

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	PHYLLIS HAYNES
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Linn	)	

I, Phyllis Haynes, being duly sworn, depose and say:

I am the former wife of James Claire Haynes. I was married to Mr Haynes in about December 1983 and was divorced from him in 1994. I know that Mr. Haynes is a violent and dangerous man. During our marriage, Haynes physically assaulted me many times. On one occasion Haynes attacked me and broke my nose. During another

argument Haynes threw my baby downstairs. Haynes attacked me so many times it is difficult to remember them all.

During our marriage, Mr Haynes was regularly involved in the manufacture and sale of methamphetamine, and other illegal drugs. Haynes is also very familiar with the use of firearms. I have seen him with a variety of different weapons, including machine guns.

Mr. Haynes has told me that he is the stranger who shot the Downs family. Haynes first said he was the attacker in the spring or summer of 1985. He has repeated that confession to me several times. I know that he has also confessed to a number of other people, including my mother, Fran Wirta. When he told me, I refused to talk to him about it because I would not believe that the father of my children could have done such a thing.

I have provided this same information before in an earlier affidavit sworn in 1993. I have agreed to provide a further affidavit because it is the right thing to do, though I fear what Haynes may do if he finds out.

---

PHYLLIS HAYNES

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of

\_\_\_\_\_, 1997.

---

Notary Public for Oregon

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	PHYLLIS HAYNES
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	

STATE OF OREGON	)
	) ss.
County of Lane	)

I, Phyllis Haynes, being duly sworn, depose and say:

I am the former wife of James Claire Haynes. I married Mr. Haynes in December 1983 and divorced him in 1994. I know that Mr. Haynes is a violent and dangerous man. During our marriage, Haynes physically assaulted me many times. Haynes has held a loaded 9 mm pistol in my mouth and a .357 magnum to my temple,

threatening to shoot me. Haynes attacked me and broke my nose. On one occasion, during another argument, Haynes threw my newborn baby down the stairs. Haynes attacked me so many times it is difficult to remember them all, but I can/will never forget the violence and horrible crimes he has committed, nor the confessions he has made to me of brutal murders in the Willamette Valley area.

Mr. Haynes has told me he is the stranger who shot the Downs family, first confessing his guilt in the winter of 1984, repeating that confession several times throughout our marriage. I know that he has also confessed to many other people, including members of my immediate family, which only reaffirms the truth of these confessions. When he told me, I refused to talk to him about it, as I knew he was/is very capable of the crime he was confessing to. I did not want to believe that the father of my children could have committed such a horrendous crime to a child. It frightened me then, as it does now, but I cannot allow Mr. Haynes confessions to me to go unheard.

During our marriage, Mr. Haynes was regularly involved in "black market" firearms. Haynes is very familiar with the use of many different firearms. I have seen him with a variety of lethal weapons, including machine guns. He knows how to make and use bombs, using various pyrotechnics. Haynes is also a former Kenpo Karate teacher and knows how to use his hands and body as a violent weapon.

I have provided much of this same information in an earlier affidavit sworn in 1993. I fear what Haynes may do if he finds out about this affidavit.

\_\_\_\_\_  
PHYLLIS HAYNES

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of

\_\_\_\_\_, 1997.

\_\_\_\_\_  
Notary Public for Oregon

1  
2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA

5 Elizabeth Diane Downs,

6 Petitioner

7 v.

8 Tina Foreman, Warden, CCWF,

9 Defendant

) Case No. \_\_\_\_\_  
)  
)  
)  
)  
) Affidavit of  
) Phyllis Elaine Haynes  
)  
)

10  
11 STATE OF OREGON )

12 County of Linn ) ss.

13 I, Phyllis Elaine Haynes, being first duly sworn on oath,  
14 depose and say:

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

17 2. I am the wife of James Clair Haynes, who resides at 540  
18 Almaden Street, Apt. 1, Eugene, Oregon.

19 3. In the summer of 1985, James Clair Haynes confessed to  
20 me that he was the male stranger who shot the Downs family on  
21 Old Mohawk Road, north of Springfield, Oregon on the night of  
22 May 19, 1983. Six months later, he repeated this confession  
23 and I told him not to tell me such things, because I didn't  
24 want to believe the father of my children was a killer of  
25 children.  
26

AFFIDAVIT OF PHYLLIS HAYNES

PET. EX. 35

Page 1

Appendix 8 (2 pages)

1  
2 4. Over the years, James Clair Haynes has maintained his  
3 guilt by confessing to my mother and a dozen of his friends  
4 and acquaintances. Whether I want to believe it or not, I can  
5 no longer deny the truth. With regard to the shooting of the  
6 Downs family, James Clair Haynes has steadfastly maintained  
7 his guilt, while Ms. Downs has steadfastly maintained her  
8 innocence. I come forward to declare, James Clair Haynes is  
9 the male stranger who shot Ms. Downs and her children. No one  
10 has coerced this statement from me. It is the right thing to  
11 do. Ms. Downs has spent 10 years in prison for a crime James  
12 Clair Haynes admits he committed.

13  
14 Phyllis Elaine Haynes  
15 Phyllis Elaine Haynes

16 SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of  
17 October, 1993.

18 Michael Sullivan  
19 NOTARY PUBLIC FOR THE STATE OF OREGON

20 My commission expires: May 18, 1994

21  
22  
23  
24  
25  
26 PET. EX. 35

AFFIDAVIT OF PHYLLIS HAYNES

Page 2

Appendix 8 (continued)

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,

Petitioner,

vs.

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

Respondent.

CV No. 96-900 HA

AFFIDAVIT OF  
 PHYLLIS HAYNES

STATE OF OREGON

County of Lane

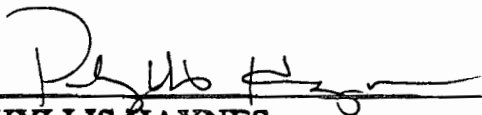
) ss.

I, Phyllis Haynes, being duly sworn, depose and say:

I am the former wife of James Claire Haynes. I married Mr. Haynes in December 1983 and divorced him in 1994. I know that Mr. Haynes is a violent and dangerous man. During our marriage, Haynes physically assaulted me many times. Haynes has held a loaded 9 mm pistol in my mouth and a .357 magnum to my temple,

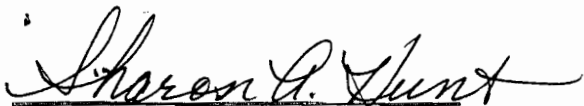


I have provided much of this same information in an earlier affidavit sworn in 1993. I fear what Haynes may do if he finds out about this affidavit.

  
PHYLLIS HAYNES

SUBSCRIBED AND SWORN TO BEFORE ME this 29 day of

August, 1997.

  
Notary Public for Oregon



1  
2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA

5 Elizabeth Diane Downs,

) Case No. \_\_\_\_\_

6 Petitioner

7 v.

8 Tina Foreman, Warden, CCWF,

) Affidavit of

9 Defendant

) Dan Newby

10  
11 STATE OF OREGON )

) ss.

12 County of Linn )

13 I, Dan Newby, being first duly sworn on oath, depose and  
14 say:

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

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

19 3. I first met James Haynes to sell him a gun. We were in  
20 James Haynes' car, and Mr. Haynes was driving. Byron Gray was  
21 in the passenger side of the vehicle. Mr. Haynes and Mr. Gray  
22 had been talking about the shooting of the Downs children.  
23 Mr. Gray was really scared or very intimidated by what Mr.  
24 Haynes was saying. Mr. Gray told James Haynes, it bothered him  
25 a lot, and he really didn't want to know if he had shot the  
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PET. EX. 35

AFFIDAVIT OF DAN NEWBY

Page 1

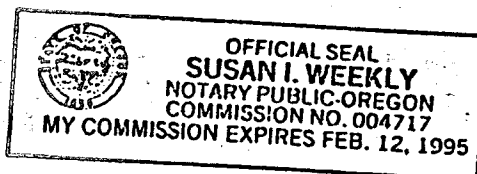
1  
2 children or not. I was sitting in the back seat, and tried to  
3 block out what they were talking about, because I didn't want  
4 to hear it. Mr. Haynes turned and handed me a copy of the  
5 Eugene Register Guard newspaper to look at. There was a  
6 composite in the paper, and Mr. Haynes asked 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 H Newby  
17 Dan Newby

18 SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of  
19 October, 1993.

20 Susan I. Weekly  
21 NOTARY PUBLIC FOR THE STATE OF OREGON  
22 My commission expires: 2-12-95  
23



PET. EX. 35

AFFIDAVIT OF DAN NEWBY

Page 2

Appendix 12 (continued)

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	TERESA NYJORDET
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Lane	)	

I, Teresa Nyjordet, being duly sworn, depose and say:

I am a former acquaintance of James Claire Haynes. In late 1987 or early 1988 I was riding with Haynes in his red Corvette. We were on our way to Creswell when he suddenly told me he was the stranger who shot the Downs family. I was very shocked when he told me that. I asked him why he would do such a thing. Haynes

told me that Diane Downs had to pay for what she did.

About three months after that, Haynes said the same thing again, when I was with another former acquaintance, Michelle Miller. That was when he was visiting me at my house.

Haynes has threatened my own children because he blamed me for his brother's drug conviction. I am not sure why he blamed me, except that I was present in the car when his brother was stopped and questioned by the police. When that happened, Haynes sent me a message through an intermediary to say that he had better not catch my children walking home alone after school, or words to that effect.

I have provided this same information before in 1993, when I first really told anyone about it. I had not said anything before that because I was scared of what Haynes might do to me or my children.

---

TERESA NYJORDET

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of

\_\_\_\_\_, 1997.

---

Notary Public for Oregon

1  
2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA

5 Elizabeth Diane Downs,

) Case No. \_\_\_\_\_

6 Petitioner

7 v.

8 Tina Foreman, Warden, CCWF,

) Affidavit of  
) Teresa Nyjordet

9 Defendant

10  
11 STATE OF OREGON )

) ss.

12 County of Lane )

13 I, Teresa Nyjordet, being first duly sworn on oath, depose  
14 and say:

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

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

19 3. I have known James Haynes for many years. In late 1987  
20 or early 1988 I was riding with Mr. Haynes in his red  
21 Corvette. We were on our way to Creswell, when he told me that  
22 he had shot the Downs family. I was so shocked to hear this,  
23 that it was hard to believe. I asked him why he would do such  
24 a thing and he said she had to pay for what she did, and that  
25 he had been hired to do the job. It was about six months later  
26

PET. EX. 35

AFFIDAVIT OF TERESA NYJORDET

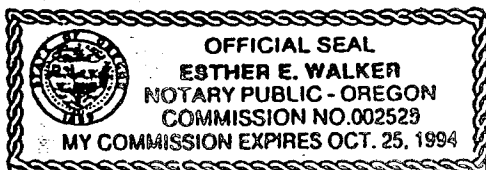
Page 1

1 when he brought the subject up again. One of my friends,  
2 Michelle Miller, was with me at the time and heard him say  
3 that he was the one that shot the Downs family.  
4

5 James Haynes is a violent man who loves to hurt people. I  
6 believe his confessions of shooting the Downs family are his  
7 inner desire to ease his conscience. Mr. Haynes has told me  
8 that he was going to kill my children because he blames me  
9 that his brother got busted for possession of drugs. I had  
10 nothing to do with the drugs and was only riding in the car  
11 when his brother got arrested. I believe James Haynes is the  
12 man who shot Diane Downs and her children, just like he said  
13 he did.  
14

15  
16 Teresa Nyjordet  
Teresa Nyjordet

17 SUBSCRIBED AND SWORN to before me this 28 day of  
18 October, 1993.



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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	TERESA NYJORDET
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Lane	)	

I, Teresa Nyjordet, being duly sworn, depose and say:

I am a former acquaintance of James Claire Haynes. In late 1987 or early 1988 I was riding with Haynes in his red Corvette. We were on our way to Creswell when he suddenly told me he was the stranger who shot the Downs family. I was very shocked when he told me that. I asked him why he would do such a thing. Haynes



told me that Diane Downs had to pay for what she did.

About three months after that, Haynes said the same thing again, when I was with another former acquaintance, Michelle Miller. That was when he was visiting me at my house.

Haynes has threatened my own children because he blamed me for his brother's drug conviction. I am not sure why he blamed me, except that I was present in the car when his brother was stopped and questioned by the police. When that happened, Haynes sent me a message through an intermediary to say that he had better not catch my children walking home alone after school, or words to that effect.

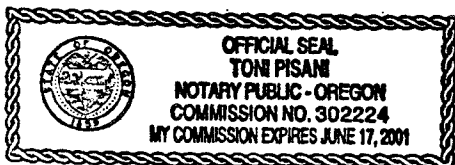
I have provided this same information before in 1993, when I first really told anyone about it. I had not said anything before that because I was scared of what Haynes might do to me or my children.

Teresa M Nyjor det  
TERESA NYJORDET

SUBSCRIBED AND SWORN TO BEFORE ME this 4 day of

SEPTEMBER, 1997.

Toni Pisani  
Notary Public for Oregon



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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	JANET REXROAD
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Lane	)	

I, Janet Rexroad, being duly sworn, depose and say:

1. I have known James Haynes since 1987, but I never heard about him shooting the Downs family until 1990. Teresa Nyjordet told me about the composite picture in Anne Rule's book, "Small Sacrifices," and that it looked like Jim Haynes. Teresa also told me that Jim Haynes had confessed the shooting to her. I went and

looked at the composite which looked just like Jim Haynes did then. I then went to visit Mr. Haynes. When I asked him if he had shot the Downs family, he admitted it and said it was a hired hit. I told him the picture looked just like him, and he replied, "Yea, but they'll never catch me." This was the only time I ever heard about it, and it bothered me enough that I wanted to do something about it in 1990 but could not find a way to bring it to the attention of the authorities.

I don't remember the date, but James Haynes told me that he was going to kill Teresa Nyjordet's children. He also said that would be the best way to make her suffer.

In the early 1990's, I asked Lee Theoming of INET to investigate James Haynes and check his photograph against the composite, and he told me it was a dead issue.

I believe James Haynes is the man who shot Diane Downs and her children on May 19, 1983. An innocent woman sits in prison for a crime she did not commit.

---

JANET REXROAD

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of

\_\_\_\_\_, 1997.

---

Notary Public for Oregon

1  
2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA

5 Elizabeth Diane Downs, ) Case No. \_\_\_\_\_  
6 )  
7 Petitioner )  
8 )  
9 v. )  
10 Tina Foreman, Warden, CCWF, ) Affidavit of  
11 ) Janet Rexroad  
12 Defendant )  
13 )

11 STATE OF OREGON )  
12 ) ss.  
13 County of Lane )

14 I, Janet Rexroad, being first duly sworn on oath, depose  
15 and say:

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

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

20 3. I have known James Haynes since 1987, but I never heard  
21 about him shooting the Downs family until 1990. I was told  
22 about the shooting by Teresa Nyjordet, I looked at the  
23 composite, to see if it looked like him, and immediately went  
24 straight to Mr. Haynes. When I asked him if he had shot the  
25 Downs family, he admitted it and said it was a hired hit. I  
26 told him the picture looked just like him, and he replied,

AFFIDAVIT OF JANET REXROAD

PET. EX. 35

Page 1

Appendix 16 (2 pages)

1  
2 "Yeah, but they'll never catch me." This was the only time I  
3 ever heard about it, and it bothered me enough that I wanted  
4 to do something about it in 1990, but could not find a way to  
5 bring it to the attention of the authorities.

6 I don't remember the date, but James Haynes told me that he  
7 was going to kill Teresa Nyjordet's children. He also said  
8 that would be the best way to make her suffer.

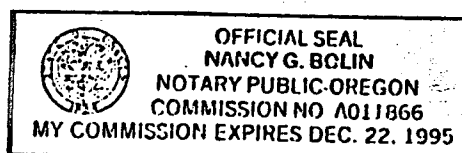
9 In the last two or three weeks, I asked Lee Theoming of  
10 INET to investigate James Haynes and check his photograph  
11 against the composite and he told me it was a dead issue.

12 I believe James Haynes is the man who shot Diane Downs and  
13 her children on May 19, 1983. An innocent woman sits in prison  
14 for a crime she did not commit.

15  
16  
17 Janet Rexroad  
18 Janet Rexroad

19 SUBSCRIBED AND SWORN to before me this 28 day of  
20 October, 1993.

21 Nancy G Bolin  
22 NOTARY PUBLIC FOR THE STATE OF OREGON  
23 My commission expires: 12-22-95



AFFIDAVIT OF JANET REXROAD

PET. EX. 35

Page 2

Appendix 16 (continued)

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	JANET REXROAD
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Lane	)	

I, Janet Rexroad, being duly sworn, depose and say:

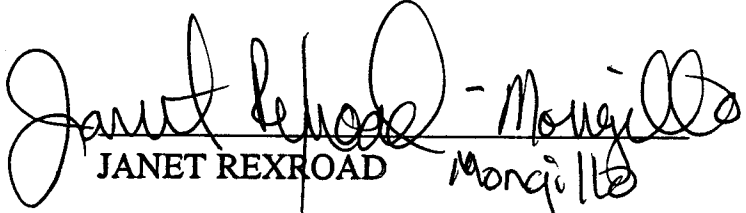
1. I have known James Haynes since 1987, but I never heard about him shooting the Downs family until 1990. Teresa Nyjordet told me about the composite picture in Anne Rule's book, "Small Sacrifices," and that it looked like Jim Haynes. Teresa also told me that Jim Haynes had confessed the shooting to her. I went and

looked at the composite which looked just like Jim Haynes did then. I then went to visit Mr. Haynes. When I asked him if he had shot the Downs family, he admitted it and said it was a hired hit. I told him the picture looked just like him, and he replied, "Yea, but they'll never catch me." This was the only time I ever heard about it, and it bothered me enough that I wanted to do something about it in 1990 but could not find a way to bring it to the attention of the authorities.

I don't remember the date, but James Haynes told me that he was going to kill Teresa Nyjordet's children. He also said that would be the best way to make her suffer.

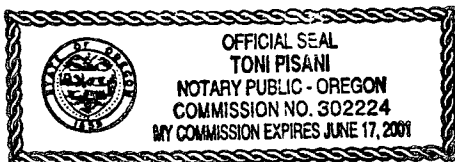
In the early 1990's, I asked Lee Theoming of INET to investigate James Haynes and check his photograph against the composite, and he told me it was a dead issue.

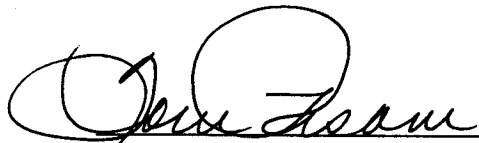
I believe James Haynes is the man who shot Diane Downs and her children on May 19, 1983. An innocent woman sits in prison for a crime she did not commit.

  
JANET REXROAD *Mongillo*

SUBSCRIBED AND SWORN TO BEFORE ME this 11 day of

SEPTEMBER, 1997.



  
Notary Public for Oregon -  
MY COMMISSION EXPIRES:  
6-17-2001

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	CLAYTON NYSTEN
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Marion	)	

I am a former acquaintance of James Claire Haynes. I first met Mr. Haynes in 1975, when I was a student at Tracy's Kenpo karate studio, in Eugene, Oregon. Haynes was about nine years older than me, and also a confident, street-wise sort of person. Because I had always been lacking in confidence, Haynes was someone I admired and became friends with. It was apparent to me from the start that Haynes was a violent person. One of his nicknames was "Animal." I



know that Jim was involved in hurting a lot of people. In fact I was one of the few people who could be around him, especially when he was using speed. There was one time when Haynes held a gun to my head, and others when he threatened me with a gun. I knew he was very proficient with guns, knives, and other weapons.

At that time, there were a group of people at the karate studio who were involved with manufacturing drugs, buying and selling guns, and also doing "collections." One of the karate instructors was also doing "protection" work. Haynes was heavily involved in drug manufacturing, gun running, and other illegal things, and I got involved through him. I used to hang around and watch Haynes' place for him, and go with him during drug deals.

In around 1983, Haynes and I were at a drug house for Haynes to pick up some dope. While Haynes and I were waiting for the deal to happen, a blond woman came into the house with another woman, and walked straight to a back room where the deals were taking place. The blond woman seemed brash and full of herself. Haynes and I waited and then heard a loud argument between the drug dealer and the woman. The woman was being told in very strong terms that she should not have gone waltzing into that room. I later realized, after I heard about the Downs case on television and in the paper that the blond woman I had seen was Diane Downs. I also saw Downs again once or twice at other places where drug dealing was taking place. I think that Downs was buying drugs for her personal use.

Then, in the summer of 1983, I heard on the television about the Downs family being shot. The newspaper also had a story about the shooting and a composite picture of the man that Downs said had done it. My first thought after seeing the paper was that the composite looked very much like Jim Haynes. The day after the shooting, in the morning, I went to see Jim at his

place in Springfield. When I arrived at the house, I met with Jim in the bedroom he liked to call his "office." He was sitting there with the Eugene Register Guard folded on his bed with the composite picture face up. The composite looked just like Mr. Haynes. Jim was dressed in clean clothes and was clean shaven. It was very unusual to see Haynes like that because normally he wore grubby clothes and went unshaven. I told him about the Downs shooting but he did not say anything. I asked Jim whether he had read the paper or seen anything about the shooting. He said "No," which I thought was odd because the paper was there on the bed.

The paper also mentioned an older model yellow car being at the shooting site. Haynes had a number of different older model cars back then, and one of them was yellow.

The day after that, I saw Haynes again, and he then told me he was the one who had shot the Downs family. Jim said that Downs had been to another place where she had seen drug payoffs taking place and it was because of that, and the fact that she had been warned before. I think he was talking about the earlier time when I saw her at Lionel Johnson's house and she went into the back room. Haynes never told me about the exact details of it but I understand that Jim had arranged with Downs for her to stop the car on that road and buy drugs from him. Jim told me the kids had been shot so as to teach her a lesson, and make her suffer for the rest of her life. There was some talk among people in "protection" back then that if you wanted to teach a person a lesson you hurt their family rather than them.

Later that summer Haynes gave me a Ruger .22 caliber semi-automatic. I never really thought much about it at the time, and I cannot say whether that was the weapon used to commit the crime. Later on Haynes wanted the Ruger back and swapped it for a much more expensive Smith and Wesson handgun. He never told me why he wanted the Ruger back.

Haynes was a changed man after the Downs crime took place. He changed his appearance and went into hiding, living in remote rural areas. I helped him out with money and other things. Sometimes he would need to move really quickly, and I would help him move his belongings. The biggest change in Haynes after that was that he lost his nerve. It was as if someone had removed his backbone.

I stayed loyal to Jim for a long time. I might never have said anything about all this if I hadn't been tracked down by Diane Downs' father. I told him the same story and I swore an affidavit about it. I have no personal reason to say any of these things about Jim Haynes. I know Jim has confessed to committing the crime to many people.

I know that Haynes now denies the crime and the confessions. He laughs about the fact that he denied the shootings on television. I know that Haynes confessed to me and many others. I personally believe that he is the killer.

---

Clayton Nysten

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of \_\_\_\_\_,  
1998.

---

Notary Public for Oregon

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

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

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

Appendix / 4 ( 4 pages)

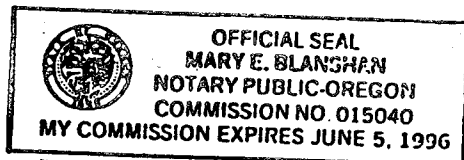
1  
2 I don't know if James Haynes shot the Downs family, but Mr.  
3 Haynes has confessed to it many times and to many people. I  
4 believe that based upon his actions after the shooting and his  
5 confessions, that he is the man who shot the Downs family.  
6  
7

8 Clayton Nysten  
Clayton Nysten

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

11 Mary E. Blanshan  
12 NOTARY PUBLIC FOR THE STATE OF OREGON  
13

14 My commission expires: 6-5-96



PET. EX. 35

AFFIDAVIT OF CLAYTON NYSTEN

Page 4

Appendix 14 (continued)

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	CLAYTON NYSTEN
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Lane	)	

I am a former acquaintance of James Claire Haynes. I first met Mr. Haynes in 1975, when I was a student at Tracy's Kenpo karate studio, in Eugene, Oregon. Haynes was about nine years older than me, and also a confident, street-wise sort of person. Because I had always been lacking in confidence, Haynes was someone I admired and became friends with. It was apparent to me from the start that Haynes was a violent person. One of his nicknames was "Animal." I

know that Jim was involved in hurting a lot of people. In fact I was one of the few people who could be around him, especially when he was using speed. There was one time when Haynes held a gun to my head, and others when he threatened me with a gun. I knew he was very proficient with guns, knives, and other weapons.

At that time, there were a group of people at the karate studio who were involved with manufacturing drugs, buying and selling guns, and also doing "collections." One of the karate instructors was also doing "protection" work. Haynes was heavily involved in drug manufacturing, gun running, and other illegal things, and I got involved through him. I used to hang around and watch Haynes' place for him, and go with him during drug deals.

In around 1983, Haynes and I were at a drug house for Haynes to pick up some dope. While Haynes and I were waiting for the deal to happen, a blond woman came into the house with another woman, and walked straight to a back room where the deals were taking place. The blond woman seemed brash and full of herself. Haynes and I waited and then heard a loud argument between the drug dealer and the woman. The woman was being told in very strong terms that she should not have gone waltzing into that room. I later realized, after I heard about the Downs case on television and in the paper that the blond woman I had seen was Diane Downs. I also saw Downs again once or twice at other places where drug dealing was taking place. I think that Downs was buying drugs for her personal use.

Then, in the summer of 1983, I heard on the television about the Downs family being shot. The newspaper also had a story about the shooting and a composite picture of the man that Downs said had done it. My first thought after seeing the paper was that the composite looked very much like Jim Haynes. The day after the shooting, in the morning, I went to see Jim at his

place in Springfield. When I arrived at the house, I met with Jim in the bedroom he liked to call his "office." He was sitting there with the Eugene Register Guard folded on his bed with the composite picture face up. The composite looked just like Mr. Haynes. Jim was dressed in clean clothes and was clean shaven. It was very unusual to see Haynes like that because normally he wore grubby clothes and went unshaven. I told him about the Downs shooting but he did not say anything. I asked Jim whether he had read the paper or seen anything about the shooting. He said "No," which I thought was odd because the paper was there on the bed.

The paper also mentioned an older model yellow car being at the shooting site. Haynes had a number of different older model cars back then, and one of them was yellow.

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Later that summer Haynes gave me a Ruger .22 caliber semi-automatic. I never really thought much about it at the time, and I cannot say whether that was the weapon used to commit the crime. Later on Haynes wanted the Ruger back and swapped it for a much more expensive Smith and Wesson handgun. He never told me why he wanted the Ruger back.



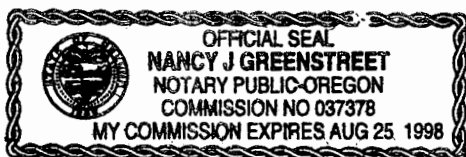
Haynes was a changed man after the Downs crime took place. He changed his appearance and went into hiding, living in remote rural areas. I helped him out with money and other things. Sometimes he would need to move really quickly, and I would help him move his belongings. The biggest change in Haynes after that was that he lost his nerve. It was as if someone had removed his backbone.

I stayed loyal to Jim for a long time. I might never have said anything about all this if I hadn't been tracked down by Diane Downs' father. I told him the same story and I swore an affidavit about it. I have no personal reason to say any of these things about Jim Haynes. I know Jim has confessed to committing the crime to many people.

I know that Haynes now denies the crime and the confessions. He laughs about the fact that he denied the shootings on television. I know that Haynes confessed to me and many others. I personally believe that he is the killer.

Clayton Nysten  
Clayton Nysten

SUBSCRIBED AND SWORN TO BEFORE ME this 24 day of Feb.,  
1998.



Nancy J. Greenstreet  
Notary Public for Oregon

MARK 09 1998

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	CECILIA NYSTEN
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Douglas	)	

I, Cecilia Nysten, being duly sworn, depose and say:

I am the former wife of Clayton Nysten. I used to know James Haynes, because he was Clayton Nysten's best friend. Haynes and Nysten were both involved with dealing drugs, and Haynes was also involved in hurting people for money.

In the summer of 1983, I read about the attack on the Downs family and saw a composite sketch of the attacker in the Eugene Register Guard. Clayton and I both saw the drawing and

agreed it looked remarkably like Jim Haynes. Clayton and I then went to Jim Haynes' house. Haynes was sitting on the bed reading the paper about the case. Clayton asked Haynes whether he was the one who had done it. Haynes confessed that he had committed the crime. I do not remember everything that Haynes said, but he did talk about standing behind Diane when he did it so the children would not see. Haynes also said that he had done it because of money and that Downs owed him money.

I was also present when Jim Haynes and Clayton Nysten discussed disposing of the weapon used in the Downs crime. I know Clayton had disposed of guns for people before on a property he owns in Junction City.

After seeing Diane Downs' picture in the news, I realized that I had seen her before. I remember that I saw her once at Haynes' house. I suspect that she was there buying speed, because Haynes was a well-known drug dealer. I am not sure exactly how long before the shooting took place that I saw Diane at the house, but I think it was not very long. I also think I had seen her once or twice before that.

I have tried to say something about this before when I was interviewed by the FBI, when an agent came to ask me questions about Clayton Nysten when he had been arrested for drugs. The FBI people just laughed at me when I told them I knew who had shot the Downs children.

I have always been scared about talking about this because I have been threatened by my ex-husband. I remember one time when Mr. Nysten killed someone with a gun right in front of me. After he shot the man, he told me that I would end up the same way if I ever said anything about it. Nysten said that it was just someone he had to get rid of because of what he knew and that he had done it in front of me to scare me and make sure I would not talk. I also think Jim

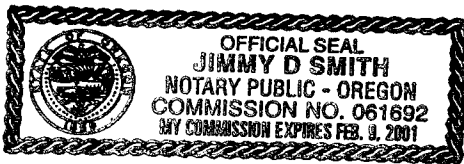
Haynes is dangerous, and I am scared of him, too.

I remember being present when Haynes would tell Clayton about how he hired himself out to hurt people. Those discussions involved talking about breaking arms and legs. Jim and Clayton also used to talk about how the best way to hurt someone was to get at them by hurting their children. I think they discussed that before the attack on the Downs family took place.

Cecilia Nysten  
Cecilia Nysten

SUBSCRIBED AND SWORN TO BEFORE ME this 4<sup>th</sup> day of March,

1998.



Jimmy D. Smith  
Notary Public for Oregon

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	FRANCES ANNETTE WIRTA
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Linn	)	

I am the mother of Phyllis Elaine Haynes, the former wife of James Claire Haynes.

In 1987 Haynes twice confessed to me that he was the stranger who shot the Downs family during the summer of 1983. Haynes told me that he had been paid a large sum of money to kill Ms. Downs. I remember that Haynes did have a large sum of money at about that time.

After Haynes confessed to me the second time that he was the male stranger that shot the Downs family, I asked my daughter, Phyllis Haynes, if he had ever said the same thing to her. She told me that Haynes had also confessed to her that he was the one that committed the crime. At that time I did not come forward with the information. I was worried about what might happen to my daughter and grandchildren. Over the years I talked to many other people who told me that Haynes had confessed to them also. Then in 1993, after hearing the same thing from many different people, I contacted Ms. Downs with the information. After discussing the matter with Ms. Downs' father, I provided an affidavit to him in 1993.

I know that Haynes is a violent man. Haynes has assaulted my daughter several times, including breaking her nose and scarring her face. Haynes has injured his own children by throwing them around the house, and on one occasion throwing his baby downstairs.

I know that Haynes has always had a large collection of firearms. I have seen him with both automatic and semi-automatic weapons. I remember one time when Haynes fired a machine gun over my head. I think he did that to scare me, rather than injure or kill me. Haynes has also threatened other members of my family.

In August, 1993, I had a conversation with one of Haynes' friends, Clayton Nysten. I asked him what he knew about the Downs shooting. He told me: "I have been waiting ten years for someone to ask me about that." Nysten told me that Haynes

came to him the night of the shooting with a blood spattered T shirt wrapped around something heavy. The T shirt and the heavy object were then buried. Nysten said two days later, Haynes said to him that he had been paid \$25,000 to kill a woman who had seen something she was not supposed to see. Nysten told me that he was frightened to come forward because he was afraid of being charged as an accomplice, and of retribution from Haynes or his friends in the drug community.

I providing this second affidavit at the request of Ms. Downs attorneys.

---

FRANCES ANNETTE WIRTA

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of \_\_\_\_\_,  
1997.

---

Notary Public for Oregon

1  
2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA

5 Elizabeth Diane Downs, ) Case No. \_\_\_\_\_  
6 )  
7 Petitioner )  
8 )  
9 v. )  
10 )  
11 Tina Foreman, Warden, CCWF, ) Affidavit of  
12 ) Frances Annette Wirta  
13 Defendant )  
14 )

15 STATE OF OREGON )  
16 ) ss.  
17 County of Linn )  
18 )

19 I, Frances Annette Wirta, being first duly sworn on oath,  
20 depose and say:  
21

22 1. I am a citizen of the United States, over the age of  
23 eighteen, and competent to be a witness herein.  
24

25 2. I am the mother of Phyllis Elaine Haynes, who is married  
26 to James Clair Haynes.

1 3. In 1987 James Haynes confessed to me that he was the  
2 man who shot the Downs family. A few months later, he told me  
3 again that he was the man who shot the Downs family. He also  
4 stated that he'd been paid a large sum of money to kill Ms.  
5 Downs. Looking back, James Haynes did have a large sum of  
6 money during the summer of 1983.

26 AFFIDAVIT OF FRAN WIRTA

9900027 PET. EX. 35  
Page 1

Appendix / 8 (3 pages)



1  
2 4. After James Haynes confessed to me, the second time,  
3 that he was the male stranger who shot the Downs family, I  
4 asked my daughter, Phyllis Haynes if he had ever told her the  
5 same thing. She told me that Mr. Haynes had confessed to being  
6 the man who shot the Downs family on two occasions. Knowing  
7 the State of Oregon would never admit to wrongly convicting  
8 Ms. Downs, I decided to ignore James Haynes confession and  
9 hope if we all dismissed his guilt, my daughter and my  
10 grandchildren would be spared his violence.

11 5. More recently, James Haynes has begun threatening to  
12 kill members of my family when he is angry. He has beat my  
13 daughter, Phyllis, bloody several times and has thrown his own  
14 children across the room and down the stairs. I could no  
15 longer ignore his repeated confessions to the murder of Cheryl  
16 Downs and continue to hope my grandchildren would remain safe.

17 6. In August, 1993, I approached James Haynes best friend,  
18 Clayton Nyston. I asked what he knew of the Downs shooting.  
19 His response was, "I've been waiting for 10 years for someone  
20 to ask me about that." Clayton Nyston told me that James  
21 Haynes came to him the night of the shooting with a blood  
22 spattered T-shirt wrapped around something heavy. The T-shirt  
23 and its contents were buried. Clayton Nyston also told me that  
24 two days after the shooting incident, James Haynes confessed  
25 to receiving \$25,000 to kill a woman who had seen something  
26

AFFIDAVIT OF FRAN WIRTA

9900028

PET. EX. 35  
Page 2

Appendix 18 (continued)

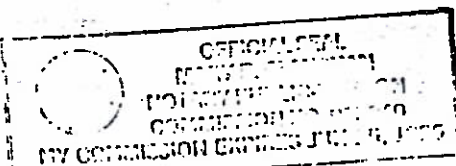
1 she wasn't supposed to see. Clayton said he was afraid to come  
2 forward with this evidence for fear of being prosecuted as an  
3 accomplice, even though he had no prior knowledge of the  
4 shooting. He also said, he feared retaliation from the drug  
5 community if he told the truth. Clayton also told me that  
6 James Haynes had made the same confession to several other  
7 people.  
8

9 I contacted Ms. Downs after learning James Haynes  
10 confessions to me and my daughter had been corroborated by his  
11 identical confessions to a dozen other people during the past  
12 ten years. Ms. Downs father, Mr. Frederickson, came to Oregon  
13 to get my affidavit, so there would be no question about the  
14 facts. Mr. Frederickson in no way led me to say the things I  
15 said. I reported the facts accurately and of my own free will.  
16

17  
18 Frances Annette Wirta  
19 Frances Annette Wirta

20 SUBSCRIBED AND SWORN to before me this 27th day of  
21 October, 1993.

22  
23 Mary E. Blansden  
24 NOTARY PUBLIC FOR THE STATE OF OREGON  
25 My commission expires: 6-5-96  
26



AFFIDAVIT OF FRAN WIRTA

9900023

PET. EX. 35  
Page 3

Appendix 18 (continued)

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

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	CV No. 96-900 HA
Petitioner,	)	
	)	AFFIDAVIT OF
vs.	)	TERRI LEE WIRTA
	)	
SONYA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	)	ss.
County of Linn	)	

I, Terri Lee Wirta, being duly sworn, depose and say:

I am the sister-in-law of James Claire Haynes.

In 1992, James Claire Haynes confessed to me that he was the male stranger who shot the Downs family on the night of May 19, 1983. I was visiting at my mother's house in Lebanon when he brought the subject up. He was "showing off" a

big bundle of money that he was carrying, and he seemed anxious to talk about the subject of Diane Downs and her children. Later when we went to the store, he brought the subject up again. I couldn't understand why he thought it was such a great thing to talk about. I didn't ask him why he would do such a thing.

My observation of James Claire Haynes is that he has a very violent nature and would be capable of doing such a thing. I believe he is the person who shot Diane Downs and her children.

I have provided this same information before in an earlier affidavit. I am doing so again at the request of Ms. Downs' attorney.

---

TERRI LEE WIRTA

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of

\_\_\_\_\_, 1997.

---

Notary Public for Oregon

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) Case No. \_\_\_\_\_  
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) Affidavit of  
) Terri Lee Wirta  
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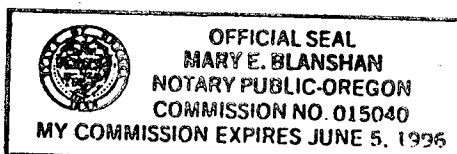
AFFIDAVIT OF TERRI LEE WIRTA

1  
2 again. I couldn't understand why he thought it was such a  
3 great thing to talk about. I didn't ask him why he would do  
4 such a thing.

5 4. My observation of James Clair Haynes is that he has a  
6 very violent nature and would be capable of doing such a  
7 thing. I believe he is the person who shot Diane Downs and her  
8 children.

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11 Terri Lee Wirta  
12 Terri Lee Wirta

13 SUBSCRIBED AND SWORN to before me this 9th day of  
14 November, 1993.



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Mary E. Blanshan  
NOTARY PUBLIC FOR THE STATE OF OREGON  
My commission expires: 6-5-96

PET. EX. 35

AFFIDAVIT OF TERRI LEE WIRTA

Page 2

Appendix 19 (continued)

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AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 1

1 June, 1991, and having been made painfully aware that  
2 witnesses have developed amnesia after being contacted by  
3 officials from Lane County, Oregon, I immediately made contact  
4 with a private investigator in Wilsonville, Oregon for  
5 assistance and flew to Oregon to tape record Ms. Wirta's  
6 statement. An interview with Ms. Wirta was arranged for August  
7 28, 1993, at the T&S truck stop in Albany Oregon. We were  
8 scheduled to meet at 1:00 p.m., but on the way from  
9 Wilsonville, the private investigator became ill and I had to  
10 return him to his home. I arrived in Albany a little late and  
11 without the assistance of an investigator. I looked for Ms.  
12 Wirta, who said she would be a short, stocky, red-head,  
13 wearing a green baseball cap and driving an older, gold  
14 colored Cadillac with a broken windshield, and found she was  
15 still waiting.

16 When the interview began, I asked Ms. Wirta if she thought  
17 Diane Downs had shot her children. Her response was, "No, I  
18 know she didn't, because I know the man who did." Ms. Wirta  
19 then told me that the man who shot the Downs family in 1983,  
20 was James Haynes, her son-in-law. Ms. Wirta said she could  
21 remember two distinct times when James Haynes had confessed  
22 to shooting the Downs family, but could not remember the  
23 dates. She said the first time he had mentioned it to her was  
24 sometime in 1987 and the second time was just a few months  
25 later. She said on each of those occasions, she and James  
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PET. EX. 35

AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 2

Appendix 7 (continued)



1 Haynes were having an argument about the way he was treating  
2 her daughter and their children. While recording Ms. Wirta's  
3 statement, I learned that her daughter, Phyllis Haynes, was  
4 willing to make a statement about what she heard. At this  
5 time, I also received a list of eleven other names who had  
6 heard James Haynes confess that he was the man who shot the  
7 Downs family in 1983. Ms. Wirta told me that James Haynes was  
8 a 17 degree black belt in karate and had a violent nature to  
9 him. She told me that on one occasion he had thrown one of his  
10 children down a flight of stairs because he was angry. Ms.  
11 Wirta told me that James Haynes had the nick name of "Animal",  
12 because he liked to hurt people. She said, he was often called  
13 upon to make collections and "do jobs" in the drug world,  
14 "kind of like Charles Bronson, to get the job done." Ms. Wirta  
15 provided me with three photographs of James Haynes, one of  
16 which was said to have been taken in 1983. I made a comparison  
17 with that photograph, and the composite made on the night of  
18 the shooting, and it was as if the composite had been made  
19 from the photograph. That photograph is submitted as evidence  
20 (Appendix 51). Ms. Wirta told me she used to deal in drugs and  
21 spent time in prison for her involvement with the drugs. She  
22 told me that James Haynes used to manufacture methamphetamine  
23 and that he sold stolen automatic weapons. During the  
24 conversation, Ms. Wirta said that James Haynes had threatened  
25 to kill her parents and other members of her family if Phyllis  
26

PET. EX. 35

1 ever divorced him. She said there is a code in the drug world  
2 that you don't "rat" on others, and she also said there is a  
3 strong feeling against anyone who would hurt children. I asked  
4 her why the people who have heard James Haynes confess to  
5 shooting the Downs family would not come forward, since these  
6 were children. I told her I couldn't understand that  
7 allegiance. She said she thought it was mostly fear of  
8 reprisal, since James Haynes has something on most of them or  
9 they have been "real tight" with him. Ms. Wirta told me that  
10 one of the people that James Haynes was "real tight" with was  
11 Clayton Nysten. She said that she had talked to Clayton Nysten  
12 about a month earlier to ask him if "Jim" had ever said  
13 anything to him about shooting the Downs family. She said that  
14 Mr. Nysten responded, "I've been waiting for ten years for  
15 someone to ask me about that." Ms. Wirta said it was like he  
16 had wanted to cleanse his mind from all the guilt of not  
17 talking about it. She said that Mr. Nysten would be a good  
18 person to interview, but that we would have to approach him  
19 very slow so he doesn't "bolt and run". Ms. Wirta told me that  
20 Mr. Nysten told her that James Haynes came to his house on the  
21 night of the shooting with a T-shirt splattered with blood and  
22 asked him to help get rid of it. Ms. Wirta said that Mr.  
23 Nysten said that when he lifted the T-shirt, it was heavy and  
24 had something hard in it. She said that Mr. Nysten is fearful  
25 of being counted as an accomplice. The thing that prompted Ms.  
26

PET. EX. 35

AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 4

Appendix 7 (continued)

1 Wirta to come forward at this time is because her daughter,  
2 Phyllis, has begun divorce proceedings and the courts have  
3 awarded the custody of her grand-children to Mr. Haynes. She  
4 said she is fearful for their lives. She is afraid Mr. Haynes  
5 would hurt the children just to get even with her and Phyllis  
6 Haynes.

7 4. My next interview, was a chance interview, with Dan  
8 Newby, on September 4, 1993. When he found that Fran Wirta had  
9 answered questions on tape, he consented to do the same. I  
10 asked him when he first met James Haynes, and he said he  
11 couldn't remember the date, but that he had met James Haynes  
12 "to sell him a gun, and it was not too long after what had  
13 happened to Diane and the children". Mr. Newby said that he  
14 was in a car with Mr. Haynes and Byron Gray when Mr. Haynes  
15 began to talk about the shooting of the Downs children. Mr.  
16 Newby said that Mr. Gray appeared to be emotionally disturbed  
17 by what Mr. Haynes was telling him. During the conversation,  
18 Mr. Newby said that Mr. Haynes handed a copy of the Register  
19 Guard newspaper to him in the back seat and asked him who the  
20 drawing in the paper looked like. He said there was a drawing  
21 in the paper that was an excellent likeness of Mr. Haynes. He  
22 said that he told Mr. Haynes that it looked like he had posed  
23 for the drawing. The interview with Mr. Newby was conducted  
24 at the residence of Fran Wirta.

25 5. Phyllis Haynes is the wife of James Clair Haynes. I  
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PET. EX: 35

AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 5

Appendix 7 (continued)

1 interviewed her immediately after I interviewed Dan Newby.  
2 This interview was also at the residence of Fran Wirta. I  
3 asked Ms. Haynes if Mr. Haynes had ever confessed to the  
4 shooting of the Downs family. She said that he had admitted  
5 to it on two occasions and that each time it upset her very  
6 much. She said that the last time he told her he shot the  
7 Downs children, she told him she didn't want to hear it,  
8 because she didn't want to believe the man she was living with  
9 was a murderer and it scared her. She asked him to never  
10 mention it to her again. I asked Ms. Haynes if Mr. Haynes had  
11 a violent nature to him. She said that he had beat her bloody  
12 many times. When I asked Ms. Haynes why she would come  
13 forward to share this information about James Haynes, she  
14 said, "I just don't think it's right for a woman to sit in  
15 prison for something she didn't do, especially when someone  
16 else goes around telling others that he is the one who did  
17 it." I asked Ms. Haynes if she was afraid to give the  
18 interview with me, and she responded, "Yes, I'm scared, I'm  
19 scared to death." When I asked if she was afraid he might hurt  
20 her if he found out about the interview, she said, "I know he  
21 will hurt me if something isn't done to put him in prison."  
22 When I asked Ms. Haynes if she thought Mr. Haynes had shot the  
23 Downs family, she responded, "I wasn't there, he said he did  
24 it, and he is capable of it."

25 6. I contacted Teresa Nyjordet by telephone and she  
26 PET. EX. 35

1 consented to meet with me at her home in Eugene, Oregon. While  
2 I was talking with her, I noticed that a girl named Jamie  
3 (about sixteen years old) brought the telephone into the  
4 living room and was holding the speaker toward Ms. Nyjordet  
5 and me as we were talking. I mentioned that I wanted to get  
6 in touch with Janet Rexroad and Jamie said that she was on the  
7 phone listening to our conversation and would like to talk to  
8 me. Jamie handed me the telephone and Janet Rexroad greeted  
9 me and asked why we didn't come over to her place and talk.  
10 We went to Ms. Rexroad's home and continued our conversation  
11 at her house. Ms. Nyjordet told me that James Haynes had told  
12 her twice that he was the man who shot Diane Downs and her  
13 children. She began crying and said she was sorry she hadn't  
14 come forward to tell about this sooner. During the  
15 conversation, she said she was relieved to be able to talk  
16 about the shooting to someone. She cried four times during our  
17 conversation. Janet Rexroad said she had heard about the  
18 shooting from Teresa Nyjordet in 1990. She said she checked  
19 the composite in Ann Rule's book and then went straight to Mr.  
20 Haynes and asked him if he was the one who shot the Downs  
21 family. His response was, "Yes, I was. It was a hired hit."  
22 Ms. Rexroad said she wanted to turn him in at that time, but  
23 didn't know who to go to. Ms. Rexroad said she only heard  
24 about this the one time, and that she had tried to get an  
25 officer from INET in Springfield to follow up on this  
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PET. EX. 35

1 information about two or three weeks before I arrived at her  
2 house. She said that the officer told her the case was closed.  
3 Ms. Rexroad also said that James Haynes had told her that he  
4 was going to kill Teresa Nyjordet's children, because Teresa  
5 Nyjordet had been responsible for getting his brother Larry  
6 arrested. When Ms. Rexroad said it didn't make sense to shoot  
7 the children if you are mad at Teresa, Mr. Haynes volunteered,  
8 "it will make her suffer for what she has done."

9 7. Terri Wirta is James Haynes sister-in-law. She said that  
10 Mr. Haynes was over at her mom's place in Lebanon in 1992,  
11 showing off a bunch of money and acting proud when he told her  
12 that he had shot the Downs family. She said they went to the  
13 store later and he talked about it again. She said I couldn't  
14 understand why he could be so proud of doing such a thing.

15 8. Clayton Nysten's property is located west of Junction  
16 City, about 10 miles. I found his place through the help of  
17 Fran Wirta. I noticed that it was inaccessible from the paved  
18 road, because of a swamp like area between the paved road and  
19 his property. The only way to get to his property, was down  
20 a long dirt driveway from which you would be under constant  
21 surveillance. I went to that property three times, once alone  
22 and twice with Fran Wirta. I never found him home. It was just  
23 by chance that we found him at a home in Eugene and he  
24 consented to interview with me, but not at that address. We  
25 met later at Fran Wirta's mobile home in Lebanon.  
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PET. EX. 35

AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 8

1 I began my two and one half hour interview with Mr. Nysten  
2 by asking him if he thought Diane Downs shot her kids. His  
3 response was, "Absolutely not! I know who shot Diane's kids,  
4 and it wasn't Diane Downs." I asked him if he knew Mr. Haynes  
5 in 1983, and if he knew where he lived at the time of the  
6 shooting of the Downs family. He said he was a close associate  
7 of Mr. Haynes and that Mr. Haynes lived in East Springfield  
8 at the time of the shooting, about five or six miles from the  
9 shooting site. I asked him if Mr. Haynes had an older model  
10 yellow car on May 19, 1983. He went to great length to explain  
11 to me that in the drug trade you have many older model cars  
12 so it becomes more difficult for the police to know which  
13 vehicle you will be in when you are on the street. (I counted  
14 19 older model cars at Mr. Nysten's house and six more down  
15 the hill on the paved road.) He then explained that Mr. Haynes  
16 had an older model yellow car that he "ditched that same  
17 week". He said it is not normal in the drug trade to get rid  
18 of an older car unless there is a problem with it being  
19 identified by the police. I asked him if he could remember  
20 what kind of car it was, and he said he couldn't remember. I  
21 asked him if James Haynes had ever admitted to shooting the  
22 Downs family and he said, "Yeah, many times, but the first  
23 time was two days after the shooting." I asked him what he  
24 might be able to tell me that would be helpful in proving this  
25 in a court of law, and said the following: "Well, I don't know  
26

1 if this will help, but after the shooting incident, Jim  
2 started wearing sun glasses all the time, and he didn't  
3 before. He would continually change his appearance, like grow  
4 a beard and shave it off, grow long side burns, then shave it  
5 off. He would go up into the woods for days and weeks at a  
6 time and not come out. Before the shooting, Jim was an animal,  
7 that was one of his nicknames, Animal. Another nickname he had  
8 was Barb, like in barb wire. Well any way, Jim was mean, like,  
9 he liked to hurt people. I saw him kick a guy in the head down  
10 at Roseburg Lumber and knock the guy across a belt and almost  
11 into a saw. Jim used to hire out to do collections. He would  
12 travel all over the country. He was the main man for doing  
13 these jobs. Jim loved hurting people, but after the shooting,  
14 it was just like someone took the guts right out of him. We  
15 were dealing a lot of drugs and other stuff. My job was  
16 keeping track of what was going on in all the areas."

17 He said that Mr. Haynes liked to hurt people. He said he was  
18 a higher degree belt in karate than Mr. Haynes at the time,  
19 and Mr. Haynes wanted to fight him, but he refused, because  
20 he used it more as a sport and didn't want to get hurt. He  
21 said he knew that Mr. Haynes would try to hurt him if they  
22 fought.

23 Mr. Nysten told me Mr. Haynes used to sell automatic  
24 weapons and a lot of other stuff. I interrupted, and asked  
25 if he meant semi-automatic weapons. He said, "No man, I mean  
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PET. EX. 35



1 machine guns." He explained that at one time, Mr. Haynes'  
2 whole house and garage was full of stuff. He said that there  
3 was a time when the Springfield Police were outside of Jim's  
4 house with video cameras, taking pictures of stuff being  
5 hauled in and out.

6 9. I received a list of several other people. I have been  
7 told they have heard James Haynes admit that he shot the Downs  
8 family, they are listed as follows: Kathy Haynes of Junction  
9 City. She is employed at a motor home manufacturing plant in  
10 Junction City. Kathy Haynes was married to the oldest son of  
11 James Haynes. Roxie Haynes, James Haynes first wife. Kathy  
12 Haynes should be able to tell you where she is. Terry McLean  
13 of Portland, did receive calls through phone #342-1284. James  
14 "Barney" Barnes, his dad is a State Farm Insurance agent in  
15 Eugene. Gary Minor, who drew cartoons of James Haynes' drug  
16 and weapon shop. He doesn't like police and I'm not sure how  
17 to get in touch with him. Dennis Delaney and Monica Weaver,  
18 live in Eugene on Knoop Street. They are friends of Phyllis  
19 Haynes and James Haynes finds their home as a safe haven to  
20 visit. Tom and Fran Murdock, former friends of Mr. Haynes are  
21 supposed to know about the shooting. I have heard that they  
22 are still cooking methamphetamine, but I don't know where or  
23 how to get in touch with them. John Loden, ran a baseball card  
24 shop for Mr. Haynes. I don't know how to contact him, but I'm  
25 sure he could be chased out through the grape vine. Carla  
26

PET. EX. 35

AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 11

Appendix 7 (continued)

1 Hunt, reportedly living with James Haynes uncle. I am told  
2 she/he should be a good witness, but have not had a chance to  
3 contact her. Her phone number is 344-5140. I have been told  
4 that Yvonne Newman (James Haynes mother in Lincoln City) knows  
5 about this too, but have not been able to verify this as true.  
6 Her phone number is 994-7767. Finally, there is James Haynes  
7 brother in Noti, 935-0241, and his sister Cheryl, in Portland,  
8 284-5949. Craig Huckins is now in OSCI at Salem, Oregon. I  
9 have written him a letter to arrange an interview with him,  
10 but have not received the reply yet. I have been advised that  
11 he is very dangerous, and that I should avoid him like the  
12 plague. One more name that I was able to glean in my travels  
13 in Oregon was Vern Griffin. I believe he is tied in with an  
14 underworld motorcycle gang. Another name that I mentioned  
15 earlier in this affidavit is Byron Gray. I have tried to  
16 locate him, but have been unsuccessful. I was told by Mr.  
17 Newby that James Haynes pulled the hammer back on a revolver  
18 and held it to Mr. Gray's head. Michelle Miller is another  
19 name I have been given for follow-up, but I have not done it  
20 yet. There are more names waiting to surface with more  
21 information about Mr. Haynes.

22 10. I have been working on these leads since the end of  
23 August and have managed to get seven affidavits. I am told  
24 there are several others who are waiting to talk to me. I have  
25 been told by Fran Wirta and Clayton Nysten that James Haynes  
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PET. EX. 35

AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 12

Appendix 7 (continued)

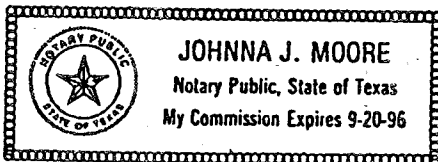
1 is the nephew of Charles and Leanettie Haynes, who were  
2 convicted of murder about 1980 or 1981. They told me that he  
3 admitted to being present for a while, when they cut up the  
4 body of the woman they murdered. They told me that according  
5 to James Haynes, his aunt and uncle invited him to go with  
6 them to dispose of the body parts after the body was  
7 mutilated. I know this is just hearsay on my part, but it  
8 should be worthy of examination by the Court. If anything, the  
9 Court should be aware that James Haynes has come from a  
10 disturbed background which contributes to the likelihood that  
11 he is a murderer. I was told that James Haynes had a contract  
12 put on my life while I was in Oregon. I don't know if it's  
13 true or not, but it won't keep me from going back until I have  
14 enough to put James Haynes in prison and set Diane Downs free.  
15 I realize that someone will probably say that this is just  
16 Diane Downs father talking, or these people just got together  
17 and made up this story and we should disregard this  
18 information. There is bitterness against Teresa Nyjordet and  
19 Janet Rexroad from the five others who made statements and yet  
20 their stories are all similar. I can assure you that Lane  
21 County will attempt to sweep the information under the carpet.  
22 It's time for someone to look hard and long at the lies and  
23 corruption of Lane County, Oregon and more importantly at the  
24 particulars of this case. Talk to the people I've talked to  
25 and you will know that Diane Downs is innocent and James  
26

PET. EX. 35

1 Haynes is guilty of killing my grand-daughter Cheryl and  
2 critically wounding the other two grand-children. I think it  
3 is far more shameful to keep an innocent woman in prison, year  
4 after year, than to let a guilty man go free. Diane Downs is  
5 innocent, and should be set free.  
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Wesley L. Frederickson  
Wesley L. Frederickson

10  
11 SUBSCRIBED AND SWORN to before me this 22nd day of  
November, 1993.



Johnna J. Moore  
NOTARY PUBLIC FOR THE STATE OF TEXAS  
My commission expires: 9-20-96

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PET. EX. 35

AFFIDAVIT OF WESLEY L. FREDERICKSON

Page 14

## INVESTIGATION REPORT

**CASE:** Diane Downs v. Sonia Hoyt  
CV No. 96-900 HA

**ATTY:** Wendy Rae Willis

**INVESTIGATOR:** William J. Teesdale

**WITNESS** Tele. Conv. With Roxie Ann Haynes  
541-741-2689

**DATE:** June 25, 1997

\*\*\*\*\*

On the evening of June 25, 1997, I had a telephone conversation with Roxie Ann Haynes. I identified myself as an investigator with the Federal Public Defender's, and explained that I wanted to ask her some questions about her former husband, James Haynes, in relation to my investigation of the Diane Downs case. Ms. Haynes told me that she was happy to discuss her knowledge of James Haynes with me.

Ms. Haynes told me that she was married to James Haynes for about 17 years and was divorced in about August of 1982. Ms. Haynes told me that James Haynes is a very abusive person, both physically and mentally. Roxie told me that Mr. Haynes was not very forthcoming about his exploits, but she knew that he was involved in drugs. Roxie told me that Mr. Haynes could be very violent at times, but he is also "a lot of talk." Roxie told me that Mr. Haynes never talked of killing anyone.

Roxie said that she knew Mr. Haynes was involved in methamphetamine, but was not sure whether or not he was ever a dealer.

Roxie told me that James Haynes knew the people who murdered "Haynes Bruno" who was James' cousin. Roxie has heard that Haynes Bruno was hung in a shower, then cut up and her body parts hidden around the Eugene area. Roxie told me that she knew that James Haynes knew the people that did that but does not know whether or not he was involved. Roxie told me that Mr. Haynes used to spend more and more time away from home until she divorced him 1982. Roxie said that Mr. Haynes would be out at all hours of the night. Roxie said that because Mr. Haynes was so abusive towards her, she would not ask him many questions. Generally, Roxie tried to avoid him. Ms. Haynes now has custody of their three children, but one of their children ran away from home when she was 14 years old. That girl later returned, but since left home again. Ms. Haynes told me that

James Haynes was not abusive towards his children. Ms. Haynes told me that she has not heard from James Haynes for quite some time, but has heard of him because her father visits her sons house, and her son sees Mr. Haynes from time to time.

Ms. Haynes told me that James Haynes liked "to talk big." Roxie said that Mr. Haynes never told her anything about any violence he may or may not have been involved in.

Roxie told me that six years before eventually divorcing him, she left him but Mr. Haynes managed to persuade her to come back. At about that point, Mr. Haynes became involved with bikers and other scary people. Roxie told me that before she divorced Mr. Haynes, he was saying very strange things about the devil and that occult. Roxie gave me an example that if she discussed God, then Mr. Haynes would say something like he was going to melt down his cross to make a cross for the devil.

Roxie told me that Mr. Haynes has threatened her life several times, and also hurt her quite seriously. Roxie said that she was never allowed to go to the hospital. Roxie recalled one time when Mr. Haynes had a revolver with one round in the chamber which he used to play Russian Roulette with her, Roxie said that she had a hard time getting away from Mr. Haynes and she was always frightened that he would find her. Roxie remembered when Haynes was playing Russian Roulette that he thought that it was funny. Roxie said that this was just one of many abusive situations.

Roxie said that she remembered seeing James Haynes on the Leeza Gibbons show when he appeared to discuss the Downs case. Roxie remembers that Haynes just denied ever saying to anyone that he had been involved in attacking Diane's children. Roxie remembered that Mr. Haynes was saying that one of the Wirtha's was in the same jail as Diane Downs and he suggested that they had just cooked up the entire story in jail. Roxie said that she has heard that same explanation from Haynes' sister and brother.

Roxie remembered that sometime after the Leeza Gibbons' show she saw James Haynes. Roxie recalls that Mr. Haynes told her that there were investigators out asking questions, and that they had talked to him. Roxie remembers that Mr. Haynes told her to tell any investigators that she knew he was not involved in the Downs crime. Roxie told him that she could not say that because she was already divorced him before the crime occurred. Roxie said that Mr. Haynes wanted her to provide him with a false alibi.

Roxie told me that although she does not have contact with her son James Haynes. James is 20 years old and does see Mr. Haynes from time to time. Roxie told me that James is a loner, with no job, who lives in Los Angeles. Roxie told me that James is a bit of a "punk" and usually stays at Mr. Haynes house when he is in the area.

Ms. Haynes remembered that James Haynes used to talk about being a member of a "broken arm" society. Mr. Haynes would also talk about "dynamiting" people. Roxie told me that James Haynes was a fairly good Kempo karate student, which he learned at Parker's Gym (phonetic) in Eugene.

Roxie thinks that Mr. Haynes got as far as brown or purple belt before he stopped. Roxie said that Kempo karate is a "mutilate and destroy" type of training and that Mr. Haynes used it to break her nose when he was demonstrating how he could kill someone with one blow to the nose.

Roxie recalled another occasion when her daughter ran away from home. At that time, Mr. Haynes hit Roxie with a steel toed boot, knocked her out, but then brought her around by putting her in the shower. Mr. Haynes then insisted that they all go out for pizza. It was directly after that incident that her daughter ran away from home.

Ms. Haynes and I had a fairly lengthy discussion about whether or not she would be willing to provide an affidavit concerning James Haynes. Roxie said that she would want some time to think about whether she was willing to do that because she was still scared of Mr. Haynes. I told Ms. Haynes that I would discuss the question of an affidavit with Diane's attorney and inquire whether or not we could submit the statement under seal, thereby reducing the risk that Mr. Haynes might find about it. I thanked Roxie for the information and we ended our discussion.

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,

vs.

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

Respondent.

No. CV 96-900 (HA)

AFFIDAVIT OF  
WILLIAM J. TEESDALE

STATE OF OREGON

County of Multnomah

) ss.

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.

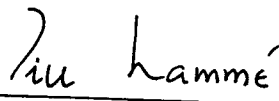
3. Mr. Newby told me that he remembered Mr. Haynes telling him that he was the one who attacked the Downs' family in 1983. Mr. Newby told me that he did not wish to provide a further affidavit because he did not want to "stir things up again."

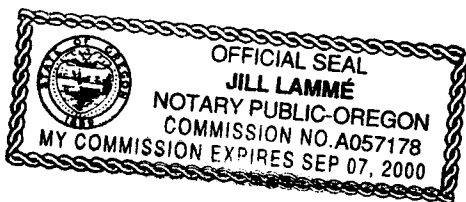
4. Mr. Newby said that the affidavit he provided in 1993 is a truthful and accurate statement.

DATED this 1<sup>th</sup> day of July, 1998.

  
\_\_\_\_\_  
WILLIAM J. TEESDALE

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

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 9/7/2000



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 January 26, 1997, I had a conversation with Ms. Sandy Capps, about an acquaintance of hers, James Claire Haynes. During that conversation, Ms. Capps told me

that she remembered having conversations with Mr. Haynes, where he confessed that he was the person who committed the Downs' crime. Ms. Capps eventually agreed to provide me with a detailed affidavit describing what Mr. Haynes had told her.

3. Based upon my initial conversation with Ms. Capps, and several subsequent ones, I prepared a draft affidavit for Ms. Capps' review. A copy of this draft affidavit is attached to this document as Exhibit "1" and is the document that I prepared based on Ms. Capps' statements. The draft document was mailed to Ms. Capps on March 19, 1998.

4. I had a further telephone conversation with Ms. Capps on April 2, 1998, and she suggested two minor changes to the draft document. I then sent the affidavit to Federal Public Defender investigator Toni Pisani for her to set up an appointment with Ms. Capps to get the document notarized.

5. Ms. Pisani told me that she did set up an appointment with Ms. Capps, and met with her on April 30, 1998. After that meeting, Ms. Pisani contacted me and told me that Ms. Capps had refused to sign the affidavit because she was afraid of Mr. Haynes, and because she was concerned about danger to her children.

DATED this 7th day of July, 1998.



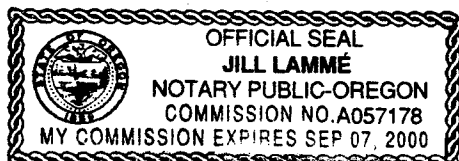
WILLIAM J. TEESDALE

SUBSCRIBED AND SWORN TO before me this 7th day of July, 1998, by William J. Teesdale.



Notary Public for Oregon

My Commission Expires: 9/7/2000



PET. EX. 35

(Tee-Capps.aff)

Wendy R. Willis, OSB 94496  
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IN THE UNITED STATES DISTRICT COURT  
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ELIZABETH DIANE DOWNS,	)	
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	)	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 June 25, 1997, I interviewed Roxie Ann Haynes about her former husband, James Claire Haynes. Based upon that interview and subsequent conversations with Roxie

Haynes, I prepared a draft affidavit, which I sent to Ms. Haynes on August 27, 1997. A copy of this draft affidavit is attached to this document as Exhibit "1" and is the document that I prepared based on Ms. Haynes's statements.

3. After I sent Ms. Haynes the draft document, I had at least two telephone conversations with her, where she told me that she was not certain whether she was willing to sign the document. Each time I talked with Ms. Haynes, she expressed great fear of her ex-husband, and what he might do to her if he found out about her affidavit.


4. On June 4, 1998, fellow Federal Public Defender investigator, Toni Pisani, and I met with Roxie Haynes and asked her whether she would be willing to sign the affidavit. At that time, Ms. Haynes told us that she was too scared about what Mr. Haynes might do to her and she declined to talk to us further.

5. After our brief contact with Roxie Haynes, Ms. Pisani and I were approached by Mike Eaton, Roxie Haynes's current husband, who told us that Roxie still has considerable medical problems because of injuries caused by Jim Haynes, and she has regular nightmares about him.

DATED this 1<sup>th</sup> day of July, 1998.

  
\_\_\_\_\_  
WILLIAM J. TEESDALE

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

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 9/7/2000

