

Wendy R. Willis, OSB 94496  
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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.                                 | ) | WILLIAM TEESDALE |
|                                     | ) |                  |
| SONYA HOYT, Superintendent,         | ) |                  |
| Oregon Women's Correctional Center, | ) |                  |
|                                     | ) |                  |
| Respondent.                         | ) |                  |
|                                     | ) |                  |
| STATE OF OREGON                     | ) |                  |
|                                     | ) | ss.              |
| County of Multnomah                 | ) |                  |

I, William J. Teesdale, do solemnly swear and affirm:

I am an investigator employed by the Federal Public Defender for the District of Oregon. I am also an attorney licensed to practice before the bars of Oregon and England. For approximately the past year I have been assigned to investigate the claims made by Diane Downs in *Downs v. Hoyt*, CV 96-900 HA..

On February 23, 1998, I had a telephone conversation with Detective Doug Welch of the Lane County Sheriff's office. My call was made in order to confirm a meeting at the Lane County Sheriff's office set for February 25, 1998.

During my conversation with Detective Welch, I was informed by him that all of the physical evidence in the Downs case had been destroyed. Detective Welch also told me that there were no notes of police reports or suspect leads still in existence.

Detective Welch said that any notes that the state appeals court had on suspect leads were destroyed in 1987.

I responded to Detective Welch that I was surprised to hear that all of the physical evidence had been destroyed, because we had received a letter from Assistant Attorney General Lynn Larsen, which indicated that the physical evidence was available for us to review at the district attorney's office. Detective Welch then reiterated that all of the physical evidence had been destroyed and that he was not aware of any evidence in the possession of the Lane County Sheriff's office that would be covered by our discovery motion. I then indicated to Detective Welch that I would check with the district attorney's office about whether or not they still had physical evidence.

On February 25, 1998, Assistant Federal Public Defender Wendy Willis and I went to the district attorney's office and spent several hours examining physical evidence and exhibits introduced by the state at Diane Downs' trial. After finishing our

review at the district attorney's office, Ms. Willis and I went to the Lane County Sheriff's office and were shown three boxes of documents and photographs relating to the Downs case. At the outset of our review of this material, we were introduced to Detective Welch, who was present to supervise our review.

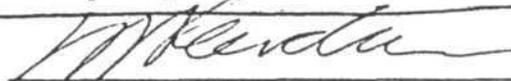
I asked Detective Welch whether or not I had misunderstood him when he said that all of the physical evidence had been destroyed, since Ms. Willis and I had spent about four hours reviewing it at the district attorney's office. Detective Welch responded that I must have misunderstood what he said and that he meant that the Lane County Sheriff's office did not have any physical evidence. Detective Welch then said that the Lane County Sheriff just had "case books" and that there were no notes of police reports or information about leads to other suspects.

Ms. Willis and I then spent about 2 hours looking through the material contained in three boxes. It was apparent from a cursory review of the documents that there were many notes of police reports, considerable information about leads on other suspects, and a variety of different handwritten and typed logs of evidence.

On March 4, 1998, Ms. Willis and I returned to the Lane County Sheriff's office and spent a full day copying the material from the three boxes, amounting to about 4,700 pages of documents. We were ably assisted in this task by Lane County Sheriff's Deputy Brian Smeltzer.

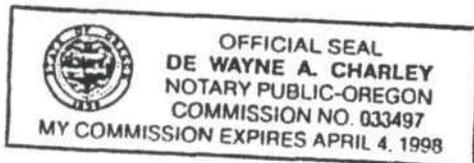
Although I have not yet conducted an in-depth review of the 4,700 pages  
retrieved from the Lane County Sheriff, there are unquestionably many police reports,  
notes, and other documents that I have never seen before.

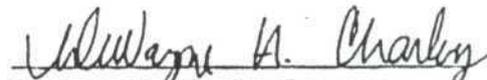
Prior to receiving the documents from the Lane County Sheriff, I had collected documents about the state investigation from a number of different sources. These sources include Ms. Downs' family; her trial attorney, James C. Jagger; and her post-conviction attorney, Steven H. Gorham. The documents provided by Ms. Downs' family mostly represent the documents from Mr. Jagger's file, which was returned to the family at the end of his representation. I am familiar enough with this material to  
know that the documents from the Lane County Sheriff's office contain many new  
phone reports, notes, information on other suspects, and various evidence logs.



WILLIAM J. TEESDALE

SUBSCRIBED AND SWORN TO BEFORE ME this 13 day of March,  
1998.



  
Notary Public for Oregon