

## CHEWED GUM & BEER CANS

Dear Readers:

Before I begin, I need to let you know I've made some changes to the HOME PAGE. I removed my 10-page PETITION FOR MANDATED DNA testing (2022) and replaced that with my attorney's thousand-page 2025 MOTION FOR DNA TESTING.

It's awesome and certainly doesn't need me to break it down for you. For those of you who are new to Dad's web site, I use this format to share with my Readers some of the insight I've gained on my journey through the Court System. Since one-third of the American Population has either been incarcerated or had a family member or friend who's been incarcerated, a great many of you will be able to relate to what I've shared on Dad's web site. Others might have a difficult time believing the things I've shared. That's why I insert State-generated documents when I can.

Today I'll be sharing the difficulties I (and many others) have had getting evidence in their cases tested for DNA. Had the State tested the evidence the first time I asked, back in 2015, there'd have been no need for my attorney to "prove my innocence" in a thousand-page MOTION. As a result of Lane County Oregon's unwillingness to agree to the test, my attorney was compelled to bring in numerous experts in many fields to show how DNA would've made a difference in the 1984 trial "in light of ALL the evidence in the case".

You'll notice three more new additions to the HOME PAGE as a result of the experts' investigations and reports. They're all included in my attorney's MOTION, but I've learned alot from these experts and I figure you might want to share it with me. The new additions are:

MEMORY EXPERTS

JUNK SCIENCE -- BALLISTICS

ROCK PANEL -- SPATTER/DNA

For those of you who are new to the information I'm going to share, I'll give you a brief re-cap of material I've probably already removed from Dad's web site.

In 1990, my Trial Attorney received a letter from a mom who said my daughter, Christie, had told her children (Christie's classmates) that she was forced to lie in

2.

Court. My attorney secured sworn Affidavits from the mom and her children. You can read these Affidavits by clicking on TRUTH - Court Documents. Scroll to APPENDIX 1, 2, and 3.

Upon learning of Christie's statements, Dena Reinhardt called 15-year-old Christie, pretended to be a 13-year-old girl, and tape-recorded their conversation. Again, click on TRUTH - Court Documents and scroll to APP 15.

In 1991, my attorney gave a copy of the tape-recording to Judge Duane Ertsgaard, who was presiding over our post-conviction case. Judge Ertsgaard told my attorney and the Assistant Attorney General (AAG) that he wanted to speak with Christie (now 16-years-old) in his Chambers because it was clear on the taped phone call that my daughter didn't know what happened the night of the shooting and the State coerced her to lie under oath.

Days later, this same Judge said he didn't want to talk to Christie and he summarily dismissed every single one of my attorney's Claims of Prosecutorial Misconduct in our post-conviction case.

What the heck happened? Call me suspicious, but it seemed to me (and to a lot of other people) that someone got to our Judge (and not in a good way).

In 1992, I took this evidence to Montana Attorney Jerry Spence. He was all in!! Weeks later he said he didn't have time for my case. He seemed to have plenty of time for me a month earlier. What happened?

In 1996, I submitted my own Federal Petition for Writ of Habeas Corpus. The Petition was 100-pages. The Appendix was 900-pages. The Federal Court said, "Oh, heck no!" (or something akin to that) and appointed a Federal Public Defender to represent me.

I raised all the issues not litigated by Judge Ertsgaard in 1991. My attorney's supervisor (weeks later) cut every Claim for Prosecutorial Misconduct except one. We were permitted to proceed with the Claim that the State withheld exculpatory police reports for 15 years.

*In 1998,*

District Court Judge Haggerty issued a subpoena, ordering Lane County to provide copies of all the police reports they'd withheld from the Defense in 1983-84. My attorney received 4700 documents!!

One of the documents was a police report called in two

3.

days after the shooting. The caller identified a "Free Soul" (motorcycle gang) affiliate as the man who'd been confessing to shooting the Downs Family.

OMG!! In 1993, we'd received statements from the family and friends of James Claire Haynes (a "Free Soul" affiliate) claiming that he'd been confessing to the murder of my daughter since the morning after it happened. Click on EXHIBITS FOR 2025 DNA MOTION & go to pdf file 35 to read their sworn Affidavits.

We had him! They had him!! In 1983, two days after the shooting, Lane County knew their Confidential Informant, Jim Haynes ("The Animal", as his friends referred to him) shot my children. And, rather than give him to us and risk him telling all THEIR secrets, they withheld that police report from me, from the Court, and from the Jury.

On 1-29-1999, Judge Haggerty (in open court) said he had no choice but to release me because the State knowingly withheld exculpatory evidence from the Defense in 1983-84.  
BRADY v MARYLAND.

On 2-9-1999, this same Judge issued his written opinion. No BRADY violation. I lose. No joke!

On 4-17-2015, I filed a Petition for Habeas Corpus Relief in Lane County (15-CV-1115) asking to have chewed gum found next to a murder casing tested for DNA.

On 12-22-2015, Judge Zennache dismissed my request because DNA doesn't fall under Habeas Relief.

On 5-18-2022, I Petitioned for Post-Conviction Relief to Have the evidence in my case tested for DNA (22-CV-16308).

On 10-4-2022, Lane County again dismissed my request.

On 2-6-2023, I appealed. DOWNES v OREGON, A180303. These are all the documents I've removed from Dad's web site because my attorney's 2025 MOTION FOR DNA TESTING makes them redundant.

On 5-9-2023, three months after I filed my appeal (and before it was decided), a request was made of Lane County to find out if "a piece of chewing gum" was in evidence at trial in my case in 1984.

The answer (32 minutes later @ 2:10 pm) was, "Well shoot. #15 on the attached list does appear to be a piece of gum ..."

2:43 pm  
**From:** EGBERT Haley K  
**Sent:** Tuesday, May 9, 2023 2:43 PM  
**To:** MILLER JoAnn O <joann.miller@lanecountyor.gov>  
**Subject:** RE: 83-3268 Diane Downs

4.  
Okay sounds good. Cari found it and confirmed it can be sent to the lab if that's what is decided. Just let me know 😊

2:29 pm  
**From:** MILLER JoAnn O <joann.miller@lanecountyor.gov>  
**Sent:** Tuesday, May 9, 2023 2:29 PM  
**To:** EGBERT Haley K <haley.EGBERT@LaneCountyor.gov>  
**Subject:** RE: 83-3268 Diane Downs

No date yet ... Not sure if it will be ordered to be tested or not by a Judge, but thank you for checking on its status. I imagine the AG's will argue that there is no basis for the testing, but either way at least we can let them know if the gum still exists and is in evidence...?? Thank you!!

2:12 pm  
**From:** EGBERT Haley K  
**Sent:** Tuesday, May 9, 2023 2:12 PM  
**To:** MILLER JoAnn O <joann.miller@lanecountyor.gov>  
**Subject:** FW: 83-3268 Diane Downs

FYI... Is there a date the lab needs to complete testing by?

2:10 pm  
**From:** SOONG Cari G (LCSO) <cari.soong@lanecountyor.gov>  
**Sent:** Tuesday, May 9, 2023 2:10 PM  
**To:** EGBERT Haley K <haley.EGBERT@LaneCountyor.gov>  
**Subject:** RE: 83-3268 Diane Downs

Well shoot. #15 on the attached list does appear to be a piece of gum. I'll get the old box of Downs stuff down again and go digging.

1:38 pm  
**From:** EGBERT Haley K  
**Sent:** Tuesday, May 9, 2023 1:38 PM  
**To:** SOONG Cari G (LCSO) <cari.soong@lanecountyor.gov>  
**Subject:** 83-3268 Diane Downs

Hey Cari,

This case is once again up for post-conviction relief, due to a statute about DNA testing. Defense is requesting DNA testing be done on a piece of chewing gum. They believe it was used as a trial exhibit but I am honestly not sure if that is true or not. When you have time, can you check and see if this is in evidence? If it is, we will have to send it to OSP for DNA testing.

Thank you!

Haley Egbert  
Paralegal (Major Crimes Division)  
Lane County District Attorney's Office  
125 E 8<sup>th</sup> Ave. Room #400  
Eugene, OR 97401  
541-682-4048  
Haley.Egbert@lanecountyor.gov

LANE COUNTY  
INTER OFFICE  
TEXT MESSAGES

On 5-9-2023 @ 2:43 pm, Lane County Deputy District Attorney (DDA) JoAnn Miller was informed the chewed gum had been found and confirmed it could be sent to the lab for DNA testing.

On 5-15-2023 @ 11:37 am, DDA Miller was (for a second time) asking if anyone ever located the chewed gum, even though she'd been told (six days earlier) "Cari found it".

It was on this day DDA Miller texted Leigh A. Salmon at the Oregon State Attorney General's Office. We don't know what DDA Miller said because the text was deleted from the record (just like Judge Haggerty's statement in open court was deleted from the official hearing transcript in 1999).



**From:** MILLER JoAnn O  
**Sent:** Monday, May 15, 2023 11:39 AM  
**To:** Salmon Leigh A <[leigh.a.salmon@doj.state.or.us](mailto:leigh.a.salmon@doj.state.or.us)>  
**Subject:** FW: 83-3268 Diane Downs

ATTORNEY  
GENERAL'S  
OFFICE

**From:** EGBERT Haley K  
**Sent:** Monday, May 15, 2023 11:38 AM  
**To:** MILLER JoAnn O <[joann.miller@lanecountyor.gov](mailto:joann.miller@lanecountyor.gov)>  
**Subject:** RE: 83-3268 Diane Downs

)



:)

**From:** MILLER JoAnn O <[joann.miller@lanecountyor.gov](mailto:joann.miller@lanecountyor.gov)>  
**Sent:** Monday, May 15, 2023 11:37 AM  
**To:** EGBERT Haley K <[haley.EGBERT@LaneCountyor.gov](mailto:haley.EGBERT@LaneCountyor.gov)>; SOONG Cari G (LCSO) <[cari.soong@lanecountyor.gov](mailto:cari.soong@lanecountyor.gov)>  
**Subject:** RE: 83-3268 Diane Downs

Hi Cari,  
Anyone ever locate #15 – gum? Do you have an Exhibit list? Thanks  
jo



While we don't know for sure what DDA Miller said to AAG Salmon on this day, we do know what she said to Haley Egbert six days earlier @ 2:29 pm: "I imagine the AG's will argue that there is no basis for the testing" of the evidence to discover who shot the Downs Family.

Was this the same message DDA Miller deleted from AAG Salmon's text? "There's no basis for the testing". Why?

6.

On 5-23-2023 (a week later) @ 11:10 am, DDA Miller was (for a third time) asking if "the 'gum' actually exists in evidence". It's as if DDA Miller keeps hinting that someone needs to suddenly remember the gum doesn't exist.

But these are Officers of the Court with a sworn duty to uphold the Law and the Constitution. They weren't there during the "Horton Era" (1980's) when Lane County Sheriff Deputies, DA Investigators and attorneys destroyed and withheld evidence to make (and reshape) their cases. Click on: PAT HORTON AND THE WILD BUNCH.

These new Officers of the Court miss the cues. They, for the most part it appears, can't be corrupted. DDA Miller seemed to have little choice but to CC her interoffice texts to AAG Salmon.

~~\_\_\_\_\_~~

---

**From:** SOONG Cari G (LCSO)  
**Sent:** Tuesday, May 23, 2023 11:11 AM  
**To:** MILLER JoAnn O <[joann.miller@lanecountyor.gov](mailto:joann.miller@lanecountyor.gov)>  
**Cc:** EGBERT Haley K <[haley.EGBERT@LaneCountyor.gov](mailto:haley.EGBERT@LaneCountyor.gov)>; 'Salmon Leigh A' <[leigh.a.salmon@doj.state.or.us](mailto:leigh.a.salmon@doj.state.or.us)>  
**Subject:** RE: 83-3268 Diane Downs

Yes, we do have it. I'm pretty sure it's on its way to being fossilized by now, but we have it 😊

---

**From:** MILLER JoAnn O  
**Sent:** Tuesday, May 23, 2023 11:10 AM  
**To:** SOONG Cari G (LCSO) <[cari.soong@lanecountyor.gov](mailto:cari.soong@lanecountyor.gov)>  
**Cc:** EGBERT Haley K <[haley.EGBERT@LaneCountyor.gov](mailto:haley.EGBERT@LaneCountyor.gov)>; Salmon Leigh A <[leigh.a.salmon@doj.state.or.us](mailto:leigh.a.salmon@doj.state.or.us)>  
**Subject:** RE: 83-3268 Diane Downs

Hi Cari,

I received all the Exhibit Lists, but just confirming that the "gum" actually exists in evidence per emails below? Thank you!

jo

~~\_\_\_\_\_~~

But, it doesn't appear she was giving up without one last attempt to convince them of something. In a text to all the women concerned DDA Miller attached an "EXTERNAL EMAIL" that didn't originate from within the Attorney General's Off. (DOJ) or Lane County Courthouse. The email was again deleted from the record.

7.

**From:** MILLER JoAnn O <[joann.miller@lanecountyor.gov](mailto:joann.miller@lanecountyor.gov)>  
**Sent:** Tuesday, May 23, 2023 11:12 AM  
**To:** SOONG Cari G (LCSO) <[cari.soong@lanecountyor.gov](mailto:cari.soong@lanecountyor.gov)>  
**Cc:** EGBERT Haley K <[haley.EGBERT@LaneCountyor.gov](mailto:haley.EGBERT@LaneCountyor.gov)>; Salmon Leigh A <[leigh.a.salmon@doj.state.or.us](mailto:leigh.a.salmon@doj.state.or.us)>  
**Subject:** RE: 83-3268 Diane Downs

**\*CAUTION EXTERNAL EMAIL\* This email originated from outside of DOJ. Treat attachments and links with caution. \*CAUTION EXTERNAL EMAIL\***

Ok :) Thank you for responding so quickly!

---

~~\_\_\_\_\_~~

Who authored the email that DDA Miller sent to Officers in her own Courthouse and to the Attorney General's Office? What did this EXTERNAL EMAIL say? Why was it relevant to the testing of evidence found at the crime scene? Why did DDA Miller believe this message would change the course of my appeal?

Remember, I was appealing Lane County's dismissal of my Petition for DNA testing of evidence found next to one of the murder casings at the crime scene the night of the shooting.

The Attorney General's "job" was to oppose my appeal, to ask the Appellate Court Judges to deny my request to have my case returned to Lane County.

I can sorta see Lane County's interest in wanting their decision to dismiss my DNA request not be disturbed. But on the other hand, if Lane County was so sure they have the right person in prison, why not test the evidence? What could it hurt?

And, why was someone outside the Lane County Courthouse and outside the Attorney General's Office so concerned with making sure the evidence wasn't tested to discover who shot my children?

It boggles the mind why someone is so threatened by the truth. Jim Haynes is deceased. Certainly no one in the Lane County Courthouse is worried he'll tell their dirty little secrets if they prosecute him.

So, who is this mystery author of the EXTERNAL EMAIL protecting by trying to squash the testing of evidence for DNA? There were four sets of shoe prints at the

8.

crime scene. Jim Pex (a State's witness) testified none of those shoe prints were mine. There were beer cans. If Jim Haynes was at the scene with other people, who were they? Is that secret what this shadow person is hoping to conceal by manipulating the Court to NOT do the DNA test?

Whatever the goal, SENIOR Assistant Attorney General (didn't see that coming) Leigh A. Salmon wasn't going for it. She doubled down on her official status in the AG's Office and pushed on with her search for the truth. She went right to the source: "Cari, could you let me know how the gum has been stored ..."

Deputy Soong responded with a photo attachment.

~~\_\_\_\_\_~~

**From:** SOONG Cari G (LCSO) cari.soong@lanecountyor.gov  
**Subject:** RE: 83-3268 Diane Downs  
**Date:** May 23, 2023 at 11:17 AM  
**To:** Salmon Leigh A leigh.a.salmon@doj.state.or.us, MILLER JoAnn O joann.miller@lanecountyor.gov  
**Cc:** EGBERT Haley K haley.EGBERT@LaneCountyor.gov

It is in a plastic evidence bag, but it looks like maybe it was originally stored in a small manila coin envelope and when it was shown in court the gum was removed because there is a small piece of what looks like manila envelope stuck to the gum.

I took a pic for reference.

---

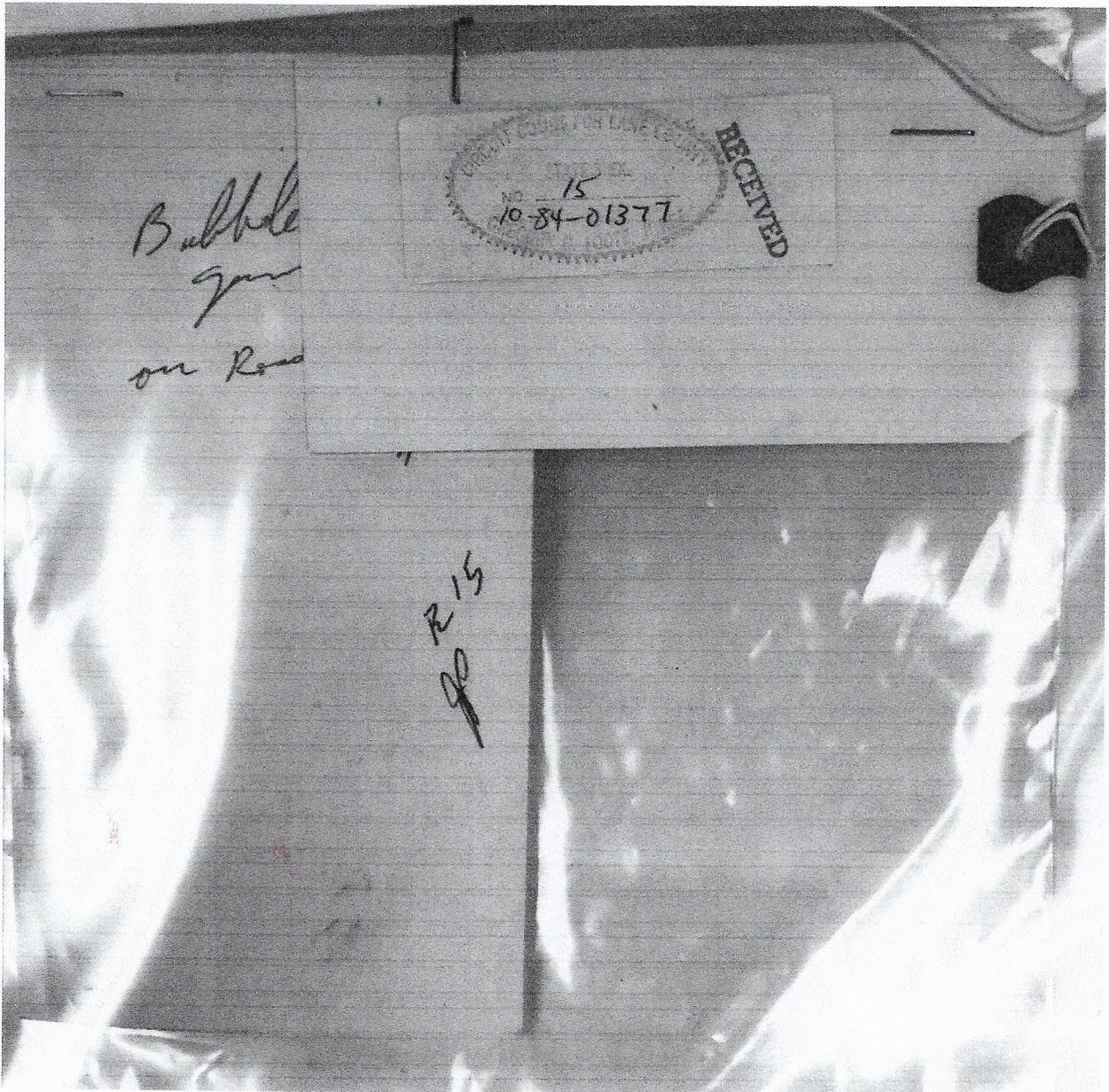
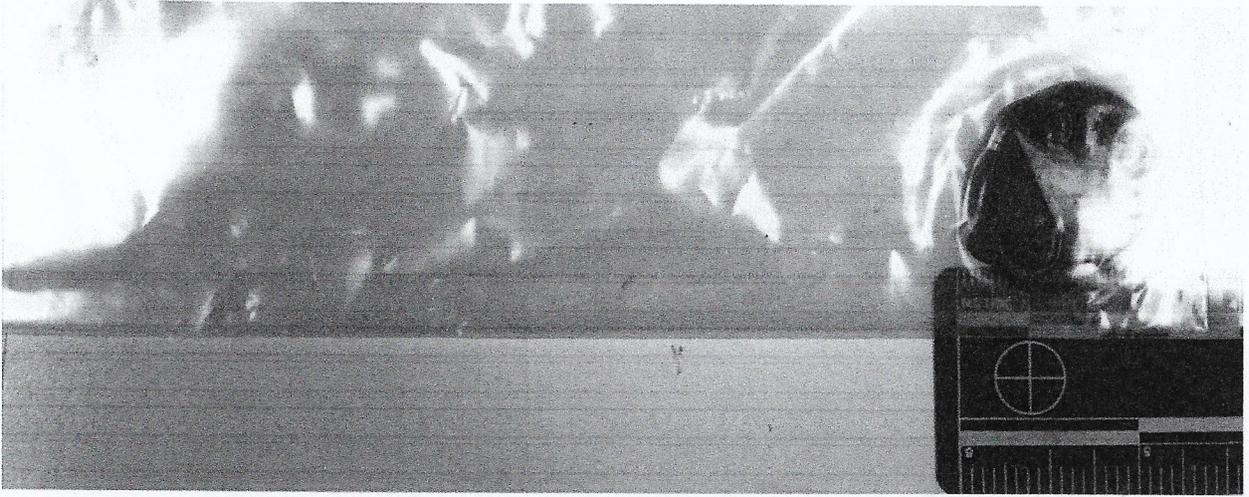
**From:** Salmon Leigh A <leigh.a.salmon@doj.state.or.us>  
**Sent:** Tuesday, May 23, 2023 11:14 AM  
**To:** MILLER JoAnn O <joann.miller@lanecountyor.gov>; SOONG Cari G (LCSO) <cari.soong@lanecountyor.gov>  
**Cc:** EGBERT Haley K <haley.EGBERT@LaneCountyor.gov>  
**Subject:** RE: 83-3268 Diane Downs

[EXTERNAL Δ]

Cari, could you let me know how the gum has been stored—e.g., in a paper bag, in a wad of paper in the bottom of a box, etc.?

Thanks!

**Leigh A. Salmon**  
Sr. Assistant Attorney General | Appellate Division  
Oregon Department of Justice  
1162 Court Street NE, Salem OR 97301-4096  
503.378.4402



On 7-11-2023, the AG's Office agreed my DNA case should be remanded to Lane County and an attorney should be appointed to represent me. The Court agreed and here we are.

Venetia Mayhew was appointed on 9-1-2023. The first thing she did was ask Lane County if they were going to test the chewed gum for DNA or did they want her to file a MOTION.

According to Venetia, DDA Miller's response to that was, "This evidence will NEVER be tested".

Had DDA Miller agreed to the DNA test, Venetia wouldn't have spent the past two years addressing ALL the evidence in this 43-year-old case. There wouldn't have been a need for MEMORY EXPERTS, JUNK SCIENCE EXPERTS, and BLOOD SPATTER EXPERTS to examine the evidence in this case.

And that's not to say Lane County willingly gave our experts access to the evidence. They've resisted every step of the way.

Why?! If Lane County had confidence in their experts and so-called test results, then why not allow other experts examine the results? Why not be peacock-proud of their work? What are they hiding from other experts in the field that might question their methods or results?

Seems to me that Oregon's unwillingness to share their tests and results should create doubt in the Court's mind that he/she can trust the DNA results the State of Oregon will also not allow us to examine.

Why not allow my attorney to have half the chewed gum and beer cans to send to a private lab with no dog in the fight? What about the Lab that found the "Golden State Killer" (a retired police officer) in California?

ORS 138.692 (10) says the Court may order a second DNA test upon showing the State Police failed to follow appropriate DNA protocols. I don't know what those protocols are, but it seems the State's absolute refusal to do the DNA test at all for 11 years might qualify as reason to believe the State isn't interested in finding the truth.

If it was your life on the line, or your daughter's or your sister's, wouldn't you want a second opinion on something this important?

Please go to Venetia's 2025 MOTION FOR DNA TESTING to see what all the fuss is about. Thanks