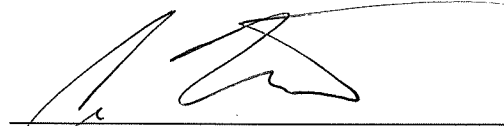


5. During our phone conversation on July 22, 2022, Mr. Todd confirmed to me that his trial testimony against Mr. Haynes was indeed false. Mr. Todd told me that when police approached him about this case, he initially denied having any information against Mr. Haynes. Mr. Todd said that the police continued 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,



Andrew Markquart

Subscribed and sworn to
before me
this 10 day of October, 2022.
Shari L. Ober

Notary Public

