4. Earlier this year, I learned that Mr. Todd had indicated to others that his trial testimony was untrue and that he was prepared to recant that testimony. Therefore, I reached out to Mr. Todd by phone on July 22, 2022.

- 5. During our phone conversation on July 22, 2022, Mr. Todd confirmed to me that his trial testimony against Mr. Haynes was indeed false. Mr. Todd told me that when police approached him about this case, he initially denied having any information against Mr. Haynes. Mr. Todd said that the police continued to pressure him and threatened that he could face his own criminal charges if he refused to cooperate. He said that he eventually broke down in the face of pressure and told the police that he heard Mr. Haynes say on the morning of May 16, 2004, that Mr. Haynes was going to "hit a lick," a statement Mr. Todd eventually repeated at trial. Mr. Todd told me that this was a lie and that he never heard Mr. Haynes make any incriminating statement suggesting any involvement in the killing of Mr. Sherer. At the end of our conversation on July 22, 2022, Mr. Todd told me that he would consider signing an affidavit attesting to these facts but that he was concerned about how that might affect him given that he was on intensive supervised release at the time. He said that he would get back to me.
- 6. On October 7, 2022, I spoke with Mr. Todd by phone again. He told me that, based on the advice of counsel, he would not be cooperating with our investigation any further. During this second phone call, he did not retract anything that he had told me during our prior call on July 22, 2022.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

FURTHER YOUR AFFIANT SAITH NOT,

Subscribed and sworn to

before me

this 10 day of October, 2022.

Notary Public

Andrew Markquart

SHARI LEE OBER
Notary Public
State of Minnesota
My Commission Expires
January 31, 2025