

C-3

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

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4	ELIZABETH DIANE DOWNS)	
5)	
6	Petitioner,)	
7)	
8	v)	No. 87-C-11753
9)	AFFIDAVIT
10	ROBERT SCHIEDLER, Superintendent))	
11	Oregon Womens Correctional Ctr.))	Dena Reinhardt
12)	
13	Defendant.)	

14 STATE OF OREGON)
 15) ss.
 16 County of Marion)

17 I, Catherine Conrad, being first duly sworn on oath depose
18 and say:

19 That I am the law clerk for Petitioner's Post Conviction
20 Attorney in the above entitled action.

21 At approximately 3:50 p.m. on Tuesday, November 20, 1990,
22 I called Dena Reinhardt who had contacted Mr. Gorham concerning
23 information that she had concerning Diane Downs case.

24 Ms. Reinhardt told me that on January 17, 1990, she made a
25 call to Christie Downs at the home of her adoptive parents Fred
26 and Joanne Hugi at 503-896-0032. The call was made at 5:14 pm.
Christie herself answered the call and Ms. Reinhardt identified
herself as Angel which is her birthname. She told Christie that
she had watched the movie Small Sacrifices and asked Christie if
she had seen it. Christie told her she had not but had read the
book a couple of times. She told Ms. Reinhardt that the movie

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1 was there for her to watch if she wanted to. Ms. Reinhardt then
2 asked her if she had seen the interview with her mother on the
3 Oprah Winfrey Show. Christie replied that she had and made the
4 comment that after seeing the interview she was more convinced
5 then ever that her mom didn't hurt them. She told Ms. Reinhardt
6 that she spoke to Joanne Hugi about this and was told that if she
7 was not sure maybe she should go back to therapy. She said that
8 Joanne 'had a cow' and that she didn't know who else to talk to
9 about this.

10 Ms. Reinhardt told me that Christie expressed frustration
11 that Danny believed that her mother 'did it' as he was too young
12 to remember anything. Ms. Reinhardt asked Christie if she
13 remembered what happened, Ms. Reinhardt says that Christie said
14 she did not and that she saw her mom but that there was no gun in
15 her hand, she was away from the car but that she (Christie) did
16 not know what happened. Ms. Reinhardt then asked her if she saw
17 anyone else there and she said she did but that she was half
18 asleep in the back and sort of remember her mother saying
19 something about someone being in the road so she sat up a little
20 but didn't see anyone. Christie said she didn't know who was
21 shot first because she didn't see what happened.

22 Ms. Reinhardt asked Christie if she ever wrote to her
23 mother. Christie said that she wished she could and that she
24 often wrote letters but tore them up and threw them away so that
25 'they' wouldn't find them. Christie was aware that her mother
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1 was in New Jersey. Christie claimed when asked, that she was
2 happy with her mom and remembered some good times with her dad
3 but also remembered the pain of the divorce. Christie said she
4 didn't think her dad tried hard enough to keep them together.

5 At the conclusion of this phone conversation, the two talked
6 about Angel calling again, if possible with the address where
7 Christie could write to her mother. Christie told her that she
8 got home from school between 4 pm and 4:30 pm and to call between
9 that time and 5:30 pm when Fred and Joanne would be home. They
10 agreed not to tell anyone about the call.

11 Ms. Reinhardt acknowledged to me that she did pretend to be
12 a child in order to talk to Christie but was quite adamant that
13 her conversation with Christie was friendly and that Christie
14 responded to her warmly. This conversation was not taped
15 recorded. Ms. Reinhardt was rather excited by the information
16 that she had been told and decided to call again the next day and
17 this time to try to get on tape the fact that Christie did not
18 believe her mother shot her.

19 She called, as Christie had told her to, between the hours
20 of 4 and 5:30. This conversation lasted only three minutes and
21 was taped. There is nothing of substantive significance on this
22 tape according to Ms. Reinhardt but Christie was very friendly
23 and Ms. Reinhardt feels that this shows she did not coerce
24 Christie. I do not have nor have I listened to this tape. Ms.
25 Reinhardt thought that she heard someone on the line and cut the
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1 conversation short, saying she would call back.

2 Ms. Reinhardt told me she called Christie back on January
3 24th and taped the conversation. We did not discuss the contents
4 of this conversation as Ms. Reinhardt was aware that both
5 Petitioner and the Defendant are in possession of both a copy of
6 the tape and the transcript of this tape. She did verify that
7 the tape was made by her and was not doctored in anyway and that
8 the transcript represents the true contents of the tape.

9 I asked Ms. Reinhardt to tell me about her other contacts
10 with people involved in this case.

11 She told me that Ray Broderick called her and talked to her
12 for about 3 1/2 hours. She did not know the date of that phone
13 call, but it was the day after Ms. Reinhardt had called Evelyn
14 Slaven and told her about the telephone calls with Christie and
15 about the tape. Ms. Reinhardt expressed the opinion that the
16 call was being taped as Broderick kept asking her to hold on a
17 minute. She asked him if he was taping and she told me he joked
18 about it. She told me that he asked her if she was planning on
19 testifying for Petitioner and then asked her if she was willing
20 to testify for the State. She replied that they would be fools
21 to use her. He told her he was not calling in his official
22 capacity but out of concern for the Hugi family. The next day a
23 Las Vegas police officer named Frank Casey came to her door at
24 Broderick's request and asked her for the original of the tape.
25 She said he was very polite. She refused to give him the tape
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Page

4 , AFFIDAVIT Dena Reinhardt

Appendix 15 (continued)

1 but said he could come in and listen to it if he wanted to. He
2 came in and, with Mr. Reinhardt's permission, went through some
3 files in her possession. He did not remove anything and did not
4 want to listen to the tape. He left.

5 Ms. Reinhardt also told me about a conversation with Evelyn
6 Slaven which she felt lead to the contact by Broderick. Ms.
7 Reinhardt called Ms. Slaven and told her about the conversations
8 and about having pretended to be a child to communicate with
9 Christie. Ms. Reinhardt told me that she knew the tape would
10 come out in the case and that she wanted Christie to know in
11 advance who 'Angel' really was so as not to hear it in the media.
12 She felt that Christie probably trusted Evelyn Slaven and asked
13 her to approach Christie and explain things to her. Ms.
14 Reinhardt said that Ms. Slaven agreed to talk to Christie for
15 Christie's sake rather than as a favor to Ms. Reinhardt. Ms.
16 Reinhardt told me that she played part of the tape for Ms.
17 Slaven.

18 On the same day that Broderick called Ms. Reinhardt she also
19 received another phone call. This was from an unidentified male
20 who's voice she did not recognize. The caller told her that if
21 she did not withdraw from 'the case', she and her children would
22 be shot 'Downs style' and that they would know if she contacted
23 anybody else. The caller referred to her children by name and
24 named the schools where the children were in attendance. Ms.
25 Reinhardt told me she was in a total panic and called Ray
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Broderick immediately. Mr. Broderick was very 'soothing and sympathetic' and told her to call the police, make a report and change her phone number and give him the new number. He told her not to give the number to Petitioner or Petitioner's father.

Ms. Reinhardt told me that after this she did back away from the case because she was afraid for her family but after a while she got involved again because she believes Petitioner is not guilty and felt a need to do what was right.

I make this affidavit in support of Petitioner's Post Conviction attached Statement of Facts as ordered by the Court.

Catherine Conrad
Catherine Conrad

Subscribed and Sworn to before me this 2nd day of January, 1991.

Steve H. Gurham
Notary Public for Oregon
My Commission expires: 12/31/91