

Wendy R. Willis, OSB 94496
Assistant Federal Public Defender
101 SW Main Street, Suite 1700
Portland, OR 97204
(503) 326-2123

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.)	CLAYTON NYSTEN
)	
SONYA HOYT, Superintendent,)	
Oregon Women's Correctional Center,)	
)	
Respondent.)	
)	
STATE OF OREGON)	
)	ss.
County of Lane)	

I am a former acquaintance of James Claire Haynes. I first met Mr. Haynes in 1975, when I was a student at Tracy's Kenpo karate studio, in Eugene, Oregon. Haynes was about nine years older than me, and also a confident, street-wise sort of person. Because I had always been lacking in confidence, Haynes was someone I admired and became friends with. It was apparent to me from the start that Haynes was a violent person. One of his nicknames was "Animal." I

know that Jim was involved in hurting a lot of people. In fact I was one of the few people who could be around him, especially when he was using speed. There was one time when Haynes held a gun to my head, and others when he threatened me with a gun. I knew he was very proficient with guns, knives, and other weapons.

At that time, there were a group of people at the karate studio who were involved with manufacturing drugs, buying and selling guns, and also doing "collections." One of the karate instructors was also doing "protection" work. Haynes was heavily involved in drug manufacturing, gun running, and other illegal things, and I got involved through him. I used to hang around and watch Haynes' place for him, and go with him during drug deals.

In around 1983, Haynes and I were at a drug house for Haynes to pick up some dope. While Haynes and I were waiting for the deal to happen, a blond woman came into the house with another woman, and walked straight to a back room where the deals were taking place. The blond woman seemed brash and full of herself. Haynes and I waited and then heard a loud argument between the drug dealer and the woman. The woman was being told in very strong terms that she should not have gone waltzing into that room. I later realized, after I heard about the Downs case on television and in the paper that the blond woman I had seen was Diane Downs. I also saw Downs again once or twice at other places where drug dealing was taking place. I think that Downs was buying drugs for her personal use.

Then, in the summer of 1983, I heard on the television about the Downs family being shot. The newspaper also had a story about the shooting and a composite picture of the man that Downs said had done it. My first thought after seeing the paper was that the composite looked very much like Jim Haynes. The day after the shooting, in the morning, I went to see Jim at his

place in Springfield. When I arrived at the house, I met with Jim in the bedroom he liked to call his "office." He was sitting there with the Eugene Register Guard folded on his bed with the composite picture face up. The composite looked just like Mr. Haynes. Jim was dressed in clean clothes and was clean shaven. It was very unusual to see Haynes like that because normally he wore grubby clothes and went unshaven. I told him about the Downs shooting but he did not say anything. I asked Jim whether he had read the paper or seen anything about the shooting. He said "No," which I thought was odd because the paper was there on the bed.

The paper also mentioned an older model yellow car being at the shooting site. Haynes had a number of different older model cars back then, and one of them was yellow.

The day after that, I saw Haynes again, and he then told me he was the one who had shot the Downs family. Jim said that Downs had been to another place where she had seen drug payoffs taking place and it was because of that, and the fact that she had been warned before. I think he was talking about the earlier time when I saw her at Lionel Johnson's house and she went into the back room. Haynes never told me about the exact details of it but I understand that Jim had arranged with Downs for her to stop the car on that road and buy drugs from him. Jim told me the kids had been shot so as to teach her a lesson, and make her suffer for the rest of her life. There was some talk among people in "protection" back then that if you wanted to teach a person a lesson you hurt their family rather than them.

Later that summer Haynes gave me a Ruger .22 caliber semi-automatic. I never really thought much about it at the time, and I cannot say whether that was the weapon used to commit the crime. Later on Haynes wanted the Ruger back and swapped it for a much more expensive Smith and Wesson handgun. He never told me why he wanted the Ruger back.

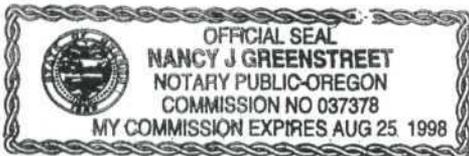
Haynes was a changed man after the Downs crime took place. He changed his appearance and went into hiding, living in remote rural areas. I helped him out with money and other things. Sometimes he would need to move really quickly, and I would help him move his belongings. The biggest change in Haynes after that was that he lost his nerve. It was as if someone had removed his backbone.

I stayed loyal to Jim for a long time. I might never have said anything about all this if I hadn't been tracked down by Diane Downs' father. I told him the same story and I swore an affidavit about it. I have no personal reason to say any of these things about Jim Haynes. I know Jim has confessed to committing the crime to many people.

I know that Haynes now denies the crime and the confessions. He laughs about the fact that he denied the shootings on television. I know that Haynes confessed to me and many others. I personally believe that he is the killer.

Clayton Nysten
Clayton Nysten

SUBSCRIBED AND SWORN TO BEFORE ME this 24 day of Feb,
1998.



Nancy J. Greenstreet
Notary Public for Oregon