



U.S. Department of Justice

United States Attorney
District of Minnesota

404 United States Courthouse
316 North Robert Street
St. Paul, MN 55101

Telephone: (651) 848-1950
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September 1, 2016

Danny Heinrich
c/o Katherian Roe and Reggie Aligada
300 South Fourth Street
Minneapolis, MN 55415

Re: United States v. U.S. v. Danny James Heinrich
Criminal No. 15-340 (JRT/LIB)

Dear Mr. Heinrich:

Pursuant to your agreement with the government, signed August 30, 2016, you are meeting with the government for the purpose of making a proffer in connection with the above-referenced matter and the related matters concerning the investigation of the abduction and sexual assault of Jerod Schierel and the abduction and murder of Jacob Wetterling. This proffer is made pursuant to the Joint Agreement in the matter of U.S. v. Danny James Heinrich Cr. No. 15-340 (JRT/LIB) dated August 29, 2016 and signed by all parties on August 30, 2016. Pursuant to that agreement, your attorneys have disclosed a specific geographic location ("site") to federal prosecutors for the purpose of conducting a search for evidence of the abduction and murder of Jacob Wetterling. In furtherance of the Joint Agreement, you personally provided assistance with that effort. Law enforcement conducted a search at that site and have recovered physical evidence, *which evidence is still being tested.*

*JRT
PA
JRT*

The Joint agreement further provides that you will provide an in-person proffer, subject to the additional terms and conditions of a proffer agreement. This letter serves as the proffer agreement. It is the intent of the parties that the statements made by you during this proffer will be protected, as specifically set forth below, such that if you ultimately do not plead guilty pursuant to the terms and conditions outlined in the Joint Agreement, the statements cannot be used against you. Further, it is the intent of the parties that if, following your guilty plea, you recant the statements you make at the proffer so that your guilty plea is subsequently withdrawn, or invalidated for any reason, all of the statements

*JRT
PA
JRT*

→ The federal government continues to reserve its right to determine the credibility of your statements by evaluating those statements in light of all the evidence available including but not limited to scientific evaluation and testing. Neither party is obligated to enter into a plea agreement if your statements are determined to be not credible.

J.J. JGA
RA
in the above-captioned
matter.

you make at the proffer or during your guilty plea, all the physical evidence collected from the "site" referenced-above, may be used by Federal authorities. The parties agree that this intent will be used to guide the interpretation of this agreement. Finally, this proffer agreement protection only extends to statements concerning the crimes involving Jacob Wetterling and Jared Scheierl.

The specific terms and conditions of the proffer agreement are as follows:

(1) you will respond truthfully and completely to any and all questions or inquiries that may be put to you at the meeting;

(2) except as otherwise provided in paragraphs 3, 4, 5, and 6 herein, in the above captioned case, and in any other prosecution that may be brought against you by this Office, the government will not offer in evidence in its case-in-chief, or in connection with any sentencing proceeding for the purpose of determining an appropriate sentence, any statements made by you at the meeting;

(3) notwithstanding paragraph 2 above, if, following your guilty plea, you recant the statements you make at the proffer so that your guilty plea is subsequently withdrawn, or invalidated for any reason, the government may use: information derived directly or indirectly from the meeting for the purpose of obtaining and pursuing evidence, which evidence may be used in any prosecution of you by the government, and

J.J. JGA
RA
in the above-captioned case

(4) notwithstanding paragraph 2 above, the government may use statements made by you at the meeting and all evidence obtained directly or indirectly from those statements for the purpose of cross-examination should you testify, or to rebut any evidence, argument or representations offered by or on behalf of yourself in connection with a trial, guilty plea, and/or at sentencing, for any prosecution of yourself;

(5) the government reserves the right to use any statements or information provided by you in any prosecution for false statements, obstruction of justice or perjury;

(6) your complete truthfulness and candor are expressed material conditions to the undertakings of the government set forth in this letter. Therefore, if the government should ever conclude that you knowingly withheld material information from the government or otherwise not been completely truthful and candid, the government may use against you for any purpose, including sentencing, any statements made or other information provided by you during the meeting. If the government so concludes, it will notify you before making any use of such statements or other information;

(7) This agreement is limited to the statements made by you at the meeting to be held at a mutually agreeable time no later than September 1, 2016 or thereabouts, and does

not apply to any statements made by you at any other time, whether oral, written or recorded;

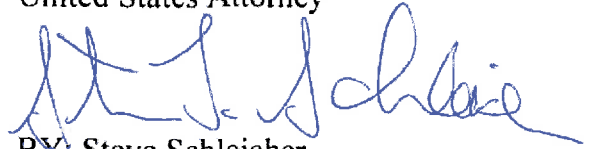
(8) No understandings, promises, agreements and/or conditions have been entered into with respect to the meeting or with respect to any future disposition of the charges pending against you other than those expressly set forth in this Agreement and the Joint Agreement, and none will be entered into unless in writing and signed by all parties.

(9) If, for any reason, your conviction and/or guilty plea is invalidated for any reason, to include, but not be limited to, ineffective assistance of counsel or for any constitutional infirmity, any statements you make during this meeting can and will be used against you by Federal authorities, *in the above-captioned case.* *SSJ JEA KSE YEA*

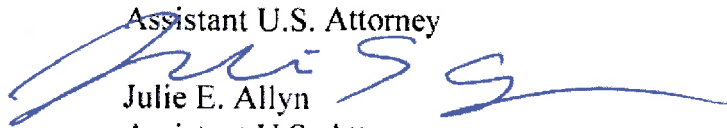
I trust that you will find these terms and conditions to be fair and reasonable. If the foregoing terms meet with your approval, please sign below.

Sincerely,

ANDREW M. LUGER
United States Attorney




BY: Steve Schleicher
Assistant U.S. Attorney



Julie E. Allyn
Assistant U.S. Attorney

I, Danny James Heinrich, have read the agreement contained in this letter and have carefully reviewed it with my attorneys. I understand it, and I voluntarily, knowingly and willingly agree to it without force, threat or coercion. No other promises or inducements have been made to me other than those contained or referenced in this letter. I am satisfied with the representation of my attorneys in this matter.

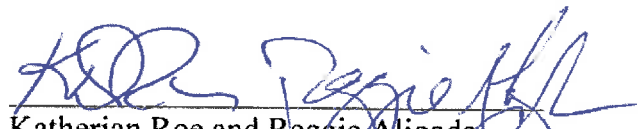
Dated:


Danny James Heinrich

We are Danny James Heinrich's attorney. We have carefully reviewed every part of this agreement with him. To our knowledge, his decision to enter into this Agreement is informed and voluntary.

Dated:

9/1/16


Katherian Roe and Reggie Aligada
Attorneys for Danny James Heinrich