## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

Elizabeth Diane Downs,	) Case No
Petitioner	}
v.	} .
Tina Foreman, Warden, CCWF,	) Affidavib of ) Dan Newby
Defendant	- }
STATE OF OREGON )	
County of Linn ) ss.	*

- I, Dan Newby, being first duly sworn on oath, depose and say:
- 1. I am a citizen of the United States, over the age of eighteen, and competent to be a witness herein.
- 2. I am an acquaintance of James Clair Haynes, who resides at 540 Almaden Street, Apt. 1, Eugene, Oregon.
- James Haynes' car, and Mr. Haynes was driving. Byron Gray was in the passenger side of the vehicle. Mr. Haynes and Mr. Gray had been talking about the shooting of the Downs children. Mr. Gray was really scared or very intimidated by what Mr. Haynes was saying. Mr. Gray told James Haynes, it bothered him a lot, and he really didn't want to know if he had shot the

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children or not. I was sitting in the back seat, and tried to block out what they were talking about, because I didn't want to hear it. Mr. Haynes turned and handed me a copy of the Eugene Register Guard newspaper to look at. There was a composite in the paper, and Mr. Haynes asked me who it looked like. I told him it looked like him. It couldn't have been a better likeness even if he had posed for the drawing.

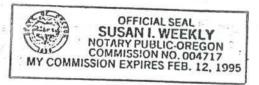
4. I know many people besides Byron Gray, who James Haynes has made this admission of guilt to, in the murder of the Downs children. I don't know if he shot the Downs children, but it seems to me that he wouldn't go around telling people he did, unless he had something to do with it.

Dan Newby

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

NOTARY PUBLIC FOR THE STATE OF OREGON

My commission expires: 2-12-95



Wendy R. Willis, OSB 94496 Assistant Federal Public Defender 101 S.W. Main Street, Suite 1700 Portland, OR 97204

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## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

ELIZABETH DIANE D	OWNS,	)	
Peti	tioner,	)	No. CV 96-900 (HA)
vs.		)	AFFIDAVIT OF WILLIAM J. TEESDALE
SONIA HOYT, Superintendent,		)	
Oregon Women's Correctional Center,		)	
		)	
Resp	oondent.	)	
STATE OF OREGON	)		
	) ss.		
County of Multnomah	)		565

- I, WILLIAM J. TEESDALE, being first duly sworn, depose and state as follows:
- I am an investigator in the Federal Public Defender's Office and have been assigned to work on the Elizabeth Diane Downs matter.
- 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

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(Tee-Newby.aff)

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 1th day of July, 1998.

WILLIAM J. TEESDALE

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

Notary Public for Oregon

My Commission Expires: 9/7/2000

