

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH DIANE DOWNS,	)	
	)	
Petitioner,	)	No. CV 96-900 (HA)
	)	
vs.	)	AFFIDAVIT OF
	)	WILLIAM J. TEESDALE
SONIA HOYT, Superintendent,	)	
Oregon Women's Correctional Center,	)	
	)	
Respondent.	)	
STATE OF OREGON	)	
	) ss.	
County of Multnomah	)	

I, WILLIAM J. TEESDALE, being first duly sworn, depose and state as follows:

1. I am an investigator in the Federal Public Defender's Office and have been assigned to work on the Elizabeth Diane Downs matter.
2. On January 26, 1997, I had a conversation with Ms. Sandy Capps, about an acquaintance of hers, James Claire Haynes. During that conversation, Ms. Capps told me

that she remembered having conversations with Mr. Haynes, where he confessed that he was the person who committed the Downs' crime. Ms. Capps eventually agreed to provide me with a detailed affidavit describing what Mr. Haynes had told her.

3. Based upon my initial conversation with Ms. Capps, and several subsequent ones, I prepared a draft affidavit for Ms. Capps' review. A copy of this draft affidavit is attached to this document as Exhibit "1" and is the document that I prepared based on Ms. Capps' statements. The draft document was mailed to Ms. Capps on March 19, 1998.

4. I had a further telephone conversation with Ms. Capps on April 2, 1998, and she suggested two minor changes to the draft document. I then sent the affidavit to Federal Public Defender investigator Toni Pisani for her to set up an appointment with Ms. Capps to get the document notarized.

5. Ms. Pisani told me that she did set up an appointment with Ms. Capps, and met with her on April 30, 1998. After that meeting, Ms. Pisani contacted me and told me that Ms. Capps had refused to sign the affidavit because she was afraid of Mr. Haynes, and because she was concerned about danger to her children.

DATED this 7<sup>th</sup> day of July, 1998.

  
\_\_\_\_\_  
WILLIAM J. TEESDALE

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of July, 1998, by  
William J. Teesdale.



PAGE 2 - AFFIDAVIT OF WILLIAM J. TEESDALE

Jill Hammé  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 9/7/2000

(Tee-Capps.aff)

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Assistant Federal Public Defender  
101 SW Main Street, Suite 1700  
Portland, OR 97204  
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Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT  
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ELIZABETH DIANE DOWNS, )  
Petitioner, ) CV No. 96-900 HA  
vs. )  
SONYA HOYT, Superintendent, )  
Oregon Women's Correctional Center, )  
Respondent. )  
  
STATE OF OREGON )  
County of Lane ) ss.

I, Sandy Capps, being duly sworn, depose and say:

I am a former girlfriend of Clayton Nysten. I have known Mr. Nysten since I was about fourteen years old. I also know Mr Nysten's former best friend, Jim Haynes. I first got to know Mr. Haynes in about 1987, although I may have seen him a few times before that.

I remember it was about ten years ago when I had separated from my husband that I began a relationship with Mr. Nysten. It was at that point that I got to know Jim Haynes, and we became friends. Before I decided to move in with Mr. Nysten, both he and Jim Haynes would give me money to stay in motels. After I went to live with Clayton Nysten, we went to live in a house on Lawrence Road in Junction City. Clayton was renting two rooms on the top floor of the house, which belonged to friends of his.

When the Downs shooting took place I talked to my then-husband about it. I remember seeing a composite picture of the attacker in the newspaper. The picture looked very much like Haynes. I used to have a picture of myself and Jim Haynes, where he looked exactly the same as the composite.

I recall one evening I was at the Lawrence Road house when Clayton came home in a rage. Jim Haynes was also with him but he stayed outside. Nysten got very angry with me and beat me very badly. Nysten then left the house and screamed at Haynes, who was asleep outside. Clayton then left. Jim Haynes then came in and was very upset about what Nysten had done to me. Haynes told me he had come along to make sure that Nysten did not hurt me but had fallen asleep. Mr Haynes came upstairs and sat with me and told me that I meant a lot to him. Jim Haynes and I then spent the whole night talking. The conversation lasted between eight to twelve hours.

Mr. Haynes became upset and asked me what I thought would be put on his

headstone when he was dead. Jim told me that if I ever knew what sort of person he really was I would really hate and despise him. I said that it could not be that bad. Haynes then asked me what I would think if he had shot kids. When he said that I got really nervous. Jim Haynes then told me he had shot Diane Downs' kids and that it really changed his life. Haynes said now he felt all kinds of emotions from what had happened. Haynes said he had no choice because she had seen "narcs." Haynes also said he had only meant to kill them and had not wanted them to suffer. There were tears in his eyes when he told me that.

During the rest of the night Haynes kept telling me the same thing. He rambled a lot between telling me about the shooting and wanting my forgiveness. Jim told me that he smoked a lot of cigarettes waiting there for her and that he did not know whether he would be able to go through with it. Haynes also said that "we waited for her." Jim told me that it was no big deal to break legs, but this was different, but then Diane should have known better because "she was told." Haynes said that Diane had "been some place she shouldn't and seen people that she should not have seen," and that he had been hired to do it. Jim also said that when you want to really hurt someone, you hurt the people that are close to that person. After sitting and listening to Jim all night say that he had shot the Downs family, I never had any doubts that Jim did it.

About two years ago I heard that Diane Downs' father was trying to get

statements from people about Mr. Haynes. At that time Haynes came to see me and looked me in the eyes and said he would never hurt kids and that he's a dad himself. It was as if the earlier conversation had never taken place. Haynes then said: "I really hope I never see your name on anything, it really wouldn't be a safe thing to do at all." I said that I didn't really remember, and he said "that's not a bad way to be." Haynes then asked me to come to court and say that all the people who had given statements had reasons to get at him. I said "sure Jim," but I wanted nothing to do with it.

I have also been threatened by Mr. Nysten that I should come forward and tell what I know. About three years ago Mr. Nysten grabbed me by the throat and threw me up against a refrigerator, saying I should come forward. After that incident, I got a restraining order against him. I know that Nysten is a very violent man. He has beaten me very badly many times. I have seen him shoot at people many times. I remember one time he shot at someone with an Ouzi when he wanted them to leave his property. I have seen him bind and handcuff a person and hang them upside down at his remote house near Junction City. I know that Nysten would often beat his friends up, choking them, and hitting them just to show he had control.

I also know that Haynes and Nysten ran drugs and guns together, and that Haynes was involved in doing collection work for money or drugs. Although I have never seen Haynes do anything really violent, I know he would do crazy things. Haynes has told me that he has broken legs for money before. I have also heard about

Haynes driving around and copying the I-5 bandit, stopping people and robbing people on the road. I know that Jim would always do anything that someone dared him to do.

I have never said anything about this before. I have never told Nysten what Haynes said, even though he suspected that Haynes had told me. I am scared of Nysten and Haynes. At the time Haynes confessed to me, the people in his and Nysten's circle had a great deal of money and power. They knew police officers and people at the District Attorney's office. They knew who the confidential informants were. I heard many things about law enforcement people taking kickbacks from drug dealers. There were very strong links between people in the drug trade and people in authority in Lane County. I would not have wanted to come forward with information to anyone in authority here. I am still scared about anyone finding out I have given this affidavit.

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SANDY CAPPSS

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_  
1998.

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Notary Public for Oregon