

JUN 11 1998

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1998 JUN -9 P 4:27

LEAK, U.S. DISTRICT COURT

DISTRICT OF OREGON

PORTLAND, OREGON

U.S. DISTRICT COURT

DISTRICT OF OREGON

PORTLAND, OREGON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,

Petitioner,

vs.

SONIA HOYT, Superintendent,  
Oregon Women's Correctional Center,

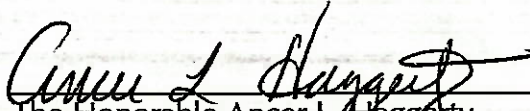
Respondent.

CV No. 96-900 HA

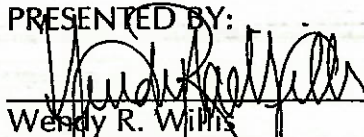
**EX PARTE ORDER**

Upon review of Petitioner's motion and affidavit for an order directing fingerprinting and the positions expressed therein, the Court hereby orders the District Attorney for Multnomah County to run a fingerprint comparison of the latent prints which were obtained from Petitioner's car against those of James Claire Haynes. Haynes' fingerprints are on file in Multnomah County through District Attorney case number 365155 and Portland Police Bureau number 8820265. If such comparison proves negative, the Court further orders the District Attorney for Multnomah County to run the prints through the AFIS system.

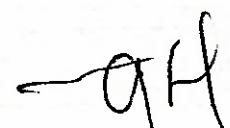
Dated this 10 day of June, 1998.

  
The Honorable Ancia L. Haggerty  
United States District Court Judge

PRESENTED BY:

  
Wendy R. Willis  
Attorney for Petitioner

PAGE 1. **EX PARTE ORDER**

  
PET. EX. 33

Wendy

JUN 30 1998



MICHAEL D. SCHRUNK, District Attorney for Multnomah County  
600 County Courthouse • Portland, Oregon 97204-1193 • (503) 248-3162

June 30, 1998

Steven T. Wax  
Federal Public Defender  
101 SW Main Street, Suite 1700  
Portland, OR 97204  
ATTN: Wendy R. Willis


Dear Ms. Willis:

This is a follow up to the June 23, 1998, letter. I've received the additional information from the Portland Police Bureau Identification Division. It's listed on the enclosed report as Additional Information 6/29/98.

Along with the transmittal of this letter and report, I am having DA Investigator Hal Freshour return the evidence under court order.

If you have any questions or wish additional information, please do not hesitate to contact me.

Very truly yours,

  
MICHAEL D. SCHRUNK  
District Attorney

MDS:jlb

<b>PORTLAND POLICE BUREAU</b>		<b>IDENTIFICATION DIVISION SPECIAL REPORT</b>				PAGE OF
CASE NUMBER <b>98-060329</b>		REFER CASE NUMBER		CLASSIFICATION <b>Assist O/S Agency</b>	DATE OF INVESTIGATION <b>6/12/98</b>	
CALL TIMES <b>17:15</b>	REC: <b>17:15</b>	ARR: <b>17:15</b>	CLR: <b>18:00</b>	REQUESTING OFFICER <b>Freshour</b>		ASSIGNMENT <b>DA Inv.</b>
NAME LAST <b>DOWNES</b>	FIRST <b>Elizabeth</b>	MIDDLE <b>Diane</b>	SEX <b>F</b>	RACE <b>W</b>	D.O.B. <b>8/7/55</b>	CRN
LOCATION OF OCCURRENCE <b>1111 SW 2ND AVE., RM. 1250</b>			LOCATION OF INVESTIGATION (If Different)			
VEHICLE MAKE		COLOR		STATE	LICENSE	

<b>COPIES</b> <input type="checkbox"/> DET <input type="checkbox"/> CAU <input type="checkbox"/> Central <input type="checkbox"/> East <input type="checkbox"/> Southeast <input type="checkbox"/> North <input type="checkbox"/> Northeast <input type="checkbox"/> Traffic <input type="checkbox"/> DA <input type="checkbox"/> DVD <input type="checkbox"/> ID <input type="checkbox"/> Property Room <input type="checkbox"/> Crime Prev <input type="checkbox"/> Intell <input type="checkbox"/> Patrol Support  <input type="checkbox"/> FBI <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>SUBJECT OF THIS REPORT</b> <input type="checkbox"/> - IDENTIFICATION OF LATENT(S) <input checked="" type="checkbox"/> - INVESTIGATION		<b>IDENTIFIED SUBJECT</b> PPB / MCL / SID NUMBER		D.O.B. <input type="checkbox"/> - SUSPECT <input type="checkbox"/> - ELIMINATION <input type="checkbox"/> - VICTIM <input type="checkbox"/> - AFIS	
	<b>PROCESSED ITEM(S)</b> <input type="checkbox"/> - TO OWNER <input type="checkbox"/> - DISCARDED PER OWNER <input type="checkbox"/> - TO CRIME LAB <input type="checkbox"/> - TO OFFICER <input type="checkbox"/> - TO PROPERTY ROOM <input type="checkbox"/> - RETAINED IN I.D.		<input type="checkbox"/> - PHOTOGRAPHS TAKEN OF _____ <input type="checkbox"/> - 35mm <input type="checkbox"/> - COLOR <input type="checkbox"/> - B & W <input type="checkbox"/> - VIDEO <input type="checkbox"/> - ALS			
	<input type="checkbox"/> - NO LATENT(S) OF VALUE OBTAINED <input type="checkbox"/> - LATENT(S) OF VALUE OBTAINED		ID Lab Number : <b>9806210006</b>			
	<p>At the request of District Attorney's Investigator Freshour, in response to a Federal District Court order, I compared unidentified latents lifted from Elizabeth Diane Downes's car to the ten print card of James Claire Haynes, (OR7098272). I compared photographs of latent fingerprints marked P-3, P-8, P-11, P-12, P-14, P-15, and P-24 with the 10 print card of HAINES. None of these fingerprints was made by HAINES. The prints were also compared by Criminalist Roger O'Brien. He agreed that Haines made none of the fingerprints.</p> <p>Latent palm prints in this case were not compared as Haines has no palms on file in this office.</p> <p>The court order also requires the unidentified latents to be searched through AFIS. This process is not completed at this writing. Several of the unidentified latents are very small as if made by children.</p> <p><b>ADDITIONAL INFORMATION 06-29-98</b></p> <p>I search P-3, P-8, P-12, P-15 and P-24 through the AFIS Western Identification Network with negative result. (P-11, and P-14 were not searched. They were made as apparent simultaneous impressions with P-12.)</p> <p>All items were returned to Investigator Freshour.</p>					

<b>COMPUTER ENTRY</b> <input type="checkbox"/> Person  <input type="checkbox"/> Vehicle  <input type="checkbox"/> Crime/ Prop  <input type="checkbox"/> Book	INVESTIGATION BY CRIMINALIST <b>COURTNEY, John F.</b>				B.P.S.T. <b>10163</b>	THIS REPORT DATE <b>6/29/98</b>	REPORT TIME <b>16:01</b>	REVIEWED BY  
LATENT(S) LIFTED BY CRIMINALIST		B.P.S.T.		<b>PET. EX. 33</b>				