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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

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

I, James C. Jagger, being first duly sworn, depose and state as follows:

1. I am a member of the Bar of the state of Oregon.
2. In 1983 and 1984, I represented Elizabeth Diane Downs in her criminal case, Lane County Circuit Court case number 10-84-01377, and in the related juvenile matters, Lane County Juvenile Court case numbers 83-232 and 83-233.

3. During the course of those cases, I made numerous requests for discovery, including requests for exculpatory material under *Brady v. Maryland*, 373 U.S. 83, 87 (1963). I made specific requests for police reports and notes regarding citizen and law enforcement calls in response to the composite drawing and the description of the yellow car printed and aired in the local media. I also requested all statements made by my client.

4. Ultimately, I received reports regarding four witnesses who called the police to report seeing a man who matched the description given by Ms. Downs.

5. On, Friday, April 10, 1998, I met with Wendy Willis, the attorney appointed to represent Ms. Downs in her federal habeas corpus proceeding.

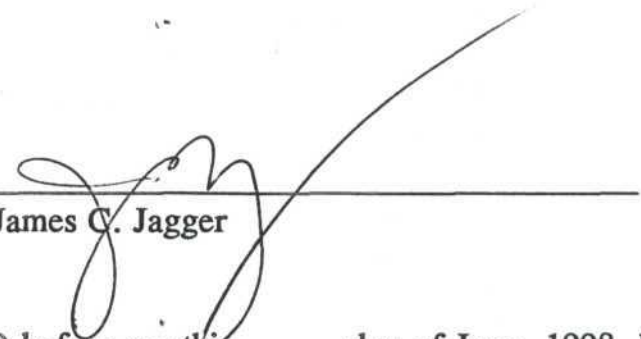
6. At that meeting, Ms. Willis provided me with a stack of reports she obtained from the Lane County Sheriff's Office. I reviewed those reports to determine whether I received them during discovery. I sorted these reports into three stacks: (1) reports and notes I definitely had not received during discovery; (2) reports and notes that did not look familiar, but I am not sure whether I received during discovery; and (3) reports and notes that I definitely was given access to before trial. Those reports have now been Bates stamped and are attached to this affidavit for reference. The reports I definitely did not receive are stamped with Bates Nos. 9120002 through 9120316; the reports I may not have received are stamped with Bates Nos. 9120317 through 9120386, and the reports I did receive are stamped with Bates Nos. 9120387 through 9120589.

7. If I had received the notes and reports regarding leads from members of the

community and other law enforcement agencies, I would have followed up on every lead to locate witnesses to corroborate Ms. Downs' version of events and to try to locate the actual assailant.

8. I felt I was at a great disadvantage to have been denied access to reports and notes corroborating Ms. Downs' version of events.

9. I would have used any statements attributed to Ms. Downs in preparing for trial.



James C. Jagger

SUBSCRIBED AND SWORN TO before me this _____ day of June, 1998, by
James C. Jagger.



Notary Public for Oregon

My Commission Expires: 6-17-01

