

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**  
Docket No. 0:16-CR-00013 (RHK)

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTON ALEXANDER MARTYNYENKO,

Defendant.

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**AFFIDAVIT OF DEFENDANT'S  
ATTORNEYS SUBMITTED FOR  
PURPOSES OF DEFENDANT'S  
SENTENCING**

Come now the affiants, Marsh J. Halberg and Lee M. Orwig, Halberg Criminal Defense, and upon being duly sworn state the following:

1. Marsh J. Halberg and Lee M. Orwig, Halberg Criminal Defense, have been Anton Martynenko's attorneys since Mr. Martynenko was initially indicted on January 12, 2016.
2. Mr. Martynenko has been incarcerated in the Sherburne County Jail in Elk River, Minnesota since his arrest on November 20, 2015. As a result of Mr. Martynenko's incarceration, our contacts with him have required us to travel to the Sherburne County Jail for confidential discussions.
3. In the course of our discussions, Mr. Martynenko informed us that he was housed in a jail pod with a total of eight cells. Two of those eight cells were partially separated from the other six through an additional door. This allowed for a level of privacy between the inmates of those two cell locations. Mr. Martynenko was housed in one of those two partially isolated cells and Danny Heinrich was housed in the other cell.
4. In ongoing visits with Mr. Martynenko, he began to describe how Mr. Heinrich was becoming extremely volatile and unpredictable when the subject of Jacob Wetterling's abduction arose on various media outlets. Mr. Martynenko's level of concern in being around Mr. Heinrich continued to grow, as the two remained in close proximity in their respective cells.
5. Mr. Martynenko began to describe to us his conversations with Mr. Heinrich, which gave Mr. Martynenko the strong belief that Mr. Heinrich was responsible for the abduction and murder of Jacob Wetterling and the sexual assault of Jared Scheierl. The pressure of being around Mr. Heinrich discussing these topics began to take an emotional toll on Mr. Martynenko.
6. Despite Mr. Martynenko having concerns for his own safety and the stress of continuing to interact with Mr. Heinrich, Mr. Martynenko felt it was his moral duty to convey the

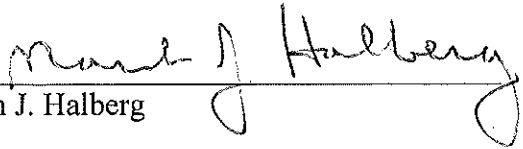
information he had obtained from Mr. Heinrich relating to both Jacob Wetterling's murder as well as the sexual assault of Jared Scheierl. This resulted in our office sending a letter to Mr. Scheierl's civil attorney, Doug Kelley, dated May 26, 2016. That letter is attached hereto.

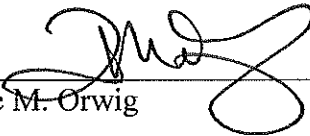
7. Our office also had discussions with the United States Attorney's Office regarding information similar to that contained in the May 26, 2016 letter, in addition to other general information that made Mr. Martynenko confident that the Government was correct to focus on Mr. Heinrich as the key suspect in the Wetterling and Scheierl cases. These discussions led to a confidential meeting occurring between our office, Mr. Martynenko, and the United States Attorney's office on August 17, 2016. Approximately 40 pages of Mr. Martynenko's notes of conversation with Mr. Heinrich were given to the United States Attorney's Office.
8. On August 22, 2016, our office received a request from Mr. Martynenko to again meet with him, as he had other information he wished to discuss with us. On August 23, 2016, attorney Marsh Halberg met with Mr. Martynenko at the Sherburne County Jail at which time Mr. Martynenko informed Mr. Halberg that in the last few days he had continued to talk with Mr. Heinrich in private in their cells. He informed Mr. Halberg that the conversations arose when Mr. Heinrich returned from a meeting with his own lawyers and walked into the cell pod bragging to everyone that he was going to be very famous in the coming weeks and to be sure to watch for him on television.
9. Subsequent to Mr. Heinrich making those statements to the group, Mr. Martynenko talked privately with Mr. Heinrich, at which time Mr. Heinrich laid out in great detail to Mr. Martynenko about how he, Mr. Heinrich, had abducted, sexually assaulted, and killed Jacob Wetterling. Mr. Martynenko was extremely shaken in relaying these comments to Mr. Halberg.
10. The information Mr. Heinrich disclosed to Mr. Martynenko was intimate: Mr. Heinrich detailed that on October 22, 1989, Mr. Heinrich was driving through St. Joseph and, upon seeing Jacob and his friends, drove past them, pulled off of the road, and waited for Jacob and the other boys to come by. Mr. Martynenko detailed to Mr. Halberg the nature of the abduction and shooting of Jacob, including some facts which have been subsequently reported from Mr. Heinrich's plea of guilty in federal court.
11. Mr. Martynenko also relayed other facts about the initial killing of Jacob Wetterling, including Mr. Heinrich returning to Jacob's body later the same evening of the murder to bury the body and then, approximately one year later, returning to move the body to a different location. Mr. Heinrich feared Jacob's body would be discovered because the original grave was visible from the roadway.
12. Mr. Martynenko hypothesized in his meeting with Mr. Halberg that the burial site of Jacob's body could not be too far from the initial abduction site based upon the timing of the abduction, the passage of time between the murder and Mr. Heinrich continuing to

drive around, Mr. Heinrich's return to bury the body, and the fact that Mr. Heinrich said he was home before the sun rose the next day.

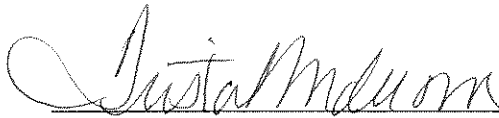
13. This new information that Mr. Martynenko relayed to Mr. Halberg was consistent with the prior notes given to the United States Attorney's Office from the August 17, 2016 meeting, including Mr. Heinrich's focus on "County Road 23." Mr. Martynenko stated that Mr. Heinrich told him that only Mr. Martynenko and Mr. Heinrich's public defenders knew that he was admitting to the abduction, sexual assault, and killing of Jacob Wetterling and that Mr. Heinrich had specifically relayed the location of the body to his public defenders, who he said would be driving by the location.
14. Mr. Martynenko further stated that Mr. Heinrich was adamant that he would only disclose the location of Jacob's body to the Government, if the Government agreed to cap Mr. Heinrich's prison sentence at 20 years. If the Government did not agree to this negotiation, Mr. Heinrich said he would deny ever disclosing information to Mr. Martynenko.
15. Mr. Halberg relayed this information to a representative of the United States Attorney's Office on August 23, 2016, that same date Mr. Martynenko had relayed Mr. Heinrich's statements to him. A tentative plan was put into place for a meeting to occur between representatives of the United States Attorney's office, Halberg Criminal Defense, and Mr. Martynenko at the Sherburne County Jail.
16. That meeting was delayed based upon the unfolding events separate from the involvement of Mr. Martynenko.
17. Mr. Martynenko and his Defense have remained silent on the issue of Mr. Martynenko's assistance in the Jacob Wetterling case to this date out of respect for the grieving process for Jacob Wetterling's family and to avoid drawing attention away from Mr. Heinrich's sentencing and punishment.
18. At no point was Mr. Martynenko an agent of the United States Government or promised any specific leniency or recompense for coming forward with the information that he did.
19. At no point did the Government, or any agent of the Government, request Mr. Martynenko to solicit information from Mr. Heinrich and Mr. Martynenko was under no obligation to do so.
20. Mr. Martynenko, at the time of sentencing, will continue to admit to the extreme wrongdoing in his own criminal case, but truly believes that part of his path to rehabilitation and atonement is attempting to do other good deeds in the world as he moves forward with his life. He saw this opportunity to assist as a small but important part of aiding in the resolution of the Wetterling and Scheierl cases.
21. The Defense will seek a modest reduction of Mr. Martynenko's sentence in recognition of his efforts in this matter.

FURTHER YOUR AFFIANT SAYETH NOT

  
Marsh J. Halberg

  
Lee M. Orwig

Subscribed and sworn to before me  
this 17<sup>th</sup> day of November, 2016.

  
Notary Public

