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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
) Dan Newby
Defendant)
)

STATE OF OREGON)
) ss.
County of Linn)

I, Dan Newby, 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 to sell him a gun. We were in James Haynes' car, and Mr. Haynes was driving. Byron Gray was in the passenger side of the vehicle. Mr. Haynes and Mr. Gray had been talking about the shooting of the Downs children. Mr. Gray was really scared or very intimidated by what Mr. Haynes was saying. Mr. Gray told James Haynes, it bothered him a lot, and he really didn't want to know if he had shot the

1
2 children or not. I was sitting in the back seat, and tried to
3 block out what they were talking about, because I didn't want
4 to hear it. Mr. Haynes turned and handed me a copy of the
5 Eugene Register Guard newspaper to look at. There was a
6 composite in the paper, and Mr. Haynes asked me who it looked
7 like. I told him it looked like him. It couldn't have been a
8 better likeness even if he had posed for the drawing.

9 4. I know many people besides Byron Gray, who James Haynes
10 has made this admission of guilt to, in the murder of the
11 Downs children. I don't know if he shot the Downs children,
12 but it seems to me that he wouldn't go around telling people
13 he did, unless he had something to do with it.

14
15
16 Dan A Newby
Dan Newby

17 SUBSCRIBED AND SWORN to before me this 27th day of
18 October, 1993.

19
20 Susan I Weekly
NOTARY PUBLIC FOR THE STATE OF OREGON

21 My commission expires: 2-12-95



Wendy R. Willis, OSB 94496
Assistant Federal Public Defender
101 S.W. Main Street, Suite 1700
Portland, OR 97204
Telephone: (503) 326-2123

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,)	
)	
Petitioner,)	No. CV 96-900 (HA)
)	
vs.)	AFFIDAVIT OF
)	WILLIAM J. TEESDALE
SONIA HOYT, Superintendent,)	
Oregon Women's Correctional Center,)	
)	
Respondent.)	
STATE OF OREGON)	
) ss.	
County of Multnomah)	

I, WILLIAM J. TEESDALE, being first duly sworn, depose and state as follows:

1. I am an investigator in the Federal Public Defender's Office and have been assigned to work on the Elizabeth Diane Downs matter.

2. On August 29, 1997, I had a telephone conversation with Dan Newby. Prior to that conversation, I had reviewed an affidavit signed by Mr. Newby, which discussed his

knowledge of James Claire Haynes.

3. Mr. Newby told me that he remembered Mr. Haynes telling him that he was the one who attacked the Downs' family in 1983. Mr. Newby told me that he did not wish to provide a further affidavit because he did not want to "stir things up again."

4. Mr. Newby said that the affidavit he provided in 1993 is a truthful and accurate statement.

DATED this 1th day of July, 1998.



WILLIAM J. TEESDALE

SUBSCRIBED AND SWORN TO before me this 1th day of July, 1998, by William J. Teesdale.



Notary Public for Oregon

My Commission Expires: 9/7/2000

