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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Elizabeth Diane Downs,) Case No. _____
)
Petitioner)
)
v.)
)
Tina Foreman, Warden, CCWF,) Affidavit of
) Frances Annette Wirta
Defendant)
)

STATE OF OREGON)
) ss.
County of Linn)

I, Frances Annette Wirta, 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 the mother of Phyllis Elaine Haynes, who is married
to James Clair Haynes.

3. In 1987 James Haynes confessed to me that he was the
man who shot the Downs family. A few months later, he told me
again that he was the man who shot the Downs family. He also
stated that he'd been paid a large sum of money to kill Ms.
Downs. Looking back, James Haynes did have a large sum of
money during the summer of 1983.

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4. After James Haynes confessed to me, the second time, that he was the male stranger who shot the Downs family, I asked my daughter, Phyllis Haynes if he had ever told her the same thing. She told me that Mr. Haynes had confessed to being the man who shot the Downs family on two occasions. Knowing the State of Oregon would never admit to wrongly convicting Ms. Downs, I decided to ignore James Haynes confession and hope if we all dismissed his guilt, my daughter and my grandchildren would be spared his violence.

5. More recently, James Haynes has begun threatening to kill members of my family when he is angry. He has beat my daughter, Phyllis, bloody several times and has thrown his own children across the room and down the stairs. I could no longer ignore his repeated confessions to the murder of Cheryl Downs and continue to hope my grandchildren would remain safe.

6. In August, 1993, I approached James Haynes best friend, Clayton Nyston. I asked what he knew of the Downs shooting. His response was, "I've been waiting for 10 years for someone to ask me about that." Clayton Nyston told me that James Haynes came to him the night of the shooting with a blood spattered T-shirt wrapped around something heavy. The T-shirt and its contents were buried. Clayton Nyston also told me that two days after the shooting incident, James Haynes confessed to receiving \$25,000 to kill a woman who had seen something

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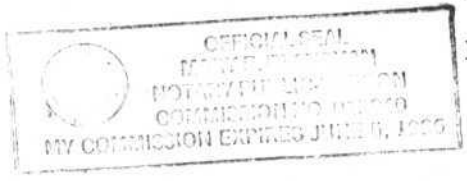
she wasn't supposed to see. Clayton said he was afraid to come forward with this evidence for fear of being prosecuted as an accomplice, even though he had no prior knowledge of the shooting. He also said, he feared retaliation from the drug community if he told the truth. Clayton also told me that James Haynes had made the same confession to several other people.

I contacted Ms. Downs after learning James Haynes confessions to me and my daughter had been corroborated by his identical confessions to a dozen other people during the past ten years. Ms. Downs father, Mr. Frederickson, came to Oregon to get my affidavit, so there would be no question about the facts. Mr. Frederickson in no way led me to say the things I said. I reported the facts accurately and of my own free will.

Frances Annette Wirta
Frances Annette Wirta

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

Mary E. Blansden
NOTARY PUBLIC FOR THE STATE OF OREGON



My commission expires: 6-5-96