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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Elizabeth Diane Downs,) Case No. _____
)
Petitioner)
)
v.)
)
Tina Foreman, Warden, CCWF,) Affidavit of
) Clayton Nysten
Defendant)
_____)

STATE OF OREGON)
) ss.
County of Linn)

I, Clayton Nysten, being first duly sworn on oath, depose and say:

1. I am a citizen of the United States, over the age of eighteen, and competent to be a witness herein.

2. I am an acquaintance of James Clair Haynes, who resides at 540 Almaden Street, Apt. 1, Eugene, Oregon.

3. I first met James Haynes in 1975, when I was a student at Tracy's Kenpo Karate studio, in Eugene, Oregon. At a halloween party, when he wanted to fight me, because I had a higher belt. I refused, because karate, to me, was for defense and a confidence builder, and not to be used aggressively. Mr. Haynes, who was nine years older than I, was street wise, with a great deal of confidence and, in particular, I admired the

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2 confidence he displayed. As a boy, I had always been afraid
3 to stand up to anyone and I still suffered from that problem
4 as a young adult. I saw in Jim Haynes, strength and character
5 I had always wanted, so we became good friends. Jim was noted
6 for his violent nature. He had nicknames of "Animal" and
7 "Barb", like in barb wire, because of the way he handled
8 himself with other people.

9 I heard about the shooting of the Downs family on the
10 radio. The next day, I went to Mr. Haynes' place in East
11 Springfield. He was sitting in the room he called his office
12 with clean clothes on. This was a little different for Mr.
13 Haynes, because he liked to go around in his grubbies. I asked
14 him if he had seen the newspaper yet and he said, "No! You
15 know I don't read the paper." There was a copy of the Eugene
16 Register Guard folded neatly on the desk, with a composite
17 drawing facing up, that looked just like Mr. Haynes.

18 It was noted in the newspaper that there had been an older
19 model yellow car at the shooting site. Mr. Haynes had a yellow
20 car at that time, and he disposed of it that same week.
21 Immediately after the shooting, Mr. Haynes began to change his
22 appearance. He wore sun glasses continuously, which is
23 something he never did before. He would grow a beard and shave
24 it off, grow sideburns and cut them off. He didn't want anyone
25 to take his picture or have a picture of him. I think the
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biggest change that I saw in Jim Haynes was in his personality. He went from the very aggressive person I had known, to, almost a non-person. Where he had strength before, was more of an emptiness. It was almost like someone had operated on him and removed his backbone.

Two days after the shooting, Mr. Haynes told me that he was the one who shot the Downs woman and her kids. He said she saw something she wasn't supposed to see, but he didn't say what it was. He said he had been paid to do the job. I knew that Mr. Haynes was always doing jobs for different people in collections and other ways, so I believe what he said was a possibility. I asked him why he would shoot the kids and not the woman and he said it's a way to teach her a lesson make her suffer for the rest of her life for her mistake. As time went on, Mr. Haynes talked quite freely about shooting the Downs family. I know of several other people he has told this same thing to. I don't know how many times I heard him admit to shooting the Downs family, but it was several.

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I don't know if James Haynes shot the Downs family, but Mr. Haynes has confessed to it many times and to many people. I believe that based upon his actions after the shooting and his confessions, that he is the man who shot the Downs family.

X Clayton Nysten
Clayton Nysten

SUBSCRIBED AND SWORN to before me this 10th day of November, 1993.

Mary E. Blanshan
NOTARY PUBLIC FOR THE STATE OF OREGON

My commission expires: 6-5-96

