

MAR 09 1998

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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.)	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

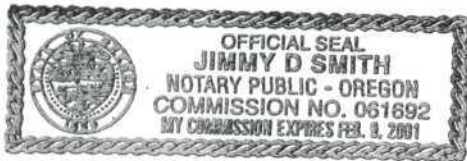
Haynes is dangerous, and I am scared of him, too.

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 4th day of March,

1998.



Jimmy D Smith
Notary Public for Oregon